

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,

**AFFIRMATION OF
LAURA D. BARBIERI
IN SUPPORT OF
ORDER TO SHOW
CAUSE AND STAY**

-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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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 with Advocates for Justice, attorneys for Petitioners. This
affirmation is provided in further support of Petitioners' application for a Temporary Restraining
Order and Preliminary Injunction, as more fully set forth in the Verified Petition and their
accompanying affidavits, and as provided in the accompanying Memorandum of Law.

2. Because of the clarity of the violations and the irreparable harm being suffered by Petitioners, Petitioners respectfully request an immediate hearing on this application.

3. Petitioners seek a stay maintaining the status quo and a Preliminary Injunction in the form provided in the accompanying Order to Show Cause. Unless the Temporary Restraining Order and Preliminary Injunction are granted the Petitioners and all New York City public school parents and public school teachers similarly situated will continue to suffer irreparable injury caused by Respondents' egregious budget cuts that are causing significant disorder, distress, and injuries to Petitioner parents and all other NYC public school parents, as well as to Petitioner teachers, and all other public school teachers similarly situated. Across the NYC public school system, as documented in the accompanying affidavits of Petitioners and affiant Sheppard and Haimson, the Respondents budget cuts have resulted in students' programs and services being cut and discontinued, losses of needed teachers, paraprofessionals, and staff, injuries and harm that cannot be reversed once the cuts go into effect and/or additional reductions in funding are imposed. We moved by Order to Show Cause and seek a Stay because additional reductions in funding are being executed by Respondents that must be stopped pending the hearing on this matter. Accordingly, Petitioners request an expedited briefing schedule during this requested Stay.

4. I have emailed a set of our papers to Corporation Counsel, the Department of Law, to Thomas Crane, Bureau Chief of General Litigation this morning, so that there is no reason not to set an expedited litigation schedule.

5. No prior request for the relief sought herein has been made in this or any other court.

6. In furtherance of Petitioners' application for a Temporary Restraining Order and Preliminary Injunction, I provide true and complete copies of the following documents:

- a. Exhibit 1 – A copy of the estimated budget for the 2022-2023 school year dated May 6, 2022.
- b. Exhibit 2 – A copy of the transcript from the June 23-24, 2022 city board meeting and vote on the estimated budget.
- c. Exhibit 3 – A copy of the Chancellor's Signed Emergency Declaration on the estimated budget dated May 31, 2022.
- d. Exhibit 4 – A copy of the Public Comment Analysis regarding the estimated budget dated June 22, 2022.
- e. Exhibit 5 – A copy of the Amended Public Notice of the Estimated Budget dated May 24, 2022.
- f. Exhibit 6 — A copy of a letter from City Council to the Mayor and Chancellor regarding its opposition to the budget cuts, dated July 12, 2022.
- g. Exhibit 7 – A copy of a New York Post article discussing a protest by members of the New York City Council against the budget cuts, dated June 24, 2022.
- h. Exhibit 8 – A copy of a New York Post article discussing how New York City public school teachers are being excessed and losing their jobs due to the budget cuts, dated July 3, 2022.
- i. Exhibit 9 – A copy of a Chalkbeat article discussing the discontinuation of New York City public school programs due to the budget cuts, dated June 17, 2022.

- j. Exhibit 10 – A copy of a Gothamist article discussing how New York City public schools are facing larger cuts than the Mayor’s administration had originally announced in February 2022, dated July 7, 2022.
- k. Exhibit 11 – A copy of a New York City Comptroller press release discussing how the New York City Department of Education has been slow to spend federal COVID stimulus funds, dated April 13, 2022.
- l. Exhibit 12 – A copy of a New York Post article discussing how the Mayor referred to protesters of the Department of Education budget cuts as “clowns,” dated July 12, 2022.
- m. Exhibit 13 – A copy of the Panel for Education Policy Bylaws.
- n. Exhibit 14 – A copy of New York City Department of Education’s student demographic data for 2021-2022.
- o. Exhibit 15 – A copy of the New York City Department of Education webpage for its Emergency Declarations. Declarations before 2016-2017 are found in its archives.
- p. Exhibit 16 – A copy of the statement from New York City Comptroller Brad Lander on proposed cuts to New York City public school budgets in FY 2023, dated June 9, 2022.
- q. Exhibit 17 – A copy of the New York City Comptroller’s Comments on New York City’s Executive Budget for Fiscal Year 2023 and Financial Plan for Fiscal Years 2022-2026, dated May 24, 2022.
- r. Exhibit 18 – A copy of the New York City Comptroller’s guidelines for New York City’s “Rainy Day Fund,” dated May 2022.

- s. Exhibit 19 – A copy of the New York State Assembly Final Report of the Task Force on Community School District Governance Reform, dated February 15, 2003.
- t. Exhibit 20 – Class Size Matters letter to Governor Hochul, dated June 28, 2022.

Dated: July 17, 2022
New York, New York

Laura Barbieri

Laura D. Barbieri