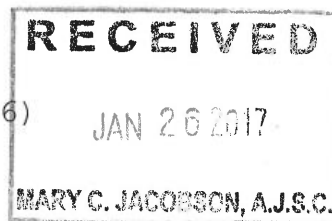


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SUPERIOR COURT OF NEW JERSEY
LAW DIVISION - MERCER COUNTY
DOCKET NO. L-2170-16

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, et al.,

Defendant,

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 als.,

Defendant-Intervenor

CIVIL ACTION

NOTICE OF MOTION
TO PUT CASE IN ABEYANCE

TO: CLERK, SUPERIOR COURT OF NEW JERSEY
Mercer County Courthouse
175 S. Broad Street
Trenton, NJ 08650

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PLEASE TAKE NOTICE that on February 17, 2017 at 9:00 a.m., or as soon thereafter as counsel may be heard, the undersigned, attorneys for Defendants, Acting Commissioner of Education Kimberley Harrington and New Jersey State Board of Education, shall appear before the Honorable Mary C. Jacobson, A.J.S.C. and request an Order granting State Defendants' request to place this matter in abeyance pending a decision from the Supreme Court on whether to consider the Commissioner's application in the first instance and to extend State Defendants' time to file an answer.

A brief in support of the Motion and Certification of Daniel F. Dryzga, Jr. with attached exhibits are annexed hereto.

PLEASE TAKE FURTHER NOTICE that this Motion is made pursuant to R. 1:6-2, and a proposed form of Order is annexed hereto.

Oral argument is requested only in the event that opposition is filed to this Motion.

Respectfully submitted,

CHRISTOPHER S. PORRINO
ATTORNEY GENERAL OF NEW JERSEY

By:



Daniel F. Dryzga, Jr.
Assistant Attorney General

Dated: January 26, 2017