

Elisa Hyman (EH4709)  
Cynthia Godsoe (CG3786)  
Advocates for Children of New York  
151 W. 30<sup>th</sup> St., 5<sup>th</sup> Floor  
New York, New York 10001  
(212) 947-9779

Steven Banks, Attorney in Chief  
Nancy Rosenbloom (NR1275)  
Nancy Ginsburg (NG0579)  
The Legal Aid Society of New York  
199 Water Street, 3<sup>rd</sup> Floor  
New York, New York 10038  
(212) 577-3265

David F. Owens (DO4776)  
Daniel Murdoch (DM4622)  
Dewey Ballantine LLP  
1301 Avenue of the Americas  
New York, New York 10019

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF NEW YORK

J.G.,

Plaintiffs,

vs.

MILLS,

Defendants.

Civ. No. 1:04-cv-05415 (ARR)(SMG)

**ORDER TO SHOW CAUSE FOR  
PRELIMINARY INJUNCTION**

Upon the declaration of Elisa Hyman dated May 18, 2005, the declaration of Cynthia Godsoe, executed on May 18, 2005, and the exhibits attached thereto, the declaration of Rita Horvath, executed on May 10, 2005, the declaration of Helen O'Reilly, executed on May 18, 2005, the Memorandum of Law dated May 18, 2005, the

Second Amended Complaint filed February 8, 2005, Plaintiffs' Motion for Class Certification filed December 17, 2004 and the declarations and exhibits attached thereto, and Plaintiffs' Motion for Intervention, Amendment, Preliminary Injunction and Temporary Restraining Order filed February 8, 2005 and the declarations and exhibits attached thereto,

It is hereby ordered that Defendants show cause before this Court at the United States Courthouse, 225 Cadman Plaza East, Brooklyn, New York, in room \_\_\_\_, on June 2, 2005 at 9:30 in the am why a preliminary injunction should not issue pursuant to Rule 65 of the Federal Rules of Civil Procedure and the final disposition of this action ENJOINING defendants Joel Klein as Chancellor of the New York City school district, the New York City Board of Education, the New York City Department of Education, and Richard Mills as Commissioner of the New York State Education Department ("Defendants") to IDENTIFY all youth under age 21 who have been or will be discharged on or after June 1, 2004, from secure or non-secure detention facilities operated by or under contract with the New York City Department of Juvenile Justice, New York City Alternative to Detention sites, or New York State Office of Children and Family Services residential placements ("court-ordered settings") and take the following actions immediately on those students' behalf:

1. Calculate and award credit for work successfully completed in all school or instructional programs in the community or in court-ordered settings to ensure appropriate grade placement and provide to each student and his or her parents, with copies to Plaintiffs' counsel, a written summary of the credits awarded, the classes for which no credit was awarded and the reasons why any credit was denied;
2. Offer a school placement that has a full-time school program and that has available: (a) for high school students, the opportunity to take classes and tests and receive support services that are necessary for a regular high school

diploma; and (b) for intermediate school students, the opportunity to take courses and tests and receive support services necessary to complete the appropriate grade in accordance with state and local laws and policies, within (i) three days of discharge for students who are not yet discharged; and (ii) immediately after issuance of this order for any student who was discharged between June 1, 2004 and the date of this order;

3. During the summer of 2005, provide the students described herein with all extra courses, independent study and/or tutoring, as well as other compensatory and remedial educational services and equitable relief necessary to enable them to make up for lost time in school due to Defendants' conduct;

4. For all youth under age 21 who have been or will be discharged from court-ordered settings on or after June 1, 2004 and who have or will spend time in one of City Defendants' court-ordered school settings or transitional school programs on or after June 1, 2004: (a) award full junior or high school credit for any work successfully completed regardless of the numbers of days a student spent in the school program; (b) ensure access to all state and local assessments; (c) provide access to summer school (if required for a student to be promoted); and (d) provide access to the City Defendants' high school application process if the student needs a school for September 2005;

5. For all youth under age 21 who have been or will be discharged from court-ordered settings on or after June 1, 2004 and who have disabilities: (a) Offer school placements that afford them FAPE within (i) three days of discharge for students who are not yet discharged; and (ii) immediately after issuance of this order for any student who was discharged between June 1, 2004 and the date of this order; and (b) Provide FAPE while the students are attending the City Defendants' Passages Academy sites and transitional school programs; and

6. GRANTING such other relief as the Court deems just and proper.

IT IS FURTHER ORDERED that any papers in opposition to the application for preliminary injunction shall be served on Plaintiffs' counsel and on this Court on or before \_\_\_\_\_ o'clock \_\_.m. on May \_\_\_\_, 2005, and any reply papers shall be served on Defendants counsel and on this Court on or before \_\_\_\_ o'clock \_\_.m. on \_\_\_\_, 2005.

IT IS FURTHER ORDERED that Plaintiffs shall not be required to post security in this matter.

Dated: Brooklyn, New York  
May 18, 2005

Issued: \_\_\_\_\_ o'clock \_\_.m.

TO: Abigail Goldenberg  
Assistant Corporation Counsel  
The City of New York Law Department  
100 Church Street  
New York, NY 10007  
(212) 788-1275

Michael Klekman  
Office of the Attorney General of the State of New York  
120 Broadway  
New York, NY 10271  
(212) 416-8592

*Attorneys for Defendants*