

# 9.1

## COMMONWEALTH OF MASSACHUSETTS

MIDDLESEX, SS

SUPERIOR COURT

COMMONWEALTH EMPLOYMENT  
RELATIONS BOARD

Plaintiff

and

NEWTON SCHOOL COMMITTEE

Plaintiff-Intervenor

v.

NEWTON TEACHERS ASSOCIATION and  
MICHAEL ZILLES, in his official capacity,  
Defendants.

CIVIL ACTION NO. 2481CV00148

RECEIVED

1/22/2024

### MEMORANDUM OF LAW IN SUPPORT OF MOTION FOR CIVIL CONTEMPT ORDER AND IMMEDIATE HEARING ON SANCTIONS

Plaintiff Commonwealth Employment Relations Board (the “Board”) and Intervenor-Plaintiff Newton School Committee (the “School Committee”) (collectively “Plaintiffs”), submit this memorandum of law in support of their Motion for Civil Contempt Order and Immediate Hearing on Sanctions. The Plaintiffs state that the Defendants’ manifest contempt of the Court’s January 19, 2024 Preliminary Injunction (“Injunction”) in persisting with its open-ended strike requires: (1) immediate action on Plaintiffs’ Verified Complaint for Civil Contempt; and (2) immediate imposition of coercive fines sufficient to compel the NTA and Zilles to comply with the lawful Order of this Court.

#### **A. Immediate Action is Required on Plaintiffs’ Verified Complaint for Civil Contempt**

This Court has already determined, by issuing the Injunction, that the Plaintiffs have demonstrated irreparable harm. As addressed below, in the context of determining appropriate fines for contempt, a public school strike is uniquely harmful to the community that G.L. c. 150E, § 9A is intended to protect. Notably, proceedings for civil contempt in these educator strike cases are likely to be different than other civil contempt proceedings because the question of whether there is contempt of the Court's injunction is usually uncontested. In this case, the NTA and its employees failed to comply with the Court's Injunction by continuing to strike on Monday, January 22, 2024, and the NTA and Zilles continued to induce, encourage, and condone the strike through the weekend. There is no indication as to an end date for the strike. Further, the NTA and its officers failed to publicly state that by 3:00 p.m. on January 21, 2024 that: (1) the strike is cancelled and there will be no continued strike action; and (2) planning, inducing, encouraging and condoning a strike, work stoppage, slowdown or other withholding of services is illegal and must therefore cease and its members must return to work immediately, in violation of subsection (c) of Paragraph 1 of the Injunction. See Exhibit 1 (Affidavit of Superintendent Nolin); Exhibit 15 (NTA January 22, 2024 Report). It is anticipated that, like other cases involving educator strikes, the NTA and Zilles will not dispute these facts. The only question that typically remains is the amount of the sanctions ordered by the Court. An immediate contempt order is necessary to coerce the NTA from engaging in continued illegal activity.

Plaintiffs request that the Court issue a contempt order as rapidly as possible. The parties have already agreed to hold a hearing on January 22, 2024 at noon if the Defendants fail to comply with the Injunction. Further, the Court has acted immediately on Complaints for Civil Contempt in all recent public sector teacher strike cases. Attached to this Memorandum as Exhibit 4 is a docket

statement from *Labor Relations Commission et al v. Quincy Education Association, Inc.*, Norfolk Superior Court, Civil Action No. 0782CV00982 (“Quincy”). In *Quincy*, the Labor Relations Commission (“LRC”), the predecessor agency of the Board, and the Quincy School Committee brought a Complaint to enforce an Order from the LRC following a strike petition on June 11, 2007. The Court issued a temporary restraining order the same day. On the following day, June 12, 2007, the Court heard a Complaint for Contempt and issued a contempt order and ordered sanctions (docketed on June 13<sup>th</sup>). On the following day, the striking teachers returned to work under the threat of additional sanctions. *See Order on Contempt in Quincy*, attached hereto as Exhibit 7 (detailing fines beginning at \$25,000, and increasing by \$25,000 by every hour to every few hours). Similarly, in *Commonwealth Employment Relation Boards et al v. Brookline Educators Union, et al.*, Norfolk Superior Court, Civil Action No. 2282CV00453 (“Brookline”), the Board brought a Complaint for a preliminary injunction on Friday, May 13, 2022, to enforce the Board’s order issued on May 12, 2022, finding, among other things, that a strike was about to occur by Brookline Educators Union (“BEU”) and its members in violation of Section 9A of Chapter 150E. *See Exhibit 6*, Docket Statement from *Brookline*. On Monday, May 16, 2022, the BEU and its members went on strike in violation of the injunction and, on the same day, the Court heard a Complaint for Contempt and issued a contempt order and ordered sanctions. *See Order on Contempt in Brookline*, attached hereto as Exhibit 7 and 8 (detailing fines beginning at \$50,000 per day, with the amount of fines increasing by \$10,000 per day). The BEU and its members went back to school on Tuesday, May 17, 2022. Similarly, in *Commonwealth Employment Relation Boards et al v. Haverhill Education Association, et al.*, Essex County Superior Court, Civil Action No. 2277CV00990 (“Haverhill”), the Board brought a Complaint for preliminary injunction on October 17, 2023, a temporary restraining

order was issued on the same date, then a preliminary injunction on the following day. See Exhibit 9, Docket Statement from *Haverhill*. The day after the preliminary injunction was issued, an order of contempt was issued. See Order on Contempt in Haverhill, attached hereto as Exhibit 10 (detailing fines beginning at \$50,000 per day, and increasing by \$10,000 per day). See also Order in Contempt in Brockton, attached hereto as Exhibit 11; *Docket Sheet and Order of Contempt in Commonwealth Employment Relations Board v. Andover Education Association*, attached hereto as Exhibits 13 and 14 (demonstrating that after a preliminary injunction was issued on a Friday, an order of contempt was issued on the following Monday). See also Exhibit 20, Chart of Recent Strike Cases, for the Court's reference, of all the public sector strike cases in Massachusetts from 2022, demonstrating when contempt fines were requested, issued, and how quickly the strike ended thereafter.

The Plaintiffs here request that this matter be heard on the same timeline. The Injunction in this matter was issued on Friday, January 19, 2024, the NTA's first day of its strike. Defendants have decided to violate this Court's order by continuing to strike today Monday, January 22, 2024.

For these reasons, Plaintiffs request that the Court adjudicate their Complaint for contempt and to order sanctions to begin today, January 22, 2024.

**B. Coercive Financial Sanctions are Warranted**

Plaintiffs take the position that prospective fines of \$50,000 per day against the NTA beginning on Monday, January 22, 2024, and with the amount of fines increasing by \$25,000, and the escalator later doubling to \$50,000, for each day thereafter, e.g. as of January 23, 2024 at 4:00 p.m. the NTA will have incurred a coercive fine in the amount of \$125,000 total (\$50,000 + \$75,000), as of January 24, 2024 at 4:00 p.m. the NTA will have incurred a coercive fine in the

amount of \$225,000 total (\$50,000 + \$75,000 + \$100,000) to coerce compliance with the Court's order and to end the NTA and its members' illegal strike are reasonable and appropriate under the standards articulated by the Supreme Judicial Court in *Labor Relations Commission v. Fall River Educators Association*, 382 Mass. 465 (1981) as set forth in *United States v. United Mine Workers*, 330 U.S. 258 (1947).

A civil contempt order is intended to be remedial and for the benefit of an aggrieved party, to vindicate the authority of the court. *Fall River Educators Association*, 382 Mass. at 475. This aim is served both by compensatory sanctions, which seek to compensate the plaintiff for damages caused by past acts, and coercive sanctions, which are designed to provide relief to plaintiff by bringing the defiant party into compliance with a court order. *Id.* Accordingly, per-diem fines are appropriate and effective in cases of civil contempt. *Id.* In determining the amount of a fine imposed as a means of securing future compliance, a judge should properly consider four factors: (1) the character and magnitude of the threatened harm; (2) probable effectiveness of any suggested sanction; (3) the defendant's financial resources; and (4) the seriousness of the burden on the defendant. *United Mine Workers*, 330 U.S. at 304. As outlined below, each of these factors supports the Plaintiffs' position.

**1. The Character and Magnitude of the Harm Being Caused by this Strike is Substantial and Irreparable**

When measuring the character and magnitude of the harm caused by a public school teachers' strike, it is appropriate to consider the following factors: the blatant nature of the violation, the direct financial harm to the municipality, and the non-economic detriment to the public.<sup>1</sup>

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<sup>1</sup> This part of the *Mine Workers* test has been interpreted to mean only that the coercive fine be reasonably set in relation to the facts, that it not be arbitrary. *International Business Machines Corp.*

First, the character of the harm caused by the NTA's and its members' strike is affected by the willful and blatantly illegal nature of the strike.

M.G.L.c.150E, Section 9A(a) is clear and unambiguous. It states:

No public employee or employee organization shall engage in a strike, and no public employee or employee organization shall induce, encourage or condone any strike, work stoppage, slowdown or withholding of services by such public employees.

There is no dispute in this matter that public school teacher strikes violate the law in Massachusetts. Yet, the NTA, by and through its officers, and Zilles, in his official capacity, has shown a clear intent to disregard the law. Zilles stated on January 20, 2024 that the strike "...is illegal; we are going against the law..." When asked about the injunction order, Zilles stated that "we're going to defy that order. We are going to have to defy that order" See Exhibit 1 ¶ 20, *Affidavit of Superintendent Nolin*. A video recording of Zilles making the statement is available here at or about 3:18 minutes in: <https://www.facebook.com/newtonteachersassoc/videos/last-nights-press-conference-in-case-you-missed-it-enoughisenough-faircontractno/1069609190956292>. Further, on January 20, 2024, Zilles indicated to the School Committee during mediation that "the strike could continue for 5 days, 10 days or even 15 days." See Exhibit 1 ¶ 17, *Affidavit of Superintendent Nolin*. Clearly, the NTA is aware of its contemptuous conduct, and flagrantly disregards the Court's orders.

The direct financial harm to the employer grows for every day an illegal strike occurs. The School Committee has been forced to hire police details to ensure adequate public safety while the strike is ongoing, among other related expenses. See Exhibit 1 ¶ 15, *Affidavit of Superintendent*

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v. *United States*, 493 F.2d 112, 117 (2d Cir. 1973).

*Nolin*. In addition, a school department in Massachusetts runs the risk of being required to extend the school year to meet the statutory 180-day school year minimum regulated by the Commonwealth's Board of Education. Under such circumstances, additional costs, including teacher salaries<sup>2</sup> and the salaries of school-year employees are incurred. Other district staff rely on the operation of schools to perform their duties and receive compensation. Exhibit 1 ¶ 14, *Affidavit of Superintendent Nolin*.

More difficult to establish with specificity are the issues of non-economic harm or unknown economic detriment to the public. The record in this case establishes, however, that almost 12,000 students in the district are not receiving an education during this strike.<sup>3</sup> Exhibit 1 ¶ 10, *Affidavit of Superintendent Nolin*. In addition, high school students were scheduled to attend competitive auditions this weekend to participate in the Massachusetts All-State Concert. Typically, the high schools will arrange for the students to be transported to the auditions and they are accompanied by music teachers to provide support and encouragement and students. Due to the strike, these students were forced to arrange their own transportation and will not have support from their music teachers. Exhibit 1 ¶ 12, *Affidavit of Superintendent Nolin*. Further, school principals and the City's Health Services Director are directly accessible to families whose students have medication/health supplies in school buildings that cannot otherwise be obtained due to the strike. Exhibit 1 ¶ 13, *Affidavit of Superintendent Nolin*.

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<sup>2</sup> M.G.L.c.150E, Section 15 requires a school committee to compensate teachers if the school year must be extended, even, apparently if the cause of that extension has been the teachers' unlawful strike.

<sup>3</sup> This is the largest number of students impacted by a strike since the wave of educators strikes began in 2019. See Exhibit 20, Chart of Recent Strikes.

Food Services has arranged for families to obtain grab and go meals at various school buildings while school is closed due to the strike. These food services, and safety of the schools, are especially important for many of the students enrolled through the METCO program, which transports students from the City of Boston. See Exhibit 3, Affidavit of Lisa Gilbert-Smith, METCO Director for the Newton Public Schools. These students come from more diverse socio-economic backgrounds than the Newton student population, and whose parents rely on their jobs to provide income for their families, and cannot take time off of work to supervise their children during the school closure. See Exhibit 3, Affidavit of Lisa Gilbert-Smith, METCO Director for the Newton Public Schools.

The change in the routine caused by the strike is particularly concerning for students who are enrolled in specialized programming. Students, such as those with mental and behavioral health needs, are heavily reliant on structured routines and continuity in the individuals who offer that routine. It is foreseeable that parents may not be equipped to provide the requisite, specialized interventions that these students require when experiencing changes in their daily routine. See Exhibit 2, Affidavit of Casey Ngo-Miller, Assistant Superintendent of Student Services for the Newton Public Schools. The interruption of the educational process may be incalculable, but it cannot be overlooked. So too is the disruption of the lives of working caregivers who may have to make emergency arrangements for childcare or who have to miss work and pay. Although not amenable to calculation, these factors should not be disregarded in applying the balancing formula outlined by *Mine Workers*.

**2. Coercive Fines of \$50,000 per day, escalating by \$25,000 per day is Reasonable and Effective**

There are two facets to the concept of “probable effectiveness” in setting a coercive



contempt fine. In *Mine Workers*, the civil contempt fine was based upon the seriousness of the continuing coal strike. “A fine of substantial size is required in order to emphasize the gravity of the offense of which the union was found guilty.” 330 U.S. at 258. In other cases, a fine has been based in part on its deterrent effect on other potential wrongdoers. *See, e.g., United States v. Greyhound Corp.*, 370 F.Sup.881 (N.D.Ill), *aff’d*. 508 F.2d 529 (7th Cir. 1974). By analogy, a coercive civil contempt fine may also be fashioned in part to deter other potential violations.

A \$50,000 per day fine, escalating by \$25,000, and the escalator later doubling to \$50,000, for every day that the NTA, Zilles, and its members remain in contempt of this Court’s order, is reasonably related to both of these concerns. The NTA and its members began striking on January 19, 2024, and have indicated that the strike is not limited in its duration. Neither an order of the Board nor an injunction by this Court has sufficiently deterred the illegal strike. It may be fairly concluded that a coercive fine of some magnitude needs to be imposed to halt the strike and the NTA’s inducement, encouragement, and condoning of the illegal strike.

As to the deterrent effect on other public employee unions which might be contemplating illegal strikes, a fine of \$50,000 per day, escalating by \$25,000 per day, and the escalator later doubling to \$50,000, is sufficiently large to be of concern. A smaller fine raises the possibility that it is seen as a mere “cost of doing business.” Indeed, the Board has requested, and received, fines in the amount of \$50,000 with only a \$10,000 escalator when the Brookline educators went on strike in May 2022, yet that did not deter three additional educators’ unions from going on strike and incurring fines, and now for Newton educators to take the risk of incurring fines. Further, the NTA is in the best financial position out of all the unions to have gone out on strike. See Exhibit 20, Chart of Recent Strike Cases. To deter illegal behavior, the fine must be sufficiently severe. The

NTA has the option of complying with the Court's order and avoiding the imposition of any prospective fine. The Board's requested fine is reasonable and will encourage their return to work.

### **3. The Union's Resources Are Sufficient to Justify the Requested Coercive Fines**

Plaintiffs submit that the financial ability of the NTA's to pay a prospective, coercive civil contempt fine must be measured by considering the total cash on hand in the bank, other assets and investments, coupled with the NTA's ability to raise other funds. See Exhibits 16-19 NTA's Forms 1 and 2 for 2021, 2022, and 2023 filed with the Department of Labor Relations pursuant to M.G.L. c. 150E, §§ 13 and 14.<sup>4</sup> Here, the NTA has \$486,229 cash on hand, \$299,308 in other investments, \$3,333 in other assets, receives \$1,590,062.44 in union dues in or about 2023, and has a fundraiser for the express purpose of raising funds to pay for the costs of the strike. Exhibit 1 ¶ 16, Affidavit of Superintendent Nolin.

The fines in other cases imposed upon striking school teachers compare favorably with the Plaintiffs' suggestion and demonstrate the discretion invested in a trial court judge to set an appropriate coercive fine. See Finding and Order in Labor Relations Commission and Brockton School Committee v. Brockton Education Association, et al, Plymouth Superior Court, C.A. No. 93-1838 (Kelly, J.), attached hereto as Exhibit 11 (a 1993 Contempt Order finding the teachers union liable for a fine of \$20,000 per day, with annual dues amounting to \$149,150, and \$36,771.84 cash

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<sup>4</sup> M.G.L. c. 150E, §13 requires employee organizations to "file with the commission a statement of its name, the name and address of its secretary or other officer to whom notices may be sent, the date of its organization, and its affiliations, if any, with other organizations." Section 14 requires employee organizations to file "with the commission a written statement signed by the president and secretary of such employee organization setting forth the names and addresses of all of the officers of such organization, the aims and objectives of such organization, the scale of dues, initiation fees, fines and assessments to be charged to the members, and the annual salaries to be paid to the officers."

on hand in the bank). In 2007, the Quincy Education Association conducted a strike that unfolded in similar fashion to the current illegal strike. *See* Exhibit 4. In that case, the Quincy School Committee brought a Complaint for Contempt one day after this Court issued a temporary restraining order. This Court heard the complaint and issued a contempt order and ordered sanctions in the amount of \$25,000, and escalating by \$25,000 for approximately every hour to every few hours that the Union remained in contempt. Exhibit 5. On the following day, the striking teachers returned to work under the threat of additional sanctions. As stated, *supra*, the same timeline occurred in Brookline, and a fine of \$50,000 per day was ordered, with an additional \$10,000 per day. Approximately a year ago, the court ordered a coercive prospective fine against the Woburn teachers who had engaged in an illegal strike, in the amount of \$40,000 per day, with a \$5,000 escalator, and that union had \$83,000 cash on hand. Exhibit 12. Most recently, in November 2023, the court ordered a coercive prospective fine against the Andover Educators Association in the amount of \$50,000 with a \$10,000 escalator and the Andover Educators Association had \$125,250.95 in cash on hand. Exhibit 14. Here, the Newton Teachers Association has the most cash on hand, at \$486,229, and is the only educators union that has other assets listed, amounting in total to \$756,836. Exhibit 19. As such, the NTA can easily pay the requested, prospective fine of \$50,000 per day, with a \$25,000 per day escalator, and the escalator later doubling to \$50,000.

**4. The Coercive Fine Should Be a Financial Burden on the NTA But It Is Not An Excessive One.**

The final factor in the *Mine Workers* balancing formula is the financial burden of the coercive fine upon the defendant. In order to be coercive, a fine must obviously be large enough to deter further illegal activity, and since it is prospective only, the fine takes on no punitive aspects, regardless of its severity. Given that the NTA has \$486,229 as cash in hand, \$756,836 in total assets,

the ability to raise more via union dues, and has requested donations, \$50,000 with a \$25,000 escalator is more than a reasonable amount. The NTA can continue with its strike for multiple days without depleting its assets. Such a figure cannot offend the sensibilities given the nature of the fine and the other factors in the balancing test. To set a fine at a lower amount encourages disrespect for the orders of the judiciary.

