

SUPREME COURT OF NEVADA

UMC Physicians' Bargaining Unit of Nevada Service Employees Union v. Nevada Service Employees Union

UMC Physicians' Bargaining Unit · No. 80817 · Decided September 16, 2021

SUMMARY

This Nevada Supreme Court appeal arose from a dispute involving the UMC Physicians' Bargaining Unit, Nevada Service Employees Union, SEIU Local 1107, and University Medical Center of Southern Nevada. The court issued an order affirming in part, reversing in part, and remanding the matter to the district court for further proceedings. The appeal was closed after remittitur issued on October 11, 2021.

CASE DETAILS

COURT	Supreme Court of Nevada
WRITING FOR THE COURT	Mark Gibbons, Senior Justice
JURISDICTION	Nevada
DECIDED	September 16, 2021
DOCKET	80817
DISPOSITION	reversed_and_remanded
PROCEDURAL POSTURE	Civil appeal from a judgment of the Eighth Judicial District Court. Respondents moved to dismiss the appeal for lack of jurisdiction; the motion was denied without prejudice. After briefing, the Supreme Court of Nevada affirmed in part, reversed in part, and remanded.
PRECEDENTIAL VALUE	Published status is indicated by the supplied metadata, but the source text available here is a docket record and dispositional-order entry rather than the full opinion.
PARTIES	UMC Physicians' Bargaining Unit of Nevada Service Employees Union, SEIU Local 1107, AFL-CIO, CLC, Andrea Fong, Ardeshir Rohani, M.D., Bradley Walker, M.D., Deborah Boland, Deborah Goodwin, M.D., Edgar L. Cox, M.D., Ernesto Rubio, M.D., Estate of Sterling Tanner, M.D., George Oehlsen, Joel Canga, M.D., John Nepomuceno, M.D., Maria Martinez, M.D., Michael S. Tanner, Neil W. Goodsell, M.D., Ronald Taylor, M.D., Timothy Schraeder, M.D. v. Nevada Service Employees Union, SEIU Local 1107, AFL-CIO,

TOPICS

appellate procedure appellate jurisdiction labor law employment law civil procedure

PRACTICE AREAS

employment law labor law appellate procedure civil procedure

QUESTIONS PRESENTED

1. Whether the district court's judgment should be affirmed, reversed in part, or otherwise modified on appeal.
2. Whether the appeal was subject to dismissal for lack of appellate jurisdiction.

HOLDINGS

1. The Supreme Court of Nevada affirmed the district court's judgment in part, reversed it in part, and remanded the matter for further proceedings consistent with its order.
2. The court denied respondents' motion to dismiss for lack of jurisdiction, without prejudice to renewal after completion of settlement proceedings.

KEY QUOTATIONS

“ORDER the judgment of the district court AFFIRMED IN PART AND REVERSED IN PART AND REMAND this matter to the district court for proceedings consistent with this order.”

FACTUAL BACKGROUND

The source consists primarily of docket and case-management information and does not include the opinion's substantive factual discussion. The underlying dispute involved the UMC Physicians' Bargaining Unit of the Nevada Service Employees Union and related labor-union and medical-center parties.

PROCEDURAL HISTORY

The appeal was taken from the Clark County District Court, Eighth Judicial District, case A791104. Respondents moved to dismiss for lack of jurisdiction, but the Supreme Court denied that motion without prejudice and allowed the appeal to proceed through settlement and briefing. On September 16, 2021, the court affirmed in part, reversed in part, and remanded the matter; remittitur issued on October 11, 2021.

DISPOSITION

reversed_and_remanded

REMAND INSTRUCTIONS

Remand to the district court for proceedings consistent with the Supreme Court of Nevada's order.

OPINION

Umc Physicians' Bargaining Unit Of Nev. Serv. Employees Union Vs. Nev. Serv. Employees Union

PER CURIAM.

