

**CODE: 2515**

Christopher B. Reich, Esq., Nev. Bar No. 10198  
Neil A. Rombardo, Esq., Nev. Bar No. 6800  
Sara K. Montalvo, Esq., Nev. Bar No. 11899  
Andrea L. Schulewitch, Nev. Bar No. 15321  
WASHOE COUNTY SCHOOL DISTRICT  
P.O. Box 30425  
Reno, NV 89520-3425  
Telephone: 775-348-0300  
Fax: 775-333-6010  
Attorney for Respondent Washoe County School District

Electronically Filed  
Nov 03 2021 10:30 a.m.  
Elizabeth A. Brown  
Clerk of Supreme Court

THE SECOND JUDICIAL DISTRICT COURT OF THE STATE OF NEVADA

IN AND FOR THE COUNTY OF WASHOE

WASHOE EDUCATION ASSOCIATION  
and CAIDYN EDLUND,

CASE NO.: CV19-02058

Petitioners,

DEPT. NO.: 10

vs.

WASHOE COUNTY SCHOOL DISTRICT,  
a Political Subdivision of the State of Nevada,

Respondent.

**NOTICE OF APPEAL**

NOTICE IS HEREBY GIVEN Respondent Washoe County School District hereby appeals  
to the Supreme Court of Nevada from the Order Modifying Arbitrator Award filed in this action  
on the October 6, 2021. Notice of entry of this Order was filed on October 6, 2021.

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Washoe County School District  
Office of the General Counsel  
PO Box 30425  
Reno, Nevada 89520-3425  
Telephone: (775) 348-0300; Facsimile: (775)

**AFFIRMATION PURSUANT TO NRS 239B.030:** The undersigned does hereby affirm that the preceding Notice of Appeal filed in Case No. CV19-02058 **DOES NOT** contain the social security number of any person.

DATED this 27<sup>th</sup> day of October, 2021.

WASHOE COUNTY SCHOOL DISTRICT

By: /s/Christopher B. Reich, Esq.  
CHRISTOPHER B. REICH, ESQ.  
Nevada Bar No. 10198  
Deputy Chief General Counsel  
NEIL A. ROMBARDO, ESQ.  
Nevada Bar No. 6800  
Chief General Counsel  
SARA K. MONTALVO, ESQ.  
Nevada Bar No. 11899  
General Counsel  
ANDREA L. SCHULEWITCH, ESQ.  
Nevada Bar No. 15321  
Associate General Counsel  
Washoe County School District  
P.O. Box 30425  
Reno, NV 89520-3425

Attorney for Respondent  
WASHOE COUNTY SCHOOL DISTRICT

Washoe County School District  
Office of the General Counsel  
PO Box 30425  
Reno, Nevada 89520-3425  
Telephone: (775) 348-0300; Facsimile: (775) 333-6010

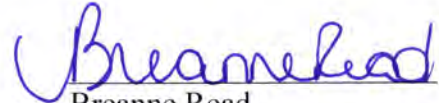
**CERTIFICATE OF SERVICE**

Pursuant to NRCP 5(b), I certify that I am an employee of the WASHOE COUNTY SCHOOL DISTRICT and that on this date I served a true and correct copy of the preceding document addressed to the following:

Luke Busby, Esq.  
316 California Ave. #82  
Reno, Nevada 89509  
Attorney for Caidyn Edlund

by electronically filing the foregoing document with the Clerk of the Court which served Mr. Busby electronically.

DATED this 27<sup>th</sup> day of October, 2021.

  
Breanne Read

**CODE: 1310**

Christopher B. Reich, Esq., Nev. Bar No. 10198  
Neil A. Rombardo, Esq., Nev. Bar No. 6800  
Sara K. Montalvo, Esq., Nev. Bar No. 11899  
Andrea L. Schulewitch, Nev. Bar No. 15321  
WASHOE COUNTY SCHOOL DISTRICT  
P.O. Box 30425  
Reno, NV 89520-3425  
Telephone: 775-348-0300  
Fax: 775-333-6010  
Attorney for Respondent Washoe County School District

THE SECOND JUDICIAL DISTRICT COURT OF THE STATE OF NEVADA

IN AND FOR THE COUNTY OF WASHOE

WASHOE EDUCATION ASSOCIATION  
and CAIDYN EDLUND,

CASE NO.: CV19-02058

Petitioners,

DEPT. NO.: 10

vs.

WASHOE COUNTY SCHOOL DISTRICT,  
a Political Subdivision of the State of Nevada,

Respondent.

**CASE APPEAL STATEMENT**

Appellant Washoe County School District (Appellant or District) submits the following  
Case Appeal Statement pursuant to NRAP 3(f):

**1. Name of appellant(s) filing this case appeal statement:**

Washoe County School District, a political subdivision of the State of Nevada

**2. Identity of the judge issuing the decision, judgment, or order appealed from:**

The Honorable Kathleen Sigurdson, Department 10, Second Judicial District Court,  
Washoe County, Nevada

**3. Identity of each appellant and the name and address of counsel for each appellant:**

Appellant:

Washoe County School District

Counsel for Appellant:

Christopher B. Reich, Esq., Nev. Bar No. 10198

Neil A. Rombardo, Esq., Nev. Bar No. 6800

Sara K. Montalvo, Esq., Nev. Bar No. 11899

Andrea L. Schulewitch, Esq., Nev. Bar No. 15321

Washoe County School District

P.O. Box 30425

Reno, NV 89520-3425

**4. Identity of each respondent and the name and address of appellate counsel, if known, for each respondent:**

Respondent:

Caidyn Edlund

Counsel for Respondent:

Luke Busby, Esq.

316 California Ave. #82

Reno, Nevada 89509

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

Not applicable.

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

Appellant was represented by retained counsel in the district court.

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

Appellant is represented by retained counsel on appeal.

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

3           Not applicable.

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

5           Respondent Caidyn Edlund filed his Motion to Vacate, or in the Alternative to Modify,  
6   Arbitrator's Opinion and Award (Motion to Vacate or Modify) on December 2, 2020 with the  
7   Second Judicial District Court in and for Washoe County.

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

11           This matter was an application for judicial relief pursuant to NRS 38.218. The Court has  
12   jurisdiction to review 'binding arbitration' Awards in accordance with NRS 38.206 to 38.248,  
13   also known as the Uniform Arbitration Act of 2000 (UAA). The District is a political subdivision  
14   of the State of Nevada and is a local government employer within the meaning of NRS 288.060.  
15   Upon information and belief, Respondent Caidyn Edlund is a resident of Washoe County,  
16   Nevada and is a former employee of the District.

17           The District filed its Opposition to the Motion to Vacate or Modify in accordance with  
18   the UAA, which governs the agreement to arbitrate contained in the 2015-2019 Negotiated  
19   Agreement or collective bargaining agreement (CBA) between the District and the Washoe  
20   Education Association (WEA), an employee organization within the meaning of NRS 288.040  
21   and the recognized bargaining agent for public school teachers working for the District. Binding  
22   arbitration awards are reviewable by a court pursuant to the UAA. According to NRS 38.211,  
23   "an application for judicial relief under NRS 38.206 to 38.248, inclusive, must be made by  
   motion to the court and heard in the manner provided by rule of court for making and hearing

1 motions.” According to NRS 38.211, “Court” means the district court. For the reasons set forth  
2 within its Opposition, the District sought an order from the district court denying the Motion to  
3 Vacate or Modify in its entirety and confirming the Arbitrator’s Opinion and Award.

4 On October 6, 2021, the district court granted Respondent’s Motion to Modify the  
5 Arbitrator’s Award, finding Respondent: 1) did not act recklessly; and 2) granting Respondent’s  
6 request for backpay.

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

10 Not applicable.

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

12 Not applicable.

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15 ///





Washoe County School District  
Office of the General Counsel  
PO Box 30425  
Reno, Nevada 89520-3425  
Telephone: (775) 348-0300; Facsimile: (775) 333-6010

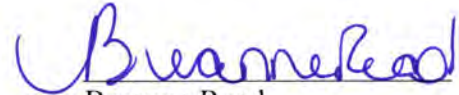
**CERTIFICATE OF SERVICE**

Pursuant to NRCP 5(b), I certify that I am an employee of the WASHOE COUNTY SCHOOL DISTRICT and that on this date I served a true and correct copy of the preceding document addressed to the following:

Luke Busby, Esq.  
316 California Ave. #82  
Reno, Nevada 89509  
Attorney for Caidyn Edlund

by electronically filing the foregoing document with the Clerk of the Court which served Mr. Busby electronically.

DATED this 27<sup>th</sup> day of October, 2021.