### **Conclusion**

For all of the above reasons, a coercive contempt fine of \$50,000 per day and increasing by \$25,000 per day, and later doubling to \$50,000, for the NTA and Zilles, in his official capacity, beginning Monday, January 22, 2024 at 4:00 p.m., and continuing each day, until the NTA complies with the orders of this court is appropriate and should be imposed.

Dated: January 22, 2024

COMMONWEALTH EMPLOYMENT  
RELATIONS BOARD

By its attorney,

/s/Lan T. Kantany

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NEWTON SCHOOL COMMITTEE

By its attorneys,

/s/Jennifer King

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CERTIFICATE OF SERVICE

I hereby certify that I served a copy of the above document on counsel for the Defendants, Laurie Houle and Richard Mullane, in the above-captioned matter on January 22, 2024 by e-mail at [lhoule@massteacher.org](mailto:lhoule@massteacher.org) and [rmullane@massteacher.org](mailto:rmullane@massteacher.org).

/s/ Lan T. Kantany

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Lan T. Kantany, Esq.

# Exhibit 1

COMMONWEALTH OF MASSACHUSETTS

MIDDLESEX, SS

SUPERIOR COURT

COMMONWEALTH EMPLOYMENT  
RELATIONS BOARD

Plaintiff

and

NEWTON SCHOOL COMMITTEE

Plaintiff-Intervenor

v.

NEWTON TEACHERS ASSOCIATION and  
MICHAEL J. ZILLES in his official capacity,

Defendants.

CIVIL ACTION NO. 2481CV00148

AFFIDAVIT OF ANNA NOLIN

I, Dr. Anna Nolin, hereby propose the statements as follows:

1. My name is Dr. Anna Nolin. I make this affidavit on my personal knowledge and facts.
2. I am the Superintendent of the Newton Public Schools and an agent of the Newton School Committee (“Committee”). I have held this position since July 1, 2023.
3. The Committee caused a petition for strike investigation (“Petition”) to be filed with the Plaintiff Commonwealth Employment Relations Board (“Board”) on January 16, 2024 alleging that a strike, work stoppage, slow down or withholding of public services by public employees was about to occur and that this strike had been induced, encouraged, and condoned by the Newton Teachers Association (“NTA” or the “Union”) and NTA President Michael Zilles (“Zilles”), hereinafter (“Defendants”).
4. The Board held an investigation on the Petition commencing on Thursday, January 18, 2024.

5. On January 18, 2024, the NTA voted to engage in an ongoing strike and reported the same to local news outlets. A true and accurate copy of the NTA's statements to the media is attached hereto as Exhibit 1.
6. The Board issue a ruling at 8:04pm on Thursday, January 18, 2024 finding that Defendants were inducing, encouraging and condoning a strike in violation of Section 9A of the law, and ordering Defendants to immediately cancel any scheduled strike and immediately notify all employees it represents that it has cancelled the strike vote, using all of its usual means of communication, including Facebook and other social media pages.
7. Employees represented by the NTA were still required to report for the work day on January 19, 2024. The school day was canceled for students on January 19, 2024 due to the strike.
8. Despite the Board's order, the NTA engaged in a strike on January 19, 2024 in violation of Section 9A(a) of G.L. c. 150E and the Board's Order, by failing to report to work on a regularly scheduled work day.
9. The Board determined that in August 2023, Defendants unlawfully induced, encouraged and condoned a strike and did indeed engage in an unlawful strike. Accordingly, Defendants have violated Section 9A(a) of G.L. c. 150E two times in less than six (6) months.
10. The Committee educates nearly 12,000 students in 22 schools. The NTA represents five bargaining units of individuals employed by the Committee. Units A and B consist of educators and certain building administration positions totaling about 1,500 employees. The NTA also represents other support staff and specialists in Units C, D and E. The



NTA's strike in violation of the Order has already caused, and if not prevented will further cause irreparable harm including but not limited to disruption of learning for students and in the event that the schools are unable to safely operate without the NTA members, disruption to the families and caretakers of the 12,000 students caused by unexpected school closures. This harm will be compounded during each work day that the Defendant unlawfully violates the Order.

11. During the period of the strike, school buildings are closed and all school-related events and activities are cancelled.
12. In particular, High School students were scheduled to attend competitive auditions this weekend to participate in the Massachusetts All-State Concert. Typically, our High Schools will arrange for the students to be transported to the auditions and they are accompanied by music teachers to provide support and encouragement and students. Due to the strike, these students were forced to arrange their own transportation and will not have support from their music teachers.
13. The Committee is undertaking extraordinary efforts to meet our students' needs. Food Services has arranged for families to obtain grab and go meals at various school buildings while school is closed due to the strike. School principals and the City's Health Services Director are directly accessible to families whose students have medication/health supplies in school buildings that cannot otherwise be obtained due to the strike.
14. In addition, other individuals employed by the Committee rely on the operation of schools to perform their duties and receive compensation. These staff work in positions including but not limited to custodians, food service, secretaries and administrators. As a result of the strike, the Committee cannot engage these staff members in scheduled work

and these staff members may not be compensated for school days cancelled due to the strike.

15. The District has been forced to hire police details to ensure adequate public safety while the strike is ongoing, among other related expenses.
16. There is presently a donation page set up to raise funds the NTA's unlawful strike. A true and accurate copy of the donation page as of Sunday, January 21, 2024 on or about 3:45pm is attached hereto as Exhibit 2.
17. Mr. Zilles has communicated that the strike will continue. During a mediation session on January 20, 2024, and in the presence of agents of the NTA and Committee, Mr. Zilles told School Committee Chair Christopher Brezski that "the strike could go on 5 days, 10 days or even 15 days."
18. During a mediation session on January 21, 2024, on or about 2:20pm, and in the presence of agents of the NTA and Committee, Mr. Zilles stated that "we will remain on strike until we reach an agreement."
19. Based on the statements contained in paragraphs 17 and 18, Defendants have no intent to comply with this Court's January 19, 2024 order and appear to treat any forthcoming fines as the cost of doing business for the NTA and its membership.
20. In a statement to reporters on January 20<sup>th</sup>, Mr. Zilles said that the strike "...is illegal; we are going against law..." When asked about the injunction order, Mr. Zilles stated "we're going to defy that order. We are going to have to defy that order." Around 6:42, Mr. Zilles stated that "teachers don't take a step like this to go on strike lightly. They don't want to be out here." A video recording of Mr. Zilles' statements is available at this link – the statements regarding defying the order can be heard around 3:18, and the statements

regarding not wanting to be on strike can be heard around 6:42:

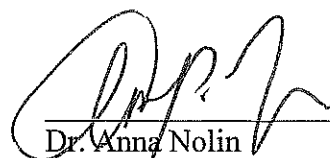
<https://www.facebook.com/newtoteachersassoc/videos/last-nights-press-conference-in-case-you-missed-it-enoughisenough-faircontractno/1069609190956292/>

21. Upon receipt of information in late November that a strike was impending, I directed the Information Technology (“IT”) Director to conduct a search over our email server (of which employees are on notice that there is no expectation of privacy) for emails with the term “strike” or a synonym of the term. One of the emails that was produced through the search goes back to November 3, 2023, and sets forth the NTA’s strategy for engaging in unlawful strike. In particular, the email states the following:

- “unfair labor laws—we have no means and teeth”
- “because in MA it is illegal to strike, we cannot set a strike date as a means of negotiation”
- “[we are the] largest union in the state—**what we do matters...and what we don’t do matters for other districts[.]**” (emphasis added)

A true and accurate copy of this email is attached hereto as Exhibit 3. These recent statements by NTA members that they do not want to be on strike contradict what has clearly been a long-planned and politically motivated strategy as opposed to bargaining a contract specific to the NTA.

Signed under the penalties of perjury on this 21<sup>st</sup> day of January 2024.

A handwritten signature in black ink, appearing to read 'A. Nolin', written over a horizontal line.

Dr. Anna Nolin  
Superintendent  
Newton Public Schools

# EXHIBIT 1



SCHOOL

# Newton teachers go on strike beginning Friday

Members of the Newton Teachers Association voted overwhelmingly to begin a strike Friday morning

By **Alysha Palumbo** and **Carla Rojo** • Published January 18, 2024 • Updated on January 19, 2024 at 12:04 am



Students will be out of class Friday after the Newton Teachers Association voted overwhelmingly for a strike as educators seek a new contract.

Teachers in Newton, Massachusetts have voted to go on strike.



26°

The Newton Teachers Association has been locked in a contract battle with the school committee that's been dragged out since October 2022. The district says it's offering competitive compensation for teachers while the union argues the proposed pay raises aren't even keeping up with inflation.

Thursday afternoon, the union's president, Mike Zilles, announced that educators had voted overwhelmingly to strike Friday.



The Newton Teachers Association has voted overwhelmingly to go on strike.

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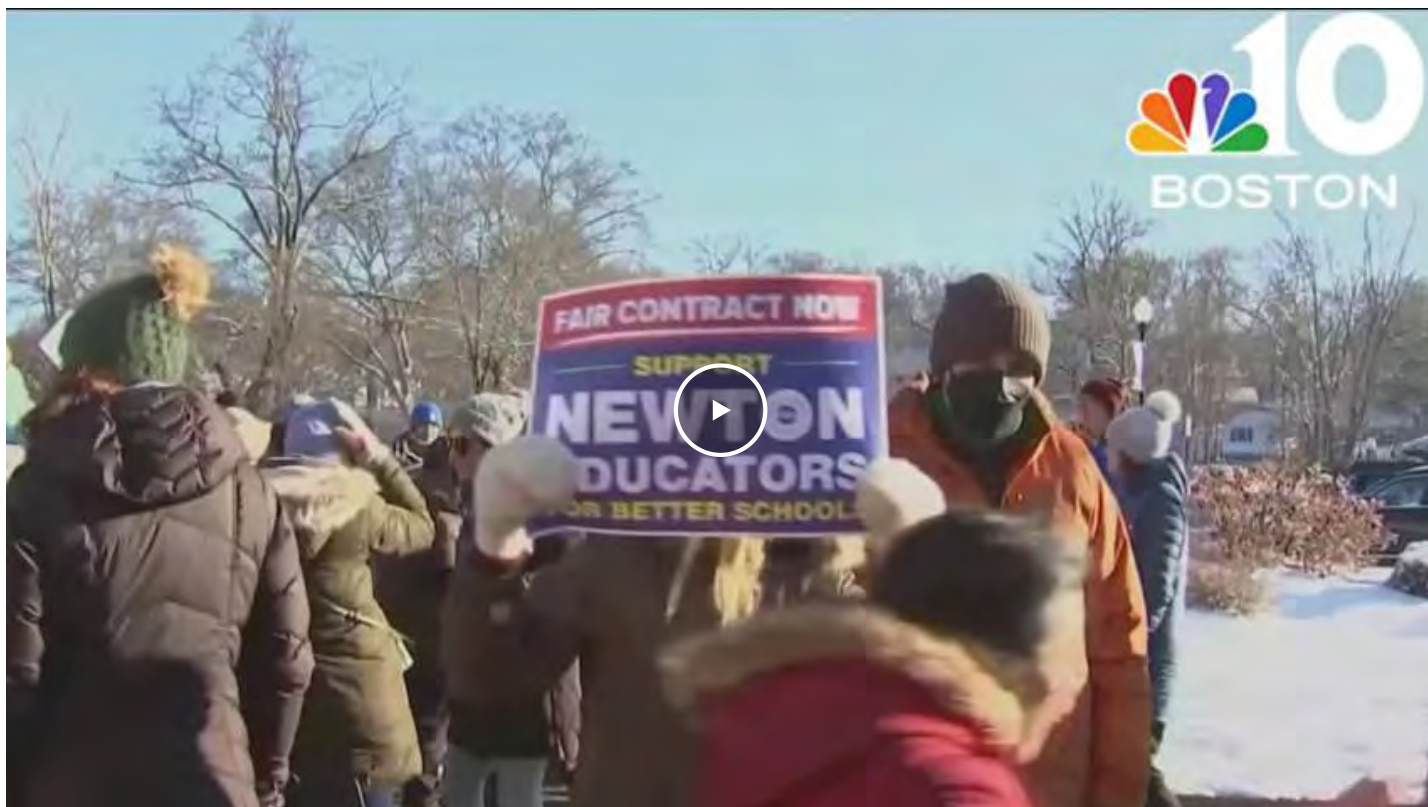
"What I want to announce right now is that 98% of our membership tonight voted to begin a strike tomorrow morning," Ziles said.



In total, 1,641 teachers voted for the strike.

Schools will be closed Friday, Mayor Ruthanne Fuller announced.

"The underfunding of schools has created conditions that make it impossible for our teachers to do their jobs," Parents Educator Collaborative founder Alison Lobron said earlier.



Last-minute contract negotiations were underway Thursday ahead of a vote on whether teachers for Newton Public Schools should strike, one that the administration has moved to prevent. Follow NBC10 Boston on... Instagram: [instagram.com/nbc10boston](https://www.instagram.com/nbc10boston) TikTok: [tiktok.com/@nbc10boston](https://www.tiktok.com/@nbc10boston) Facebook: [facebook.com/NBC10Boston](https://www.facebook.com/NBC10Boston) X: [twitter.com/NBC10Boston](https://twitter.com/NBC10Boston)

"It breaks my heart for our teachers and our families that a strike is being contemplated. The adults belong at the negotiating table, children belong in our classrooms," Fuller said earlier.



An update from the teachers' union was expected at a news conference and rally scheduled for 5 p.m. at Newton City Hall. In the meantime, the district went to court Thursday morning to try to stop the strike.



Fuller said that if the district needs more funding, Newton will have to pass a [Proposition 2½ override](#), a kind of tax increase.

"If we want to increase the funding for the Newton Public Schools, we'll have to convince our voters to do so," she said.

But the union and a member of the City Council's finance committee, Bill Humphrey, allege Fuller is choosing to withhold existing taxpayer money from the schools.

**Get updates on what's happening in Boston to your inbox. Sign up for our [News Headlines newsletter](#).**

"For a wealthy community like Newton, it is not the responsibility of the educators to take an effective pay cut against inflation in order to subsidize the level of services that this community wants to provide," Humphrey said.

If the teachers vote to go on strike Thursday afternoon, as expected, Fuller has said there will be no school in Newton Friday.

Parents have been among the people rallying in support of teachers this week.

## More Newton news



JAN 9

Newton elementary school closed Tuesday after death of a staff member

# EXHIBIT 2



# Newton Teachers Association



NTA Resources on Linktree



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## Support the NTA!

Please consider a monetary donation to the Newton Teachers Association in support of our strike effort: our fight to win the fair contract that our students, educators, and community deserves. Your donation will be used to offset any costs incurred by the strike including fines, printing signs and literature, meals and hot drinks for educators, or other necessary costs to help settle our contract.

First name

Last name

Email

Enter the amount you wish to pay:

\$

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Newton Teachers Association  
46 Austin Street  
Newtonville, MA 02460  
(617)244-9562



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# EXHIBIT 3

they think the sc wants us to go on strike  
they arent mediating in the usualy fashion--they are not in the same room  
Dec 1--verbal vote on strike  
in the next month initiatives like calls  
they think strike would be long--they are trying to hold us out  
we would lose pay  
when decided--they would negotiate loss of pay  
need to teach 180 days and how we make those up  
they ask for mediation, they have it in a week  
they filed, we were charged with a strike in a week  
we filed a grievance in July--if it is accepted, the hearing will be in a year  
unfair labor laws--we have no means and teeth  
because in MA it is illegal to strike, we cannot set a strike date as a means of negotiation  
no one in MA has had a strike for more than a week--they feel Newton will hold out  
this is risky--could lose pay and days  
largest union in the state--what we do matters...and what we don't do matters for other districts

--

*Kelli Fitzgerald*  
English Department  
Newton South High School  
She/her/hers

"I've learned that people will forget what you said, people will forget what you did, but people will never forget how you made them feel." ~Maya Angelou

# Exhibit 2

COMMONWEALTH OF MASSACHUSETTS

MIDDLESEX, SS

SUPERIOR COURT

COMMONWEALTH EMPLOYMENT  
RELATIONS BOARD

Plaintiff

and

NEWTON SCHOOL COMMITTEE

Plaintiff-Intervenor

v.

NEWTON TEACHERS ASSOCIATION and  
MICHAEL J. ZILLES in his official capacity,  
Defendants.

CIVIL ACTION NO. 2481CV00148

AFFIDAVIT OF CASEY NGO-MILLER

I, Casey Ngo-Miller, hereby propose the statements as follows:

1. My name is Casey Ngo-Miller. I make this affidavit on my personal knowledge and facts.
2. I am the Assistant Superintendent of Student Services for the Newton Public Schools and am employed by the Newton School Committee (“Committee”). I have held this position since July 1, 2022 and have previously held other administrative positions related to student services in other school districts.
3. The Office of Student Services is dedicated to providing specialized services and instruction to the more than 2000 students between the ages of 3 and 22 who receive educational services through the Committee and are identified as having an educational disability. These students are serviced by positions in multiple bargaining units including, but not limited to the following:

- a. Unit A – Special education teachers, resource room teachers, learning center teachers, psychologists, social workers, teachers of the visually impaired, speech and hearing specialists, occupational and physical therapists.
  - b. Unit B – Special education directors and assistant directors, assistant principals, special education department heads, directors, coordinators, or department heads of guidance, speech and language, occupational therapy, physical therapy, social work, MTSS, assistive technology, and BCBA departments..
  - c. Unit C – Educational support professionals, teaching assistants, speech and language therapy assistants, physical and occupational therapy assistants, ABA behavior technicians, behavioral support technicians.
4. The District operates specialized programs for students as follows:
- a. Preschool
    - i. Early Childhood Services – Educates students ages 3-5 who have special education needs and required educational and/or related services. Includes both integrated and substantially separate classes.
    - ii. STRIDE – Educates students ages 3-5, the majority whom have a diagnosis of autism, who typically have significant challenges with: (1) verbal and non-verbal communication; (2) behavior, including inflexibility and restricted/repetitive behaviors; (3) social skills, including very limited social interactions
  - b. Elementary School
    - i. ACHIEVE – Educates students in grades 2-5 who have been identified as having an educational disability which is a primary specific learning



disability in basic reading and/or written expression and may have a diagnosis of dyslexia or other language based learning disabilities.

- ii. Bridge – Educates students in grades K-5 whose educational disabilities cause challenges related to self-regulation, emotional regulation and social interactions and require specialized social and emotional instruction and therapeutic support in order to make effective progress.
- iii. STRIDE – Educates students in grades K-5, the majority whom have a diagnosis of autism, who typically have significant challenges with: (1) verbal and non-verbal communication; (2) behavior, including inflexibility and restricted/repetitive behaviors; (3) social skills, including very limited social interactions; (4) academics, most students are performing below grade level and have difficulty accessing traditional instruction.
- iv. SPARK – Educates students in grades K-5 with a primary educational disability of Autism or a Communication disability with deficits in social pragmatics, communication and social interactions.
- v. Reflections – Educates students in grades K-5 whose educational disability categories may include, but are not limited to, intellectual, autism, communication, physical, sensory, and/or health.

c. Middle School

- i. Bridge – Educates students in grades 6-8 with a primary disability that results in challenges related to social, emotional, and behavioral skills; students likely have primary educational disability classification of Emotional Impairment or Health Impairment.

