

IN THE SUPREME COURT OF THE STATE OF NEVADA

CITY OF NORTH LAS VEGAS AND
NORTH LAS VEGAS POLICE
DEPARTMENT,
Appellants,
vs.
THE LOCAL GOVERNMENT
EMPLOYEE-MANAGEMENT
RELATIONS BOARD; TIMOTHY
FRABBIELE; MARK ANTHONY
BOYKIN; AND NICHOLE D. WILSON,
Respondents.

No. 52833

FILED

MAR 03 2010

TRACIE K. LINDEMAN
CLERK OF SUPREME COURT
BY 
DEPUTY CLERK

ORDER OF AFFIRMANCE

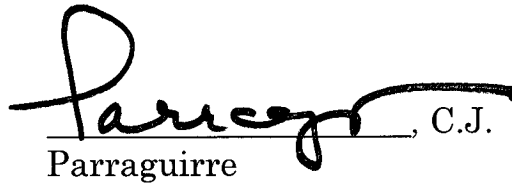
This is an appeal from a district court order denying petitions for judicial review and declaratory relief in an employment action. Eighth Judicial District Court, Clark County; David Wall, Judge.

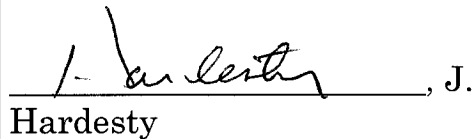
This court has long held that a party must exhaust all “available administrative remedies before initiating a lawsuit, and failure to do so renders the controversy nonjusticiable.” Allstate Ins. Co. v. Thorpe, 123 Nev. 565, 571, 170 P.3d 989, 993 (2007). Appellants City of North Las Vegas and North Las Vegas Police Department failed to exhaust their administrative remedies before filing this appeal. We agree with the district court that it is premature for judicial intervention because the underlying matters in this case are still pending before

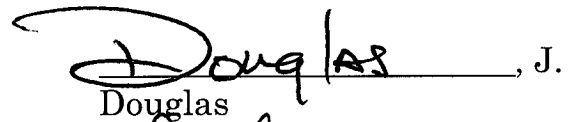


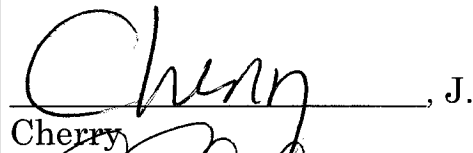
respondent Local Government Employee-Management Relations Board (EMRB).¹ Therefore, we

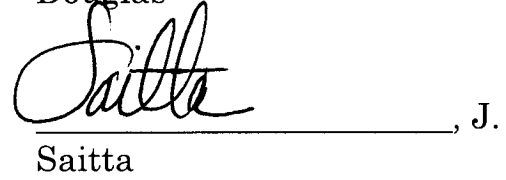
ORDER the judgment of the district court AFFIRMED.

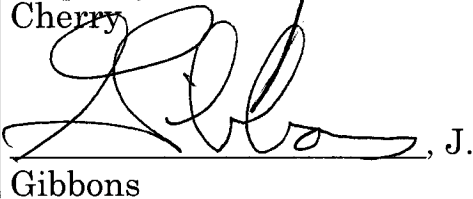
 , C.J.
Parraguirre

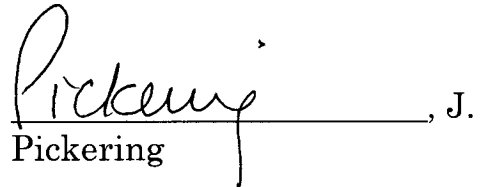
 , J.
Hardesty

 , J.
Douglas

 , J.
Cherry

 , J.
Saitta

 , J.
Gibbons

 , J.
Pickering

cc: Hon. David Wall, District Judge
Lionel Sawyer & Collins/Las Vegas
Attorney General/Las Vegas
Law Office of Daniel Marks
Eighth District Court Clerk

¹We note that on February 1, 2010, the EMRB filed a notice that it had made a determination as to the matter involving Timothy Frabbiele. However, action taken after the district court entered its order denying judicial review is not pertinent to our review of that decision. See Carson Ready Mix v. First Nat'l Bk., 97 Nev. 474, 635 P.2d 276 (1981) (this court's review on appeal is limited to the record made in and considered by the district court).