

**SUPREME COURT OF THE STATE OF NEW YORK
COUNTY OF RICHMOND**

-----X
MYMOENA DAVIDS, et al.,

Plaintiffs,

- against -

THE STATE OF NEW YORK, et al.,

Defendants,

- and -

MICHAEL MULGREW, as President of the
UNITED FEDERATION OF TEACHERS, local 2,
American Federation of Teachers, AFL-CIO,

Intervenor- Defendant

- and -

SETH COHEN, et al.,

Intervenors-Defendants

- and -

PHILIP A. CAMMARATA and MARK
MAMBRETTI,

Intervenors-Defendants.
-----X

Index No. 101105-2014

Justice: Hon. Philip G. Minardo

**DAVIDS PLAINTIFFS'
AFFIRMATION IN
OPPOSITION TO
DEFENDANTS' AND
INTERVENORS-DEFENDANTS'
MOTIONS FOR LEAVE TO
RENEW, TO DISMISS AND
FOR A STAY OF THE
PROCEEDINGS PENDING
APPEAL**

JOHN KEONI WRIGHT, et al.,

Plaintiffs,

- against -

THE STATE OF NEW YORK, et al.,

Defendants,

- and -

SETH COHEN, et al.,

Intervenors-Defendants,

- and -

PHILIP A. CAMMARATA and MARK
MAMBRETTI,

Intervenors-Defendants,

- and -

NEW YORK CITY DEPARTMENT OF
EDUCATION,

Intervenor-Defendant,

- and -

MICHAEL MULGREW, as President of the
UNITED FEDERATION OF TEACHERS, Local 2,
American Federation of Teachers, AFL-CIO,

Intervenor-Defendant.

-----X

JONATHAN W. TRIBIANO, an attorney duly admitted to practice law before the Courts of this State, affirms to the truth of the following under the penalty of perjury pursuant to CPLR § 2106:

1. I am an attorney at Jonathan W. Tribiano, PLLC and licensed to practice law in the State of New York.

2. I represent the *Davids* Plaintiffs herein. As such I am fully familiar with the proceedings in this case and the facts set forth in this affirmation.

3. I make this Affirmation in support of the *Davids* Plaintiffs' Opposition to Defendants' and Intervenor-Defendants' motions for leave to renew, to dismiss and for a stay of the proceedings pending appeal.

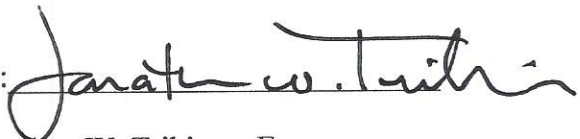
4. The *Davids* Plaintiffs rely upon and adopt the *Wright* Plaintiffs' Memorandum of Law in Opposition to Defendants' and Intervenor-Defendants' motions for leave to renew, to dismiss and for a stay of the proceedings pending appeal and offer same in support of the *Davids* Plaintiffs' Opposition to Defendants' and Intervenor-Defendants' motions for leave to renew, to dismiss and for a stay of the proceedings pending appeal—which is incorporated by reference and made a part hereof.

CONCLUSION

For the foregoing reasons set forth herein and in the *Wright* Plaintiffs' Memorandum of Law in Opposition to Defendants' and Intervenor-Defendants' motions for leave to renew, to dismiss and for a stay of the proceedings pending appeal, the Court should deny the Defendants' respective motions.

Dated: Staten Island, New York
June 26, 2015

JONATHAN W. TRIBIANO, PLLC

By: 

Jonathan W. Tribiano, Esq.
Attorney for the Davids Plaintiffs
1811 Victory Boulevard, Suite One
Staten Island, New York 10314
Tel.: (718) 530-1445
Fax: (718) 865-5191

SUPREME COURT OF THE STATE OF NEW YORK
COUNTY OF RICHMOND

Index No.: 101105/14

MYMOENA DAVIDS, et al.,

Plaintiffs,

-against-

THE STATE OF NEW YORK, et al.,

Defendants.

-and-

JOHN KEONI WRIGHT, et al.,

Plaintiffs,

-against-

THE STATE OF NEW YORK, et al.,

Defendants.

AFFIRMATION IN OPPOSITION

JONATHAN W. TRIBIANO, PLLC
1811 VICTORY BOULEVARD, SUITE ONE
STATEN ISLAND, NEW YORK 10314
Telephone: (718) 530-1445
Facsimile: (718) 865-5191

To:

Service of a copy of the within
is hereby admitted.

Dated: _____ 20 _____

Attorney(s) for:

PLEASE TAKE NOTICE:

Pursuant to 22 NYCRR 130-1.1, the undersigned, an attorney admitted to practice in the Courts of New York State, certifies that, upon information and belief and reasonable inquiry, the contentions herein contained in the annexed documents are not frivolous.

☐ NOTICE OF ENTRY

That the within is a (certified) true copy of a

Duly entered in the office of the clerk of the within named court on _____ 20 _____.

☐ NOTICE OF SETTLEMENT

That an order of which the within is a true copy will be presented for settlement to the HON.

one of the judges of the within named Court, at

on _____ 20 _____ at _____ M.

AFFIRMATION OF SERVICE

The Undersigned attorney duly admitted to practice law in the Courts of the State of New York a non-party to this action over 18 years of age and residing in Staten Island, New York, did serve the papers herein contained by:


☐ Personal Service on _____
at _____.

☐ Overnight Mail Service by mailing a true copy of the attached papers, enclosed and properly sealed in a postpaid envelope, which I deposited, on _____, in an official depository under the exclusive care and custody of the Overnight Carrier and mailed to _____.

☒ By electronic mail, as per stipulation, to all parties in the action on June 26, 2015.

Dated: Staten Island, New York
June 26, 2015

Yours, etc.



JONATHAN W. TRIBIANO, ESQ.