

SUPREME COURT OF NEW YORK  
COUNTY OF NEW YORK

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In the Matter of

TAMARA TUCKER and MELANIE KOTLER,  
individually, and on behalf of all parents and guardians  
of New York City public school students, and  
PAUL TRUST and SARAH BROOKS, individually, and  
on behalf of all similarly situated New York City public  
school teachers,

Index No. 155933/2022  
IAS Part 11  
(Frank, J.)

Petitioners,  
-against-

**AFFIRMATION IN  
SUPPORT OF  
APPLICATION TO  
VACATE PRELIMINARY  
INJUNCTION**

THE CITY OF NEW YORK, THE NEW YORK  
CITY DEPARTMENT OF EDUCATION, and the  
CHANCELLOR OF THE NEW YORK CITY  
DEPARTMENT OF EDUCATION, David C. Banks,  
In his official capacity,

Respondents,

For an Order, Pursuant to Section 6301 and Article 78  
of the CPLR and Sections 2590-g and 2590-q  
of the New York Education Law, Annulling the  
Adoption of the New York City FY 2023 Budget and  
the New York City Department of Education  
FY 2023 Education Budget.

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**JEFFREY S. DANTOWITZ**, an attorney admitted to practice in the courts of  
the State of New York, affirms the following to be true under the penalties of perjury, pursuant  
to CPLR 2106:

1. I am an Assistant Corporation Counsel in the Office of Hon. Sylvia O.  
Hinds-Radix, Corporation Counsel of the City of New York, attorney for Respondents in the  
above-captioned action. As such, I am fully familiar with the facts and circumstances set forth  
below.

2. I submit this affirmation in support of Respondents’ application to vacate  
the preliminary injunction issued by the Court on July 22, 2022 (the “Order”).

3. The City Council received public comment and heard testimony concerning the Mayor's Preliminary Budget on March 25, 2022, and concerning the Executive Budget on May 10, 2022. The City Council received additional written comments concerning the Executive Budget on May 25, 2022.

4. I have reviewed transcripts of the above-described hearings as well as the additional written comments submitted in connection therewith and have found no indication that any of the Petitioners in this proceeding provided either testimony or written comments.

5. Following discussion and negotiations, on June 10, 2022, the Mayor and City Council announced an agreement on a budget deal of \$101.1 billion. <https://www1.nyc.gov/office-of-the-mayor/news/383-22/mayor-adams-speaker-adams-reach-early-handshake-agreement-balanced-responsible-fiscal#/0> Thereafter, City Council posted notice that it would vote on the budget on June 13, 2022.

Dated: New York, New York  
July 25, 2022

/s/ Jeffrey S. Dantowitz  
JEFFREY S. DANTOWITZ