  
Breanne Read

**SECOND JUDICIAL DISTRICT COURT****STATE OF NEVADA****COUNTY OF WASHOE****Case History - CV19-02058****Case Description: WASHOE ED. ASSOC. ETAL VS WCSD (D10)****Case Number: CV19-02058 Case Type: OTHER CIVIL MATTERS - Initially Filed On: 10/22/2019****Parties**

<u>Party Type &amp; Name</u>	<u>Party Status</u>
JUDG - KATHLEEN SIGURDSON - D10	Active
ATTY - Christopher B. Reich, Esq. - 10198	Active
ATTY - Andrea L. Schulewitch, Esq. - 15321	Active
ATTY - Jessica C. Prunty, Esq. - 6926	Party ended on: 12/2/2020 12:00:00AM
ATTY - Sara K. Montalvo, Esq. - 11899	Active
ATTY - Luke Andrew Busby, Esq. - 10319	Active
ATTY - Neil A. Rombardo, Esq. - 6800	Active
ATTY - Thomas J. Donaldson - 5283	Party ended on: 12/2/2020 12:00:00AM
PETR - WASHOE EDUCATION ASSOCIATION - @1204023	Active
PETR - CAIDYN EDLUND - @1270264	Active
RESP - WASHOE COUNTY SCHOOL DISTRICT - WCSD	Active

**Disposed Hearings**

- Department: D10 -- Event: Request for Submission -- Scheduled Date & Time: 11/25/2019 at 13:34:00  
Extra Event Text: MOTION TO VACATE ARBITRATOR'S AWARD ( NO ORDER PROVIDED)  
Event Disposition: S200 - 12/12/2019
- Department: D10 -- Event: Request for Submission -- Scheduled Date & Time: 12/13/2019 at 11:23:00  
Extra Event Text: PETITIONER'S PETITION TO CONFIRM ARBITRATOR'S AWARD FILED 10-22-19  
Event Disposition: S200 - 12/18/2019
- Department: D10 -- Event: Request for Submission -- Scheduled Date & Time: 2/7/2020 at 15:05:00  
Extra Event Text: (COURT TOOK THE PETITION TO CONFIRM ARBITRATOR'S AWARD, AND THE MOTION TO VACATE ARBITRATOR'S AWARD, UNDER ADVI  
Event Disposition: S200 - 3/31/2020
- Department: D10 -- Event: HEARING... -- Scheduled Date & Time: 2/7/2020 at 14:00:00  
Extra Event Text: HEARING ON MOTION TO VACATE ARBITRATION AWARD (2 HOURS)(COURT REPT. REQUESTED BY DEFENDANT)  
Event Disposition: D840 - 2/7/2020
- Department: D10 -- Event: Request for Submission -- Scheduled Date & Time: 12/21/2020 at 08:49:00  
Extra Event Text: MOTION TO VACATE, OR IN THE ALTERNATIVE TO MODIFY, ARBITRATOR'S OPINION AND AWARD ORAL ARGUMENT AND/OR HEARING F  
Event Disposition: S200 - 3/10/2021
- Department: D10 -- Event: Request for Submission -- Scheduled Date & Time: 12/21/2020 at 08:50:00  
Extra Event Text: MOTION TO FILE EXHIBITS TO MOTION TO VACATE (NO ORDER)  
Event Disposition: S200 - 3/10/2021
- Department: D10 -- Event: Request for Submission -- Scheduled Date & Time: 3/26/2021 at 09:35:00  
Extra Event Text: STIPULATION TO DISMISS PETITIONER WASHOE EDUCATION ASSOCIATION, AND PROPOSED ORDER DISMISSING PETITIONER WASH  
Event Disposition: S200 - 4/26/2021

- 8 Department: D10 -- Event: STATUS HEARING -- Scheduled Date & Time: 4/13/2021 at 09:30:00  
Extra Event Text: HEARING ON MOTION TO VACATE  
Event Disposition: D435 - 4/13/2021
- 9 Department: D10 -- Event: STATUS HEARING -- Scheduled Date & Time: 9/28/2021 at 09:00:00  
Extra Event Text: STATUS HEARING  
Event Disposition: D435 - 9/28/2021

### Actions

- |    | <u>Filing Date</u> | <u>-</u> | <u>Docket Code &amp; Description</u>  |
|----|--------------------|----------|---|
| 1  | 10/22/2019         | -        | \$PLTF - \$Addl Plaintiff/Complaint<br>Additional Text: CAIDYN EDLUND - Transaction 7551455 - Approved By: YVILORIA : 10-22-2019:15:46:54   |
| 2  | 10/22/2019         | -        | \$3645 - \$Petition .../Other Civil<br>Additional Text: PETITION TO CONFIRM ARBITRATOR'S AWARD - Transaction 7551455 - Approved By: YVILORIA : 10-22-2019:15:46:54  |
| 3  | 10/22/2019         | -        | PAYRC - **Payment Received<br>Additional Text: A Payment of \$290.00 was made on receipt DCDC648205.  |
| 4  | 10/29/2019         | -        | 2520 - Notice of Appearance<br>Additional Text: CHRISTOPHER REICH ESQ - Transaction 7561039 - Approved By: CSULEZIC : 10-29-2019:11:32:12   |
| 5  | 10/29/2019         | -        | NEF - Proof of Electronic Service<br>Additional Text: Transaction 7561320 - Approved By: NOREVIEW : 10-29-2019:11:34:58   |
| 6  | 10/29/2019         | -        | 1005 - Acceptance of Service<br>Additional Text: ACCEPTANCE OF SERVICE OF PROCESS - CHRISTOPHER REICH ESQ OBO WCSO - 10-29-19 - Transaction 7561383 - Approved By: YVILORIA : 10-29-2019:13:06:57         |
| 7  | 10/29/2019         | -        | NEF - Proof of Electronic Service<br>Additional Text: Transaction 7561663 - Approved By: NOREVIEW : 10-29-2019:13:08:08   |
| 8  | 11/8/2019          | -        | 2645 - Opposition to Mtn ...<br>Additional Text: WASHOE COUNTY SCHOOL DISTRICT'S OPPOSITION TO PETITION TO CONFIRM ARBITRATOR'S AWARD - Transaction 7579457 - Approved By: YVILORIA : 11-08-2019:10:02:11 |
| 9  | 11/8/2019          | -        | 2490 - Motion ...<br>Additional Text: MOTION TO VACATE ARBITRATORS AWARD - Transaction 7579472 - Approved By: YVILORIA : 11-08-2019:10:03:06  |
| 10 | 11/8/2019          | -        | NEF - Proof of Electronic Service<br>Additional Text: Transaction 7579503 - Approved By: NOREVIEW : 11-08-2019:10:03:50   |
| 11 | 11/8/2019          | -        | NEF - Proof of Electronic Service<br>Additional Text: Transaction 7579505 - Approved By: NOREVIEW : 11-08-2019:10:04:29   |
| 12 | 11/13/2019         | -        | 3790 - Reply to/in Opposition<br>Additional Text: Reply to Opposition to Petition to Confirm Arbitrator's Award - Transaction 7585254 - Approved By: CSULEZIC : 11-13-2019:10:54:33                       |
| 13 | 11/13/2019         | -        | NEF - Proof of Electronic Service<br>Additional Text: Transaction 7585267 - Approved By: NOREVIEW : 11-13-2019:10:55:37   |
| 14 | 11/18/2019         | -        | 2645 - Opposition to Mtn ...<br>Additional Text: Transaction 7594734 - Approved By: BBLOUGH : 11-19-2019:08:25:15   |

- 15 11/19/2019 - NEF - Proof of Electronic Service  
Additional Text: Transaction 7595014 - Approved By: NOREVIEW : 11-19-2019:08:26:14
- 16 11/25/2019 - 3795 - Reply...  
Additional Text: REPLY TO PETITIONERS' OPPOSITION TO RESPONDENT'S MOTION TO VACATE ARBITRATOR'S AWARD - Transaction 7606630 - Approved By: BBLOUGH : 11-25-2019:13:32:24
- 17 11/25/2019 - 3860 - Request for Submission  
Additional Text: Transaction 7606630 - Approved By: BBLOUGH : 11-25-2019:13:32:24  
DOCUMENT TITLE: MOTION TO VACATE ARBITRATOR'S AWARD ( NO ORDER PROVIDED)  
PARTY SUBMITTING: CHRISTOPHER B. REICH, ESQ  
DATE SUBMITTED: NOVEMBER 25, 2019  
SUBMITTED BY: CHRISTOPHER B. REICH, ESQ  
DATE RECEIVED JUDGE OFFICE:
- 18 11/25/2019 - NEF - Proof of Electronic Service  
Additional Text: Transaction 7606651 - Approved By: NOREVIEW : 11-25-2019:13:35:32
- 19 12/12/2019 - 3347 - Ord to Set  
Additional Text: ORDER TO SET HEARING ON MOTION TO VACATE ARBITRATOR'S AWARD - Transaction 7636225 - Approved By: NOREVIEW : 12-12-2019:16:17:07
- 20 12/12/2019 - S200 - Request for Submission Complet  
Additional Text: ORDER TO SET HEARING ON MOTION TO VACATE ARBITRATOR'S AWARD FILED DECEMBER 12, 2019
- 21 12/12/2019 - NEF - Proof of Electronic Service  
Additional Text: Transaction 7636231 - Approved By: NOREVIEW : 12-12-2019:16:18:22
- 22 12/13/2019 - 2605 - Notice to Set  
Additional Text: 12/16/2019 @ 11:00 AM - Transaction 7636758 - Approved By: NOREVIEW : 12-13-2019:09:24:06
- 23 12/13/2019 - NEF - Proof of Electronic Service  
Additional Text: Transaction 7636762 - Approved By: NOREVIEW : 12-13-2019:09:25:02
- 24 12/13/2019 - 3860 - Request for Submission  
Additional Text: Transaction 7637205 - Approved By: NOREVIEW : 12-13-2019:11:24:23  
DOCUMENT TITLE: PETITIONER'S PETITION TO CONFIRM ARBITRATOR'S AWARD FILED 10-22-19  
PARTY SUBMITTING: JESSICA PRUNTY ESQ  
DATE SUBMITTED: 12-13-19  
SUBMITTED BY: YV  
DATE RECEIVED JUDGE OFFICE:
- 25 12/13/2019 - NEF - Proof of Electronic Service  
Additional Text: Transaction 7637215 - Approved By: NOREVIEW : 12-13-2019:11:25:50
- 26 12/16/2019 - 1250E - Application for Setting eFile  
Additional Text: FOR HEARING ON MOTION TO VACATE ARBITRATION AWARD SET FOR FEBRUARY 7, 2020, AT 2:00 P.M. - Transaction 7639821 - Approved By: NOREVIEW : 12-16-2019:12:36:43
- 27 12/16/2019 - NEF - Proof of Electronic Service  
Additional Text: Transaction 7639822 - Approved By: NOREVIEW : 12-16-2019:12:37:32
- 28 12/18/2019 - 3370 - Order ...  
Additional Text: ORDER REGARDING PETITION TO CONFIRM ARBITRATOR'S AWARD - Transaction 7644594 - Approved By: NOREVIEW : 12-18-2019:10:40:37
- 29 12/18/2019 - S200 - Request for Submission Complet  
Additional Text: ORDER FILED DECEMBER 18, 2019