80817: Case View Nevada Appellate Courts Appellate Case Management System C-Track, the browser based CMS for Appellate Courts Case Search Participant Search Cases Case Search Participant Search 21-26887: This document is currently unavailable. If you need a copy of this document, please contact Clerk's Office at (775)684-1600. Disclaimer: The information and documents available here should not be relied upon as an official record of action.Only filed documents can be viewed. Some documents received in a case may not be available for viewing.Some documents originating from a lower court, including records and appendices, may not be available for viewing.For official records, please contact the Clerk of the Supreme Court of Nevada at (775) 684-1600. Case Information: 80817 Short Caption:UMC PHYSICIANS' BARGAINING UNIT OF NEV. SERV. EMPLOYEES UNION VS. NEV. SERV. EMPLOYEES UNIONCourt:Supreme Court Lower Court Case(s):Clark Co. - Eighth Judicial District - A791104Classification:Civil Appeal - General - Other Disqualifications:PickeringCase Status:Remittitur Issued/Case Closed Replacement:Panel Assigned: Panel To SP/Judge:03/18/2020 / Haberfeld, StephenSP Status:Completed Oral Argument:Oral Argument Location: Submission Date:How Submitted: + Party Information RoleParty NameRepresented By AppellantAndrea FongEsther Rodriguez (Rodriguez Law Offices, P.C.) AppellantArdeshir Rohani, M.D.Esther Rodriguez (Rodriguez Law Offices, P.C.) AppellantBradley Walker, M.D.Esther Rodriguez (Rodriguez Law Offices, P.C.) AppellantDeborah BolandEsther Rodriguez (Rodriguez Law Offices, P.C.) AppellantDeborah Goodwin, M.D.Esther Rodriguez (Rodriguez Law Offices, P.C.) AppellantEdgar L. Cox, M.D.Esther Rodriguez (Rodriguez Law Offices, P.C.) AppellantErnesto Rubio, M.D.Esther Rodriguez (Rodriguez Law Offices, P.C.) AppellantEstate of Sterling Tanner, M.D.Esther Rodriguez (Rodriguez Law Offices, P.C.) AppellantGeorge OehlsenEsther Rodriguez (Rodriguez Law Offices, P.C.) AppellantJoel Canga, M.D.Esther Rodriguez (Rodriguez Law Offices, P.C.) AppellantJohn Nepomuceno, M.D.Esther Rodriguez (Rodriguez Law Offices, P.C.) AppellantMaria Martinez, M.D.Esther Rodriguez (Rodriguez Law Offices, P.C.) AppellantMichael S. TannerEsther Rodriguez (Rodriguez Law Offices, P.C.) AppellantNeil W. Goodsell, M.D.Esther Rodriguez (Rodriguez Law Offices, P.C.) AppellantRonald Taylor, M.D.Esther Rodriguez (Rodriguez Law Offices, P.C.) AppellantTimothy Schraeder, M.D.Esther Rodriguez (Rodriguez Law Offices, P.C.) AppellantUMC Physicians' Bargaining Unit of Nevada Service Employees Union, SEIU Local 1107, AFL-CIO, CLCEsther Rodriguez (Rodriguez Law Offices, P.C.) RespondentNevada Service Employees Union, SEIULocal 1107, AFL-CIOPaul D. Cotsonis (The Urban Law Firm) Michael A. Urban (The Urban Law Firm) RespondentService Employees

International Union, AFL-CIO, CLC Jonathan M. Cohen (Rothner Segall & Greenstone) Evan L. James (Christensen James & Martin) Maria Keegan Myers (Rothner Segall & Greenstone) Respondent University Medical Center of Southern Nevada Jeffrey I. Pitegoff (Pitegoff Law Office)