- ii. Direct Instruction – Educates students in grades 6-8 who may have been identified as having a wide range of educational disabilities. Their educational disability impacts them in a way that they have reduced or slowed progress with the academic curriculum delivered in general education classrooms.
- iii. FOCUS – Educates students in grades 6-8 who have a primary educational disability category of autism or other similar educational disabilities. Students present with challenges in the areas of social thinking, self-awareness, executive functioning, perspective-taking, and emotional and sensory regulation. Students are able to access their academics within the general education classrooms, but have difficulty negotiating a large school environment independently, as well as understanding and navigating social rules.
- iv. Language-based Learning Program – Educates students in grades 6-8 who have been identified as having a primary specific learning disability in basic reading and/ or written expression and may have a diagnosis of dyslexia or other language based learning disabilities.
- v. Reflections – Educates students in grades 6-8 who have a complex cognitive and social profile that necessitates extensive content modifications and instructional methodology that integrates functional skills as part of access to curriculum.

- vi. SPARK – Educates students in grades 6-8 with a primary educational disability of Autism or a Communication disability with deficits in social pragmatics, communication and social interactions.
- vii. STRIDE – Educates students in grades 6-8 who require intensive behavioral, academic and communication support and receive almost all of their instruction via the methodology of discrete trial instruction.

d. High School

- i. Compass – Educates students in grades 9-12 who have a primary emotional disability and are able to access the general education environment with therapeutic support embedded throughout their educational experience.
- ii. Connections – Educates students in grades 9-12 who have a complex cognitive and social profile that necessitates extensive content modifications and instructional methodology that integrates functional skills as part of access to curriculum.
- iii. Language Based Learning Program – Educations students in grades 9-12 who have been identified as having a primary specific learning disability in basic reading and/ or written expression.
- iv. Pilot – Educates students in grades 9-12 with primary emotional disabilities who require therapeutic supports in order to make effective progress. Students may also have other disabilities that impact them.
- v. Rise – Educates students in grades 9-12 who may present with Autism or similar disabilities with a variety of challenges, including anxiety, social

skills, self-awareness, and executive functioning as well as sensory and emotional regulation. Academically, students are able to access the general education curriculum content but may require a varied pace of instruction and also need a focus on social skill and social pragmatic development.

- vi. Southside – Educates students in 9-12 require intensive behavioral, academic and communication support and receive almost all of their instruction via the methodology of discrete trial instruction.
- vii. Step – Educates students in grades 9-12 who may present with Autism or similar disabilities with a variety of challenges, including anxiety, social skills, self-awareness, and executive functioning as well as sensory and emotional regulation. Academically, students are very capable but have difficulty negotiating a large school and understanding social rules. Additionally, students in the program may have high levels of anxiety in the classroom and during unstructured times of their day.
- viii. STRIDE – Educates students in grades 9-12 who require intensive behavioral, academic and communication support and receive almost all of their instruction via the methodology of discrete trial instruction.
- ix. Central High School – Educates students in grades 9-12 with a primary disability that results in challenges related to social, emotional and behavioral skills; students likely have a primary education disability classification of Emotional.

- e. Post-Graduate
  - i. STRIDE – Educates students ages 18-21 who require intensive behavioral, academic and communication support and receive almost all of their instruction via the methodology of discrete trial instruction.
  - ii. Community Connections – Educates students ages 18-21 who often have intensive disabilities that present with complex cognitive profiles and at times, complex social profiles. Students in Community Connections require intensive, substantially separate program interventions that include extensive modifications and instructional methodology to develop transition related skills.
- 5. The inability to provide daily instruction to students has wide-ranging educational, social and financial impacts. For students enrolled in specialized programming, this change in routine can be even more devastating. Students, such as those with mental and behavioral health needs, are heavily reliant on structured routines and continuity in the individuals who offer that routine. It is foreseeable that parents may not be equipped to provide the requisite, specialized interventions that these students require when experiencing changes in their daily routine.
- 6. Many students, due to age and/or their high level of needs, cannot remain unsupervised or can only be supervised by a known caretaker. As a result, parents and guardians of such students cannot attend work or leave their child in the care of another adult who the child is not familiar with as a caretaker.

Signed under the penalties of perjury on this 21 day of January 2024.

A handwritten signature in cursive script, appearing to read "Casey Miller", written over a horizontal line.

Casey Ngo-Miller  
Assistant Superintendent  
Newton Public Schools

# Exhibit 3

COMMONWEALTH OF MASSACHUSETTS

MIDDLESEX, SS

SUPERIOR COURT

COMMONWEALTH EMPLOYMENT  
RELATIONS BOARD

Plaintiff

and

NEWTON SCHOOL COMMITTEE

Plaintiff-Intervenor

v.

NEWTON TEACHERS ASSOCIATION and  
MICHAEL J. ZILLES in his official capacity,  
Defendants.

CIVIL ACTION NO. 2481CV00148

AFFIDAVIT OF LISA GILBERT-SMITH

I, Lisa Gilbert-Smith, hereby propose the statements as follows:

1. My name is Lisa Gilbert-Smith. I make this affidavit on my personal knowledge and facts.
2. I am the METCO<sup>1</sup> Director for the Newton Public Schools and am employed by the Newton School Committee ("Committee"). I have held this position since July 2019.
3. METCO is a state-operated educational program open to all children of African American, Latino, Asian and Native American descent who reside in the City of Boston. The program is designed to eliminate racial imbalance through transporting Boston residents to suburban communities like Newton.
4. Newton maintains the largest METCO program in the state of Massachusetts, enrolling approximately 415 students in 21 different schools in grades K-12. Additionally, Newton

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<sup>1</sup> METCO stands for Metropolitan Council for Education Opportunity.



was a founding member of the METCO program when it began in 1966 and has been committed to expanding and strengthening the program since its initiation.

5. On January 19, 2024, school was canceled due to the NTA strike. At this time, it is unclear when the strike will end. Families are able to obtain grab and go meals at various school buildings while school is closed due to the strike.
6. School closures, particularly unanticipated closures like strikes, cause very specific harm to our METCO student population and their families. Some of our METCO students face food insecurity, in that outside of the school day they lack adequate access to sufficient food. Our program provides students with a nutritious breakfast and lunch each school day. We have partnered with METCO Headquarters to provide grab and go meals at the Headquarters' office in Boston, MA. However, we cannot guarantee that students/parents are able to secure transportation to travel to the office to obtain these meals.
7. Moreover, our METCO student population comes from more diverse socio-economic backgrounds than the Newton student population<sup>2</sup>. Many parents/guardians of students enrolled in the METCO program are reliant on their jobs as a source of income for their families and do not have the same ability to remain home to supervise their children during school closures as parents who reside in Newton. These parents/guardians are placed in a difficult, stressful position of going to work or remaining home to care for their family and losing necessary income to provide for their family.
8. Our school buildings are staffed with nurses who are able to provide prompt, competent medical care to students. Students enrolled in our METCO program are unlikely to have

---

<sup>2</sup> The U.S. Census reports that the median household income for the City of Newton in years 2018-2022 was \$176,373 with a total of 65.6% of residents part of the civilian labor force. By way of contrast, the median household income for the City of Boston in years 2018-2022 was \$89,212 with a total of 69.7% of residents part of the civilian labor force.

the same level of direct access to medical care during the time that schools are closed due to the strike.

9. I served as METCO Director during the 2019-2020 school year, of which Newton (and other Massachusetts schools) closed from March 2020 through the remainder of the school year and resorted to virtual instruction. This closure caused a substantial and material disruption to many families, but particularly our METCO student population and those affected by food insecurity, a parent/guardian's inability to remain home to provide adequate supervision, and/or access to medical care. To meet these students' educational and most basic needs, it is crucial that they be able to attend school during all scheduled days.

Signed under the penalties of perjury on this \_\_\_ day of January 2024.

*Lisa Gilbert-Smith*

Lisa Gilbert-Smith  
METCO Director  
Newton Public Schools

# Exhibit 4

# 0782CV00982 Labor Relations Commission et al v Quincy Education Association Inc

- Case Type:
- Equitable Remedies
- Case Status:
- Closed
- File Date
- 06/11/2007
- DCM Track:
- F - Fast Track
- Initiating Action:
- Other Equity Action
- Status Date:
- 06/11/2007
- Case Judge:
- 
- 
- Next Event:
- 

All Information Party Event Docket Disposition

## Party Information

Labor Relations Commission  
- Plaintiff

Alias

Party Attorney

[More Party Information](#)

Commonwealth Employment Relations Board  
- Plaintiff

Alias

Party Attorney

- Attorney
- Byrnes, Esq., Michael A.
- Bar Code
- 634701
- Address
- Michael A. Byrnes, Esq.  
63 Harold Street  
Melrose, MA 02176
- Phone Number
- (617)816-0023

[More Party Information](#)

Quincy Education Association Inc  
- Defendant

Alias

Party Attorney

- Attorney
- Jones, Esq., Matthew D
- Bar Code
- 543681
- Address
- Massachusetts Teachers Association  
2 Heritage Drive  
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Quincy, MA 02171-2119
- Phone Number
- (617)878-8283
- Attorney
- Weissinger, Esq., Susan Lee
- Bar Code
- 521420
- Address
- 1313 Washington Street  
#613  
Boston, MA 02118
- Phone Number
- (000)000-0000

[More Party Information](#)

**Quincy School Committee**  
- Plaintiff-Intervenor

Alias

**Party Attorney**

- Attorney
- Lenox, Jr., Esq., Edward F
- Bar Code
- 293680
- Address
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P.O. Box 9126  
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[More Party Information](#)

**Quincy Education Association**  
- Defendant-Intervenor

Alias

**Party Attorney**

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#613  
Boston, MA 02118
- Phone Number
- (000)000-0000

[More Party Information](#)

**Byrnes Esquire, Michael A**  
- Other interested party

Alias

**Party Attorney**

[More Party Information](#)

**Events**

<u>Date</u>	<u>Session</u>	<u>Location</u>	<u>Type</u>	<u>Event Judge</u>	<u>Result</u>
06/13/2007 02:00 PM	Civil B		Hearing on Contempt		Held as Scheduled
06/19/2007 02:00 PM	Civil B		Hearing on Preliminary Injunction		Rescheduled
04/30/2008 08:00 AM	Civil A		Status Review		Held as Scheduled
06/30/2008 08:00 AM	Civil A		Status Review		Held as Scheduled
09/03/2008 08:00 AM	Civil A		Status Review		Held as Scheduled
11/21/2008 08:00 AM	Civil A		Status Review		Held as Scheduled
01/23/2009 08:00 AM	Civil A		Status Review		Held as Scheduled

**Docket Information**

<u>Docket Date</u>	<u>Docket Text</u>	<u>File Ref Nbr.</u>	<u>Image Avail.</u>
06/11/2007	Complaint filed no fee	1	
06/11/2007	Origin 1, Type D99, Track F.		
06/11/2007	Civil action cover sheet filed	2	
06/11/2007	plffs motion for temporary restraining order or, alternatively, preliminary injunction-TRO to issue under prayer 1a,b,c,d,e&f. O/N to issue under prayer 2 for hearing on preliminary injunction ret June 19,2007 at 2:00PM(Connors,J.)	3	
06/11/2007	defts opposition to plffs motion for temporary restraining order	4	
06/11/2007	Quincy School Committee's emergency motion to intervene-motion allowed (Connors,J.)	5	

<u>Docket Date</u>	<u>Docket Text</u>	<u>File Ref Nbr.</u>	<u>Image Avail.</u>
06/11/2007	defts opposition to Quincy School Committee's motion to intervene	6	
06/11/2007	Intervenor complaint filed by Quincy Schnool Committee filing fee paid in the amount of \$240.00 plus \$20.00 security fee	7	
06/13/2007	Defendant's Opp to An Immediate Hearing on Civil contempt rec'd 6/12/07 filed 6/13/07	8	
06/13/2007	Service returned on summons and restraining order deft to comply in all respects with the Commissions's June 8,2007 order in case No S1-07-276 by 5:00 PM today, June 11,2007 see att'd order	9	
06/13/2007	Verfied Complaint for Civil Contempt rec'd 6/12/07	10	
06/13/2007	MOTION (P#10.0) Contempt Order shall issue; See Order (Fabricant,Associate Justice). dated 6/12/07 4:00 P.M. Notices mailed 6/13/2007		
06/13/2007	MOTION (P#10.0) The Order on Contempt is Amended in that additional language has been crossed out by this Justice; Specifically the language: "per hour until the Defendant's comply in full with the Enforced order (Fabricant, Associate Justice).dated 6/12/07 5:40 P.M. Notices mailed 6/13/2007		
06/13/2007	Order On Contempt (Fabricant,Justice) dated 6/12/07 4:00 P.M See Order.certified copies mailed 6/13/07	11	
06/14/2007	ONE TRIAL review by Clerk, Case is to remain in the Superior Court		
06/14/2007	MOTION (P#10.0) After hearing, the plaintiff's request for sanctions regarding the teachers' Failure to report to Work today is DENIED without prejudice. Plaintiff is granted leave to brief the issue of imposition of fines retroactively. This ruling is premised on the schools being open and the teachers reporting to work on Thursday, June 14,2007 Should the teachers continue to engage in any strike, work stoppage slow down or other withholding of services, a further hearing on Plaintiffs Complaint for Contempt shall be conducted on June 14,2007 at 9:00 a.m. before the undersigned Justice This "Ruling is not intended to affect the prior fines imposed by the Court at the hearing, yesterday June 12th (Connors, Associate Justice).dated 6/13/07 Notices mailed 6/14/2007		
06/15/2007	Parties' Joint MOTION for extension of temporary restraining order and to cancel hearing on application for preliminary injunction (faxed copy)	12	
06/15/2007	MOTION (P#12.0) ALLOWED (Connors, Associate Justice) dated 6/15/07 Notices mailed 6/15/2007		
06/15/2007	re: complaint for contempt (P#15.0) TRO to remain in full force and effect up to and including June 30,2007. Hearing for June 19,2007 CANCELLED (See endorsement on paper #12) (Connors,Associate Justice). dated 6/15/07 Notices mailed 6/15/2007		
06/19/2007	Original of P# 12.0	13	
06/29/2007	ANSWER: Quincy Education Association Inc(Defendant) Consolidated Answer	14	
06/29/2007	Notice sent: Fast track notice sent to defendants attorney		
09/24/2007	Case status changed to 'Needs review for answers' at service deadline review		
10/23/2007	Case status changed to 'Needs discovery' at answer deadline review		
04/02/2008	Notice sent: of Status review with a return date of April 23, 2008 (Sanders, J.) cs	15	
05/05/2008	Return of Status Notice by Atty. Matthew D. Jones - the parties have active and ongoing efforts to bring this matter to resolution. The parties respectfully request that this action be continued for a status report in the month of June, 2008 (rec'd 4/11/08)	16	
05/05/2008	ORDER status review is continued to June 23, 2008 (Sanders, J.) cs	17	

<u>Docket Date</u>	<u>Docket Text</u>	<u>File Ref Nbr.</u>	<u>Image Avail.</u>
06/20/2008	Second Joint Response to Notice of Status Review - In ongoing discussions, the Quincy Education Association (QEA) and the Quincy School Committee (QSC) have calculated a specific amount for damages owed to the Committee, subject to verification of certain salary payments for support staff. The discussions have reached the point where the parties are reviewing the text for a formal settlement agreement, which, once agreed, will be subject to acceptance by a vote of the QSC. The agreement was reviewed preliminarily by the QSC at their meeting on June 18, 2008 and will be taken up again at their meeting on July 14, 2008. Since the filing of the parties' joint response dated April 10th, counsel for all parties have held telephone conferences to monitor the status of the discussions to arrive at an Agreement for Judgment in this matter.... A further telephone conference will be scheduled for shortly after the QSC's July 14th meeting. The parties agree to hold their pending motions in abeyance pending completion of the discussions to arrive at an Agreement for Judgment. In view of the parties' active and ongoing efforts to bring this matter to resolution, the parties respectfully request this action be continued for a further status report to be filed on or before Aug. 25, 2008	18	
06/20/2008	ORDER status review is continued to August 25, 2008 (Sanders, J.) cs	19	
06/23/2008	Original of P#18.0 Second joint response to notice of status review	20	
06/23/2008	Affidavit of compliance with Superior Court Rule 9A.	21	
09/17/2008	Third Joint Response to Notice of Status review - The QEA and the QSC continue their settlement discussions with regard to strike damages. At its meeting on July 14, 2008, The QSC authorized a specific counter-proposal to the QEA's proposal, which was transmitted to the QEA in the form of a proposed settlement agreement by the QSC's counsel on July 23, 2008. The counter-proposal differs somewhat from the QEA's proposal in the amount of the damages and in other non-monetary provisions. The QEA is in the process of formulating its response. Since the filing of the parties' second Joint Response dated June 19, 2008, Counsel for all parties have been in regular telephone and e-mail contact to share information and facilitate the ongoing discussions between the QEA and QSC. Counsel most recently conferred in separate exchanges of e-mail and telephone conversations on Aug. 12 and 13th. Pursuant to the provisions of St.2007, c.145 the Plff, Labor Relations Commission (LRC) has been abolished and superseded by he Commonwealth Employment Relations Board within the Division of Labor Relations of the Department of Labor. Pursuant to the applicable provisions of St. 2007, c. 145 CERB is the successor to the adjudicatory and enforcement functions of the former LRC. CERB is a three member board, which requires a quorum of two members to act. Presently , only one member is appointed to CERB, and therefore no quorum of CERB exists so as to permit the Board to take substantive positions in this litigation. The names of four candidates for a Chair of CERB have been transmitted to the Governor and are under consideration by him. Once the Governor appoints a Chair to CERB, a quorum to permit the agency to make decisions will exist. In view of the parties' active and ongoing efforts to bring this matter to resolution, or to narrow the issues in dispute, detailed above, as well the absence of a quorum of CERB, the parties respectfully request that this action be continued for a further status report to be filed on or before November 15, 2008 (rec'd 8/15/08)	22	
09/17/2008	ORDER status review is continued to November 14, 2008 (Sanders, J.) cs	23	



<u>Docket Date</u>	<u>Docket Text</u>	<u>File Ref Nbr.</u>	<u>Image Avail.</u>
11/28/2008	Fourth Joint Response to Notice of Status review - The Quincy Education Association(QEA) and the Quincy School Committee (QSC)have reached a settlement concerning strike damages owed by the QEA to the QSC. The formal settlement agreement has been signed on behalf of the QEA and execution on behalf of the QSC is pending and will occur shortly. Since the filing of the parties' Third Joint Response to Notice of Status Review dated August 14, 2008, Counsel for the commonwealth Employment Relations Board (CERB), successor to the former Labor Relations Commission, has left the employment of the Division of Labor Relations (DLR) and thereby no longer represents CERB. Michael A. Byrnes, Esq., the Executive Director of DLR, will shortly file an appearance as successor counsel for CERB until such time as new Chief Counsel is named. The parties' Counsel are in the process of scheduling a conference call to: (a) review their prior discussions with Mr. Byrnes; and (b) discuss the possibility of a motion for entry of judgment resolving the outstanding issues in this action. The CERB is a three -member board, which requires a quorum of two members to act. CERB reached a quorum of members only as of November 10, 2008, when the Governor appointed the Chair of CERB. In view of the parties' active and ongoing efforts to bring this matter to resolution, or to narrow the issues in dispute, detailed above, as well the transitions and restructuring at the DLR, the parties respectfully request that this action be continued for a further status report to be filed on or before Jan. 15, 2009(rec'd 11/14/08)	24	
11/28/2008	ORDER Status review is continued to January 15, 2009 (Garsh, J.) cs	25	
12/05/2008	Assented To MOTION for substitution of party	26	
12/08/2008	Motion (P#26.0) ALLOWED by assent. (E. Susan Garsh, Associate Justice) dated December 8, 2008 Notices mailed 12/8/2008		
12/09/2008	Joint MOTION for entry of Final Judgment (Rec'd 12/5/2008)	27	
12/29/2008	Motion (P#27.0) ALLOWED (E. Susan Garsh, Associate Justice) dated 12/24/08. Notices mailed 12/29/2008		
12/29/2008	JUDGMENT: Judgment (E. Susan Garsh, Associate Justice) dated 12/24/08. Certified Copies mailed 12/29/2008	28	

### Case Disposition

<u>Disposition</u>	<u>Date</u>	<u>Case Judge</u>
Dismissed	12/29/2008	

# Exhibit 5

COMMONWEALTH OF MASSACHUSETTS

Norfolk, ss.

