

SUMMARY STATEMENT ON APPLICATION FOR EXPEDITED SERVICE AND/OR INTERIM RELIEF

(SUBMITTED BY MOVING PARTY)

Date: August 9, 2022

Case # 2022-03313

Title Tucker v. City of New York
of
Matter

Index/Indict/Docket # 155933/2022

Appeal by Respondents from Order Judgment of Decree Supreme Surrogate's Family

County New York Court entered on August 5, 2022

Name of Judge Hon. Lyle E. Frank

Notice of Appeal filed on August 5, 2022

If from administrative determination, state agency

Nature of action or proceeding Hybrid proceeding seeking Article 78 relief, and declaratory and injunctive relief, challenging the City's FY23 budget as to the Department of Education

Provisions of order judgment decree appealed from granting a preliminary injunction that vacated the City's FY23 budget as to the Department of Education, reverting spending levels to the record high under the FY22 budget

This application by appellant respondent is for an order (a) expediting briefing of the appeal; (b) allowing perfection on original record; (c) confirming automatic stay, or granting discretionary stay, pending motion's resolution; (d) expediting motion's resolution

If applying for a stay, state reason why requested Compelling operational changes and reverting spending levels to record high under the FY22 budget, despite sharp reduction in federal funding and drop in enrollment, injects chaos on the eve of new school year

Has any undertaking been posted No If yes, state amount and type

Has application been made to court below for this relief No Disposition
Has there been any prior application here in this court Yes If yes, state dates and nature

Applications seeking to vacate, modify, or stay temporary restraining order (Case Nos. 2022-03187 & 2022-03205)

Has adversary been advised of this application Yes Does he/she consent No

Attorney for Movant

Attorney for Opposition

Name Richard Dearing

Address New York City Law Department

100 Church Street

New York, NY 10007

Tel. No. 212-356-2500

Email rdearing@law.nyc.gov

Appearing by _____

Name Laura D. Barbieri

Address Advocates for Justice

225 Broadway, Suite 1902

New York, NY 10007

Tel. No. 212-285-1400 ext.112

Email lbarbieri@advocatesny.com

Appearing by _____

(Do not write below this line)

DISPOSITION

Application for an interim stay pending the determination of respondents-appellants' motion denied as unnecessary (see CPLR 5519 [a] [1]). The balance of respondents-appellants' motion is respectfully referred to a full bench for disposition, which motion is to be briefed in accordance with the expedited schedule set forth below.

Justice(JR)

August 9, 2022

Date

Motion Date August 29, 2022 Opposition August 19, 2022 Reply August 26, 2022

EXPEDITE Yes PHONE ATTORNEYS Yes DECISION BY _____

electronically/via NYSCEF.

ALL PAPERS TO BE SERVED PERSONALLY.

ARG

Court Attorney

No appearances had on interim application.