Docket Entries	Date	Type	Description	Pending?
Document 03/17/2020	Filing Fee	Filing fee due for Appeal. Filing fee will be forwarded by the District Court. (SC) 03/17/2020	Notice of Appeal Documents	Filed
Notice of Appeal.	Appeal docketed in the Supreme Court this day. (Docketing statement mailed to counsel for appellant.)	(SC)20-10474	03/17/2020	Notice/Outgoing
Issued Notice of Referral to Settlement Program.	This appeal may be assigned to the settlement program. Timelines for requesting transcripts and filing briefs are stayed. (SC)20-10476	03/18/2020	Settlement Notice	Issued
Notice: Assignment to Settlement Program.	Issued Assignment Notice to NRAP 16 Settlement Program. Settlement Judge: Stephen E. Haberfeld. (SC)20-10658	03/20/2020	Notice/Incoming	Filed
Notice of Appearance (Michael Urban and Paul Cotsonis as counsel for Respondent Nevada Service Employees Union and Seiu Local 1107.)	(SC).20-11034	03/23/2020	Filing Fee	Filing Fee Paid. \$250.00 from Rodriguez Law Offices. Check no. 6865. (SC) 04/07/2020
Docketing Statement	Filed	Docketing Statement Civil Appeals. (SC).20-13174	04/07/2020	Docketing Statement
Filed	Docketing Statement Civil Appeals Cont...(SC).20-13179	04/08/2020	Notice/Outgoing	Issued
Notice to Provide Proof of Service on Settlement Judge. (Docketing Statement).	(SC).20-13250	04/08/2020	Docketing Statement	Filed
Certificate of Service of Docketing Statement on Settlement Judge. (SC).20-13379	04/09/2020	Motion	Filed	Respondents' Motion to Dismiss Appeal. (SC)20-13617
04/14/2020	Settlement Program Report	Filed	ECAR/Appropriate for Settlement Program.	This case is appropriate for mediation and a settlement conference is scheduled for August 9, 2020, at 10:30 AM. (SC)20-14096
04/16/2020	Motion	Filed	Appellant's Response to Motion to Dismiss Appeal. (SC).20-14613	04/16/2020
Notice/Outgoing	Issued	Notice to Provide Proof of Service on Settlement Judge (Appellant's Response to Motion to Dismiss Appeal). (SC).20-14651	04/16/2020	Motion
Filed	Certificate of Service of Response to Motion to Dismiss Appeal (Settlement Judge). (SC)20-14659	04/20/2020	Settlement Program Report	Filed
Amended ECAR/Appropriate for Settlement Program.	This case is appropriate for mediation and a settlement conference is scheduled for August 20, 2020, at 10:30 AM. (SC)20-14956	04/21/2020	Motion	Filed
Respondents' Reply in Support of Motion to Dismiss Appeal. (SC)20-15046	04/28/2020	Settlement Order/Procedural	Filed	Order Denying Motion. On April 9, 2020, respondents filed a motion requesting this court to dismiss this appeal for lack of jurisdiction. Appellants oppose the motion. We deny the motion. This denial is without prejudice to respondents' right to renew the motion, if necessary, upon completion of settlement proceedings. (SC).20-16023
06/02/2020	Notice of Appeal Documents	Filed	Notice of Appeal/Amended/Supplemental. (SC)20-20732	06/02/2020
Other	Chief Justice Kristina Pickering disqualified from participation in this matter. (SC) 09/10/2020	Settlement Program Report	Filed	Interim Settlement Program Report. Based on the Settlement Conference, and subsequent