Superior Court Department  
of the Trial Court  
Civil Action No. 07-982

LABOR RELATIONS COMMISSION,  
Plaintiff,

and

QUINCY SCHOOL COMMITTEE,  
Intervenor,

v.

QUINCY EDUCATION ASSOCIATION, INC.  
Defendant.

4:00 PM  
6/12/07  
6/13/07  
RECEIVED & FILED  
CLERK OF THE COURTS  
NORFOLK COUNTY

ORDER ON CONTEMPT

The Court, having determined on evidence presented this 12 day of June, 2007 that the Quincy Education Association, and its agents, and each and every one of them (collectively Defendants), are in contempt of the Strike Investigation Order of the Massachusetts Labor Relations Commission, issued on June 8, 2007 (Commission Order), which this Court enforced in full on June 11, 2007 (Enforced Order), it is hereby further ORDERED that the Defendants:

1. shall ~~forthwith~~ pay a coercive fine of ~~\$75,000.00~~ <sup>\$25,000.00 if the defendant has not, by 5:00 p.m. today, taken all steps ordered to be taken by 5:00 pm on June 11,</sup> to obtain immediate compliance with the Commission Order adopted by this Court in the Enforced Order;
2. shall pay ~~prospective~~ <sup>a</sup> coercive fines of ~~\$1,000.00 per hour until the~~ <sup>an additional \$25,000 if the defendant has not, by 6:00 p.m. today, taken all steps ordered to be</sup> Defendants comply in full with the Enforced Order; <sup>taken by 6:00 pm on June 11, 2007;</sup>
3. shall pay a coercive fine <sup>of an additional \$25,000 if the</sup> defendant has not, by 8:00 p.m. today, taken all steps ordered;
4. shall pay a coercive fine <sup>of an additional \$25,000 if the</sup> defendant has not, by midnight tonight, taken all steps ordered;

5:25 PM

JF

5. shall pay a coercive fine of an additional \$50,000 if the defendant has not, by 6:00 a.m. on June 13, 2007, taken all steps ordered.

3. shall pay each student of the Quincy Schools \$25.00 per day nominal damages for violation of their right under the Massachusetts Constitution to a public education;

4. shall pay to the registry of the Superior Court for Norfolk County or to a bank or trust company to be held in trust, the sum of \$100,000.00 to be administered and accounted for by the Labor Relations Commission to provide compensatory damages upon reasonable evidence of losses incurred due to the illegal strike to the following:

A. parents or legal guardians of students in Quincy Schools having incurred costs for child care, lost earnings, or other damages due to the strike; and

B. employees of the Quincy School Committee who are not in bargaining units represented by the Quincy Education Association and who did not honor the strike, but incurred lost income or other costs as a result of the strike;

5. shall pay compensatory damages of \_\_\_\_\_ for strike related costs incurred by the School Committee and the City of Quincy to date, with this figure subject to further Court Order in the event that additional costs are incurred.

Further hearing on this matter shall be held on June 13, 2007, at 2:00 pm. in the B session.

*Judith Fabreant*  
\_\_\_\_\_  
Judge, Superior Court for Norfolk County  
June 12, 2007, 4:00 pm.

# Exhibit 6

# 2282CV00453 Commonwealth Employment Relations Board vs. Brookline Educators Union et al

- Case Type:
- Equitable Remedies
- Case Status:
- Open
- File Date
- 05/13/2022
- DCM Track:
- F - Fast Track
- Initiating Action:
- Injunction
- Status Date:
- 05/13/2022
- Case Judge:
- 
- 
- Next Event:
- 

[All Information](#) | [Party](#) | [Subsequent Action/Subject](#) | [Event](#) | [Tickler](#) | [Docket](#) | [Disposition](#)

## Party Information

**Commonwealth Employment Relations Board**  
- Plaintiff

[Alias](#)

### Party Attorney

- Attorney
- Kantany, Esq., Lan
- Bar Code
- 688387
- Address
- Massachusetts Department of Labor Relations  
2 Ave de Lafayette  
Lafayette City Center  
Boston, MA 02111
- Phone Number
- (617)626-7842

[More Party Information](#)

**Brookline Educators Union**  
- Defendant

[Alias](#)

### Party Attorney

- Attorney
- MacDougall, Esq., Jennifer Lee
- Bar Code
- 663945
- Address
- Massachusetts Teachers Association  
2 Heritage Drive  
9th Floor  
Quincy, MA 02171-2119
- Phone Number
- (617)878-8143

[More Party Information](#)

**Wender-Shubow, Jessica**  
- Defendant

[Alias](#)

### Party Attorney

- Attorney
- MacDougall, Esq., Jennifer Lee
- Bar Code
- 663945
- Address
- Massachusetts Teachers Association  
2 Heritage Drive  
9th Floor  
Quincy, MA 02171-2119
- Phone Number
- (617)878-8143

[More Party Information](#)

**Brookline School Committee**  
 - Plaintiff-Intervenor

Alias

**Party Attorney**

- Attorney
- Hillman, Esq., Robert Daniel
- Bar Code
- 552637
- Address
- Valerio Dominello and Hillman, LLC  
 One University Ave  
 Suite 300B  
 Westwood, MA 02090
- Phone Number
- (617)862-2005

[More Party Information](#)

**Subsequent Action/Subject**

<u>Status</u>	<u>Description</u>	<u>SA/Subject #</u>	<u>Pleading Party</u>	<u>Responding Party</u>	<u>Judgments</u>	<u>Status Date</u>
Filed	Intervenor Complaint	1	Brookline School Committee	Wender-Shubow, Jessica	0	05/17/2022

**Events**

<u>Date</u>	<u>Session</u>	<u>Location</u>	<u>Type</u>	<u>Event Judge</u>	<u>Result</u>
05/13/2022 03:00 PM	Civil B		Hearing on Preliminary Injunction		Held as Scheduled
05/16/2022 03:40 PM	Civil B		Hearing on Contempt		Held as Scheduled

**Ticklers**

<u>Tickler</u>	<u>Start Date</u>	<u>Due Date</u>	<u>Days Due</u>	<u>Completed Date</u>
Service	05/13/2022	08/11/2022	90	
Answer	05/13/2022	09/12/2022	122	
Rule 12/19/20 Served By	05/13/2022	09/12/2022	122	10/31/2022
Rule 12/19/20 Filed By	05/13/2022	10/11/2022	151	10/31/2022
Rule 12/19/20 Heard By	05/13/2022	11/09/2022	180	10/31/2022
Rule 15 Served By	05/13/2022	09/12/2022	122	10/31/2022
Rule 15 Filed By	05/13/2022	10/11/2022	151	10/31/2022
Rule 15 Heard By	05/13/2022	11/09/2022	180	10/31/2022
Discovery	05/13/2022	03/09/2023	300	10/31/2022
Rule 56 Served By	05/13/2022	04/10/2023	332	10/31/2022
Rule 56 Filed By	05/13/2022	05/08/2023	360	10/31/2022
Final Pre-Trial Conference	05/13/2022	09/05/2023	480	10/31/2022
Judgment	05/13/2022	05/13/2024	731	10/31/2022

**Docket Information**

<u>Docket Date</u>	<u>Docket Text</u>	<u>File Ref Nbr.</u>	<u>Image Avail.</u>
05/13/2022	Attorney appearance On this date Lan Kantany, Esq. added for Plaintiff Commonwealth Employment Relations Board		
05/13/2022	Case assigned to: DCM Track F - Fast Track was added on 05/13/2022		
05/13/2022	Original civil complaint filed.	1	<a href="#">Image</a>
05/13/2022	Civil action cover sheet filed.	2	<a href="#">Image</a>

<u>Docket Date</u>	<u>Docket Text</u>	<u>File Ref Nbr.</u>	<u>Image Avail.</u>
05/13/2022	Commonwealth Employment Relations Board's MOTION for appointment of Special Process Server. Dewsnap and Associates	3	<a href="#">Image</a>
05/13/2022	Attorney appearance On this date Robert Daniel Hillman, Esq. added for Other interested party Brookline School Committee		
05/13/2022	Other Interested Party Brookline School Committee's EMERGENCY Motion to intervene	4	<a href="#">Image</a>
05/13/2022	Endorsement on Motion to Appoint special process server (#3.0): ALLOWED ( Donatelle, J) ( dated 05/13/2022).		<a href="#">Image</a>
05/13/2022	Attorney appearance On this date Jennifer Lee MacDougall, Esq. added for Defendant Brookline Educators Union		<a href="#">Image</a>
05/13/2022	Attorney appearance On this date Jennifer Lee MacDougall, Esq. added for Defendant Jessica Wender-Shubow In his/her capacity As President Of The Brookline Educators Union		<a href="#">Image</a>
05/13/2022	Event Result:: Hearing on Preliminary Injunction scheduled on: 05/13/2022 03:00 PM Has been: Held as Scheduled Hon. Sharon Donatelle, Presiding		
05/13/2022	Endorsement on Complaint  P#1 - " After hearing, at which the defendant's were represented by counsel, The Plaintiffs request for a Preliminary Injunction is ALLOWED as modified. See 23 (1.)a,b,c,d,e,f,g,h". ( Donatelle,J) dated 5/13/22  Judge: Donatelle, Hon. Sharon		<a href="#">Image</a>
05/16/2022	Endorsement on Motion to intervene (#4.0): ALLOWED After Oral Argument (Donatelle, J)(dated; 5/13/22) ns pl  Judge: Donatelle, Hon. Sharon		<a href="#">Image</a>
05/16/2022	Endorsement on Motion for appointment of special process server (#3.0): ALLOWED (Donatelle, J)(dated; 5/13/22)certified copy sent pl		<a href="#">Image</a>
05/16/2022	Preliminary Injunction issued for Plaintiff Commonwealth Employment Relations Board. It is ordered and adjudged that Defendants(s) Brookline Educators Union, Jessica Wender-Shubow In his/her capacity As President Of The Brookline Educators Union and their various attorneys and agents are: See ORDER (Donatelle, J)Effective 5/13/2022 4:00pm certified copy sent pl  Judge: Donatelle, Hon. Sharon	5	<a href="#">Image</a>
05/16/2022	Docket Note: Emailed and Mailed Certified Copy of the Preliminary Injunction to Attorney Kantany		
05/16/2022	Complaint for contempt filed.	6	<a href="#">Image</a>
05/16/2022	Plaintiff Commonwealth Employment Relations Board's Motion for civil contempt order and immediate hearing on sanctions	6.1	<a href="#">Image</a>
05/16/2022	Commonwealth Employment Relations Board's Memorandum in support of motion for civil contempt order and immediate hearing on sanctions	6.2	<a href="#">Image</a>
05/16/2022	Event Result:: Hearing on Contempt scheduled on: 05/16/2022 03:40 PM Has been: Held as Scheduled Comments: FTR - Ctm. 3 IN PERSON Hon. Sharon Donatelle, Presiding		
05/17/2022	Endorsement on Motion for Contempt Order and Immediate Hearing on Sanctions (#6.1): Other action taken After hearing at which the defendants were represented by counsel, I find the defendants in contempt of this Court's preliminary injunction of May 13,2022. I have considered the standards articulated by the S.J. C in Labor Relations Commission v. Fall River Educators Association, 382 Mass 465(1981) and find the character and magnitude of the harm to be substantial in view of the direct and daily impact to the over 7,000 public school students who are entitled to a public education. The sanctions here are intended to be coercive in nature and to compel those participants in this illegal strike to cease and desist immediately and to comply with all the provisions of the preliminary injunction. I find based on the materials submitted that the BEU has considerable financial resources (\$329,447.73 as of reporting date of August 31,2021(annual financial report) such that the proposed coercive sanctions are appropriate and not punitive (Donatelle, J)(dated;5/16/22) ns pl  Judge: Donatelle, Hon. Sharon		<a href="#">Image</a>
05/17/2022	ORDER: CONTEMPT ORDER (Donatelle, J)(dated; 5/16/22) certified copy sent pl  Judge: Donatelle, Hon. Sharon	7	<a href="#">Image</a>
05/17/2022	Financial Note:  Filing fee in the amount of \$275.00 waived. Case was filed by the Commonwealth - Massachusetts Department of Labor Relations		



<u>Docket Date</u>	<u>Docket Text</u>	<u>File Ref Nbr.</u>	<u>Image Avail.</u>
05/17/2022	Plaintiff-Intervenor Brookline School Committee's Submission of intervenor complaint	8	<a href="#">Image</a>
05/17/2022	Intervenor complaint filed. (p#8)		
05/17/2022	Financial Note:  \$240.00 fee for Intervenor Complaint paid on E-file (24637). Duplicate fee was added when subsequent action was manually added. Waiving \$240.00.		
06/11/2022	One Trial case reviewed by Clerk, case to remain in the Superior Court.  Judge: Hickey, Mary K		
10/31/2022	Party(s) file Stipulation of Dismissal --The parties herein have stipulated that this action by the Plaintiff Commonwealth Employment Relations Board and the Plaintiff-Intervenor Brookline School Committee, against the Defendants' Brookline Educators Union and Jessica Wender-Shubow be Dismissed. (e-Filed 10/28/2022)  Applies To: Commonwealth Employment Relations Board (Plaintiff); Brookline Educators Union (Defendant); Jessica Wender-Shubow In his/her capacity As President Of The Brookline Educators Union (Defendant); Brookline School Committee (Plaintiff-Intervenor)	9	<a href="#">Image</a>

**Case Disposition**

<u>Disposition</u>	<u>Date</u>	<u>Case Judge</u>
Disposed by Agreement / Settled	10/31/2022	

# Exhibit 7

COMMONWEALTH OF MASSACHUSETTS

NORFOLK, SS

SUPERIOR COURT

COMMONWEALTH EMPLOYMENT  
RELATIONS BOARD  
Plaintiff

and

BROOKLINE SCHOOL COMMITTEE  
Intervenor

v.

BROOKLINE EDUCATORS UNION,  
JESSICA WENDER-SHUBOW, in her  
capacity as President of the Brookline  
Educators Union,  
Defendants.

CIVIL ACTION NO. 2282CV00453

~~ORDER~~ CONTEMPT ORDER

After a hearing at which the Brookline Educators Union (“BEU”) and Jessica Wender-Shubow (“Wender-Shubow”), in her capacity as President of the BEU (collectively referred to as “Defendants”), were represented by counsel, the Court hereby allows the Plaintiff, Commonwealth Employment Relations Board (“Board”)’s Motion for Civil Contempt Order.

The Defendants are in contempt of the Court’s May 13, 2022 by failing and refusing to comply with the Court’s May 13, 2022 Preliminary Injunction Order and the Interim Order of the Board dated May 12, 2022. It is hereby ordered that the Defendants shall:

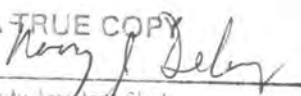
- a. Pay a coercive fine, payable to the general fund of the Commonwealth of Massachusetts, to ensure the Defendants’ compliance with the Court’s May 13, 2022 Preliminary Injunction Order, in the amount of \$50,000 per day, if the Defendants have not, by 11:59 p.m. today, May 16, 2022, taken all steps ordered to be taken.

- b. For each day after May 17, 2022 that members of the BEU engage in conduct in violation of the Court's May 13, 2022 Order, Defendants shall pay the amount of the \$<sup>50,000</sup>25,000 fine, increased by an additional \$10,000 per day.
- c. ~~Service of Plaintiff's Motion for Civil Contempt to counsel for Defendants is deemed as the summons under Mass. R. Civ. Proc. Rule 65.3(d), to require defendants, who have appeared in this matter through counsel, to appear and respond to the Verified Complaint for Civil Contempt, and Motion for Civil Contempt with sanctions.~~
- d. ~~Pay attorneys' fees incurred by the Intervenor in enforcing the Court's May 13, 2022 Order.~~

SO ORDERED.

