

ORAL ARGUMENT REQUESTED

At IAS Part__ of the Supreme Court of the State of New York , at the Courthouse Thereof, located at 16 Eagle Street Albany, NY 12207 on the __ day of August 2016

PRESENT: _____
Justice of the Supreme Court

SUPREME COURT OF THE STATE OF NEW YORK
ALBANY COUNTY

In the Matter of an Article 78 Proceeding

Nidia Cortes, Virgil Dantes, AnnMarie Heslop,
Curtis Witters, On Behalf of Themselves
and their Children,

Index No. _____

Petitioners,
-against-

ORDER TO SHOW CAUSE

ROBERT MUJICA, Director, New York State
Division of Budget; NEW YORK STATE
DIVISION OF BUDGET, MARYELLEN ELIA, New York
State Commissioner of Education, NEW YORK STATE
EDUCATION DEPARTMENT

Respondents.

Upon reading the annexed and accompanying Verified Article 78 Petition, dated August 30, 2016, and the affirmation in support of the Petition and exhibits annexed thereto, and the affidavit and affirmation in support of the admission of David G. Sciarra, pro hac vice, as Counsel for Petitioners, it is hereby:

ORDERED that the Respondents, or their counsel, shall appear and show cause before this Court, at the Courthouse, located at 16 Eagle Street, Albany, New York, Room _____, on the ____th day of September, 2016, at _____ o'clock in the _____noon, or as soon thereafter as counsel can be heard why an order should not be issued:

- (a) ordering and directing Respondents Robert Mujica, Director, New York State Division of Budget and the New York State Division of Budget to release the Persistently Struggling Schools/Transformation Grant funds for 2016-17 intended for Roosevelt High School, JHS 80 The Mosholu Parkway Middle School and William S. Hackett Middle School, to Respondents New York State Education Department (“SED”);
- (b) directing SED to distribute said funds to said schools;
- (c) Granting such other and further relief as the Court may deem appropriate.

ORDERED that service of this Order and papers upon which it is based be made on or before the ____ day of September, 2016, by personally delivering copies of such papers to Respondents’ and their attorney at the addresses listed below, and that said service be deemed sufficient:

Division of Budget
State Capitol,
Albany, NY 12224-0341

Office of Counsel
State Education Department
89 Washington Avenue, Room 112
Albany, NY 12234

Attorney General of the State of New York
Justice Building
Empire State Plaza
Albany, NY 12224

ORDERED that service of opposition papers, if any, be made on or before the ___ day of
September 2016 to Wendy Lecker, Esq,
Education Law Center, 60 Park Place Suite 300, Newark, NJ 07102, wlecker@edlawcenter.org,
attorney for Petitioners, and it is further

ORDERED that service of reply papers, if any, be made on or before the ___ day of
September, 2016, to Respondents' counsel at the address above.

ENTER:

J.S.C.