- 30 12/18/2019 - NEF - Proof of Electronic Service  
Additional Text: Transaction 7644607 - Approved By: NOREVIEW : 12-18-2019:10:42:15
- 31 2/7/2020 - MIN - \*\*\*Minutes  
Additional Text: 2/7/2020 - ORAL ARGUMENTS - Transaction 7729444 - Approved By: NOREVIEW : 02-07-2020:15:21:50
- 32 2/7/2020 - NEF - Proof of Electronic Service  
Additional Text: Transaction 7729464 - Approved By: NOREVIEW : 02-07-2020:15:24:39
- 33 3/31/2020 - 3366 - Ord Vacating  
Additional Text: ORDER VACATING ARBITRATOR'S AWARD AND REMANDING FOR NEW HEARING. - Transaction 7817000 - Approved By: NOREVIEW : 03-31-2020:15:35:02
- 34 3/31/2020 - NEF - Proof of Electronic Service  
Additional Text: Transaction 7817006 - Approved By: NOREVIEW : 03-31-2020:15:36:33
- 35 3/31/2020 - S200 - Request for Submission Complet  
*No additional text exists for this entry.*
- 36 4/1/2020 - 2540 - Notice of Entry of Ord  
Additional Text: Transaction 7817807 - Approved By: NOREVIEW : 04-01-2020:11:07:57
- 37 4/1/2020 - NEF - Proof of Electronic Service  
Additional Text: Transaction 7817814 - Approved By: NOREVIEW : 04-01-2020:11:09:24
- 38 5/27/2020 - 3201 - Ord Remanding ...  
*No additional text exists for this entry.*
- 39 12/1/2020 - 2520 - Notice of Appearance  
Additional Text: NOTICE OF APPEARANCE OF COUNSEL: LUKE BUSBY ESQ / CAIDYN EDLUND - Transaction 8184419 - Approved By: YVILORIA : 12-01-2020:15:49:56
- 40 12/1/2020 - NEF - Proof of Electronic Service  
Additional Text: Transaction 8184433 - Approved By: NOREVIEW : 12-01-2020:15:50:58
- 41 12/2/2020 - 2490 - Motion ...  
Additional Text: MOTION TO VACATE, OR IN THE ALTERNATIVE TO MODIFY, ARBITRATOR'S OPINION AND AWARD - Transaction 8185181 - Approved By: CSULEZIC : 12-02-2020:10:02:59
- 42 12/2/2020 - 2490 - Motion ...  
Additional Text: MOTION TO FILE EXHIBITS TO MOTION TO VACATE, OR IN THE ALTERNATIVE TO MODIFY, ARBITRATOR'S OPINION AND AWARD AS CONFIDENTIAL UNDER SEAL - Transaction 8185192 - Approved By: CSULEZIC : 12-02-2020:10:06:05
- 43 12/2/2020 - NEF - Proof of Electronic Service  
Additional Text: Transaction 8185256 - Approved By: NOREVIEW : 12-02-2020:10:03:56
- 44 12/2/2020 - NEF - Proof of Electronic Service  
Additional Text: Transaction 8185271 - Approved By: NOREVIEW : 12-02-2020:10:07:05
- 45 12/2/2020 - 2590 - Notice Withdrawal of Attorney  
Additional Text: NOTICE OF WITHDRAWAL OF COUNSEL: THOMAS DONALDSON ESQ AND JESSICA PRUNTY ESQ / PETRS Transaction 8186261 - Approved By: NOREVIEW : 12-02-2020:14:23:05
- 46 12/2/2020 - NEF - Proof of Electronic Service  
Additional Text: Transaction 8186279 - Approved By: NOREVIEW : 12-02-2020:14:24:36
- 47 12/16/2020 - 2645 - Opposition to Mtn ...

- Additional Text: WASHOE COUNTY SCHOOL DISTRICT'S OPPOSITION TO MOTION VACATE, OR IN THE ALTERNATIVE TO MODIFY, ARBITRATOR'S OPINION AND AWARD - Transaction 8208578 - Approved By: CSULEZIC : 12-16-2020:15:17:30
- 48 12/16/2020 - NEF - Proof of Electronic Service  
Additional Text: Transaction 8208664 - Approved By: NOREVIEW : 12-16-2020:15:18:46
- 49 12/16/2020 - 2645 - Opposition to Mtn ...  
Additional Text: WASHOE COUNTY SCHOOL DISTRICT'S OPPOSITION TO MOTION TO FILE EXHIBITS TO MOTION TO VACATE, OR IN THE ALTERNATIVE TO MODIFY, ARBITRATOR'S OPINION AND AWARD AS CONFIDENTIAL UNDER SEAL - Transaction 8209076 - Approved By: CSULEZIC : 12-17-2020:08:11:48
- 50 12/17/2020 - NEF - Proof of Electronic Service  
Additional Text: Transaction 8209246 - Approved By: NOREVIEW : 12-17-2020:08:12:40
- 51 12/21/2020 - 3790 - Reply to/in Opposition  
Additional Text: Reply to Opposition to Motion to File Exhibits Under Seal - Edlund Petition to Modify Vacate Award - Transaction 8213179 - Approved By: AZAMORA : 12-21-2020:09:59:50
- 52 12/21/2020 - 3790 - Reply to/in Opposition  
Additional Text: Reply to Oppo Edlund Motion to Modify Vacate Award - Transaction 8213182 - Approved By: AZAMORA : 12-21-2020:10:01:17
- 53 12/21/2020 - 3860 - Request for Submission  
Additional Text: Transaction 8213195 - Approved By: NOREVIEW : 12-21-2020:09:29:50  
DOCUMENT TITLE: MOTION TO VACATE, OR IN THE ALTERNATIVE TO MODIFY, ARBITRATOR'S OPINION AND AWARD ORAL ARGUMENT AND/OR HEARING REQUESTED (NO ORDER)  
PARTY SUBMITTING: LUKE BUSBY  
DATE SUBMITTED: 12/21/2020  
SUBMITTED BY: AZAMORA  
DATE RECEIVED JUDGE OFFICE:
- 54 12/21/2020 - 3860 - Request for Submission  
Additional Text: Req to Sub - Motion to File Exhibits Under Seal - Transaction 8213201 - Approved By: NOREVIEW : 12-21-2020:09:32:36  
DOCUMENT TITLE: MOTION TO FILE EXHIBITS TO MOTION TO VACATE (NO ORDER)  
PARTY SUBMITTING: LUKE BUSBY  
DATE SUBMITTED: 12/21/2020  
SUBMITTED BY: AZAMORA  
DATE RECEIVED JUDGE OFFICE:
- 55 12/21/2020 - NEF - Proof of Electronic Service  
Additional Text: Transaction 8213308 - Approved By: NOREVIEW : 12-21-2020:09:46:29
- 56 12/21/2020 - NEF - Proof of Electronic Service  
Additional Text: Transaction 8213343 - Approved By: NOREVIEW : 12-21-2020:09:46:51
- 57 12/21/2020 - NEF - Proof of Electronic Service  
Additional Text: Transaction 8213442 - Approved By: NOREVIEW : 12-21-2020:10:01:48
- 58 12/21/2020 - NEF - Proof of Electronic Service  
Additional Text: Transaction 8213444 - Approved By: NOREVIEW : 12-21-2020:10:02:19
- 59 3/10/2021 - 2682 - Ord Addressing Motions  
Additional Text: Transaction 8335568 - Approved By: NOREVIEW : 03-10-2021:12:42:05
- 60 3/10/2021 - S200 - Request for Submission Complet  
Additional Text: ORDER REGARDING MOTIONS FILED MARCH 10, 2021
- 61 3/10/2021 - NEF - Proof of Electronic Service  
Additional Text: Transaction 8335574 - Approved By: NOREVIEW : 03-10-2021:12:43:09

