

PREPARED BY THE COURT

**H.G., a minor, through her guardian
TANISHA GARNER, et al.,**

Plaintiffs,

v.

**KIMBERLY HARRINGTON, in her
official capacity as Acting Commissioner
of the New Jersey Department of
Education, NEW JERSERY STATE
BOARD OF EDUCATION, nominal
defendant NEWARK PUBLIC SCHOOL
DISTRICT; and nominal defendant
CHRISTOPHER CERF, in his capacity
as Superintendent of the Newark School
District,**

Defendants,

and

**NEW JERSEY EDUCATION
ASSOCIATION, a New Jersey nonprofit
corporation, on behalf of itself and its
members,**

Defendant-Intervenor,

and

**AMERICAN FEDERATION OF
TEACHERS, AFL-CIO, et al.,**

Defendant-Intervenor.

**SUPERIOR COURT OF NEW JERSEY
LAW DIVISION –
MERCER COUNTY**

DOCKET NO. L-2170-16

CIVIL ACTION

**ORDER DISMISSING MOTION TO
HOLD CASE IN ABEYANCE AND
ESTABLISHING SCHEDULE FOR
ANSWERS AND MOTION TO DISMISS**

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THIS MATTER having been opened to the court by way of a Supreme Court order denying a September 15, 2016 motion for relief and modification of the Court's orders in Abbott v. Burke, 199 N.J. 140 (2009), and Abbott v. Burke, 206 N.J. 332 (2011); and the Supreme Court's order having rendered the State Defendants' motion to hold this case in abeyance moot; and the Defendant-Intervenor American Federation of Teachers (hereinafter known as "AFT") having expressed their intention to file a motion to dismiss *in lieu* of an answer to the complaint, during the December 19, 2017 conference; and the court being aware of the requests for extensions of the due dates to file answers to the complaint by the State Defendants and AFT, as described in the

court's January 27, 2017 order; and the Plaintiffs having consented to the extensions; and the Plaintiffs having filed a motion to compel discovery with the court; and for good cause shown:

IT IS on this 1st day of February, 2017, **HEREBY ORDERED** that:

1. State Defendants' motion to hold the case in abeyance is moot and hereby
DISMISSED.
2. Defendants and Defendant-Intervenors shall file answers to the complaint, or file a motion to dismiss *in lieu* of an answer by February 27, 2017.
3. Briefs in opposition to a motion to dismiss the complaint shall be filed by March 10, 2017.
4. Reply briefs shall be filed by March 17, 2017.
5. Oral argument shall be on March 28, 2017 at 2:00 p.m.
6. The return date for Plaintiffs' motion to compel discovery is February 17, 2017, pursuant to the court's regular motion calendar.


Mary C. Jacobson, A.J.S.C.