  
\_\_\_\_\_  
Judge, Superior Court of Norfolk County

Dated: 5/14/2022

A TRUE COPY  
Attest:   
Deputy Assistant Clerk

# Exhibit 8

**CLERK'S NOTICE**

DOCKET NUMBER

**2282CV00453**

**Trial Court of Massachusetts  
The Superior Court**



CASE NAME:

**Commonwealth Employment Relations Board vs. Brookline  
Educators Union et al**

Walter F. Timilty, Clerk of Courts

TO:

**Lan Kantany, Esq.  
Massachusetts Department of Labor Relations  
436 Dwight St  
Room 206  
Springfield, MA 01103**

COURT NAME & ADDRESS

Norfolk County Superior Court  
650 High Street  
Dedham, MA 02026

You are hereby notified that on 05/17/2022 the following entry was made on the above referenced docket:

Endorsement on Motion for Contempt Order and Immediate Hearing on Sanctions (#6.1): Other action taken After hearing at which the defendants were represented by counsel, I find the defendants in contempt of this Court's preliminary injunction of May 13,2022. I have considered the standards articulated by the S.J. C in Labor Relations Commission v. Fall River Educators Association, 382 Mass 465(1981) and find the character and magnitude of the harm to be substantial in view of the direct and daily impact to the over 7,000 public school students who are entitled to a public education. The sanctions here are intended to be coercive in nature and to compel those participants in this illegal strike to cease and desist immediately and to comply with all the provisions of the preliminary injunction. I find based on the materials submitted that the BEU has considerable financial resources (\$329,447.73 as of reporting date of August 31,2021(annual financial report) such that the proposed coercive sanctions are appropriate and not punitive (Donatelle, J)(dated;5/16/22) ns pl

Judge: Donatelle, Hon. Sharon

DATE ISSUED

05/17/2022

ASSOCIATE JUSTICE/ ASSISTANT CLERK

**Hon. Sharon Donatelle**

SESSION PHONE#

# Exhibit 9

# 2277CV00990 Commonwealth Employment Relations Board vs. Haverhill Education Association et al

- Case Type:
- Equitable Remedies
- Case Status:
- Open
- File Date
- 10/17/2022
- DCM Track:
- F - Fast Track
- Initiating Action:
- Injunction
- Status Date:
- 10/17/2022
- Case Judge:
- 
- Next Event:
- 

[All Information](#) | [Party](#) | [Event](#) | [Tickler](#) | [Docket](#) | [Disposition](#)

## Party Information

### Commonwealth Employment Relations Board - Plaintiff

Alias

#### Party Attorney

- Attorney
- Kantany, Esq., Lan
- Bar Code
- 688387
- Address
- Massachusetts Department of Labor Relations  
2 Ave de Lafayette  
Lafayette City Center  
Boston, MA 02111
- Phone Number
- (617)626-7842

[More Party Information](#)

### Haverhill Education Association - Defendant

Alias

#### Party Attorney

- Attorney
- Dunn, Esq., Ryan P
- Bar Code
- 666889
- Address
- Massachusetts Teachers Association  
2 Heritage Drive  
8th Floor  
Quincy, MA 02171
- Phone Number
- (617)878-8280

[More Party Information](#)

### Massachusetts Teachers Association - Defendant

Alias

#### Party Attorney

- Attorney
- Hickernell, Esq., Mark Andrew
- Bar Code
- 638005
- Address
- Massachusetts Teachers Association  
2 Heritage Drive  
Quincy, MA 02171
- Phone Number
- (617)878-8287
- Attorney
- Houle, Esq., Laurie Renea
- Bar Code



- 645206
- Address
- Massachusetts Teachers Association  
2 Heritage Drive  
Quincy, MA 02171-2119
- Phone Number  
(617)878-8289

[More Party Information](#)

**Briggs, Tim**  
- Defendant

Alias

**Party Attorney**

- Attorney
- Dunn, Esq., Ryan P
- Bar Code
- 666889
- Address
- Massachusetts Teachers Association  
2 Heritage Drive  
8th Floor  
Quincy, MA 02171
- Phone Number  
(617)878-8280

[More Party Information](#)

**Hickley, Christine**  
- Defendant

Alias

**Party Attorney**

- Attorney
- Dunn, Esq., Ryan P
- Bar Code
- 666889
- Address
- Massachusetts Teachers Association  
2 Heritage Drive  
8th Floor  
Quincy, MA 02171
- Phone Number  
(617)878-8280

[More Party Information](#)

**Haverhill School Committee**  
- Plaintiff-Intervenor

Alias

**Party Attorney**

- Attorney
- Connelly, Esq., David M
- Bar Code
- 638141
- Address
- Morgan Brown and Joy LLP  
200 State St  
Boston, MA 02109
- Phone Number  
(617)523-6666
- Attorney
- Sweeney, Esq., Brendan
- Bar Code
- 703992
- Address
- Morgan, Brown and Joy  
200 State St S11A  
Boston, MA 02109
- Phone Number  
(617)788-5059

[More Party Information](#)

**Events**

<u>Date</u>	<u>Session</u>	<u>Location</u>	<u>Type</u>	<u>Event Judge</u>	<u>Result</u>
10/18/2022 11:30 AM	Civil B	NWBPORT-2nd FL, CR 1 (SC)	Hearing on Preliminary Injunction	Lang, Hon. James F	Held - Under advisement
10/19/2022 12:00 PM	Civil B	NWBPORT-2nd FL, CR 1 (SC)	Hearing on Contempt	Lang, Hon. James F	Held as Scheduled
11/08/2022 02:00 PM	Civil B	NWBPORT-2nd FL, CR 1 (SC)	Motion Hearing	Lang, Hon. James F	Held via Video/Teleconference

### Ticklers

<u>Tickler</u>	<u>Start Date</u>	<u>Due Date</u>	<u>Days Due</u>	<u>Completed Date</u>
Service	10/17/2022	01/17/2023	92	
Answer	10/17/2022	02/14/2023	120	
Rule 12/19/20 Served By	10/17/2022	02/14/2023	120	
Rule 12/19/20 Filed By	10/17/2022	03/16/2023	150	
Rule 12/19/20 Heard By	10/17/2022	04/18/2023	183	
Rule 15 Served By	10/17/2022	02/14/2023	120	
Rule 15 Filed By	10/17/2022	03/16/2023	150	
Rule 15 Heard By	10/17/2022	04/18/2023	183	
Discovery	10/17/2022	08/14/2023	301	
Rule 56 Served By	10/17/2022	09/12/2023	330	
Rule 56 Filed By	10/17/2022	10/12/2023	360	
Final Pre-Trial Conference	10/17/2022	02/09/2024	480	
Judgment	10/17/2022	10/16/2024	730	
Under Advisement	10/18/2022	11/17/2022	30	10/18/2022
Status Review	10/19/2022	01/27/2023	100	

### Docket Information

<u>Docket Date</u>	<u>Docket Text</u>	<u>File Ref Nbr.</u>	<u>Image Avail.</u>
10/17/2022	Attorney appearance On this date Lan Kantany, Esq. added for Plaintiff Commonwealth Employment Relations Board		<a href="#">Image</a>
10/17/2022	Case assigned to: DCM Track F - Fast Track was added on 10/17/2022		
10/17/2022	Original civil complaint filed.	1	<a href="#">Image</a>
10/17/2022	Civil action cover sheet filed.	2	<a href="#">Image</a>
10/17/2022	Commonwealth Employment Relations Board's MOTION for appointment of Special Process Server.	3	<a href="#">Image</a>
10/17/2022	Other Interested Party Haverhill School Committee's EMERGENCY Assented to Motion to intervene	4	<a href="#">Image</a>
10/17/2022	Attorney appearance On this date Brendan Sweeney, Esq. added for Other interested party Haverhill School Committee		
10/17/2022	Attorney appearance On this date David M Connelly, Esq. added for Other interested party Haverhill School Committee		
10/17/2022	Endorsement on Motion to Appoint A Disinterested Person to Serve Process (#3.0): ALLOWED (Attest: ATMitchell, Asst. Clerk)  Judge: Lang, Hon. James F		<a href="#">Image</a>
10/17/2022	Haverhill Education Association, Tim Briggs In his/her capacity As President of the Haverhill Education Association, Christine Hickley In his/her capacity As a member and building representative of the Haverhill Education Association's Memorandum in opposition to request for injunctive relief with Affidavit of Ryan P. Dunn, Esq.	5	<a href="#">Image</a>
10/17/2022	Attorney appearance On this date Ryan P Dunn, Esq. added for Defendant Haverhill Education Association		
10/17/2022	Attorney appearance On this date Ryan P Dunn, Esq. added for Defendant Tim Briggs In his/her capacity As President of the Haverhill Education Association		
10/17/2022	Attorney appearance On this date Ryan P Dunn, Esq. added for Defendant Christine Hickley In his/her capacity As a member and building representative of the Haverhill Education Association		
10/17/2022	Defendant Haverhill Education Association, Tim Briggs In his/her capacity As President of the Haverhill Education Association, Christine Hickley In his/her capacity As a member and building representative of the Haverhill Education Association's Joint Motion to strike	6	<a href="#">Image</a>

<a href="#">Docket Date</a>	<a href="#">Docket Text</a>	<a href="#">File Ref Nbr.</a>	<a href="#">Image Avail.</a>
	motion to intervene to the extent it purports to incorporate a multitude of facts and exhibits into the record of hearing by assent		
10/17/2022	Attorney appearance On this date Mark Andrew Hickernell, Esq. added for Defendant Massachusetts Teachers Association		
10/17/2022	Endorsement on Motion to Intervene (Assented-To) (#4.0): ALLOWED ALLOWED, both as to the merits and on the representation that neither the Employment Relations Board nor the defendants oppose. The court will separately rule on the defendants' motion to strike portions of the instant motion (Paper No. 6)  Judge: Lang, Hon. James F		<a href="#">Image</a>
10/17/2022	ORDER: ORDER ON PLAINTIFF'S REQUEST FOR TEMPORARY RESTRAINING ORDER The court has allowed the Haverhill School Committee's assented-to motion pursuant to Mass. R. Civ. P. 24(a) and 24(b) to intervene in this action (see margin endorsement on Paper #4).  The court has reviewed he request of the plaintiff, Commonwealth Employment Relations Board (CERB), in its Verified Complaint for Injunctive Relief for issuance of an ex parte temporary restraining order pursuant to G.L. c. 150E, s. 9A(b) and Mass. R. Civ. P. 65(a) (Paper #1). It has also received and reviewed the opposition to the request filed by the defendants, Haverhill Education Association (HEA), Massachusetts Teachers Association (MTA), Tim Briggs, as President of the HEA, and Christine Hickey, as a member of the HEA. Upon such review, the plaintiffs' request for a temporary restraining order is ALLOWED in part.  ***  The court therefore enters the following ORDER, which shall remain in force an effect until the court enters a superseding order at or sometime after the hearing on October 18, 2022:  a. HEA and MTA, their officers, the employees they represent, and Hickey and Briggs, in their official capacities, shall immediately cease and desist from engaging in a strike or work stoppage, slowdown or other withholding of services to the Haverhill Public Schools.  b. The HEA and its officers and Hickey and Briggs shall take any necessary steps immediately to notify the employees whom HEA represents of their obligation to fully perform the duties of their employment, including the obligation to refrain from any form of a strike or work stoppage. Such notification shall include notice of the issuance of this ORDER and its terms. (3:57 p.m.)  (See Paper No. 7 for full text of the Order)  Judge: Lang, Hon. James F	7	<a href="#">Image</a>
10/17/2022	The following form was generated:  Notice to Appear Sent On: 10/17/2022 16:05:21		
10/17/2022	On Commonwealth Employment Relations Board's application for a Temporary Restraining Order a Summons and Temporary Restraining order issued against Haverhill Education Association, Massachusetts Teachers Association, Tim Briggs In his/her capacity As President of the Haverhill Education Association, Christine Hickey In his/her capacity As a member and building resrepresentative of the Haverhill Education Association, Haverhill School Committee after payment of \$90.00, returnable on 10/18/2022 11:30 AM Hearing on Preliminary Injunction. Until such hearing, the named party and their various attorneys and agents must: SEE CERTIFIED ATTACHMENT  Judge: Lang, Hon. James F		<a href="#">Image</a>
10/17/2022	Case file images - Notice to Appear for Hearing On Preliminary Injunction on 10/18/22 at 11:30 a.m. in person		<a href="#">Image</a>
10/17/2022	Massachusetts Teachers Association's Memorandum in opposition to request for injunctive relief	8	<a href="#">Image</a>
10/17/2022	Plaintiff-Intervenor Haverhill School Committee's Submission of Verified Complaint In Intervention	9	<a href="#">Image</a>
10/17/2022	Plaintiff-Intervenor Haverhill School Committee's Submission of Civil Action Cover Sheet	10	<a href="#">Image</a>
10/18/2022	Plaintiff, Plaintiff-Intervenor Commonwealth Employment Relations Board, Haverhill School Committee's Submission of Verified Complaint For Civil Contempt	11	<a href="#">Image</a>
10/18/2022	Plaintiffs Commonwealth Employment Relations Board, Haverhill School Committee's Motion for Civil Contempt Order and Immediate Hearing on Sanctions.	12	<a href="#">Image</a>
10/18/2022	Commonwealth Employment Relations Board, Haverhill School Committee's Memorandum in support of Motion For Civil Contempt Order and Immediate Hearing on Sanctions	12.1	<a href="#">Image</a>
10/18/2022	Matter taken under advisement: Hearing on Preliminary Injunction scheduled on: 10/18/2022 11:30 AM Has been: Held - Under advisement Comments: FTR - 11:25:38 a.m. - 12:55:46 p.m., courtroom 1 Hon. James F Lang, Presiding		

<u>Docket Date</u>	<u>Docket Text</u>	<u>File Ref Nbr.</u>	<u>Image Avail.</u>
	Staff: Anne Mitchell, Assistant Clerk Magistrate		
10/18/2022	ORDER: ORDER ON PLAINTIFFS' MOTION FOR PRELIMINARY INJUNCTION For the foregoing reasons, the plaintiffs' motion for a preliminary injunction is ALLOWED.  The court ORDERS as follows (all components of this ORDER pertain solely to activities relating to the Haverhill Public Schools and the ongoing labor dispute between the Haverhill School Committee and the Haverhill Education Association):  All of the named defendants are hereby temporarily restrained from failing and refusing to comply with the Order of CERB dated October 15, 2022, and as modified as follows:  a. The HEA and its officers and the employees it represents, and Christine Hickey and Tim Briggs, in their official capacities, shall immediately cease and desist from engaging or threatening to engage in a strike or work stoppage, slowdown or other withholding of services; b. The MTA, the HEA and its officers and the employees it represents, and Hickey and Briggs, in their official capacities, shall immediately cease and desist from inducing, encouraging, or condoning any strike, work stoppage, or other withholding of services; c. The MTA, the HEA and its officers, and Hickey and Briggs, in their official capacities, shall publicly state: (1) that the current strike that has resulted from the strike vote that took place on October 14, 2022, as well as any other work stoppage, slowdown, or other withholding of services, is illegal and must therefore cease; and (2) that HEA's members must immediately return to work; d. The HEA and its officers and Hickey and Briggs, in their official capacities, shall take any necessary steps to notify the employees whom the HEA represents of their obligation to fully perform the duties of their employment including the obligation to refrain from any form of a strike or work stoppage. Such notification shall be completed immediately upon receipt of this Order and shall entail all of its usual means of communicating with its bargaining unit members; e. The HEA and its officers and Hickey and Briggs, in their official capacities, shall take any and all necessary steps to inform the employees whom the HEA represents of the provisions of section 9A(a) and (b) of the Law; f. The MTA, the HEA, and its officers and Hickey and Briggs, in their official capacities, shall notify the Department of Labor Relations in writing of the steps taken to comply with this Order by no later than Monday, October 19, 2022, at 9:00 a.m.; g. The HEA and the School Committee shall immediately initiate or resume negotiations to resolution or impasse over the issues that separate them and utilize the procedures for resolving disputes provided in their collective bargaining agreements and M.G.L. c. 150E; and h. The MTA, the HEA, and its officers and Hickey and Briggs, in their official capacities, should appear as required by the CERB for a proceeding to determine compliance with this Order and the Board's Interim Order.  (See Paper No. 13 for the full text of the Order)  Judge: Lang, Hon. James F	13	<a href="#">Image</a>
10/18/2022	Preliminary Injunction issued for Plaintiff, Plaintiff-Intervenor Commonwealth Employment Relations Board, Haverhill School Committee. It is ordered and adjudged that Defendant(s) Haverhill Education Association, Massachusetts Teachers Association, Tim Briggs In his/her capacity As President of the Haverhill Education Association, Christine Hickey In his/her capacity As a member and building representative of the Haverhill Education Association and their various attorneys and agents are: SEE CERTIFIED ATTACHMENT	14	<a href="#">Image</a>
10/19/2022	Plaintiff, Plaintiff-Intervenor Commonwealth Employment Relations Board, Haverhill School Committee's Submission of Verified Complaint For Civil Contempt	15	<a href="#">Image</a>
10/19/2022	Plaintiff, Plaintiff-Intervenor Commonwealth Employment Relations Board, Haverhill School Committee's Motion for Civil Contempt Order And Emergency Hearing On Sanctions	16	<a href="#">Image</a>
10/19/2022	Commonwealth Employment Relations Board, Haverhill School Committee's Memorandum in support of Motion For Civil Contempt Order And Immediate Hearing On Sanctions	16.1	<a href="#">Image</a>
10/19/2022	Event Result:: Hearing on Contempt scheduled on: 10/19/2022 12:00 PM Has been: Held as Scheduled Comments: FTR - 12:13:31 p.m. - 1:28:34 p.m., courtroom 1 Hon. James F Lang, Presiding Staff: Anne Mitchell, Assistant Clerk Magistrate		
10/19/2022	ORDER: CONTEMPT ORDER For the reasons stated fully on the record, the court hereby allows the Plaintiffs, Commonwealth Employment Relations Board ("Board") and Haverhill School Committee's Motion for Civil Contempt Order.  *** It is hereby ORDERED that:  1. HEA pay a coercive fine, payable to the general fund of the Commonwealth of Massachusetts, to ensure the compliance of HEA and its officers, and Briggs and Hickey, in their official capacities, with the Preliminary Injunction, such fine to be in the amount of \$50,000, starting on October 19, 2022 at 4:30 p.m., if the HEA defendants have not taken all steps ordered to be taken. 2. MTA pay a coercive fine, payable to the general fund of the Commonwealth of Massachusetts, to ensure the compliance of MTA with the Preliminary Injunction, such fine to be in the amount of \$50,000 starting on	18	<a href="#">Image</a>

