

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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J.T., Individually and on behalf of D.T.;
K.M., Individually and on behalf of M.M. and S.M.;
J.J., Individually and on behalf of Z.J.;
C.N., Individually and on behalf of V.N.; and,
All Others Similarly Situated,

Plaintiffs,

CASE NO.: 20 – cv – 5878 (CM)

**ORDER TO SHOW CAUSE
FOR A TEMPORARY
RESTRAINING ORDER AND
PRELIMINARY INJUNCTION**

- **against** -

BILL de BLASIO, in his official capacity as the
Mayor of New York City;
RICHARD CARRANZA, in his official capacity
as the Chancellor of the New York City
Department of Education; the **NEW YORK CITY
DEPARTMENT OF EDUCATION**;
the **SCHOOL DISTRICTS IN THE UNITED
STATES**; and, the **STATE DEPARTMENTS OF
EDUCATION IN THE UNITED STATES**,

Defendants.

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Upon Plaintiffs' Memorandum of Law in Support of an Order to Show Cause for a
Temporary Restraining Order and a Preliminary Injunction, dated August 20, 2020, and the
Declaration of Peter G. Albert, Esq., dated August 20, 2020, and the exhibits annexed thereto,
it is

ORDERED, that the above-named Defendants shall, by on or before August 31, 2020,
file a written response to the Plaintiffs' application for a Temporary Restraining Order and
Preliminary Injunction, pursuant to Rule 65 of the Federal Rules of Civil Procedure; and, be it
further

ORDERED, that the Plaintiffs shall, by on or before September 8, 2020, file a written reply to the Defendants' opposition, if any; and, be it further

ORDERED, that the above-named Defendants show cause before a motion term of this Court, at Room _____, United States Courthouse, 40 Foley Square, in the City, County and State of New York, or at a telephone hearing, on, September 11, 2020, at _____ o'clock 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 ordering the Defendants to:

- a. Either immediately reopen the schools for the purpose of providing Plaintiff-Students with their educational programs, placements and services as per their current IEP; or in the alternative, to immediately issue "Pendency Vouchers" for Plaintiff-Parents to self-cure as much as possible of the Plaintiff-Students educational programs, placements and services; and
- b. Immediately conduct extensive independent evaluations of Plaintiff-Students for the purpose of ascertaining their current levels of educational performance, and reconvene Committees on Special Education for the purpose of developing appropriate IEPs for the Plaintiff-Students; and
- c. Establish and provide compensatory education plans for Plaintiff-Students based upon the extensive independent evaluations and because of the educational regression caused by the failure to provide a FAPE; and
- d. Reimburse, as compensatory damages, Plaintiff-Parents for employment loss or out-of-pocket expenses incurred as a result of the failure to provide Plaintiff-Students with their educational programs, placements, and services as per their current IEPs; and

- e. Pay Plaintiff-Parents, a sum in the amount to be determined, as punitive damages, based on the intentional and willful violations of Section 504, ADA, State Constitutions and Statutes, IDEA, and Section 1983.

Sufficient cause appearing therefore, let service of a copy of this order, and the annexed documents upon which this order is granted, upon the Defendants or its counsel on or before o'clock in the noon, , shall be deemed good and sufficient service thereof.

DATED: New York, New York

ISSUED:

United States District Judge