- 62 3/10/2021 - S200 - Request for Submission Complet  
Additional Text: ORDER REGARDING MOTIONS FILED MARCH 10, 2021
- 63 3/11/2021 - 1250E - Application for Setting eFile  
Additional Text: Transaction 8337901 - Approved By: NOREVIEW : 03-11-2021:13:18:12
- 64 3/11/2021 - NEF - Proof of Electronic Service  
Additional Text: Transaction 8337906 - Approved By: NOREVIEW : 03-11-2021:13:19:09
- 65 3/11/2021 - 1250E - Application for Setting eFile  
Additional Text: CORRECTED APPLICATION OF SETTING - Transaction 8337983 - Approved By: NOREVIEW : 03-11-2021:13:39:29
- 66 3/11/2021 - 2540 - Notice of Entry of Ord  
Additional Text: Transaction 8338005 - Approved By: NOREVIEW : 03-11-2021:13:43:31
- 67 3/11/2021 - NEF - Proof of Electronic Service  
Additional Text: Transaction 8337989 - Approved By: NOREVIEW : 03-11-2021:13:40:22
- 68 3/11/2021 - NEF - Proof of Electronic Service  
Additional Text: Transaction 8338008 - Approved By: NOREVIEW : 03-11-2021:13:44:29
- 69 3/26/2021 - 4050 - Stipulation ...  
Additional Text: Stipulation to Dismiss Petitioner Washoe Education Association - Transaction 8362376 - Approved By: NOREVIEW : 03-26-2021:09:39:20
- 70 3/26/2021 - 3860 - Request for Submission  
Additional Text: Transaction 8362376 - Approved By: NOREVIEW : 03-26-2021:09:39:20  
DOCUMENT TITLE: STIPULATION TO DISMISS PETITIONER WASHOE EDUCATION ASSOCIATION, AND PROPOSED ORDER DISMISSING PETITIONER WASHOE EDUCATION ASSOCIATION (COPY EX1)  
PARTY SUBMITTING: THOMAS DONALDSON ESQ  
DATE SUBMITTED: 3-26-21  
SUBMITTED BY: YV  
DATE RECEIVED JUDGE OFFICE:
- 71 3/26/2021 - NEF - Proof of Electronic Service  
Additional Text: Transaction 8362377 - Approved By: NOREVIEW : 03-26-2021:09:40:19
- 72 4/7/2021 - 3175 - Ord Re: Hearing Procedure  
Additional Text: Transaction 8382980 - Approved By: NOREVIEW : 04-07-2021:13:40:29
- 73 4/7/2021 - NEF - Proof of Electronic Service  
Additional Text: Transaction 8382990 - Approved By: NOREVIEW : 04-07-2021:13:41:33
- 74 4/13/2021 - 3373 - Other ...  
Additional Text: SUBMISSION OF POWER POINT PRESENTATION FROM HEARING - Transaction 8391808 - Approved By: NOREVIEW : 04-13-2021:10:37:34
- 75 4/13/2021 - NEF - Proof of Electronic Service  
Additional Text: Transaction 8391811 - Approved By: NOREVIEW : 04-13-2021:10:38:34
- 76 4/13/2021 - MIN - \*\*\*Minutes  
Additional Text: 4-13-2021 Status Hearing on motion to vacate. - Transaction 8392407 - Approved By: NOREVIEW : 04-13-2021:13:26:35
- 77 4/13/2021 - NEF - Proof of Electronic Service  
Additional Text: Transaction 8392422 - Approved By: NOREVIEW : 04-13-2021:13:28:08

- 78 4/23/2021 - 3370 - Order ...  
Additional Text: ORDER DISMISSING PETITIONER WASHOE EDUCATION ASSOCIATION - Transaction 8410085 - Approved By: NOREVIEW : 04-23-2021:12:41:35
- 79 4/23/2021 - NEF - Proof of Electronic Service  
Additional Text: Transaction 8410096 - Approved By: NOREVIEW : 04-23-2021:12:42:32
- 80 4/26/2021 - S200 - Request for Submission Complet  
Additional Text: ORDER DISMISSING PETITIONER WASHOE EDUCATION ASSOCIATION FILED 4/23/21
- 81 8/30/2021 - 3870 - Request  
Additional Text: REQUEST FOR STATUS CONFERENCE - Transaction 8621272 - Approved By: YVILORIA : 08-30-2021:14:57:01
- 82 8/30/2021 - NEF - Proof of Electronic Service  
Additional Text: Transaction 8621369 - Approved By: NOREVIEW : 08-30-2021:14:59:32
- 83 9/8/2021 - 1020 - Addendum  
Additional Text: ADDENDUM TO MOTION TO VACATE, OR IN THE ALTERNATIVE TO MODIFY, ARBITRATOR'S OPINION AND AWARD BASED ON CHANGED CIRCUMSTANCES - Transaction 8635235 - Approved By: NOREVIEW : 09-08-2021:12:06:35
- 84 9/8/2021 - NEF - Proof of Electronic Service  
Additional Text: Transaction 8635246 - Approved By: NOREVIEW : 09-08-2021:12:07:35
- 85 9/22/2021 - 3175 - Ord Re: Hearing Procedure  
Additional Text: Transaction 8659922 - Approved By: NOREVIEW : 09-22-2021:12:38:33
- 86 9/22/2021 - NEF - Proof of Electronic Service  
Additional Text: Transaction 8659924 - Approved By: NOREVIEW : 09-22-2021:12:39:21
- 87 9/28/2021 - MIN - \*\*\*Minutes  
Additional Text: 9-28-2021 - Transaction 8669298 - Approved By: NOREVIEW : 09-28-2021:10:14:26
- 88 9/28/2021 - NEF - Proof of Electronic Service  
Additional Text: Transaction 8669307 - Approved By: NOREVIEW : 09-28-2021:10:17:27
- 89 10/5/2021 - 4185 - Transcript  
Additional Text: MOTION 9-28-21 - Transaction 8680745 - Approved By: NOREVIEW : 10-05-2021:08:22:07
- 90 10/5/2021 - NEF - Proof of Electronic Service  
Additional Text: Transaction 8680750 - Approved By: NOREVIEW : 10-05-2021:08:23:27
- 91 10/6/2021 - 3150 - Ord Modifying...  
Additional Text: ORDER MODIFYING ARBITRATORS AWARD - Transaction 8684740 - Approved By: NOREVIEW : 10-06-2021:15:46:51
- 92 10/6/2021 - NEF - Proof of Electronic Service  
Additional Text: Transaction 8684744 - Approved By: NOREVIEW : 10-06-2021:15:47:51
- 93 10/6/2021 - 2540 - Notice of Entry of Ord  
Additional Text: Transaction 8684815 - Approved By: NOREVIEW : 10-06-2021:16:04:40
- 94 10/6/2021 - NEF - Proof of Electronic Service  
Additional Text: Transaction 8684819 - Approved By: NOREVIEW : 10-06-2021:16:07:29
- 95 10/8/2021 - 2010 - Mtn for Attorney's Fee  
Additional Text: Transaction 8687288 - Approved By: NOREVIEW : 10-08-2021:05:47:23



- 96 10/8/2021 - NEF - Proof of Electronic Service  
Additional Text: Transaction 8687289 - Approved By: NOREVIEW : 10-08-2021:05:48:23
- 97 10/21/2021 - 2645 - Opposition to Mtn ...  
Additional Text: WASHOE COUNTY SCHOOL DISTRICT'S OPPOSITION TO PETITIONER CAIDYN EDLUND'S MOTION FOR ATTORNEY'S FEES PURSUANT TO NRS 38.243 - Transaction 8710814 - Approved By: NMASON : 10-21-2021:16:13:50
- 98 10/21/2021 - NEF - Proof of Electronic Service  
Additional Text: Transaction 8710976 - Approved By: NOREVIEW : 10-21-2021:16:14:50
- 99 10/25/2021 - 3790 - Reply to/in Opposition  
Additional Text: PETITIONER CAIDYN EDLUND'S REPLY TO WASHOE COUNTY SCHOOL DISTRICT'S OPPOSITION TO MOTION FOR ATTORNEY'S FEES PURSUANT TO NRS 38.243 - Transaction 8715647 - Approved By: NMASON : 10-26-2021:10:06:21
- 100 10/25/2021 - 3860 - Request for Submission  
Additional Text: REQUEST FOR SUBMISSION OF PETITIONER CAIDYN EDLUND'S MOTION FOR ATTORNEY'S FEES PURSUANT TO NRS 38.243 - Transaction 8715648 - Approved By: NOREVIEW : 10-25-2021:22:43:36  
DOCUMENT TITLE: MOTION FOR ATTORNEY'S FEES  
PARTY SUBMITTING: LUKE BUSBY ESQ  
DATE SUBMITTED: 10/21/2021  
SUBMITTED BY: MSALAZAR  
DATE RECEIVED JUDGE OFFICE:
- 101 10/25/2021 - NEF - Proof of Electronic Service  
Additional Text: Transaction 8715649 - Approved By: NOREVIEW : 10-25-2021:22:44:26
- 102 10/26/2021 - NEF - Proof of Electronic Service  
Additional Text: Transaction 8716307 - Approved By: NOREVIEW : 10-26-2021:10:07:33
- 103 10/27/2021 - 2515 - Notice of Appeal Supreme Court  
Additional Text: Transaction 8718459 - Approved By: YVILORIA : 10-27-2021:09:51:31
- 104 10/27/2021 - 1310 - Case Appeal Statement  
Additional Text: Transaction 8718459 - Approved By: YVILORIA : 10-27-2021:09:51:31
- 105 10/27/2021 - NEF - Proof of Electronic Service  
Additional Text: Transaction 8718510 - Approved By: NOREVIEW : 10-27-2021:09:52:37
- 106 10/27/2021 - 1350 - Certificate of Clerk  
Additional Text: CERTIFICATE OF CLERK AND TRANSMITTAL - NOTICE OF APPEAL - Transaction 8718868 - Approved By: NOREVIEW : 10-27-2021:11:36:43
- 107 10/27/2021 - NEF - Proof of Electronic Service  
Additional Text: Transaction 8718874 - Approved By: NOREVIEW : 10-27-2021:11:37:46

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5  
6 **IN THE SECOND JUDICIAL DISTRICT COURT IN THE STATE OF NEVADA,**  
7 **IN AND FOR WASHOE COUNTY**

8 \* \* \*

9 WASHOE EDUCATION ASSOCIATION  
and CAIDYN EDLUND,

Case No.: CV19-02058

10 Petitioners,

11 vs.