<u>Docket Date</u>	<u>Docket Text</u>	<u>File Ref Nbr.</u>	<u>Image Avail.</u>
	<p>October 19, 2022 at 4:30 p.m.                      3. For each day after October 19, 2022 that HEA or MTA fails to comply fully with the Preliminary Injunction, the amount of the respective fines will be increased by an additional \$10,000 per day as to both HEA and MTA.</p> <p>(See Paper No. 18 for the full text of the Court's Contempt Order)</p> <p>Judge: Lang, Hon. James F</p>		
10/19/2022	<p>Endorsement on Motion for Civil Contempt Order and Emergency Hearing on Sanctions (#16.0): ALLOWED                      See Contempt Order at Paper No. 18. (Attest:ATMitchell, Asst. Clerk)</p> <p>Judge: Lang, Hon. James F</p>		<a href="#">Image</a>
10/19/2022	Docket Note: Certified copies of Paper #18 provided to plaintiff's counsel. Paper #18 email to counsel by clerk at 2:15 p.m.		
10/19/2022	Opposition to Plaintiff's Motion for Contempt Order filed by Haverhill Education Association, Tim Briggs In his/her capacity As President of the Haverhill Education Association, Christine Hickley In his/her capacity As a member and building representative of the Haverhill Education Association( filed in court this date)	19	<a href="#">Image</a>
10/21/2022	Defendants Haverhill Education Association, Massachusetts Teachers Association, Tim Briggs In his/her capacity As President of the Haverhill Education Association, Christine Hickley In his/her capacity As a member and building representative of the Haverhill Education Association's EMERGENCY Joint Motion to Dissolve Preliminary Injunction (with Exhibits)	20	
10/21/2022	Opposition to Defendants' Emergency Motion to Dissolve Preliminary Injunction filed by Commonwealth Employment Relations Board	21	<a href="#">Image</a>
10/21/2022	<p>Reply/Sur-reply</p> <p>Memorandum In Support of Joint Emergency Motion by All Defendants To Dissolve Preliminary Injunction</p>	22	<a href="#">Image</a>
10/21/2022	Affidavit of Tim Briggs	23	<a href="#">Image</a>
10/31/2022	Plaintiff Commonwealth Employment Relations Board's Submission of Amended response to Defendants' Emergency Motion to Dissolve Preliminary Injunction	24	<a href="#">Image</a>
11/01/2022	<p>The following form was generated:</p> <p>Notice to Appear                      Sent On: 11/01/2022 09:13:23</p>		
11/02/2022	<p>Case file images</p> <p>Notice to appear for Motion Hearing 11/8/22 @ 2:00PM Via Zoom</p>		<a href="#">Image</a>
11/04/2022	Defendant Massachusetts Teachers Association's Motion to Enlarge Time for Filing a Responsive Pleading (Unopposed)	25	<a href="#">Image</a>
11/04/2022	<p>Rule 9A notice of filing</p> <p>Applies To: Massachusetts Teachers Association (Defendant)</p>	25.1	<a href="#">Image</a>
11/07/2022	Endorsement on Motion to enlarge time for filing a responsive pleading by Defendant Massachusetts Teachers Association (#25.0): ALLOWED		<a href="#">Image</a>
11/08/2022	<p>Event Result:: Motion Hearing scheduled on:                      11/08/2022 02:00 PM                      Has been: Held via Video/Teleconference                      Comments: (Zoom) - FTR - 2:05:42 p.m., courtroom 1</p> <p>Court to issue Order of Dissolution of Preliminary Injunction.                      Hon. James F Lang, Presiding                      Staff:                      Anne Mitchell, Assistant Clerk Magistrate</p>		
11/08/2022	<p>ORDER: ORDER FOR DISSOLUTION OF PRELIMINARY INJUNCTION                      After a hearing this date and with the assent of all parties, the Court ORDERS as follows:</p> <p>The actions undertaken by the Defendants and found by the Commonwealth Employment Relations Board and this Court to be unlawful have ceased. There is therefore no further need for the Preliminary Injunction issued by the Court on October 19, 2022. The Preliminary Injunction is hereby DISSOLVED. This Court retains jurisdiction over this matter, including any required proceedings with respect to compliance with the Preliminary Injunction prior to its dissolution.</p>	26	<a href="#">Image</a>
11/09/2022	Answer to original complaint. Defendants Haverhill Education Association, Tim Briggs And Christine Hickey's Answer To Haverhill School Committee's Verified Complaint In Intervention And Affirmative Defenses.	27	<a href="#">Image</a>
11/09/2022	Answer to original complaint. Defendants Haverhill Education Association, Tim Briggs And Christine Hickey's Answer To Commonwealth Employment Relations Board's Verified Complaint And Affirmative Defenses.	28	<a href="#">Image</a>
11/21/2022	<p>Answer to Verified Complaint in Intervention</p> <p>Applies To: Massachusetts Teachers Association (Defendant); Haverhill School Committee (Plaintiff-Intervenor)</p>	29	<a href="#">Image</a>

<u>Docket Date</u>	<u>Docket Text</u>	<u>File Ref Nbr.</u>	<u>Image Avail.</u>
11/21/2022	Received from Defendant Massachusetts Teachers Association: Answer to original complaint;	30	<a href="#">Image</a>
12/08/2022	Plaintiff Commonwealth Employment Relations Board's Assented to Request to file reply exceeding 5 pages	31	<a href="#">Image</a>
12/09/2022	Endorsement on Request to File Reply Exceeding 5 Pages (#31.0): ALLOWED  Judge: Lang, Hon. James F		<a href="#">Image</a>
12/09/2022	Plaintiff Commonwealth Employment Relations Board's Motion for entry of Judgment	32	<a href="#">Image</a>
12/09/2022	Commonwealth Employment Relations Board's Memorandum in support of Motion for entry of Judgment	32.1	<a href="#">Image</a>
12/09/2022	Opposition to Motion for entry of judgment filed by Haverhill Education Association, Tim Briggs In his/her capacity As President of the Haverhill Education Association, Christine Hickley In his/her capacity As a member and building respresentative of the Haverhill Education Association	32.2	<a href="#">Image</a>
12/09/2022	Opposition to Motion for entry of Judgment filed by Massachusetts Teachers Association	32.3	<a href="#">Image</a>
12/09/2022	Plaintiff-Intervenor Haverhill School Committee's Response in joining plaintiff's motion for entry of judgment	32.4	<a href="#">Image</a>
12/09/2022	Reply/Sur-reply  to Defendants opposition to Motion for entry of Judgment	32.5	<a href="#">Image</a>
12/09/2022	Plaintiff Commonwealth Employment Relations Board's Submission of notice of filing and list of documents	32.6	<a href="#">Image</a>
12/19/2022	ORDER: ORDER ON COMMONWEALTH EMPLOYMENT RELATION BOARD'S MOTION FOR ENTRY OF JUDGMENT For the foregoing reasons, the Board's motion for entry of judgment is ALLOWED. Judgment shall enter against HEA in the amount of \$110,000, payable to the Commonwealth of Massachusetts General Fund, and against MTA in the amount of \$50,000, also payable to the Commonwealth of Massachusetts General Fund. The funds shall be remitted to the Commonwealth Employment Board on or before January 17, 2023 for forwarding to the General Fund.  The court notes that this is not a final judgment. Rather it is an entry of judgment on the court's contempt order. Further litigation of other claims may still be required.  (See Paper No. 33 for full text of Order)	33	<a href="#">Image</a>
12/19/2022	Endorsement on Motion for Entry of Judgment (#32.0): ALLOWED See Order at Paper No. 33. (Attest: ATMitchell, Asst. Clerk)  Judge: Lang, Hon. James F		<a href="#">Image</a>
01/11/2023	Finding by the Court. It is ORDERED and ADJUDGED:: That Judgment hereby enters for plaintiffs, Commonwealth Employment Relations Board and Haverhill School Committee, on their Complaint for Civil Contempt, against defendants, Haverhill Education Association and Massachusetts Teachers Association.  It is further ORDERED and ADJUDGED:  That on or before January 17, 2023, the defendant, Haverhill Education Association, shall remit a payment in the amount of \$110,000 and payable to the Commonwealth of Massachusetts General Fund to the plaintiff, the Commonwealth Employment Relations Board.  It is further ORDERED and ADJUDGED:  That on or before January 17, 2023, the defendant, Massachusetts Teachers Association, shall remit a payment in the amount of \$50,000 and payable to the Commonwealth of Massachusetts General Fund to the plaintiff, the Commonwealth Employment Relations Board.  This is a judgment on the Complaint for Civil Contempt and is not a final judgment.  Judge: Lang, Hon. James F	34	<a href="#">Image</a>
01/11/2023	Docket Note: Paper No. 34 emailed to counsel this date.		

### Case Disposition

<u>Disposition</u>	<u>Date</u>	<u>Case Judge</u>
Pending		

Disposition

Date

Case Judge

# Exhibit 10



18

COMMONWEALTH OF MASSACHUSETTS

ESSEX, SS

SUPERIOR COURT

COMMONWEALTH EMPLOYMENT  
RELATIONS BOARD

Plaintiff

and

HAVERHILL SCHOOL COMMITTEE

Plaintiff-Intervenor

CIVIL ACTION NO. 2277CV00990

v.

HAVERHILL EDUCATION ASSOCIATION,  
MASSACHUSETTS TEACHERS  
ASSOCIATION, TIM BRIGGS, in his capacity  
as President of the Haverhill Education  
Association, and CHRISTINE HICKEY, in her  
capacity as a member and building  
representative of the Haverhill Education  
Association

Defendants.

**CONTEMPT ORDER**

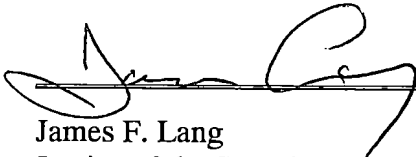
The court held a non-evidentiary hearing on October 19, 2022 at which the Haverhill Education Association (“HEA”), the Massachusetts Teachers Association (“MTA”), Tim Briggs (“Briggs”), in his capacity as President of the HEA, and Christine Hickey (“Hickey”), in her capacity as a member and building representative of HEA (collectively referred to as “Defendants”), were represented by counsel. For the reasons stated fully on the record, the court hereby allows the Plaintiffs, Commonwealth Employment Relations Board (“Board”) and Haverhill School Committee’s Motion for Civil Contempt Order.

The HEA and its officers, Briggs and Hickey in their official capacities, are in contempt of the court’s October 17, 2022 Temporary Restraining Order (“TRO”) and the court’s October

18, 2022 Preliminary Injunction, by failing and refusing to comply with paragraph (a) of the TRO, and paragraphs (a), (b), (c), (d), and (e) of the Preliminary Injunction. The MTA is in contempt of the court's October 18, 2022 Preliminary Injunction, by failing and refusing to comply with the second clause of paragraph (c) of the Preliminary Injunction. It is hereby **ORDERED** that:

1. HEA pay a coercive fine, payable to the general fund of the Commonwealth of Massachusetts, to ensure the compliance of HEA and its officers, and Briggs and Hickey, in their official capacities, with the Preliminary Injunction, such fine to be in the amount of \$50,000, starting on October 19, 2022 at 4:30 p.m., if the HEA defendants have not taken all steps ordered to be taken.
2. MTA pay a coercive fine, payable to the general fund of the Commonwealth of Massachusetts, to ensure the compliance of MTA with the Preliminary Injunction, such fine to be in the amount of \$50,000 starting on October 19, 2022 at 4:30 p.m.
3. For each day after October 19, 2022 that HEA or MTA fails to comply fully with the Preliminary Injunction, the amount of the respective fines will be increased by an additional \$10,000 per day as to both HEA and MTA.

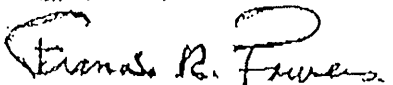
**SO ORDERED.**

  
\_\_\_\_\_  
James F. Lang  
Justice of the Superior Court

Dated: October 19, 2022

# Exhibit 11

A TRUE COPY ATTEST

  
CLERK

COMMONWEALTH OF MASSACHUSETTS

Plymouth, ss.

Superior Court  
Civil Action  
No. 93-1836

LABOR RELATIONS COMMISSION,  
Plaintiff

and  
BROCKTON SCHOOL COMMITTEE  
Intervenor

vs.

BROCKTON EDUCATION ASSOCIATION  
and JOSEPH O'SULLIVAN, as  
President of the BROCKTON  
EDUCATION ASSOCIATION,  
Defendants

FINDING AND ORDER

After consideration of evidence presented on November 18, 1993, this court makes the following findings of fact:

1. This court issued a Temporary Restraining Order on November 15, 1993, which ordered the Brockton Education Association and Joseph O'Sullivan as its president to desist and refrain from failing and refusing to comply with an Interim Order of the Commission date November 12, 1993.
2. A copy of this Temporary Restraining Order was served upon the defendants on November 15, 1993 and service was properly returned.
3. In violation of this Temporary Restraining Order, teachers were absent without excuse on November 16, 17, and 18.
4. As a result of this unlawful work stoppage, 14,000 students of the Brockton School system were deprived of education, 2,000 of whom receive special education as required by state law.

5. The financial impact of this contempt by the Brockton Education Association is substantial. The cost to the city of Brockton and the school department is totalled at \$28,881 per day.

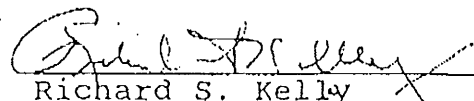
6. The attorney's fees for the school department is equal to \$920 a day.

7. The Brockton Education Association receives annual dues amounting to approximately \$149,150 from its membership consisting of approximately 950 members. Currently, the defendant has \$19,460.84 in a checking account with Fleet Bank and \$17,311.00 in stability funds in the Brockton Credit Union.

After a thorough consideration of the magnitude of this contemptuous conduct, and the financial resources available to the defendants, I issue the following conditional prospective order:

The Brockton Teachers Association shall be liable for a fine of \$20,000 per day payable to the clerk of the Superior Court for Plymouth for each day beginning with the next regularly scheduled work day, November 19, 1993, that members of the Brockton Education Association do not report to work or otherwise engage in conduct in violation of the Order of the court issued on November 15, 1993. For each day after November 19, 1993, that the members of the Brockton Education Association do not report for work or otherwise engage in conduct in violation of the Order of the court issued November 15, 1993 the amount of the fine will be increased by an additional \$5,000.

SO ORDERED

  
Richard S. Kelly  
Justice of the Superior Court

Dated: November 18, 1993

# Exhibit 12

18

COMMONWEALTH OF MASSACHUSETTS

MIDDLESEX, ss.

SUPERIOR COURT  
Civil Action No.  
2381CV288

COMMONWEALTH EMPLOYMENT RELATIONS BOARD  
Plaintiff

and

WOBURN SCHOOL COMMITTEE  
Plaintiff-Intervenor

vs.

WOBURN TEACHERS' ASSOCIATION AND BARBARA LOCKE, In Her Official  
Capacity As President Of THE WOBURN TEACHERS ASSOCIATION  
Defendants

**DECISION AND ORDER ON PLAINTIFFS' MOTION FOR CONTEMPT FINDINGS  
AND SANCTIONS**

On January 30, 2023 a preliminary injunction order (“Injunction Order”) issued from this court compelling Defendants to comply (with a few date modifications) with the Commonwealth Employment Relations Board’s (“CERB”) *Ruling on Strike Petition and Interim Order* issued on Friday January 28, 2023 at 7:00 p.m. On January 31, 2023 CERB filed a Verified Complaint for Civil Contempt and a Motion for Civil Contempt Order and Emergency Hearing on Sanctions, alleging Defendants failed to comply with the Injunction Order. The parties appeared in court on January 31, 2023 and an evidentiary hearing occurred today, February 1, 2023 at 1:00 p.m. on the sanctions motion.

After review of the papers and an evidentiary hearing, I find that Defendants, Woburn Teachers Association and Barbara Locke, in her capacity as President of the Woburn Teachers Association (collectively “WTA”) have failed to comply with the Injunction Order issued on

January 30, 2023 and coercive sanctions are warranted. Plaintiff's Motion is **ALLOWED** as to the request for a coercive sanction, but **DENIED** as to the amount of the sanction requested.

**FINDINGS OF FACT**

The court finds the following facts and others that are reserved for discussion below.

Plaintiffs called Mayor Scott Galvin as a witness and the WTA called Barbara Locke.

On January 27, 2023, the CERB issued a decision (Exhibit 1) declaring in part, any planned strike unlawful and requiring the WTA to cease and desist from strike activities, disavow any vote to strike, and take steps to inform its members that a strike would be unlawful ("CERB Decision"). On January 27, 2023, the WTA membership voted to strike and the strike has been ongoing up through and including the date of this hearing.

CERB filed a complaint with this court to enforce the CERB Decision and requested a preliminary injunction. On January 30, 2023, this court issued the Injunction Order as follows:

1. The WTA and its officers and employees it represents, and Locke, in her official capacity, shall immediately cease and desist from engaging or threatening to engage in a strike or work stoppage, slow down or other withholding of services and shall immediately return to their assigned work locations on January 31, 2023.
2. The WTA and its officers and employees it represents, and Locke, in her official capacity, shall immediately cease and desist from inducing, encouraging, or condoning any strike, or work stoppage, slow down or other withholding of services, either directly or through surrogates. The WTA shall not permit its officers to encourage, condone, or induce any strike, work stoppage, slowdown or other withholding of services.
3. The WTA and its officers and employees it represents, and Locke, in her official capacity, shall publicly state no later than 11:00 p.m. on January 30, 2023 that (1) the



strike is cancelled and there will be no strike action; and (2) planning inducing, encouraging and condoning a strike, work stoppage, slowdown or other withholding of services is prohibited by M.G.L. c. 150E §9A and must cease and its members must return to work immediately. The WTA and Locke in her official capacity shall notify all employees the WTA represents of said statements immediately upon receipt of the Court's Order, using all of its usual means of communicating with its bargaining unit members, including but not limited to any social media regularly used to communicate with its membership.

4. The WTA and its officers and Locke, in her official capacity, shall notify the DLR in writing of the steps taken to comply with this Order no later than Tuesday January 31, 2023 at 10:00 a.m.
5. The WTA and the School Committee shall continue negotiations to resolution or impasse over the issues that separate them and utilize the procedures for resolving disputes provided in their collective bargaining agreements and M.G.L. c. 150E.
6. The WTA and the School Committee shall bargain in good faith for a successor collective bargaining agreement and participate in mediation before a mediator assigned by the DLR to bargain over the issues that separate them. The parties participating in mediation ordered by the CERB shall not affect their rights under Section 9 of the Law.
7. The WTA and its officers and Locke, in her official capacity, shall appear as required by the Board for a proceeding to determine compliance with this Order and the Board's interim order.
8. This Order is effective immediately when received by the parties, although it may not appear on the court's docket until January 31, 2023.

On January 31, 2023, CERB and the School Committee filed a complaint for civil contempt based on the WTA's failure to comply with the preliminary injunction.

The strike is ongoing. WTA has not taken any steps to call off the strike or inform its members that this court has declared the strike unlawful and ordered the strike to cease.

Although the parties agree that WTA is negotiating in good faith, and I find that to be the case, The WTA has failed to comply with paragraphs 1-3 of the Injunction Order as set out above and at Docket # 9. Accordingly the WTA is in violation of the Injunction Order.

Prior to the time the Injunction Order was issued, Barbara Locke received a copy of a document for Union Members regarding strike activity titled "Frequently Asked Questions." ("FAQ"). The FAQ advises members how to organize a strike and how to proceed if a strike occurs. The FAQ advises the teachers that "public sector strikes are unlawful;" but in spite of providing this information, encourages teachers to be prepared strike and to remain on strike "indefinitely" until an agreement is reached. Locke testified that the WTA used the FAQ as guidance in organizing its strike action.<sup>1</sup> Based on this testimony, I find that the WTA had no intention of complying with the CERB Order or any prospective injunction to be issued by a court.

The Woburn School system serves approximately 4300 students. The strike is costing the city of Woburn approximately \$120,000 a day. The WTA has approximately \$83,000 in a savings account. Each WTA member pays \$777.00 a year in dues. Locke was unclear which organization received the dues but testified that the dues are disbursed as follows: \$204.00 is paid to the Massachusetts Teacher's Association; \$503.00 is paid to the National Education Association ("NEA"); and \$70.00 is paid to the local WTA. There are 589 members of the

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<sup>1</sup> There was no credible testimony as to who authored the FAQ. Nor is there any suggestion in this opinion that it was improper for the WTA to obtain and review the information.

WTA. The WTA receives \$41,230 in dues each year from its members (give or take depending on fluctuation of members).

The WTA incurs costs each year for Scholarships (2,000), Communications (\$2,500), officer stipends (\$11,866) and building representatives (\$4,500). For total costs of approximately \$19,866.

### DISCUSSION

Plaintiffs seek a finding of civil contempt against the WTA for violation of the court's Injunction Order. The plaintiffs request a coercive fine to ensure compliance with the Injunction Order of \$50,000 per day for continued violation of the order, with a daily increase of \$10,000 per day.

