



Patrick F. Carrigg, Esq. (Attorney ID No.: 035892005)
Nicholas J. Repici, Esq. (Attorney ID No.: 004682005)
*LENOX, SOCEY, FORMIDONI, GIORDANO,
LANG, CARRIGG & CASEY, LLC*
136 Franklin Corner Road, Unit B2
Lawrenceville, New Jersey 08648
(609) 896-2000
Attorneys for Plaintiff, South Orange Maplewood Board of Education

SOUTH ORANGE MAPLEWOOD BOARD
OF EDUCATION,

Plaintiff,

vs.

SOUTH ORANGE MAPLEWOOD
EDUCATION ASSOCIATION,

Defendant.

SUPERIOR COURT OF NEW JERSEY,
CHANCERY DIVISION,
GENERAL EQUITY PART,
ESSEX COUNTY
DOCKET NO.: C-31-21

CIVIL ACTION

**ORDER TO SHOW CAUSE WITH
TEMPORARY RESTRAINTS PURSUANT
TO RULE 4:52**

THIS MATTER being brought before the Court by Patrick F. Carrigg, Esq. and Nicholas J. Repici, Esq. of the law firm Lenox, Socey, Formidoni, Giordano, Lang, Carrigg & Casey, LLC, attorneys for the plaintiff, South Orange Maplewood Board of Education ("Plaintiff" or "Board"), seeking relief by way of temporary restraints pursuant to R. 4:52, based upon the facts set forth in the Verified Complaint filed herewith; and it appearing that the defendant, South Orange Maplewood Education Association ("Defendant" or "Association"), has notice of this application; *and having appeared through Colin M. Lynch, Esq. of Zaazali, Fageila et al* and for good cause shown: *and the reasons stated on the record;*

IT IS on this 16th day of March, 2021, **ORDERED** that Defendant appear and show cause before the undersigned Judge on the 19th day of April, 2021 before the Superior Court, Chancery Division, General Equity Civil Part at the Essex County Courthouse, 8th floor, Courtroom _____, Newark, New Jersey at 2:00 o'clock
212 Washington St.
AV

in the after noon, or as soon thereafter as counsel may be heard, why an order should not be issued preliminarily enjoining and restraining Defendant, its officers, agents, servants, and members, from:

- A. Inciting, organizing, conducting, or participating in any strike, work stoppage, slowdown, impediment to work, refusal to report to classrooms, offices, workspaces, or other assignments, or other concerted effort to interfere with the continuation of the in-person instructional program of the South Orange Maplewood School District (the "District") in effect as of February 15, 2021;
- B. Compelling the members of the Association to immediately report to their District assigned classrooms, offices, workspaces, or other assignments to instruct and/or provide services to the District's students in accordance with the Board's in-person instructional program; and
- C. Granting such other relief as the Court deems just and equitable.

AND it is further **ORDERED** that pending the return date herein, the Defendant is temporarily enjoined and restrained from:

plaintiff shall assign classrooms to sixth and ninth grade teachers from the approved list attached as Exhibit G to

~~A. Inciting, organizing, conducting, or participating in any strike, work stoppage, slowdown, impediment to work, or other concerted effort to interfere with the continuation of the in-person instructional program of the South Orange Maplewood School District (the "District") in effect as of February 15, 2021;~~
plaintiff's moving papers. Sixth and ninth grade teachers who have been assigned an approved classroom from the list shall return to in-person instruction by Thursday, March 18, 2021.

~~B. Compelling the members of the Association to immediately report to their District assigned classrooms, workspaces, and assignments to instruct and/or provide services to the District's students in accordance with the Board's in-person instructional program; and~~
The parties shall continue in good faith the process of approving additional classrooms for instructional use to promptly and fully implement Phase 3 of the District's reopening plan in compliance with their Sidebar Agreement.

AND it is further **ORDERED** that

1. Defendant may move to dissolve or modify the temporary restraints herein contained on two (2) days' notice to the Plaintiff's attorney.
2. A copy of this Order to Show Cause, Verified Complaint, legal memorandum, and all supporting affidavits or certifications submitted in support of this application be served upon the Defendant within 2 days of the date hereof, in accordance with R. 4:4-3 and R. 4:4-4, this being original process.
3. The Plaintiff must file with the Court its proof of service of these pleadings upon the Defendant no later than 2 days before the scheduled hearing or return date scheduled by this Court.
4. The Defendant shall file and serve a written response to this Order to Show Cause and the request for entry of injunctive relief and proof of service by April 12, 2021. The original documents must be filed with the Clerk of the Superior Court in the county listed above. A directory of these offices is available in the Civil Division Management Office in the county listed above and online at njcourts.gov/forms/10153_deptyclerklawref.pdf. You must deliver a copy of your opposition papers directly to Judge Alper, whose address is _____, New Jersey. You must also send a copy of your opposition papers to the Plaintiff's attorney whose name and address appears above. A telephone call will not protect your rights; you must file your opposition and pay the required fee of \$ _____ and serve your

opposition on your adversary, if you want the Court to hear your opposition to the injunctive relief the Plaintiff is seeking.

5. The Plaintiff must file and serve any written reply to the Defendant's opposition to the Order to Show Cause by April 15, 2021. The reply papers must be filed with the Clerk of the Superior Court in the county listed above and a copy of the reply papers must be delivered directly to the chambers of Judge Alper.
6. If the Defendant does not file and serve opposition to this Order to Show Cause, the application will be decided on the papers on the return date and relief may be granted by default, provided that the Plaintiff files a proof of service and a proposed form of order at least three days prior to the return date.
7. If the Plaintiff has not already done so, a proposed form of order addressing the relief sought on the return date (along with a self-addressed return envelope with return address and postage) must be submitted to the court no later than three (3) days before the return date.
8. Defendant takes notice that the Plaintiff has filed a lawsuit against it in the Superior Court of New Jersey. The Verified Complaint attached to this Order to Show Cause states the basis of the lawsuit. If you dispute this Complaint, you or your attorney must file a written Answer to the Complaint and proof of service within thirty-five (35) days from the day of service of this Order to Show Cause, not counting the day you received it.

These documents must be filed with the Clerk of the Superior Court in the county listed above. A directory of these offices is available in the Civil Division

Management Office in the county listed above and on line at njcourts.gov/forms/10153_deptyclerklawref.pdf. Include a \$ _____ filing fee payable to "Treasurer, State of New Jersey." You must also send a copy of your Answer to the Plaintiff's attorney whose name and address appear above, or to the Plaintiff if no attorney is named above. A telephone call will not protect your rights; you must file and serve your Answer (with the fee) or judgment may be entered against you by default. Please note, opposition to the Order to Show Cause is not an Answer and you must file both. Please note further, if you do not file and serve an Answer within thirty-five (35) days of this order, the Court may enter a default against you for the relief the Plaintiff demands.

9. If you cannot afford an attorney, you may call the Legal Services office in the county in which you live or the Legal Services of New Jersey Statewide Hotline at 1-888-LSNJ-LAW (1-888-576-5529). If you do not have an attorney and are not eligible for free legal assistance, you may obtain a referral to an attorney by calling one of the Lawyer Referral Services. A directory with contact information for local Legal Services Offices and Lawyer Referral Services is available in the Civil Division Management Office in the county listed above and online at njcourts.gov/forms/10153_deptyclerklawref.pdf.
10. The Court will entertain argument, but not testimony, on the return date of the Order to Show Cause, unless the Court and the parties are advised to the contrary no later than 2 days before the return date.

Jodi Lee Alper
JODI LEE ALPER J.S.C.