Dept. No.: 10

12 WASHOE COUNTY SCHOOL DISTRICT,  
13 a political subdivision of the State of Nevada;

14 Respondent.  
15 \_\_\_\_\_/

16 **ORDER MODIFYING ARBITRATOR'S AWARD**

17 Before the Court is the December 2, 2020 Motion to Vacate, or In the  
18 Alternative, Modify Arbitrator's Opinion and Award dated November 5, 2020 filed by  
19 Petitioner CAIDYN EDLUND ("Mr. Edlund") in this matter involving Mr. Edlund's  
20 dispute with the WASHOE COUNTY SCHOOL DISTRICT, a political subdivision of  
21 the State of Nevada ("WCSD").

22 **Background**

23 Mr. Edlund is a Special Education teacher who started with WCSD in 2014,  
24 after teaching for the Clark County School District for five (5) years. Since the 2015-  
25 16 school year, Mr. Edlund had been teaching in the Comprehensive Life Skills (CLS)  
26 classroom at Galena High School (GHS). Before the incident at issue in this case,  
27 Edlund's overall teaching performance has always been "effective;" i.e., satisfactory,  
28 over the course of his employment with WCSD.

1 This matter arose as a result of Mr. Edlund leaving a gym bag containing a  
2 pistol in the locked cab of his pickup truck parked in the GHS faculty parking lot on  
3 May 10, 2018. Mr. Edlund legally purchased the pistol and possesses a valid Nevada  
4 Concealed Firearm Permit. District Police Officers searched Mr. Edlund's truck after  
5 a K-9 "hit" on Mr. Edlund's truck, and discovered white pills, which the officers believed  
6 was meth, and Mr. Edlund's pistol. Mr. Edlund told the Officers on scene that the  
7 capsules were "Beano." The Officers arrested Mr. Edlund and charged him with  
8 possession of a controlled substance (a felony) and possessing a dangerous weapon  
9 on school property (a gross misdemeanor). Although the Officers found that the white  
10 capsules found in Mr. Edlund's truck field-tested "presumptive positive" for meth, the  
11 Washoe County Sheriff's Office Forensic Lab subsequently confirmed that the  
12 capsules contained no controlled substances. In light of the negative lab report, the  
13 controlled substance charge was dismissed.

14 On September 28, 2018, the District conducted an Investigatory/Due Process  
15 ("IDP") meeting regarding the incident on May 10, 2018. Mr. Edlund confirmed that he  
16 possesses a valid Nevada Concealed Firearm Permit and explained that he  
17 inadvertently left the pistol in his gym bag the night before and left the gym bag in his  
18 locked truck in the GHS staff parking lot. By a letter dated October 23, 2018, former  
19 GHS Principal Brown notified Mr. Edlund that he was recommending Mr. Edlund's  
20 dismissal based solely upon the incident on May 10, 2018, and Mr. Edlund's alleged  
21 violations of NRS 202.265 and District Regulation 4675. Mr. Edlund received his  
22 monthly pay from May 10, 2018, through October 23, 2018 due to his status on  
23 Administrative Leave With Pay.

24 On August 7, 2019, Mr. Edlund entered a plea deal to the possessing a  
25 dangerous weapon on school property charge. The plea deal provided in part that if  
26 Mr. Edlund obeyed all laws for a six-month period, the state would not oppose his  
27 withdrawing his plea would dismiss the charge against him. Mr. Edlund met the  
28 requirements of the plea deal, the charges against him were dismissed on March 2,

1 2020. On July 2, 2020 Judge Hardy in Department 15 of this Court, issued an Order  
2 which sealed the records from Mr. Edlund's criminal case and further ordered that all  
3 proceedings recounted in the sealed records are deemed never to have occurred and  
4 that Mr. Edlund may properly answer accordingly to any inquiry concerning the sealed  
5 arrest, conviction, acquittal, or dismissal.

6 After Mr. Edlund received notice of termination, through counsel provided  
7 by the Washoe Education Association ("WEA"), he filed a grievance in accordance  
8 with Article 12 (grievance procedure) and 32 (due process) of the 2015-2019  
9 Collective Bargaining Agreement ("CBA") between the Association and WCSD  
10 challenging the dismissal recommendation.

11 The matter was submitted to Arbitrator Paul Cross, Esq. Arbitrator Crost  
12 conducted an arbitration on August 20, 2019, in Washoe County. On or about October  
13 1, 2019, Arbitrator Crost issued his Award. Arbitrator Crost concluded that WCSD did  
14 not have just cause to dismiss Mr. Edlund, ordered that WCSD reinstate Mr. Edlund  
15 to his former position without loss of seniority or accrued benefits, and ordered that  
16 WCSD make Mr. Edlund whole for all lost earnings, interest, and benefits.

17 On November 8, 2019, WCSD filed a Motion to Vacate Arbitrator's Crost's  
18 Award, arguing that the award was arbitrary and capricious because the arbitrator  
19 ignored the facts and the law and refused to apply the "reckless" standard to evaluate  
20 Mr. Edlund's conduct provided in NRS 391.750(4). On March 31, 2020, this Court  
21 issued an Order Vacating the Arbitrator's Award and Remanding for a new Hearing  
22 on the grounds sought by WCSD. This Court found that Arbitrator Crost disregarded  
23 Mr. Edlund's guilty plea, and that such a plea could constitute just cause for his  
24 dismissal, and for this reason the award was arbitrary and capricious.

25 Following this Court's March 31, 2020 Order, the parties selected a new  
26 arbitrator, Catherine Harris, and conducted a second proceeding on August 20, 2020.  
27 On or about November 5, 2020, Arbitrator Harris issued her Opinion and Award.  
28 Arbitrator Harris determined, as did Arbitrator Crost, that WCSD lacked just cause to

1 terminate Mr. Edlund and that Mr. Edlund should be reinstated. However, Arbitrator  
2 Harris' Order ruled that Mr. Edlund acted "recklessly" in leaving the pistol in his vehicle,  
3 Mr. Edlund is not entitled to an award of backpay, Mr. Edlund's reinstatement is  
4 conditioned upon written consent to random searches of his vehicle when parked on  
5 District property for one year from the date of his reinstatement.

6 On April 13, 2021, this Court held a hearing on the Petition and heard argument  
7 from the parties.

8 On April 23, 2021, this Court issued an Order dismissing WEA from these  
9 proceedings based upon a stipulation of the parties.

10 On September 8, 2021, Edlund filed an addendum to his Petition informing the  
11 Court that he had obtained employment with the Storey County School District in  
12 August of 2021. As such, a determination from the Court on the issue of whether Mr.  
13 Edlund should be subjected to random searches as ordered by Arbitrator Harris as a  
14 condition for reinstatement is moot.

### 15 **Standard of Review**

16 "The party seeking to attack the validity of an arbitration award has the burden  
17 of proving, by clear and convincing evidence, the statutory or common-law ground  
18 relied upon for challenging an award." *Health Plan of Nev., Inc. v. Rainbow Med., LLC*,  
19 120 Nev. 689, 695, 100 P.3d 172, 176 (Nev. 2004). In 2017, the Nevada Supreme  
20 Court considered the common-law grounds recognized in Nevada and stated:

21  
22 "There are two common-law grounds recognized in Nevada under which  
23 a court may review private binding arbitration awards: (1) whether the  
24 award is arbitrary, capricious, or unsupported by the agreement; and (2)  
25 whether the arbitrator manifestly disregarded the law." *Clark Cty. Educ.*  
26 *Ass'n v. Clark Cty. Sch. Dist.*, 122 Nev. 337, 341, 131 P.3d 5, 8 (2006).  
In particular, "the former standard ensures that the arbitrator does not  
disregard the facts or the terms of the arbitration agreement," while "the  
latter standard ensures that the arbitrator recognizes applicable law." *Id.*

27 *Washoe County School District v. White*, 133 Nev. 301, 306, 396 P.3d 834, 839 (Nev.  
28 2017).

**Arbitrator Harris' finding that Mr. Edlund was reckless was arbitrary and capricious**

"The arbitrary-and-capricious standard does not permit a reviewing court to vacate an arbitrator's award based on a misinterpretation of the law." *Clark Cty. Educ. Ass'n*, 122 Nev. at 343–44, 131 P.3d at 9. Instead, a court's review of the arbitrary and capricious standard is "limited to whether the arbitrator's findings are supported by substantial evidence in the record." *Id.* at 344, 131 P.3d at 9–10.

The Court finds that Edlund has shown by clear and convincing evidence that Arbitrator Harris's finding that Edlund acted recklessly is not supported by substantial evidence in the record. Rather, this finding is contradicted by the substantial evidence based on the findings by Arbitrator Harris. "Reckless" is not statutorily defined, but Black's Law Dictionary provides the following definition: "Characterized by the creation of a substantial and unjustifiable risk of harm to others and by a conscious (and sometimes deliberate) disregard for or indifference to that risk." The record does not show that Edlund had a conscious disregard because he left the gun in his car inadvertently. No evidence in the record indicates that Edlund knew the gun was left in his car. Arbitrator Harris stated that she "credits [Edlund's] testimony that bringing the gun to school was a mistake that occurred when he threw his gym bag into his vehicle on the way to school and that he did not make a considered decision to bring his weapon onto school property." See Harris Award 15:8-10. Additionally, Harris found that "[n]o evidence has been presented at any stage of this dispute that supports the conclusion that [Edlund] made a considered decision to bring a handgun to work with him on the day in question." Harris Award 7:14.

While negligent, there is no evidence that Mr. Edlund's conduct rises to the level of recklessness. Because Arbitrator Harris's finding of recklessness is not supported by substantial evidence in the record, the finding was arbitrary and capricious.