An action for civil contempt is the appropriate procedure for ensuring compliance with a court order in civil matters. See Mass. R. Civ. P. 65.3. “[A] civil contempt finding [must] be supported by clear and convincing evidence of disobedience of a clear and unequivocal command,’ for which the burden of proof rests with the plaintiff.” Martinez v. Lynn Housing Auth., 94 Mass. App. Ct. 702, 705 (2019), quoting Birchall, petitioner, 454 Mass. 837, 853 (2009).

As the court stated in the Injunction Order, G. L. c. 150E, §9A, states unequivocally that, “[n]o public employee or employee organization shall engage in a strike, and no public employee or employee organization shall induce, encourage or condone any strike, work stoppage, slowdown or withholding of services by such public employees.” The WTA was aware of the prohibition prior to the strike and based on the findings of fact fully intended to disregard any court order requiring the work stoppage to cease. They followed the playbook (FAQs) used by other towns and the strike continues two days after the court's Injunction Order.

Although there is a disagreement about whether the no strike provision in c. 150E is fair to public employees, it is the law and must be followed. Similarly, orders of this court, such as the January 30, 2023 Injunction Order cannot be ignored.

Here, the plaintiffs have established by clear and convincing evidence that the WTA has disobeyed the clear and unequivocal command of this court, stated in paragraph 1 of the January 30, 2023 Order, to “immediately cease and desist from engaging or threatening to engage in a strike or work stoppage,” and to “publicly state no later than 11:00 p.m. on January 30, 2023 that . . . the strike is cancelled and there will be no strike action[.]” There is no dispute that, despite the commands of the CERB Decision and this court’s Injunction Order, a strike has been ordered and is ongoing, a fact that the parties stipulated to at the evidentiary hearing.

The plaintiffs have also established by clear and convincing evidence that the WTA has disobeyed the clear and unequivocal command of this court, stated in paragraph 3 of the January 30, 2023 Order, to “notify all employees the WTA represents of said statements [cancelling the strike] immediately upon receipt of the Court’s Order, using all of its usual means of communicating with its bargaining unit members, including . . . social media[.]” No evidence was submitted that the required communications were sent to the WTA membership by the defendants.

Accordingly, I find the WTA in contempt of the court’s January 30, 2023 Injunction Order and coercive fines should be assessed.

“[A] fine for a civil contempt of court may properly be imposed where, after an adjudication of contempt of court, the judge has announced that a fine will be imposed for each day of continued contempt of the court’s order.” Labor Relations Com. v. Fall River Educators’ Assoc., 382, Mass. 465, 475 (1981). Imposition of a coercive fine is proper in a civil contempt action to “bring[] a defiant party into compliance with the court order[.]” See id.

The amount of a coercive fine is governed by the principles set out in the Supreme Court case of United States v. United Mine Workers. See Fall River Educators' Assoc., supra. The factors for consideration in setting the fine are as follows: (1) the character and magnitude of the harm threatened by continued contumacy, (2) the probable effectiveness of any suggested sanction in bringing about the result desired, (3) the amount of defendant's financial resources and (4) the consequent seriousness of the burden to that particular defendant. United States v. United Mine Workers, 330 U.S. 258, 304 (1947). The last two factors help ensure that the fine will not be punitive. See Fall River, supra at 475.

Here the court must balance the seriousness of the deliberate nature of the failure to comply with this court's Injunction Order with the Defendants' financial resources. Taking this all into consideration, the following order is issued.

#### **ORDER**

1. Woburn Teachers Association and Barbara Locke, in her capacity as President of the Woburn Teachers Association, are found to be in contempt for violating the court's Injunction Order.
2. Woburn Teachers Association and Barbara Locke, in her capacity as President of the Woburn Teachers Association must comply with the Injunction Order by 7:30 p.m. this evening, February 1, 2023.
3. Failure to comply with the Injunction Order will result in fines being assessed against the Woburn Teachers Association and Barbara Locke, in her capacity as President of the Woburn Teachers Association, starting February 2, 2023 in the amount of \$40,000 and will continue day to day increasing by an additional \$5,000 each day the Injunction Order is violated.

4. The fines are payable to the general fund of the Commonwealth and payment must be made each day the Woburn Teachers Association and Barbara Locke, in her capacity as President of the Woburn Teachers Association fail to comply with the Injunction Order. The payments must be made by 5:00 p.m. on the day of each violation.

**So Ordered.**

/s/ Maureen Mulligan  
Maureen Mulligan  
Associate Justice of the Superior Court

DATE: February 1, 2023

# Exhibit 13

# 2377CV01082 Commonwealth Employment Relations Board vs. Andover Education Association

- Case Type:  
Equitable Remedies
- Case Status:  
Closed
- File Date  
11/10/2023
- DCM Track:  
F - Fast Track
- Initiating Action:  
Injunction
- Status Date:  
11/10/2023
- Case Judge:
- Next Event:

[All Information](#) [Party](#) [Event](#) [Tickler](#) [Docket](#) [Disposition](#)

## Party Information

### Commonwealth Employment Relations Board - Plaintiff

[Alias](#)

#### Party Attorney

- Attorney
- Kantany, Esq., Lan
- Bar Code
- 688387
- Address
- Massachusetts Department of Labor Relations  
2 Ave de Lafayette  
Lafayette City Center  
Boston, MA 02111
- Phone Number
- (617)626-7842

[More Party Information](#)

### Andover Education Association - Defendant

[Alias](#)

#### Party Attorney

- Attorney
- MacDougall, Esq., Jennifer Lee
- Bar Code
- 663945
- Address
- Massachusetts Teachers Association  
2 Heritage Drive  
9th Floor  
Quincy, MA 02171-2119
- Phone Number
- (617)878-8143
- Attorney
- Racine, Esq., James P
- Bar Code
- 685723
- Address
- Massachusetts Teachers Association  
2 Heritage Drive 9th Floor  
Quincy, MA 02171
- Phone Number
- (202)725-3244

[More Party Information](#)

### Andover School Committee - Plaintiff-Intervenor



**Alias**

**Party Attorney**

- Attorney
- King, Esq., Jennifer
- Bar Code
- 698634
- Address
- Valerio Dominello and Hillman, LLC  
 One University Ave  
 Suite 300B  
 Westwood, MA 02090
- Phone Number
- (617)862-2005

[More Party Information](#)









**Events**























Date	Session	Location	Type	Event Judge	Result
11/13/2023 02:00 PM	Criminal 3 - I	SALEM-5th FL, CR I (SC)	Hearing on Contempt	Karp, Hon. Jeffrey	Held as Scheduled
11/13/2023 02:00 PM	Criminal 3 - I	SALEM-5th FL, CR I (SC)	Conference to Review Status	Karp, Hon. Jeffrey	Held as Scheduled



**Ticklers**

Tickler	Start Date	Due Date	Days Due	Completed Date
Service	11/10/2023	02/08/2024	90	
Answer	11/10/2023	03/11/2024	122	
Rule 12/19/20 Served By	11/10/2023	03/11/2024	122	11/27/2023
Rule 12/19/20 Filed By	11/10/2023	04/08/2024	150	11/27/2023
Rule 12/19/20 Heard By	11/10/2023	05/08/2024	180	11/27/2023
Rule 15 Served By	11/10/2023	03/11/2024	122	11/27/2023
Rule 15 Filed By	11/10/2023	04/08/2024	150	11/27/2023
Rule 15 Heard By	11/10/2023	05/08/2024	180	11/27/2023
Discovery	11/10/2023	09/05/2024	300	11/27/2023
Rule 56 Served By	11/10/2023	10/07/2024	332	11/27/2023
Rule 56 Filed By	11/10/2023	11/04/2024	360	11/27/2023
Final Pre-Trial Conference	11/10/2023	03/04/2025	480	11/27/2023
Judgment	11/10/2023	11/10/2025	731	11/27/2023

**Docket Information**

Docket Date	Docket Text	File Ref Nbr.	Image Avail.
11/10/2023	Complaint electronically filed.	1	
11/10/2023	Civil action cover sheet filed.	2	
11/10/2023	Plaintiff Commonwealth Employment Relations Board's Submission of List Of Documents Filed	3	
11/10/2023	Plaintiff Commonwealth Employment Relations Board's EMERGENCY Motion to Appoint A Disinterested Person To Serve Process	4	
11/10/2023	Attorney appearance electronically filed.  Applies To: Commonwealth Employment Relations Board (Plaintiff); Kantany, Esq., Lan (Attorney) on behalf of Commonwealth Employment Relations Board (Plaintiff)	5	 
11/10/2023	Case assigned to: DCM Track F - Fast Track was added on 11/10/2023		
11/10/2023	Attorney appearance		

<a href="#">Docket Date</a>	<a href="#">Docket Text</a>	<a href="#">File Ref Nbr.</a>	<a href="#">Image Avail.</a>
	On this date Jennifer King, Esq. added for Defendant-Intervenor Andover School Committee		
11/10/2023	Other Interested Party Andover School Committee's EMERGENCY Motion to intervene	6	
11/10/2023	Plaintiff Commonwealth Employment Relations Board's Motion for Temporary Restraining Order and/or Preliminary Injunction	7	
11/10/2023	Endorsement on Motion to appoint a Disinterested person to serve process (#4.0): ALLOWED		
11/10/2023	Endorsement on Motion of (Andover School Committee's) Intervene (#6.0): ALLOWED		
11/10/2023	Endorsement on Complaint  After Hearing, the request for a Preliminary Injunction is ALLOWED. See Order at #8.  Judge: Karp, Hon. Jeffrey		 
11/10/2023	Endorsement on Motion to intervene (#6.0): Other action taken After hearing, the motion remains ALLOWED.  Judge: Karp, Hon. Jeffrey		 
11/10/2023	Preliminary Injunction issued for Plaintiff Commonwealth Employment Relations Board. It is ordered and adjudged that Defendant(s) Andover Education Association and their various attorneys and agents are: SEE SCANNED ORDER	8	 
11/13/2023	Amended: Verified complaint for civil claim for contempt filed by Commonwealth Employment Relations Board	9	 
11/13/2023	Plaintiff Commonwealth Employment Relations Board's Motion for Civil Contempt Order and Emergency Hearing on Sanctions	10	 
11/13/2023	Commonwealth Employment Relations Board's Memorandum of Law in support of Motion for Civil Contempt Order and immediate hearing on sanctions	10.1	 
11/13/2023	Event Result:: Conference to Review Status scheduled on: 11/13/2023 02:00 PM Has been: Held as Scheduled Comments: FTR "I" CH; COURT CONDUCTS CONTEMPT HEARING; SEE SEPARATE EVENT SCHEDULED FOR CONTEMPT Hon. Jeffrey Karp, Presiding Staff: Michael Ruane, Assistant Clerk		
11/13/2023	Event Result:: Hearing on Contempt scheduled on: 11/13/2023 02:00 PM Has been: Held as Scheduled Comments: FTR "I" CH; JUDGE'S FINDINGS DICTATED ON THE RECORD AT 3:52 P.M. Hon. Jeffrey Karp, Presiding Staff: Michael Ruane, Assistant Clerk		
11/13/2023	ORDER: AFTER FINDING OF CONTEMPT WHEREFORE, it is HEREBY ORDERED that:  1. The AEA and its officers and the employees it represents are in civil contempt of Paragraphs 1(a), 1(b), and 1(c) of the PI Order.  2. If the AEA and its officers and the employees it represents have failed to fully comply with the PI Order by November 13, 2023, at 6:00 p.m., AEA shall pay the sum of \$50,000 at that time as a coercive fine made payable to the general fund of the Commonwealth of Massachusetts.  3. Starting at 3:00 p.m. on November 14, 2023, and each school day thereafter at 3:00 p.m., if the AEA and its officers and the employees it represents have failed to fully comply with the PI Order, the amount of the coercive fine set forth in Paragraph No. 2, supra, shall be increased by an additional \$10,000 per day, and the AEA shall pay said sum as a coercive fine at that time, payable to the general fund of the Commonwealth of Massachusetts (e.g., the fine payable on November 14 at 3:00 p.m. will be \$60,000 and the fine payable on November 15 at 3:00 p.m. will be \$70,000, etc.).	11	 
11/14/2023	Attorney appearance electronically filed.  Applies To: Racine, Esq., James P (Attorney) on behalf of Andover Education Association (Defendant)		 
11/14/2023	Attorney appearance electronically filed.  Applies To: MacDougall, Esq., Jennifer Lee (Attorney) on behalf of Andover Education Association (Defendant)		 

<u>Docket Date</u>	<u>Docket Text</u>	<u>File Ref Nbr.</u>	<u>Image Avail.</u>
11/17/2023	Defendant Andover Education Association's Notice to court pursuant to return to work agreement	12	 <a href="#">Image</a>
11/27/2023	Stipulation of dismissal as to Commonwealth Employment Relations Board's original complaint	13	 <a href="#">Image</a>

**Case Disposition**

<u>Disposition</u>	<u>Date</u>	<u>Case Judge</u>
Disposed by Agreement / Settled	11/27/2023	

For Land Court only: Name search is currently unavailable. Case type and case number searches are available. For a Land Court name search, contact the Land Court Recorder's Office at 617-788-7470. We apologize for the inconvenience. ✖

# Exhibit 14

11

**COMMONWEALTH OF MASSACHUSETTS**

**ESSEX, ss.**

**SUPERIOR COURT  
CIVIL ACTION  
NO. 2377CV01082**

**COMMONWEALTH EMPLOYMENT RELATIONS BOARD  
and ANDOVER SCHOOL COMMITTEE<sup>1</sup>**

**vs.**

**ANDOVER EDUCATION ASSOCIATION**

**ORDER AFTER FINDING OF CONTEMPT**

On November 13, 2023, plaintiffs Commonwealth Employment Relations Board ("CERB") and Andover School Committee ("ASC") filed a Verified Complaint For Contempt (Paper No. 9) in which they allege that defendant Andover Education Association ("AEA") is in contempt of this Court's Preliminary Injunction Order of November 10, 2023 (Paper No. 8) ("PI Order").

Also, on November 13, 2023, this matter came before the Court for a nonevidentiary hearing on Plaintiffs' Motion For Civil Contempt Order And Emergency Hearing On Sanctions (Paper No 10) ("Motion"). AEA was present at the hearing and was represented by counsel.

For the reasons stated by this Court on the record at the conclusion of the hearing, and after full consideration of the plaintiffs' submissions, including affidavits of the Chairperson of the AEA, the Superintendent of the Andover Public Schools, and the Executive Director of Special Educational Services, and the arguments of counsel, the Motion is **ALLOWED**.

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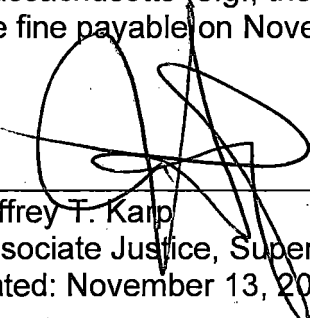
<sup>1</sup> An intervenor.

**WHEREFORE, it is HEREBY ORDERED that:**

1. The AEA and its officers and the employees it represents are in civil contempt of Paragraphs 1(a), 1(b), and 1(c) of the PI Order.

2. If the AEA and its officers and the employees it represents have failed to fully comply with the PI Order by November 13, 2023, at 6:00 p.m., AEA shall pay the sum of \$50,000 at that time as a coercive fine made payable to the general fund of the Commonwealth of Massachusetts.

3. Starting at 3:00 p.m. on November 14, 2023, and each school day thereafter at 3:00 p.m., if the AEA and its officers and the employees it represents have failed to fully comply with the PI Order, the amount of the coercive fine set forth in Paragraph No. 2, *supra*, shall be increased by an additional \$10,000 per day, and the AEA shall pay said sum as a coercive fine at that time, payable to the general fund of the Commonwealth of Massachusetts (e.g., the fine payable on November 14 at 3:00 p.m. will be \$60,000 and the fine payable on November 15 at 3:00 p.m. will be \$70,000, etc.).



---

Jeffrey T. Karp  
Associate Justice, Superior Court  
Dated: November 13, 2023

# Exhibit 15

**From:** [Houle, Laurie R](#)  
**To:** [Wittner, Marjorie \(DLR\)](#); [Kantany, Lan \(DLR\)](#)  
**Cc:** [Jennifer King](#); [Mullane, Richard A.](#); [Nagle, Kathy](#); [Elizabeth Valerio](#)  
**Subject:** Newton - report to CERB  
**Date:** Monday, January 22, 2024 8:37:37 AM

---

**CAUTION: This email originated from a sender outside of the Commonwealth of Massachusetts mail system. Do not click on links or open attachments unless you recognize the sender and know the content is safe.**

Good morning,

Per paragraph (e) of the court's order, this email serves as NTA's report regarding the status of compliance with the court's order. The NTA has and will continue to negotiate in good faith and participate in mediation. Indeed, NTA sought to bargain for 12 hours today from 9 a.m. to 9 p.m. But the School Committee only agreed to a total of 5.5 hours (split into two times during the day). Additionally, per paragraph (d) of the order, yesterday at approximately 2 p.m., the NTA and Mr. Zilles provided a copy of CERB's ruling and the court's order to all its bargaining unit members via an "E-bulletin" email, which was also posted on the NTA's website. These are the formats by which the NTA and Mr. Zilles regularly communicate with its membership.

Thank you.  
Laurie Houle

**Laurie R. Houle** | Staff Counsel  
Massachusetts Teachers Association | Division of Legal Services  
2 Heritage Drive, Quincy, MA 02171-2119  
T: 617.878.8289 | F: 617.570.4982 | [lhoule@massteacher.org](mailto:lhoule@massteacher.org)

**CONFIDENTIALITY AND INADVERTENT DISCLOSURE NOTICE:**

*This e-mail message, along with any attachments, may contain confidential, privileged, and/or attorney-work product information and is intended only for the person to whom it is addressed. Any unauthorized review or disclosure is prohibited. If you are not the intended recipient, please contact the sender by reply e-mail and destroy all copies of the original message.*



# Exhibit 16

**Commonwealth of Massachusetts**  
**Division of Labor Relations**  
**19 Staniford Street, 1st Floor**  
**Boston, Massachusetts 02114**

**EMPLOYEE ORGANIZATION**  
**INFORMATION REPORT**  
 (Form1)

Do not write in this space  
 File No: \_\_\_\_\_  
 Date: \_\_\_\_\_

Pursuant to M.G.L. c. 150E, §13, all employee organizations must file a statement of its name, the name and address of its secretary or other officer to whom notices may be sent, the date of its organization, and its affiliations, if any, with other organizations.

