

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,

Petitioners,

-against-

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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**AFFIRMATION OF
LAURA D. BARBIERI
IN SUPPORT OF
MEMORANDUM OF
LAW IN
OPPOSITION TO
RESPONDENTS'
MOTION TO
VACATE
TEMPORARY
RESTRAINING
ORDER**

Laura Dawn Barbieri, an attorney at law, duly admitted to the Bar of the State of New
York, affirms under penalty of perjury, as follows:

1. I am Special Counsel to Advocates for Justice a small nonprofit legal foundation
dedicated to advocating on behalf of the public and low-income individuals in need of
legal services.

2. As Special Counsel, my practice focuses on education law and civil rights litigation. In addition to my law degree, I have a Master's degree in Education Policy from Teachers College, Columbia University.
3. On July 18, 2022 on behalf of Petitioners I filed the within action and supporting papers requesting a temporary restraining order and expedited briefing schedule in anticipation of a hearing on the requested preliminary injunction.
4. Prior to filing, I notified the Department of Law regarding the requested TRO and preliminary injunction and emailed a courtesy copy of the proposed order and supporting papers.
5. In response to my email, that same day, Assistant Corporation Counsel Pines requested that I notify him (and three other attorneys) if any argument was to be held on the TRO.
6. Also on July 18, 2022 I emailed the four Department of Law attorneys of the case Index No. as soon as it was assigned, thus providing the Respondents' attorneys with access to the specific docket in the event they wanted to enter a notice of appearance or respond to Petitioners' papers.
7. As of July 22, 2022, Respondents had not filed any response other than an email requesting argument on the TRO should the Court entertain argument on the motion.
8. On July 22, 2022 I filed a supplemental affirmation notifying the Court of additional impending harm that would be caused by the Open Market system, the online website used by DOE teachers and support staff that lists available positions within the City's public school system.

9. In my supplemental affirmation, I advised that the Open Market system would close on August 1, 2022. I have subsequently been advised that the Open Market system will close on August 7, 2022, not August 1, 2022 as initially believed. Therefore the arguments will occur prior to the close of the Open Market system, thus allowing the Court to consider the harmful effects this closure will have on all teachers throughout the school system should teachers be forced to take available positions and leave their assigned schools.
10. Thereafter, on July 22, 2022, the Court issued the TRO without argument from the parties.
11. At a little before 5:00 pm on July 22, 2022, I received a call from Assistant Corporation Counsel Pines requesting a telephone conference with the Court. As a result of the conference, the Court established an expedited briefing schedule to allow the City attorneys the opportunity to move to vacate the TRO. Pursuant to that schedule, the City was instructed to file their motion by close of business July 27, 2022, and Petitioners are to file their response by close of business today, July 28, 2022.
12. This affirmation is in further support of the TRO and the underlying relief requested in Petitioners' supporting papers.

Dated: July 26, 2022
New York, New York



Laura D. Barbieri