1           **Arbitrator Harris' finding that no back pay should be awarded constitutes**  
2           **a manifest disregard for the law**

3           “[J]udicial inquiry under the manifest-disregard-of-the-law standard is extremely  
4           limited. A party seeking to vacate an arbitration award based on manifest disregard of  
5           the law may not merely object to the results of the arbitration.” *Clark Cty. Educ. Ass'n*,  
6           122 Nev. at 342, 131 P.3d at 8 (internal quotation marks and citation omitted). “[T]he  
7           issue is not whether the arbitrator correctly interpreted the law, but whether the  
8           arbitrator, knowing the law and recognizing that the law required a particular result,  
9           simply disregarded the law.” *Id.* (internal quotation marks omitted); see also *Health*  
10          *Plan of Nev., Inc.*, 120 Nev. at 699, 100 P.3d at 179 (stating that manifest disregard  
11          of the law requires a “conscious disregard of applicable law”).

12          NRS 391.760 governs the suspension and reinstatement of licensed  
13          employees. Section 2 of the statute provides as follows:

14                       Notwithstanding the provisions of NRS 391.750, a superintendent may  
15                       suspend a licensed employee who has been officially charged but not yet  
16                       convicted of a felony or a crime involving moral turpitude or immorality. **If**  
17                       **the charge is dismissed or if the employee is found not guilty, the**  
18                       **employee must be reinstated with back pay, plus interest, and normal**  
19                       **seniority.** The superintendent shall notify the employee in writing of the  
20                       suspension. Within 10 days after the date on which the employee receives  
21                       such notice, the superintendent shall provide the employee with the  
22                       opportunity for an informal hearing to address the circumstances relating to  
23                       the charges and any other circumstances relating to the suspension. The  
24                       superintendent shall issue a written decision concerning the continuation of  
25                       the suspension based on the information presented at the hearing. The  
26                       employee is entitled to continue to receive his or her salary and other  
27                       benefits after the suspension becomes effective until the date on which the  
28                       superintendent issues the written decision. The superintendent may  
                     recommend that an employee who has been charged with a felony or a  
                     crime involving immorality be dismissed for another ground set forth in NRS  
                     391.750.

26          NRS 391.760(2) (emphasis added).

27          The criminal charges against Edlund have been dismissed. Therefore, NRS  
28          391.760(2) requires that he is entitled to back pay.

Additionally, Section 3 of the same statute provides that, “[i]f sufficient grounds for dismissal are not found to exist at the conclusion of the proceedings conducted pursuant to subsection 1 or 2, the employee must be reinstated with full compensation, plus interest.” NRS 391.760(3) (emphasis added). Arbitrator Harris found that WCSD lacked just cause to terminate Edlund. Therefore, NRS 391.760(3) also requires Edlund to be entitled to back pay.

The record makes clear that Arbitrator Harris was aware of the requirement under Nevada law that a teacher be awarded back pay if fired without just cause – but simply disregarded the law. Arbitrator Harris’ award includes an extensive discussion of Arbitrator Crost’s prior award in this case, which Arbitrator Harris received into evidence, and which contains a discussion of the statutory requirement for and an award of backpay in favor of Mr. Edlund. Harris Award 8-9. The Court finds that Arbitrator Harris manifestly disregarded the law when she decided that Edlund was not entitled to back pay because she ignored and paid no attention to the applicable standard for determining whether back pay is required.

Accordingly, IT IS HEREBY ORDERED that the Motion is GRANTED.

IT IS FURTHER ORDERED that the Arbitration Award awarded by Arbitrator Harris is hereby MODIFIED as follows: (1) Arbitrator Harris' determination that Mr. Edlund acted with "recklessness" is reversed; and (2) WCSD shall make Mr. Edlund whole for all applicable lost earnings, interest, and benefits according to the terms of NRS 391.760.

**IT IS SO ORDERED.**

Dated: October 6, 2021

By: Kathleen A. Sigurdson  
DISTRICT COURT JUDGE



1 **CERTIFICATE OF SERVICE**

2 CASE NO.: CV19-02058

3 I certify that I am an employee of the SECOND JUDICIAL DISTRICT COURT  
4 OF THE STATE OF NEVADA, COUNTY OF WASHOE; that on the 6th day of October,  
5 2021, I electronically filed the foregoing **ORDER MODIFYING ARBITRATOR'S**  
6 **AWARD** with the Clerk of the Court by using the ECF system.

7 I further certify that I transmitted a true and correct copy of the foregoing  
8 document by the method(s) noted below:

9  
10 **Electronically filed with the Clerk of the Court by using the ECF system which will**  
11 **send a notice of electronic filing to the following:**

- 12 • LUKE BUSBY, ESQ. for CAIDYN EDLUND  
13 • CHRISTOPHER REICH, ESQ. for WASHOE COUNTY SCHOOL DISTRICT  
14

15 **Deposited in the Washoe County mailing system for postage and mailing with the**  
16 **United States Postal Service in Reno, Nevada: [NONE]**

17  
18 /s/ Michael Decker  
19 JUDICIAL ASSISTANT  
20  
21  
22  
23  
24  
25  
26

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7 *Attorney for the Plaintiffs*

8  
9 **IN THE SECOND JUDICIAL DISTRICT COURT IN THE STATE OF NEVADA,**  
10 **IN AND FOR WASHOE COUNTY**

11 \* \* \*

12 WASHOE EDUCATION ASSOCIATION  
13 and CAIDYN EDLUND,

Case No.: CV19-02058

14 Petitioners,

15 vs.

Dept. No.: 10

16 WASHOE COUNTY SCHOOL DISTRICT,  
17 a political subdivision of the State of Nevada;

18 Respondent.  
19 \_\_\_\_\_/

20 **NOTICE OF ENTRY OF ORDER**

21 **To Respondent:**

22 Please take notice that on October 6, 2021 the Court entered an Order in the  
23 above captioned matter, a true and correct copy of which is attached hereto as  
24 Exhibit 1.

25 **DATED** this Wednesday, October 6, 2021

26 By: \_\_\_\_\_

*Luke A. Busby*

27 Luke Busby, Esq.  
28 Nevada State Bar No. 10319  
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## Exhibit List

### 1. Order

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**CERTIFICATE OF SERVICE**

Pursuant to NRCP 5(b), I certify that on the date shown below, I caused service to be completed of a true and correct copy of the foregoing document by:

- \_\_\_\_\_ personally delivering;
- \_\_\_\_\_ delivery via Reno/Carson Messenger Service;
- \_\_\_\_\_ sending via Federal Express (or other overnight delivery service);
- \_\_\_\_\_ depositing for mailing in the U.S. mail, with sufficient postage affixed thereto; or,
- X   delivery via electronic means (fax, eflex, NEF, etc.) to:

Christopher Reich, Esq.  
Office of the General Counsel  
425 East Ninth Street  
Reno, NV 89512  
[creich@washoeschools.net](mailto:creich@washoeschools.net)

Thomas J. Donaldson, Esq.  
Jessica C. Prunty, Esq.  
Dyer Lawrence LLP  
2805 Mountain Street  
Carson City, Nevada 89703  
Attorney for WEA

By:   
Luke Busby

Dated: October 6, 2021

FILED  
Electronically  
CV19-02058  
2021-10-06 03:59:07 PM  
Alicia L. Lerud  
Clerk of the Court  
Transaction # 19684815

Exhibit 1

Exhibit 1

1 LUKE A. BUSBY, ESQ  
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7 *Attorney for the Plaintiffs*

8  
9 **IN THE SECOND JUDICIAL DISTRICT COURT IN THE STATE OF NEVADA,**  
10 **IN AND FOR WASHOE COUNTY**

11 \* \* \*

12 WASHOE EDUCATION ASSOCIATION  
13 and CAIDYN EDLUND,

Case No.: CV19-02058

Petitioners,

14 vs.

Dept. No.: 10

15 WASHOE COUNTY SCHOOL DISTRICT,  
16 a political subdivision of the State of Nevada;

17 Respondent.  
18 \_\_\_\_\_/

19 **ORDER MODIFYING ARBITRATOR'S AWARD**

20 Before the Court is the December 2, 2020 Motion to Vacate, or In the  
21 Alternative, Modify Arbitrator's Opinion and Award dated November 5, 2020 filed by  
22 Petitioner CAIDYN EDLUND ("Mr. Edlund") in this matter involving Mr. Edlund's  
23 dispute with the WASHOE COUNTY SCHOOL DISTRICT, a political subdivision of  
24 the State of Nevada ("WCSD").

25 **Background**

26 Mr. Edlund is a Special Education teacher who started with WCSD in 2014,  
27 after teaching for the Clark County School District for five (5) years. Since the 2015-  
28 16 school year, Mr. Edlund had been teaching in the Comprehensive Life Skills (CLS)  
classroom at Galena High School (GHS). Before the incident at issue in this case,  
Edlund's overall teaching performance has always been "effective," i.e., satisfactory,  
over the course of his employment with WCSD.

1 This matter arose as a result of Mr. Edlund leaving a gym bag containing a  
2 pistol in the locked cab of his pickup truck parked in the GHS faculty parking lot on  
3 May 10, 2018. Mr. Edlund legally purchased the pistol and possesses a valid Nevada  
4 Concealed Firearm Permit. District Police Officers searched Mr. Edlund's truck after  
5 a K-9 "hit" on Mr. Edlund's truck, and discovered white pills, which the officers believed  
6 was meth, and Mr. Edlund's pistol. Mr. Edlund told the Officers on scene that the  
7 capsules were "Beano." The Officers arrested Mr. Edlund and charged him with  
8 possession of a controlled substance (a felony) and possessing a dangerous weapon  
9 on school property (a gross misdemeanor). Although the Officers found that the white  
10 capsules found in Mr. Edlund's truck field-tested "presumptive positive" for meth, the  
11 Washoe County Sheriff's Office Forensic Lab subsequently confirmed that the  
12 capsules contained no controlled substances. In light of the negative lab report, the  
13 controlled substance charge was dismissed.

