

At the Supreme Court of the State of New York, held in and for the County of New York at the County Courthouse, 60 Centre Street, Borough of Manhattan, City of New York, on the \_\_\_\_\_ day of July 2022.

P R E S E N T:

HONORABLE

Justice of the Supreme Court.

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X

In the Matter of the Application of

THE BOARD OF EDUCATION OF THE CITY SCHOOL DISTRICT OF THE CITY OF NEW YORK, operating as the New York City Department of Education, and DAVID C. BANKS, as Chancellor of the New York City Department of Education,

Index No.

Petitioners,

For an Order and Judgment Pursuant to Article 75 of the Civil Practice Law and Rules,

- against -

UNITED FEDERATION OF TEACHERS, LOCAL 2, AFT, AFL-CIO, and MICHAEL MULGREW, as President of the United Federation of Teachers,

Respondents.

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Upon the petition of the Board of Education of the City School District of the City of New York, operating as the New York City Department of Education (“DOE”), and DOE Chancellor David C. Banks (collectively, “Petitioners”), verified on July 5, 2022, and the exhibits attached thereto, and the Affirmation of Emergency and Good Faith, submitted by Assistant Corporation

Counsel Zachary T. Ellis, dated July 5, 2022, and upon all pleadings and proceedings heretofore had herein, and good and sufficient reason appearing therefore, it is

**ORDERED**, that Respondents, United Federation of Teachers, Local 2, AFT, AFL-CIO, and President of the United Federation of Teachers Michael Mulgrew (collectively, “Respondents”), or their attorneys, show cause before this Court at IAS Part \_\_\_\_\_, to be held at Room \_\_\_\_\_, 60 Centre Street, New York, New York 10007, on the \_\_\_\_\_ day of July, 2022, at 9:30 o’clock in the morning of that day, or as soon thereafter as the parties can be heard, why an order of judgment should not be made:

- (1) Vacating the Opinion and Award issued by Arbitrator Martin F. Scheinman on June 27, 2022, in the arbitration captioned “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, re: Proof of Vaccination”;
- (2) Permanently staying and enjoining any further proceedings by Respondents in connection with the Opinion and Award issued by Arbitrator Martin F. Scheinman on June 27, 2022, in the arbitration captioned “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, re: Proof of Vaccination”; and
- (3) Granting such other and further relief that the Court deems just and proper, and it is further

**ORDERED**, that, pending the hearing and determination of this Article 75 proceeding, Respondents are temporarily restrained and preliminary enjoined from any further proceedings in connection with the Opinion and Award issued by Arbitrator Martin F. Scheinman on June 27,

2022, in the arbitration captioned “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, re: Proof of Vaccination,” and it is further

**ORDERED**, that, sufficient reason appearing therefore, let service of a copy of this Order to Show Cause, together with a copy of the papers on which it is based, on attorneys for Respondents on or before 5:00 o’clock in the afternoon, on the \_\_\_\_\_ day of July, 2022, be deemed good and sufficient service on Respondents.

**E N T E R :**

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J.S.C.

Index No.

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

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Respondents.

**ORDER TO SHOW CAUSE AND VERIFIED PETITION**

**HON. SYLVIA O. HINDS-RADIX**

*Corporation Counsel of the City of New York*

Attorney for Petitioners

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*Of Counsel:*

Zachary T. Ellis

Assistant Corporation Counsel

(212) 356-0839

zellis@law.nyc.gov

Law Manager No. 2022-038208

*Due and timely service is hereby admitted.*

*New York, New York* ....., 2022

..... *Esq.*

*Attorney for*.....