communications with counsel, the Settlement Judge intends to remain in contact with, and available to, counsel to see whether further settlement efforts might lead to a reasonable prospect for a possible partial settlement in this matter. Accordingly, a 30-day extension of time is requested to file a final report - up to and including October 14, 2020. (SC)20-33390 09/17/2020Settlement Order/ProceduralFiled Order Granting Extension of Time for Status Report. The time for filing a Final Settlement Conference Status Report is extended to October 14, 2020. (SC)20-34276 10/14/2020Settlement Program ReportFiled Interim Settlement Program Report. The settlement judge recommends that the Court extend the date for the filing of a final report in this matter for an additional 30 days, to and including November 13, 2020. (SC).20-37666 10/15/2020Settlement Order/ProceduralFiled Order Granting Extension of Time for Status Report. The time for filing a Final Settlement Conference Status Report is extended to November 13, 2020. (SC)20-37868 11/12/2020Settlement Program ReportFiled Final Report/No Settlement. The parties were unable to agree to a settlement of this matter. (SC)20-41381 11/17/2020Settlement Order/ProceduralFiled Order: No Settlement/Briefing Reinstated. The parties were unable to agree to a settlement. Appellant(s): 14 days transcript request; 90 days opening brief and appendix. (SC)20-41806 12/01/2020Transcript RequestFiled Certificate of No Transcript Request. (SC)20-43466 12/21/2020Notice of Appeal DocumentsFiled Notice of Appeal/Amended/Supplemental. (Second Amended NOA) (SC)20-46023 02/09/2021MotionFiled Stipulation for Extension of Time to File Opening Brief (First Request). (SC)21-03884 02/09/2021Notice/OutgoingIssued Notice Motion/Stipulation Approved. Appellants' Opening Brief due: March 17, 2021. (SC)21-03897 03/17/2021BriefFiled Appellants' Opening Brief (REJECTED PER NOTICE ISSUED 03/18/21). (SC) 03/17/2021AppendixFiled Appendix to Appellants' Opening Brief Volume IV of V. (SC)21-07779 03/18/2021Notice/OutgoingIssued Notice of Deficient Brief. Corrected brief due: 5 days.21-07812 03/18/2021BriefFiled Appellants' Opening Brief. (SC)21-07873 03/18/2021AppendixFiled Appellants' Appendix. Vol. 1. (SC)21-07875 03/18/2021AppendixFiled Appellants' Appendix. Vol. 2. (SC)21-07877 03/18/2021AppendixFiled Appellants' Appendix. Vol. 3. (SC)21-07881 03/18/2021AppendixFiled Appellants' Appendix. Vol. 4. (SC)21-07883 03/18/2021AppendixFiled Appellants' Appendix. Vol. 5. (SC)21-07884 03/23/2021MotionFiled Stipulation for Extension of Time to File Answering Briefs (First Request). (SC)21-08280 03/23/2021Notice/OutgoingIssued Notice Motion/Stipulation Approved. Respondents' Answering Brief due: May 19, 2021. (SC)21-08293 05/18/2021BriefFiled Respondent UMC's Answering Brief. (REJECTED PER NOTICE FILED ON 5/19/21) (SC) 05/19/2021Notice/OutgoingIssued Notice Of Rejection - No Notice Of Appearance. (SC)21-14364 05/19/2021BriefFiled Respondent's (Employees International Union) Answering Brief. (SC)21-14365 05/19/2021BriefFiled Respondent's (Employees International Union, Local 1107)Answering Brief. (SC)21-14425 05/19/2021Notice/IncomingFiled Notice of Appearance for Attorney Jeffrey I. Pitegoff. He is appearing for University Medical Center of Southern Nevada. (SC)21-14464 05/21/2021BriefFiled Respondent's Answering Brief (UMC). (SC)21-14666

05/28/2021Order/ProceduralFiled Order. Attorney Jeffrey I. Pitegoff has filed a notice of appearance on behalf of purported respondent University Medical Center of Southern Nevada (UMC). the clerk shall add University Medical Center of Southern Nevada as a respondent to this appeal. The clerk shall add Jeffrey I. Pitegoff as counsel for UMC. UMC's answering brief was filed on May 21, 2021. Appellants shall have until June 21, 2021, to file and serve any reply brief. (SC)21-15412 06/21/2021BriefFiled Appellants' Reply Brief. (SC)21-17771 06/21/2021Case Status UpdateBriefing Completed/To Screening. (SC) 09/16/2021Order/DispositionalFiled Order Affirming in Part, Reversing in Part and Remanding. "ORDER the judgment of the district court AFFIRMED IN PART AND REVERSED IN PART AND REMAND this matter to the district court for proceedings consistent with this order." fn6 [The Honorable Mark Gibbons, Senior Justice, participated in the decision of this matter under a general order of assignment.] JH/LS/MG. (SC)21-26887 10/11/2021RemittiturIssued Remittitur. (SC)21-29109 10/11/2021Case Status UpdateRemittitur Issued/Case Closed. (SC) 10/19/2021RemittiturFiled Remittitur. Received by District Court Clerk on October 12, 2021. (SC)21-29109 Combined Case View