14 On September 28, 2018, the District conducted an Investigatory/Due Process  
15 ("IDP") meeting regarding the incident on May 10, 2018. Mr. Edlund confirmed that he  
16 possesses a valid Nevada Concealed Firearm Permit and explained that he  
17 inadvertently left the pistol in his gym bag the night before and left the gym bag in his  
18 locked truck in the GHS staff parking lot. By a letter dated October 23, 2018, former  
19 GHS Principal Brown notified Mr. Edlund that he was recommending Mr. Edlund's  
20 dismissal based solely upon the incident on May 10, 2018, and Mr. Edlund's alleged  
21 violations of NRS 202.265 and District Regulation 4675. Mr. Edlund received his  
22 monthly pay from May 10, 2018, through October 23, 2018 due to his status on  
23 Administrative Leave With Pay.

24 On August 7, 2019, Mr. Edlund entered a plea deal to the possessing a  
25 dangerous weapon on school property charge. The plea deal provided in part that if  
26 Mr. Edlund obeyed all laws for a six-month period, the state would not oppose his  
27 withdrawing his plea would dismiss the charge against him. Mr. Edlund met the  
28 requirements of the plea deal, the charges against him were dismissed on March 2,

1 2020. On July 2, 2020 Judge Hardy in Department 15 of this Court, issued an Order  
2 which sealed the records from Mr. Edlund's criminal case and further ordered that all  
3 proceedings recounted in the sealed records are deemed never to have occurred and  
4 that Mr. Edlund may properly answer accordingly to any inquiry concerning the sealed  
5 arrest, conviction, acquittal, or dismissal.

6 After Mr. Edlund received notice of termination, through counsel provided  
7 by the Washoe Education Association ("WEA"), he filed a grievance in accordance  
8 with Article 12 (grievance procedure) and 32 (due process) of the 2015-2019  
9 Collective Bargaining Agreement ("CBA") between the Association and WCSD  
10 challenging the dismissal recommendation.

11 The matter was submitted to Arbitrator Paul Cross, Esq. Arbitrator Crost  
12 conducted an arbitration on August 20, 2019, in Washoe County. On or about October  
13 1, 2019, Arbitrator Crost issued his Award. Arbitrator Crost concluded that WCSD did  
14 not have just cause to dismiss Mr. Edlund, ordered that WCSD reinstate Mr. Edlund  
15 to his former position without loss of seniority or accrued benefits, and ordered that  
16 WCSD make Mr. Edlund whole for all lost earnings, interest, and benefits.

17 On November 8, 2019, WCSD filed a Motion to Vacate Arbitrator's Crost's  
18 Award, arguing that the award was arbitrary and capricious because the arbitrator  
19 ignored the facts and the law and refused to apply the "reckless" standard to evaluate  
20 Mr. Edlund's conduct provided in NRS 391.750(4). On March 31, 2020, this Court  
21 issued an Order Vacating the Arbitrator's Award and Remanding for a new Hearing  
22 on the grounds sought by WCSD. This Court found that Arbitrator Crost disregarded  
23 Mr. Edlund's guilty plea, and that such a plea could constitute just cause for his  
24 dismissal, and for this reason the award was arbitrary and capricious.

25 Following this Court's March 31, 2020 Order, the parties selected a new  
26 arbitrator, Catherine Harris, and conducted a second proceeding on August 20, 2020.  
27 On or about November 5, 2020, Arbitrator Harris issued her Opinion and Award.  
28 Arbitrator Harris determined, as did Arbitrator Crost, that WCSD lacked just cause to



1 terminate Mr. Edlund and that Mr. Edlund should be reinstated. However, Arbitrator  
2 Harris' Order ruled that Mr. Edlund acted "recklessly" in leaving the pistol in his vehicle,  
3 Mr. Edlund is not entitled to an award of backpay, Mr. Edlund's reinstatement is  
4 conditioned upon written consent to random searches of his vehicle when parked on  
5 District property for one year from the date of his reinstatement.

6 On April 13, 2021, this Court held a hearing on the Petition and heard argument  
7 from the parties.

8 On April 23, 2021, this Court issued an Order dismissing WEA from these  
9 proceedings based upon a stipulation of the parties.

10 On September 8, 2021, Edlund filed an addendum to his Petition informing the  
11 Court that he had obtained employment with the Storey County School District in  
12 August of 2021. As such, a determination from the Court on the issue of whether Mr.  
13 Edlund should be subjected to random searches as ordered by Arbitrator Harris as a  
14 condition for reinstatement is moot.

### 15 **Standard of Review**

16 "The party seeking to attack the validity of an arbitration award has the burden  
17 of proving, by clear and convincing evidence, the statutory or common-law ground  
18 relied upon for challenging an award." *Health Plan of Nev., Inc. v. Rainbow Med., LLC*,  
19 120 Nev. 689, 695, 100 P.3d 172, 176 (Nev. 2004). In 2017, the Nevada Supreme  
20 Court considered the common-law grounds recognized in Nevada and stated:

21  
22 "There are two common-law grounds recognized in Nevada under which  
23 a court may review private binding arbitration awards: (1) whether the  
24 award is arbitrary, capricious, or unsupported by the agreement; and (2)  
25 whether the arbitrator manifestly disregarded the law." *Clark Cty. Educ.*  
26 *Ass'n v. Clark Cty. Sch. Dist.*, 122 Nev. 337, 341, 131 P.3d 5, 8 (2006).  
In particular, "the former standard ensures that the arbitrator does not  
disregard the facts or the terms of the arbitration agreement," while "the  
latter standard ensures that the arbitrator recognizes applicable law." *Id.*

27 *Washoe County School District v. White*, 133 Nev. 301, 306, 396 P.3d 834, 839 (Nev.  
28 2017).

**Arbitrator Harris' finding that Mr. Edlund was reckless was arbitrary and capricious**

"The arbitrary-and-capricious standard does not permit a reviewing court to vacate an arbitrator's award based on a misinterpretation of the law." *Clark Cty. Educ. Ass'n*, 122 Nev. at 343–44, 131 P.3d at 9. Instead, a court's review of the arbitrary and capricious standard is "limited to whether the arbitrator's findings are supported by substantial evidence in the record." *Id.* at 344, 131 P.3d at 9–10.

The Court finds that Edlund has shown by clear and convincing evidence that Arbitrator Harris's finding that Edlund acted recklessly is not supported by substantial evidence in the record. Rather, this finding is contradicted by the substantial evidence based on the findings by Arbitrator Harris. "Reckless" is not statutorily defined, but Black's Law Dictionary provides the following definition: "Characterized by the creation of a substantial and unjustifiable risk of harm to others and by a conscious (and sometimes deliberate) disregard for or indifference to that risk." The record does not show that Edlund had a conscious disregard because he left the gun in his car inadvertently. No evidence in the record indicates that Edlund knew the gun was left in his car. Arbitrator Harris stated that she "credits [Edlund's] testimony that bringing the gun to school was a mistake that occurred when he threw his gym bag into his vehicle on the way to school and that he did not make a considered decision to bring his weapon onto school property." See Harris Award 15:8-10. Additionally, Harris found that "[n]o evidence has been presented at any stage of this dispute that supports the conclusion that [Edlund] made a considered decision to bring a handgun to work with him on the day in question." Harris Award 7:14.

While negligent, there is no evidence that Mr. Edlund's conduct rises to the level of recklessness. Because Arbitrator Harris's finding of recklessness is not supported by substantial evidence in the record, the finding was arbitrary and capricious.

1           **Arbitrator Harris' finding that no back pay should be awarded constitutes**  
2 **a manifest disregard for the law**

3           "[J]udicial inquiry under the manifest-disregard-of-the-law standard is extremely  
4 limited. A party seeking to vacate an arbitration award based on manifest disregard of  
5 the law may not merely object to the results of the arbitration." *Clark Cty. Educ. Ass'n*,  
6 122 Nev. at 342, 131 P.3d at 8 (internal quotation marks and citation omitted). "[T]he  
7 issue is not whether the arbitrator correctly interpreted the law, but whether the  
8 arbitrator, knowing the law and recognizing that the law required a particular result,  
9 simply disregarded the law." *Id.* (internal quotation marks omitted); see also *Health*  
10 *Plan of Nev., Inc.*, 120 Nev. at 699, 100 P.3d at 179 (stating that manifest disregard  
11 of the law requires a "conscious disregard of applicable law").

12           NRS 391.760 governs the suspension and reinstatement of licensed  
13 employees. Section 2 of the statute provides as follows:

14           Notwithstanding the provisions of NRS 391.750, a superintendent may  
15 suspend a licensed employee who has been officially charged but not yet  
16 convicted of a felony or a crime involving moral turpitude or immorality. **If**  
17 **the charge is dismissed or if the employee is found not guilty, the**  
18 **employee must be reinstated with back pay, plus interest, and normal**  
19 **seniority.** The superintendent shall notify the employee in writing of the  
20 suspension. Within 10 days after the date on which the employee receives  
21 such notice, the superintendent shall provide the employee with the  
22 opportunity for an informal hearing to address the circumstances relating to  
23 the charges and any other circumstances relating to the suspension. The  
24 superintendent shall issue a written decision concerning the continuation of  
25 the suspension based on the information presented at the hearing. The  
26 employee is entitled to continue to receive his or her salary and other  
27 benefits after the suspension becomes effective until the date on which the  
28 superintendent issues the written decision. The superintendent may  
recommend that an employee who has been charged with a felony or a  
crime involving immorality be dismissed for another ground set forth in NRS  
391.750.

26 NRS 391.760(2) (emphasis added).

27           The criminal charges against Edlund have been dismissed. Therefore, NRS  
28 391.760(2) requires that he is entitled to back pay.

