

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF NEW YORK

JEANETTE ALLEYNE, individually and as next friend and guardian of T.J., ALLEN DATOUSH and KIM DATOUSH, individually and as next friends and guardians of T.D., LINDA DOHERTY, individually and as next friend and guardian of M.D., SUSAN HANDON, individually and as next friend and guardian of C.C., LESLIE JOYNER and LASHARON JOYNER, individually and as next friends and guardians of C.J., MITCHELL SHEAR and MARCIA SHEAR, individually and as next friends and guardians of S.S., and THE JUDGE ROTENBERG EDUCATIONAL CENTER, INC.,

Plaintiffs,

-against-

NEW YORK STATE EDUCATION DEPARTMENT,
RICHARD P. MILLS, in his capacity as Commissioner of Education of the New York State Education Department, and THE NEW YORK STATE BOARD OF REGENTS,

Defendants.

**ORDER TO SHOW
CAUSE WITH
TEMPORARY
RESTRAINING ORDER**

Civil Action No.

UPON the annexed affidavits of Matthew L. Israel, Ph.D., Patricia M. Rivera, Ph.D., Edward Sassaman, M.D., Jeffrey J. Sherrin, Erin Holland, and those of the Plaintiffs, together with the exhibits annexed thereto, and the accompanying Memorandum of Law and Complaint filed simultaneously herewith, and upon all the proceedings had herein, it is hereby

ORDERED that the Defendants, New York State Education Department, Commissioner Richard P. Mills (the "Commissioner") and New York State Board of Regents, show cause before this Court, at the James T. Foley U.S. Courthouse, 445 Broadway, Albany, New York, on the ____ day of _____, 2006 at _____ o'clock, why an order should not be

made and entered granting Plaintiffs a preliminary injunction against Defendants and anyone acting in concert with them: 1) staying and enjoining Defendants from enforcing the “emergency” regulations enacted by Defendants on June 20, 2006 and effective June 23, 2006 (“Emergency Regulations”), including but not limited to enforcing the regulations against the Judge Rotenberg Educational Center, Inc. (“JRC”) or any student enrolled or applying for enrollment at JRC; 2) staying and enjoining Defendants from terminating or revoking JRC’s approval from the Commissioner to receive public funds, based upon the Emergency Regulations; 3) terminating or revoking special education funding for any New York special education student enrolled or applying for enrollment at JRC, based upon the Emergency Regulations; and 4) granting such other and further relief as this Court may deem just and proper; and it is further

ORDERED that, pending the hearing and determination of this motion, Defendants, and their employees, agents and anyone else acting under or through them, shall be and hereby are temporarily restrained from: 1) enforcing the Emergency Regulations, including the prohibition on the use of aversives, as against JRC and its students; 2) terminating or revoking JRC’s approval from the Commissioner to receive public funds, based upon the Emergency Regulations; and 3) terminating or revoking special education funding for any New York special education student receiving services at JRC, based upon the Emergency Regulations; and it is further

ORDERED that service of a copy of this Order by personal service (or by facsimile) upon the Defendants, by serving the New York State Education Department at 89 Washington Avenue, Albany, NY 12234; Richard P. Mills, Commissioner, New York State Education Department, at 89 Washington Avenue, Albany, New York, 12234; and the New York State

Board of Regents, at State Education Department, Education Building, Albany, New York
12234, on or before _____, 2006, be deemed good and sufficient service; and
it is further

ORDERED, that any opposing papers be filed and served personally or by overnight
mail upon Plaintiffs' counsel, O'Connell and Aronowitz, P.C. and Eckert Seamans Cherin &
Mellott, LLP, on or before _____ on the _____ day of _____, 2006, and it is
further

ORDERED, that any reply papers in support of the motion shall be filed and served
personally or by overnight mail on the Defendants, at the addresses set forth herein, on or before
_____ on the _____ day of _____, 2006.

Dated: _____, 2006
Albany, New York

Hon.
United States District Judge
Northern District of New York