

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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MATTHEW KEIL, JOHN DE LUCA, SASHA	:	
DELGADO, DENNIS STRK and SARAH	:	
BUZAGLO,	:	
	:	1:21-cv-08773
Plaintiffs,	:	
	:	
- against -	:	ORDER TO SHOW CAUSE FOR
	:	A PRELIMINARY INJUNCTION
THE CITY OF NEW YORK; BOARD OF	:	AND TEMPORARY
EDUCATION OF THE CITY SCHOOL DISTRICT	:	RESTRAINING ORDER
OF NEW YORK; DAVID CHOKSHI, IN HIS	:	
OFFICIAL CAPACITY OF HEALTH	:	
COMMISSIONER OF THE CITY OF NEW YORK;	:	
and MEISHA PORTER, IN HER OFFICIAL	:	
CAPACITY AS CHANCELLOR OF THE NEW	:	
YORK CITY DEPARTMENT OF EDUCATION,	:	
	:	
Defendants.	:	
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Upon the accompanying declaration of Jonathan R. Nelson, Esq., executed on October 27, 2021, with exhibits attached thereto, the additional declarations of Matthew Keil verified on October 26, 2021, John De Luca verified on October 27, 2021, Sasha Delgado verified on October 26, 2021, Dennis Strk verified on October 26, 2021, Sarah Buzaglo verified on October 27, 2021, Christina Martinez verified on October 27, 2021, Ageliki Heliotis, verified on October 26, 2021, Amoura Bryan verified on October 26, 2021, Cassandra Ynocencio verified on October 26, 2021, Cindy Corchado verified on October 26, 2021, Inna Cohen verified on October 26, 2021, Eleni Gerasimou verified on October 26, 2021, and Raquel Ibarrola verified on October 26, 2021, all with the exhibits attached thereto, the supporting memorandum of law, the copy of the complaint, verified on October 27 by John De Luca, hereto annexed, it is:

ORDERED, that the plaintiff has demonstrated good cause for setting an expedited

briefing schedule in this proceeding; and it is further

ORDERED, that the above-named defendants show cause before a motion term of this Court, at Room ____, United States Courthouse, 500 Pearl St, in the City of New York, County of New York, State of New York, on _____, 2021, at _____ in the _____noon thereof, or as soon thereafter as counsel may be heard, why an order should not be issued pursuant to Rule 65 of the Federal Rules of Civil Procedure enjoining the Defendants during the pendency of this action from ;

1. Terminating, separating, or placing on unpaid leave ,or depriving entitlements from, or discontinuing their provision to any persons of their employment, salary and all benefits or impairing the employment relationship in any way of any direct or indirect employee pursuant to any of the following:
 - a. the September 15, 2021 Order of the Commissioner of Health and Mental Hygiene to Require Covid-19 Vaccination for Department of Education Employees, Contractors, Visitors, and Others (“Order”), as amended;
 - b. the Arbitration Award dated September 10, 2021 issued by Arbitrator Martin F. Scheinman in the Matter of the Arbitration between Board of Education of the City School District of the City of New York and United Federation of Teachers, Local 2, AFT, AFL-CIO (“UFT Award”);
 - c. the Arbitration Award dated September 15, 2021 issued by Arbitrator Martin F. Scheinman in the Matter of the Arbitration between the Board of Education of the City School District of the City of New York and Council of Supervisors and Administrators (“CSA Award”);

- d. two arbitration awards between District council 37 AFSCME, AFL-CIO (“DC37”) and NYC DOE and New York City’s Department of Health and Mental Hygiene (“DC37 Awards”); or
 - e. any substantially similar arbitration award or order affecting persons who are or who have been employed directly or indirectly by the New York City Department of Education (NYC DOE”) or in buildings that are owned or controlled or occupied by NYC DOE.
2. Granting such other and further relief as the Court may deem just and proper; and it is further

ORDERED, that sufficient reason having been shown therefore, pending the hearing of plaintiff’s application for a preliminary injunction, pursuant to Rule 65, Fed. R. Civ. P., the defendants are enjoined from implementing said Order in any respect, or from discontinuing their provision to any persons of their employment, salary and all benefits pursuant to said Order; and the deadlines and procedures set forth in the UFT Award and similar provisions in the CAS and DC37 Awards and in awards and orders described in section “1.e” above are stayed and it is further

ORDERED, that _____ service of a copy of this order, the verified complaint, the memorandum of law, and the exhibits upon the defendants on or before _____ A.M./P.M., on _____, 2021, shall be deemed good and sufficient service thereof.

United States District Judge