1           Additionally, Section 3 of the same statute provides that, “[i]f sufficient grounds  
2 for dismissal are not found to exist at the conclusion of the proceedings conducted  
3 pursuant to subsection 1 or 2, the employee must be reinstated with full  
4 compensation, plus interest.” NRS 391.760(3) (emphasis added). Arbitrator Harris  
5 found that WCSD lacked just cause to terminate Edlund. Therefore, NRS 391.760(3)  
6 also requires Edlund to be entitled to back pay.

7           The record makes clear that Arbitrator Harris was aware of the requirement  
8 under Nevada law that a teacher be awarded back pay if fired without just cause – but  
9 simply disregarded the law. Arbitrator Harris’ award includes an extensive discussion  
10 of Arbitrator Crost’s prior award in this case, which Arbitrator Harris received into  
11 evidence, and which contains a discussion of the statutory requirement for and an  
12 award of backpay in favor of Mr. Edlund. Harris Award 8-9. The Court finds that  
13 Arbitrator Harris manifestly disregarded the law when she decided that Edlund was  
14 not entitled to back pay because she ignored and paid no attention to the applicable  
15 standard for determining whether back pay is required.

16           Accordingly, IT IS HEREBY ORDERED that the Motion is GRANTED.

17           IT IS FURTHER ORDERED that the Arbitration Award awarded by Arbitrator  
18 Harris is hereby MODIFIED as follows: (1) Arbitrator Harris’ determination that Mr. Edlund  
19 acted with “recklessness” is reversed; and (2) WCSD shall make Mr. Edlund whole for  
20 all applicable lost earnings, interest, and benefits according to the terms of NRS  
21 391.760.

22                           **IT IS SO ORDERED.**

23  
24  
25                           Dated: October 6, 2021

26                           By: Kathleen A. Sigurdson  
27   DISTRICT COURT JUDGE  
28

1 **CERTIFICATE OF SERVICE**

2 CASE NO.: CV19-02058

3 I certify that I am an employee of the SECOND JUDICIAL DISTRICT COURT  
4 OF THE STATE OF NEVADA, COUNTY OF WASHOE; that on the 6th day of October,  
5 2021, I electronically filed the foregoing **ORDER MODIFYING ARBITRATOR'S**  
6 **AWARD** with the Clerk of the Court by using the ECF system.

7 I further certify that I transmitted a true and correct copy of the foregoing  
8 document by the method(s) noted below:

9  
10 **Electronically filed with the Clerk of the Court by using the ECF system which will**  
11 **send a notice of electronic filing to the following:**

- 12 • LUKE BUSBY, ESQ. for CAIDYN EDLUND  
13 • CHRISTOPHER REICH, ESQ. for WASHOE COUNTY SCHOOL DISTRICT  
14

15 **Deposited in the Washoe County mailing system for postage and mailing with the**  
16 **United States Postal Service in Reno, Nevada: [NONE]**

17  
18 /s/ Michael Decker  
19 JUDICIAL ASSISTANT  
20  
21  
22  
23  
24  
25  
26

CASE NO. CV19-02058      **WASHOE EDUCATION ASSOCIATION ETAL VS. WCSD**

DATE, JUDGE  
OFFICERS OF  
COURT PRESENT

APPEARANCES-HEARING

---

2/7/2020  
HONORABLE  
ELLIOTT A.  
SATTLER  
DEPT. NO. 10  
M. Merkouris  
(Clerk)  
C. Hummel  
(Reporter)

**ORAL ARGUMENTS**

2:00 p.m. – Court convened.

Petitioner Caidyn Edlund was present with counsel, Thomas Donaldson, Esq. Washoe Education Association Representative Arthur Huron was present in the gallery.

Christopher Reich, Esq., was present on behalf of Respondent Washoe County School District. WCSD Labor Relations Specialist Anthony Spotts was present with counsel Reich.

**COURT** reviewed the procedural history of the case, noting that this hearing was set to address the Petition to Confirm Arbitrator's Award, filed by the Petitioners on October 22, 2019 (Petition to Confirm), as well as the Motion to Vacate Arbitrator's Award, filed by the Respondent on November 8, 2019 (Motion to Vacate).

Counsel Reich presented argument in support of the Motion to Vacate, and in opposition of the Petition to Confirm.

**COURT** reviewed NRS 38.241 with respective counsel; and he further reviewed his options in this matter, noting that in all candor with the parties, Mr. Crost could have written a better order, however he does not know at this time whether or not it rises to the level of vacating the award, and perhaps the matter could be remanded for a clarifying order.

Counsel Reich responded to the Court.

Counsel Donaldson responded; and he further argued in opposition to the Motion to Vacate, and in support of the Petition to Confirm.

Counsel Reich replied; and he further argued in support of the Motion to Vacate, and in opposition of the Petition to Confirm.

**COURT ORDERED:** Matters taken under advisement.

3:05 p.m. – Court adjourned.

CASE NO. CV19-02058

**WASHOE ED. ASSOC. ETAL VS. WCSO**

**DATE, JUDGE  
OFFICERS OF  
COURT PRESENT**

4/13/2021  
HONORABLE  
KATHLEEN  
SIGURDSON  
DEPT. NO.10  
S. Higginbotham  
(Clerk)  
L.Shaw  
(Reporter)

**APPEARANCES-HEARING**

**CONT'D TO**

**HEARING ON MOTION FOR SUMMARY JUDGEMENT**

Petitioner, Caidyn Edlund, was being represented by counsel Luke Busby, Esq. Respondent, Washoe County School District, was being represented by Deputy Chief Counsel Christopher Reich, Esq. Anthony Reich, Labor Relations Specialist with the Washoe County School District also stood in attendance.

This hearing was held remotely because of the closure of the courthouse at 75 Court Street in Reno, Washoe County, Nevada due to the National and Local emergency caused by COVID-19. The Court and all the participants appeared via simultaneous audiovisual transmission. The Court was physically located in Reno, Washoe County, Nevada which was the site of the court session. Counsel acknowledged receipt of Notice that the hearing was taking place pursuant to Nevada Supreme Court Rules- Part 9 relating to simultaneous audiovisual transmissions and all counsel stated they had no objection to going forward in this manner.

Counsel Busby did a screen share and provided historical background of this case with the use of power point presentation.

The Court addressed Mr. Busby with follow up questions.

Deputy Chief Reich presented counterargument.

The Court asked follow-up question.

Counsel Busby and Reich both re-addressed the Court and provided additional argument.

**COURT ORDERED** Matter taken under submission.

Further, Counsel Busby is to file in his PowerPoint presentation used in today's hearing into this case.

Court recessed.

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CASE NO. CV19-02246 **WASHOE ED. ASSOC. ETAL VS. WCSO**

**DATE, JUDGE  
OFFICERS OF**

**COURT PRESENT**

**APPEARANCES-HEARING**

**CONT'D TO**

9/28/2021

**HEARING ON MOTION TO DISQUALIFY COUNSEL**

HONORABLE

Petitioner, Caidyn Edlund, was being represented by counsel Luke Busby,

KATHLEEN

Esq. Respondent, Washoe County School District, was being represented

SIGURDSON

by Deputy Chief Counsel Christopher Reich, Esq.

DEPT. NO.10

S.Higginbotham

This hearing was held remotely because of the closure of the courthouse at 75 Court Street in Reno, Washoe County, Nevada due to the National and Local emergency caused by COVID-19. The Court and all the participants appeared via simultaneous audiovisual transmission. The Court was physically located in Reno, Washoe County, Nevada which was the site of the court session. Counsel acknowledged receipt of Notice that the hearing was taking place pursuant to Nevada Supreme Court Rules- Part 9 relating to simultaneous audiovisual transmissions and all counsel stated they had no objection to going forward in this manner.

(Clerk)

Amy Trevino

(Reporter)

Counsel Busby provided update to the Petition submitted to the Court and provided a change in circumstance related to the Petition stating an addendum was filed on 9/8/2021 and that changes the issues to be determined by the Court, seeking back-pay and finding that he acted recklessly be overturned; noting the Petitioner now has a new job outside of the Washoe School District and would no longer be subject to random search and seizure.

Deputy Chief Reich had nothing further to add.

**COURT ORDERED** that Counsel Busby submit a proposed order with the three points outlined; Overruling the Arbitrator and granting back pay, Finding the Petitioner did not act reckless, and that the random search of his automobile will no longer be appropriate as he will no longer be employed by Washoe County School District.

Counsel Reich raised question to the Court issuing an Order at this time. The Court responded.

Court recessed.

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Code 1350

IN THE SECOND JUDICIAL DISTRICT COURT OF THE STATE OF NEVADA  
IN AND FOR THE COUNTY OF WASHOE

**WASHOE EDUCATION ASSOCIATION and  
CAIDYN EDLUND,**

**Case No. CV19-02058**

**Petitioners,**

**vs.**

**Dept. No. 10**

**WASHOE COUNTY SCHOOL DISTRICT, a  
political subdivision of the State of Nevada,**

**Respondent.**

**CERTIFICATE OF CLERK AND TRANSMITTAL – NOTICE OF APPEAL**

I certify that I am an employee of the Second Judicial District Court of the State of Nevada, County of Washoe; that on the 27th day of October, 2021, I electronically filed the Notice of Appeal in the above entitled matter to the Nevada Supreme Court.

I further certify that the transmitted record is a true and correct copy of the original pleadings on file with the Second Judicial District Court.

Dated this 27th day of October, 2021.

Alicia L. Lerud  
Clerk of the Court  
By /s/Y.Viloria  
Y.Viloria  
Deputy Clerk