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Rowe filed an opposition to the motion to dismiss, a counter motion to amend, and this motion to stay in one document in violation of LR IC 2-2(b) which requires a separate document to be filed for each type of relief requested. The motion to stay was automatically referred to the undersigned. The motion to dismiss and counter motion to amend will be decided by the district judge.

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Rowe asks that to the extent the court finds all or a portion of his claims against CCEA
fall within the exclusive jurisdiction of the Management Relations Board (EMRB) the court
should stay proceedings against CCEA in this case to allow him to bring his claims before the
EMRB He argues a stay would avoid wasteful pretrial proceedings. He acknowledges that NRS
288.110(4) establishes a 6 month statute of limitations to bring EMRB claims but asserts that the
statute of limitations was equitably tolled by filing an original complaint on April 13, 2015.

12 CCEA opposes the motion to stay asserting that an EMRB claim must be brought within 6 months of when an aggrieved party becomes aware that a prohibited practice has taken place. 13 The face of Rowe's amended complaint establishes that the Clark County School District 14 15 notified Rowe that it was recommending dismissal approximately 27 months before he filed the complaint and the 6 months statute of limitations expired long before he filed the original 16 complaint. Additionally, CCEA argues Nevada has never recognized equitable tolling when a 17 18 plaintiff timely asserts a claim in the wrong forum, and that Nevada only permits equitable 19 tolling when a defendant is not prejudiced and the interests of justice require it. Alternatively, 20 CCEA contends that even if the court considered Rowe's equitable tolling arguments, because 21 the dismissal arbitration was held November 2, 2014 and plaintiff's complaint was not filed until April 13, 2015 Rowe did not timely assert his rights in the wrong forum. 22

The court finds a stay for the purpose of allowing Rowe to assert his claims to the ERMB would be futile. Pursuant to NRS 288.110(4) the EMRB "may not consider any complaint or appeal brought more than 6 months after the occurrence which is the subject of the complaint or appeal." From the face of his complaint Rowe claims CCEA was obligated to grieve CCSD's decision to institute and carry out his termination. The 6 months statute of limitations for bringing his claims before the EMRB expired long before he filed the complaint. The complaint

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 charges were dismissed CCSD was required to reinstate him with back pay no later than June 2014, but was not. Additionally a stay would unnecessarily delay adjudication of any of parties' disputes which remain after pending dispositive motions are decided. IT IS ORDERED that Plaintiff's Countermotions to Stay Proceedings against Defer Clark County Education Association (ECF No.31) is DENIED. DATED this 6th day of July, 2016. 	ninal		
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