STROOCK

August 11, 2022

Dina Kolker Direct Dial: 212.806.5606 dkolker@stroock.com

VIA NYSCEF

Hon. W. Franc Perry, III Supreme Court of New York, New York County 60 Centre Street, Room 570 New York, NY 10007

Re: Council of School Supervisors and Administrators et al v. Board of Education of the City School District of the City of New York et al, Index #: 155220/2022

We represent Petitioners Council of School Supervisors and Administrators ("CSA"), Mark Cannizzaro, Andrea Gnecco, Jessica Rosinsky, Joselyn Espinoza, and Pieranna Vaccaro in the above-captioned matter.

We write on behalf of Petitioners and Respondents jointly to update the Court regarding ongoing discussions between the parties. Respondent Board of Education of the City School District of the City of New York ("DOE") has recently agreed to restore individual Petitioners Andrea Gnecco, Jessica Rosinsky, Joselyn Espinoza, and Pieranna Vaccaro to payroll this September (i.e. the beginning of the 2022-2023 school year), in a reassigned capacity. It is our understanding a similar arrangement has been reached with regard to similarly situated DOE employees represented by the United Federation of Teachers.

While the parties are still discussing issues relating to backpay arising from those Petitioners' placement on leave without pay beginning April 25, 2022, we thought it appropriate to notify the Court of the status of these discussions, and to advise that a preliminary injunction for the return of the natural petitioners to payroll is no longer at issue in this matter. Accordingly, the parties have executed a stipulation to this effect, which they have submitted for the Court's approval.

Please note that Petitioners withdraw only the portion of the Petition seeking a preliminary injunction for restoration of Petitioners Gnecoo, Roskinsky, Espinoza, and Vaccaro to payroll, and do not withdraw the remainder of their claims, including for backpay. The parties are continuing to discuss these outstanding matters.

Respectfully submitted,

/s/ DINA KOLKER

STROOCK & STROOCK & LAVAN LLP Dina Kolker, Esq. 180 Maiden Lane New York, New York 10038 (212) 806-5400 dkolker@stroock.com

and

DAVID A. GRANDWETTER, ESQ. Council of School Supervisors and Administrators
40 Rector Street, 12th Floor
New York, NY 10006
(718) 852-3000
david@csa-nyc.org

Co-Counsel for Petitioners

CC: all counsel of record

SUPREME COURT OF THE STATE OF NEW YORK COUNTY OF NEW YORK X In the Matter of the Application of COUNCIL OF SCHOOL SUPERVISORS AND ADMINISTRATORS; MARK CANNIZZARO, as President of the Council of School Supervisors and Index No. 155220/2022 Administrators; ANDREA GNECCO; JESSICA ROSINSKY; JOSELYN ESPINOZA; and PIERANNA Hon. W.F. Perry, J.S.C. VACCARO, Petitioners, [SO-ORDERED] For an Order and Judgment Pursuant to Article 78 of the STIPULATION OF Civil Practice Law and Rules, PARTIAL WITHDRAWAL OF CLAIM -against-**Motion Sequence 001** BOARD OF EDUCATION OF THE CITY SCHOOL DISTRICT OF THE CITY OF NEW YORK and DAVID C. BANKS, as Chancellor of the City School District of the City of New York, Respondents.

WHEREFORE, Respondent Board of Education of the City School District of the City of New York has agreed to restore individual Petitioners Andrea Gnecco, Jessica Rosinsky, Joselyn Espinoza, and Pieranna Vaccaro to payroll effective the beginning of the 2022-2023 school year in reassigned capacities; and

X

WHEREFORE, the parties are currently engaged in further discussions regarding, *inter alia*, backpay arising from the aforementioned Petitioners' placement on leave without pay beginning April 25, 2022;

IT IS HEREBY STIPULATED AND AGREED, by and between the parties, as represented below, that the portion of the Verified Petition seeking a preliminary injunction

restoring Petitioners Andrea Gnecco, Jessica Rosinsky, Joselyn Espinoza, and Pieranna Vaccaro to payroll going forward is hereby withdrawn; and

IT IS FURTHER HEREBY STIPULATED AND AGREED that the remainder of the claims in the Verified Petition – which seek: (1) a declaration that Respondents violated the due process rights of employees represented by Petitioner CSA, pursuant to statue and Petitioner CSA's collective bargaining agreement; (2) an order for the payment of any wages as of the date of those Petitioners' placement on leave without pay; and (3) such other and further relief as the Court may deem appropriate – are still at issue and have not been withdrawn; and

IT IS FURTHER HEREBY STIPULATED AND AGREED that an electronic or facsimile signature of this Stipulation shall have the same effect as an original signature; and

IT IS FURTHER HEREBY STIPULATED AND AGREED that this Stipulation may be filed with the Clerk of the Court without further notice.

HON. SYLVIA O. HINDS-RADIX

100 Church Street, Room 2-109(a)

Attorney for Respondents

New York, NY 10007

ssuhovsk@law.nvc.gov

Hon. W.F. Perry, J.S.C.

(212) 356.0839

Corporation Counsel of the City of New York

Dated: New York, New York August 11, 2022

DINA KOLKER

Date:

Stroock & Stroock & Lavan LLP Attorneys for Petitioners 180 Maiden lane New York, NY 10038 (212) 806.5606 dkolker@stroock.com

By:	/s/ Dina Kolker	By:	Hope M. Solar
	Dina Kolker Partner		Stephen Suhovsky Assistant Corporation Counsel
SO (ORDERED:		