

DEC 22 2016

SUPERIOR COURT OF NJ
MERCER VICINAGE

CIVIL DIVISION

SUPERIOR COURT OF THE STATE OF
NEW JERSEY
LAW DIVISION: MERCER COUNTY

Dkt. No. MER-L-2170-16

CIVIL ACTION

ORDER GRANTING INTERVENTION

H.G., a minor, through her guardian TANISHA GARNER; F.G., a minor, through her guardian TANISHA GARNER; E.P., a minor, through his guardian NOEMI VAZQUEZ; M.P., a minor, through her guardian NOEMI VAZQUEZ; F.D., a minor, through her guardian NOEMI VAZQUEZ; W.H., a minor, through his guardian FAREEAH HARRIS; N.H., a minor, through her guardian FAREEAH HARRIS; J.H., a minor, through his guardian SHONDA ALLEN; O.J., a minor, through his guardian IRIS SMITH; M.R., a minor, through her guardian WENDY SOTO; D.S.; a minor, through his guardian WENDY SOTO;

Plaintiffs,

v.

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

Defendants,

AMERICAN FEDERATION OF TEACHERS, AFL-CIO; AFT NEW JERSEY, AFL-CIO; NEWARK TEACHERS UNION, AFT, AFL-CIO;

Applicants for Intervention.

THIS MATTER having been opened to the Court by Steven P. Weissman, Weissman & Mintz LLC, attorneys for Applicant Intervenor American Federation of Teachers, AFL-CIO, AFT New Jersey and Newark Teachers Union; and

THE COURT having considered the written submissions and the oral arguments of ~~William H. Trousdale, Esq., Wachenfeld & Barry LLP, attorneys for Plaintiffs, Christopher S. Porrino, Attorney General of New Jersey, attorneys for Defendants Kimberly Harrington and the New Jersey State Board of Education, Charlotte Hitchcock, attorney for nominal Defendants Christopher Cerf and the Newark Public School District;~~ *Kathleen Reilly, Arnold + Porter* *(State defendants took no position on the motion to intervene);*

THE COURT having found that that Applicant Intervenor satisfy the standards for Intervention as of Right pursuant to R. 4:33-1 and the standards for Permissive Intervention pursuant to R. 4:33-2 and for other good cause shown;

IT IS on this 22nd day of December, 2016

ORDERED that the Motion of Applicant Intervenor American Federation of Teachers, AFL-CIO, AFTNJ and Newark Teachers Union to Intervene pursuant to R. 4:33-1 and R. 4:33-2 is GRANTED; and it is further

ORDERED that the Applicants shall be permitted to intervene in this lawsuit as party defendants; and it is further

ORDERED that the caption shall be amended to reflect the Applicants' status as defendants in this action; and it is further

ORDERED that Defendant-Intervenors shall file an answer or otherwise plead in response to the Complaint on or before 27th day of January, 2017; and it is further

ORDERED that counsel for Defendant-Intervenors shall serve a copy of this order on all counsel of record, within ^{ten (10)} ~~seven (7)~~ days from the date hereof.

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

opposed

unopposed

FURTHER ORDERED that the court will conduct a case management conference by telephone on February 3, 2017, at 10:00 AM to establish a briefing schedule for the opposition and reply briefs for the anticipated motion to dismiss the complaint. Plaintiff's counsel shall arrange for the conference call.