1a. Full legal name of employee organization, including any local or district designation	➔	NEWTON TEACHERS ASSN
1b. If incorporated, state of incorporation	➔	Massachusetts
1c. Date of organization	➔	05/13/1981
1d. Full name of organization affiliate, if any	➔	Massachusetts Teachers Association
1e. Name and address of secretary or other officer to whom notices may be mailed	➔	Christine Walsh, Treasurer 46 Austin Street, Newton, MA 02460

2. Type of employee organization (check one):

Local     National or International     Other (describe): \_\_\_\_\_

3. Month and day on which fiscal year ends ➔ June 30, 2021

4. Names and address of officers	Annual salary
Michael J. Zillis, President, 46 Austin Street, Newton, MA 02460	\$ 28580.00
Elizabeth Ross DelPorto, 1st Vice President, 46 Austin Street, Newton, MA 02460	\$ 3833
Elizabeth Simpson, Second Vice President, 46 Austin St., Newton, MA 02460	\$ 3833
Christine Walsh, 46 Austin Street, Newton, MA 02460	\$ 6389

5a. Dues 301	5b. Agency service fee 0.00	5c. Initiation fees 0.00	5d. Fines or assessments
-----------------	--------------------------------	-----------------------------	--------------------------

6. Certifications and recognitions held (attached additional sheets if necessary)				
Employer	Date of certification of recognition	Description of unit		Effective dates of most recent contract
see below	1/1/1970			

7. M.G.L. c.150E, §14 requires a statement of purpose. Please attach statement to this form.

Michael J. Zilles  
 Michael J. Zilles (Aug 13, 2021 13:04 EDT)

8/13/2021

Christine J. Walsh  
 Christine J. Walsh (Aug 13, 2021 12:50 EDT)

8/13/2021

(president)

Date

(treasurer)

Date

Whoever knowingly files a state or report pursuant to M.G.L. c.14, which report is false in any material representation, shall be punished by a fine of not more than five thousand dollars. M.G.L. c. 150E, §15.

For Form 1 (IF NEEDED) Indicate question number you are providing info for

Line 6: Certifications and Recognitions Held

Employer: School Committee of the City of Newton, Massachusetts

Date of Certification of Recognition: 1970

Description of Units:

Unit A - classroom teachers, librarians, guidance and adjustment counselors, psychologists, social workers, speech and hearing specialists, occupational and physical therapists, enrichment coordinators, teachers in charge, special education teachers, youth development program workers, on site work supervisor, coaches, media specialists, science specialists, resource room teachers, and learning center teachers

Unit B - Assistant Principals, Directors, Assistant Directors, Senior High School Department Heads, Housemasters, Chairperson of Speech and Language Department, Head Social Workers, Administrative Assistants, Coordinators, Assistant Coordinators, Supervisors, and Assistant Supervisors

Unit C - all full and part-time aides, including Regular Elementary and Secondary Teacher Aides- including both Category 1 Teacher Aides, PIRP Aides, Division Aides, Chapter I Aides, Bilingual Aides, Aides in Special Needs, Special Education and PL 94-142 programs, Campus Aides, and the Television Aide and Category 2 Teacher Aides, Medical Assistants, Speech and Language Therapy Assistants, Physical Therapy Assistants, Occupational Therapy Assistants, and Behavior Therapy Assistants

Unit D - Instructional Support/Substitute Staff

Unit E - Administrative Technology Specialist, Network Specialist, Research Assistant, Student Information Systems Specialist, Business Information Systems Specialist, Administrative Information Specialist/Trainer, Financial Analyst, Transportation Assistant, Director of Transportation, Purchasing Manager, Theater Technical Assistant, Children's Program Coordinator, Senior Adult Program Coordinator, Adult/ESL Program Coordinator, Newton Community Education Administrative Assistant, Lifetime Learning Program Coordinator, School Information Specialist, Production Center Manager, Support Services Project Assistant, Instructional Technology Support Specialist, Technology Support Assistant, Student Information Specialist Assistant, and Creative Arts Committee Coordinator.

Effective dates of most recent contracts: 9/1/2019-8/31/2020: 9/1/2020-8/31/2023

For Form 1 #7 – Statement of Purpose

Line 7: Statement of purpose

This organization was formed for the purpose of serving as the exclusive collective bargaining agent for certain employees (see unit descriptions) of the School Committee of the City of Newton, Massachusetts.

**Commonwealth of Massachusetts**  
**Division of Labor Relations**  
**19 Staniford Street, 1st Floor**  
**Boston, Massachusetts 02114**

**EMPLOYEE ORGANIZATION**  
**FINANCIAL REPORT**  
 (Form 2)

Period covered by this report:	
From:	07/01/2021
To:	06/30/2021

Pursuant to M.G.L. c. 150E, §14, within sixty days after the end of its fiscal year, all employee organizations must file a detailed written financial report in the form of a balance sheet and operating statement.

- 1a. Full legal name of employee organization, including any local or district designation and any affiliation →
- 1b. Name and address of secretary or other officer to whom notices may be mailed →
- Is this a new address?  
 Yes  No

NEWTON TEACHERS ASSN
Christine Walsh, Treasurer
46 Austin Street
Newton, MA 02460

Since filing the last Employee Organization Information Report (Form 1):

2a. Has there been a change in officers?  Yes  No

2b. Have there been other changes?  Yes  No

If you answered "Yes" to either question 2a or 2b, you are required to file an updated Employee Organizational Information Report (Form 1).

2c. Current No. of Members
1959

Are records kept at the address listed in question No. 1b?

Yes  No

If "No," please list the address where records are kept in question No. 34.

During the reporting period, did your organization directly or indirectly:

- |  |                                     |                                     |
|--|-------------------------------------|-------------------------------------|
|  | Yes                                 | No                                  |
| 3. Make any loans to a business enterprise?  | <input type="checkbox"/>            | <input checked="" type="checkbox"/> |
| 4. Pay any employee a total of salary, allowances and any other expenses, which, together with payments from any organization affiliated with it or its national amounted to more than \$10,000? | <input checked="" type="checkbox"/> | <input type="checkbox"/>            |
| 5. Dispose of any assets other than by sales?  | <input type="checkbox"/>            | <input checked="" type="checkbox"/> |
| 6. Create or participate in the administering of a trust or other fund or organization, whose primary purpose is to provide benefits for members or their beneficiaries?                         | <input checked="" type="checkbox"/> | <input type="checkbox"/>            |
- If you answered "yes" to any of the above questions, please explain in question No. 34.

**BALANCE SHEET**

ASSETS				LIABILITIES			
Description	Start of Reporting Period	End of Reporting Period		Description	Start of Reporting Period	End of Reporting Period	
7. Cash on hand and in banks	437557	465475		14. Accounts and bills payable	122	208	
8. Loans and notes receivable	0	0		15. Loans and notes payable	0	0	
9. U.S. Government bonds	0	0		16. Mortgages payable	0	0	
10. Land and buildings	0	0		17. Other liabilities	0	0	
11. Other investments	224698	299308					
12. Other assets	5093	3333					
13. Total Assets (add lines 2-7)	693127	768116		18. Total Liabilities (add lines 14-17)	122	208	

OPERATING STATEMENT					
RECEIPTS				DISBURSEMENTS	
Description		Amount	Description		Amount
19.	Dues	464110.51	24.	Affiliation payments	0
20.	Agency service fees	0	25.	Payments to officers	47752.50
21.	Fees, fines, assessments, and work permits	0	26.	Payments to employees	138008.70
22.	Other receipts	40334.81	27.	Officer and administrative expense	75367.20
			28.	Professional fees	
			29.	Loans made by your organization	0
			30.	Payments for benefits	
			31.	Other disbursements	227708.32
23.	Total Receipts (add lines 19-22)	504445.32	32.	Total (add lines 24-31)	488836.72

33. OFFICERS AND DISBURSEMENTS		
Name and title	Status (see instructions)	Amount
Michael J. Zilles, President	continuing	27308
Susan Cohen, 1st Vice President	continuing	958.25
Lynn Penczar, 2nd Vice President	continuing	958.25
Elizabeth Ross DelPorto	new	3833.00
Elizabeth Simpson	new	3833.00
Christine Walsh, Treasurer	continuing	6389.00
Rachael Simkins, Assistant Treasurer	continuing	1917
Lauren Ludman, Recording Secretary	continuing	2556.00

**34. ADDITIONAL INFORMATION (if more space is needed, attach additional sheets)**

Line 4: See schedule of payments to officers. In addition, we pay an Executive Secretary and a part time secretary as part of the administrative costs of running the office (amounts included in Line 26). Also included in Line 26 are amounts paid to association representatives, committee chairs, and committee members.

Line 6: Newton Teachers Association administers a scholarship fund know as the Haskell Freedman Scholarship which pays a scholarship to two children of NPS employees, one from each of the two high schools.

Line 31: This includes amounts sent to NPS to reimburse them for the salaries and benefits of the president and second release officer.

Each of the undersigned officers of the above employee organization declares that he or she is the officer required to sign this report and that all of the information contained in this report and that all the information contained in this report and any accompanying documents, is to the best of his or her knowledge and belief, true, correct, and complete.

Michael J. Zilles 8/13/2021  
Michael J. Zilles (Aug 13, 2021 13:04 EDT)

Christine J. Walsh 8/13/2021  
Christine J. Walsh (Aug 13, 2021 12:50 EDT)

(president)

Date

(treasurer)

Date

Whoever knowingly files a state or report pursuant to M.G.L. c.14, which report is false in any material representation, shall be punished by a fine of not more than five thousand dollars. M.G.L. c. 150E, §15.

For Form 2 #34 (ONLY IF MORE SPACE IS NEEDED) Additional Information

A large, empty rectangular box with a black border, intended for providing additional information. The box is currently blank.

# Exhibit 17



## Singh, Samantha (DLR)

---

**From:** Efile DLR (EOL)  
**Sent:** Monday, August 15, 2022 12:26 PM  
**To:** Singh, Samantha (DLR)  
**Subject:** FW: Confirmation for on-line filing of EMPLOYEE ORGANIZATION INFORMATION REPORT (Form 1)

---

**From:** EFile DLR (DLR) <efiledlr@mass.gov>  
**Sent:** Saturday, August 13, 2022 1:02 PM  
**To:** treasurer@newteach.org  
**Cc:** Efile DLR (EOL) <EFileDLR@mass.gov>  
**Subject:** Confirmation for on-line filing of EMPLOYEE ORGANIZATION INFORMATION REPORT (Form 1)

Your online form for EMPLOYEE ORGANIZATION INFORMATION REPORT (Form 1) was submitted and the e-File Confirmation Number is 22285.

<b>COMMONWEALTH OF MASSACHUSETTS DEPARTMENT OF LABOR RELATIONS EMPLOYEE ORGANIZATION INFORMATION REPORT (Form 1)</b>	<b>E-File Confirmation Number</b> 22285	<b>Date Filed</b> 08/13/2022

### EMPLOYEE ORGANIZATION

<b>1. Name</b> Newton Teachers Association	<b>2. Telephone Number</b> 617-244-9562	
<b>3,4,5,6. Address</b> 46 Austin Street  Newton MA 02468	<b>7. FAX Number</b>	
<b>8. If incorporated, state of incorporation</b> Massachusetts	<b>9. Date of organization</b> 05/13/1981	<b>10. Full name of organization affiliate, if any</b> Massachusetts Teachers Association

### EMPLOYEE ORGANIZATION REPRESENTATIVE

<b>11. Name</b> Christine Walsh	<b>12. Title</b> Treasurer
<b>13,14,15,16. Address</b> 46 Austin Street	<b>17. Telephone Number</b> 617-244-9562

Newton MA 02468		<b>20. FAX Number</b>
<b>18. E-mail Address</b> <a href="mailto:treasurer@newteach.org">treasurer@newteach.org</a>		<b>19. Firm/Organization Name</b> Newton Teachers Association
<b>21. Type Of Employee Organization (L)ocal, (N)ational or International, (O)ther</b>	L	Newton Teachers Association
<b>22. Month and day on which fiscal year ends</b>		June 30

**23. Names and address of officers**

Name	Title	Address	City	State	Zip	Annual salary
Michael J. Zilles	President	46 Austin Street	Newton	MA	02468	\$29,430.00
Elizabeth Ross DelPorto	1st Vice President	46 Austin Street	Newton	MA	02468	\$4,072.00
Elizabeth Simpson	2nd Vice President	46 Austin Street	Newton	MA	02468	\$4,072.00
Christine Walsh	Treasurer	46 Austin Street	Newton	MA	02468	\$6,787.00
Rachael Simkins-Makela	Asst. Treasurer	46 Austin Street	Newton	MA	02468	\$2,036.00
Lauren Ludman	Recording Secretary	46 Austin Street	Newton	MA	02468	\$2,715.00
<b>24. Dues</b> 305.00	<b>25. Agency service fee</b> 0.00	<b>26. Initiation fees</b> 0.00		<b>27. Fines or assessments</b> 0.00		

**28. Certifications and recognitions held**

Employer	Date of certification or recognition	Description of unit	Contract effective date	Contract expiration date
School Committee of the City of Newton, MA	09/01/1970	Unit A - Teachers, counselors, psychologists, social workers, occupational and physical therapists	09/01/2020	08/31/2023
School Committee of the City of Newton, MA	09/01/1970	Unit B - Assist and vice principals, directors, deans, curriculum coordinators, supervisors	09/01/2020	08/31/2023
School Committee of the City of Newton, MA	09/01/1970	Unit E - Technology staff, program staff, data specialists, financial analysts, transportation staff, purchasing	09/01/2020	08/31/2023

School Committee of the City of Newton, MA	09/01/1970	Unit D - Instructional Support/Substitute Staff	09/01/2020	08/31/2023
School Committee of the City of Newton, MA	09/01/1970	Unit C - Educational Support Professionals	09/01/2020	08/31/2023
Michael J. Zilles <b>(president)</b>	08/13/2022 <b>Date</b>	Christine J. Walsh <b>(treasurer)</b>	08/13/2022 <b>Date</b>	

**Whoever knowingly files a state or report pursuant to M.G.L. c.14, which report is false in any material representation, shall be punished by a fine of not more than five thousand dollars. M.G.L. c. 150E, §15.**

## Singh, Samantha (DLR)

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**From:** Efile DLR (EOL)  
**Sent:** Monday, August 15, 2022 12:26 PM  
**To:** Singh, Samantha (DLR)  
**Subject:** FW: Confirmation for on-line filing of EMPLOYEE ORGANIZATION FINANCIAL REPORT (Form 2)

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**From:** EFile DLR (DLR) <efiledlr@mass.gov>  
**Sent:** Saturday, August 13, 2022 1:38 PM  
**To:** treasurer@newteach.org  
**Cc:** Efile DLR (EOL) <EFileDLR@mass.gov>  
**Subject:** Confirmation for on-line filing of EMPLOYEE ORGANIZATION FINANCIAL REPORT (Form 2)

Your online form for EMPLOYEE ORGANIZATION FINANCIAL REPORT (Form 2) was submitted and the e-File Confirmation Number is 22287.

<b>COMMONWEALTH OF MASSACHUSETTS DEPARTMENT OF LABOR RELATIONS EMPLOYEE ORGANIZATION FINANCIAL REPORT (Form 2)</b>	<b>E-File Confirmation Number</b> 22287	<b>Date Filed</b> 08/13/2022
	<b>Period covered by this report:</b> <b>From:</b> 07/01/2021 <b>To :</b> 06/30/2022	

### EMPLOYEE ORGANIZATION

<b>1. Name</b> Newton Teachers Association	<b>2. Telephone Number</b> 617-244-9562
<b>3,4,5,6. Address</b> 46 Austin Street Newton MA 02468	<b>7. FAX Number</b>

### EMPLOYEE ORGANIZATION REPRESENTATIVE

<b>11. Name</b> Christine Walsh	<b>12. Title</b> Treasurer
<b>13,14,15,16. Address</b> 46 Austin Street Newton MA 02468	<b>17. Telephone Number</b> 617-244-9562
<b>18. E-mail Address</b> <a href="mailto:treasurer@newteach.org">treasurer@newteach.org</a>	<b>20. FAX Number</b>
	<b>19. Firm/Organization Name</b> Newton Teachers Association

<b>21. Is this a new address?</b>		N	
<b>Since filing the last Employee Organization Information Report (Form 1):</b>		<b>24. Current No. of Members</b> 1951	
<b>22. Has there been a change in officers?</b>	N	<b>23. Have there been other changes?</b>	N
		<b>Are records kept at the address listed in question No. 13-16?</b>	Y

<b>During the reporting period, did your organization directly or indirectly:</b>	
<b>Required Field Icon26. Make any loans to a business enterprise?</b>	N
<b>27. Pay any employee a total of salary, allowances and any other expenses, which, together with payments from any organization affiliated with it or its national amounted to more than \$10,000?</b>	Y
<b>28. Dispose of any assets other than by sales?</b>	N
<b>29. Create or participate in the administering of a trust or other fund or organization, whose primary purpose is to provide benefits for members or their beneficiaries?</b>	Y

**BALANCE SHEET**

ASSETS			LIABILITIES		
Description	Start of Reporting Period	End of Reporting Period	Description	Start of Reporting Period	End of Reporting Period
<b>30. Cash on hand and in banks</b>	465475	479469.35	<b>36. Accounts and bills payable</b>	208	332.01
<b>31. Loans and notes receivable</b>	0	0	<b>37. Loans and notes payable</b>	0	0
<b>32. U.S. Government bonds</b>	0	0	<b>37. Mortgages payable</b>	0	0
<b>33. Land and buildings</b>	0	0	<b>38. Other liabilities</b>	0	0
<b>34. Other investments</b>	299308	293574.66			
<b>35. Other assets</b>	3333	19158.19			
<b>Total Assets</b>	<b>\$768116.00</b>	<b>\$792202.20</b>	<b>Total Liabilities</b>	<b>\$208.00</b>	<b>\$332.01</b>

**OPERATING STATEMENT**

RECEIPTS		DISBURSEMENTS	
Description	Amount	Description	Amount
<b>39. Dues</b>	1604617.07	<b>43. Affiliation payments</b>	1130647.56
<b>40. Agency service fees</b>	0	<b>44. Payments to officers</b>	49112.00
<b>41. Fees, fines, assessments, and work permits</b>	0	<b>45. Payments to employees</b>	120466.83
<b>42. Other receipts</b>	43930.18	<b>46. Officer and administrative expenses</b>	77486.03

		<b>47. Professional fees</b>	12650
		<b>48. Loans made by your organization</b>	0
		<b>49. Payments for benefits</b>	0
		<b>50. Other disbursements</b>	221663.32
<b>Total Receipts</b>	\$1648547.25	<b>Total Disbursements</b>	\$1612025.74

**51. OFFICERS AND DISBURSEMENTS**

<b>Name</b>	<b>Title</b>	<b>Status</b>	<b>Amount</b>
Michael J. Zilles	President	continuing	\$29,430.00
Elizabeth Ross DelPorto	1st Vice President	continuing	\$4,072.00
Elizabeth Simpson	2nd Vice President	continuing	\$4,072.00
Christine Walsh	Treasurer	continuing	\$6,787.00
Rachael Simkins-Makela	Asst. Treasurer	continuing	\$2,036.00
Lauren Ludman	Recording Secretary	continuing	\$2,715.00

**52. ADDITIONAL INFORMATION**

Line 4: See schedule of payments to officers. In addition, we pay an Executive Secretary and a part-time secretary as part of the administrative costs of running the office (amounts included in line 45). Also included in Line 45 are amounts paid to association representatives, committee chairs, and committee members. Line 6: Newton Teachers Association administers a scholarship fund known as the Haskell Freedman Scholarship which pays a scholarship to two children of NPS employees, one from each of the two high schools. Line 50: This includes amounts sent to NPS to reimburse them for the salaries and benefits of the president and second release officers.

Michael J. Zilles <b>(president)</b>	08/13/2022 <b>Date</b>	Christine J. Walsh <b>(treasurer)</b>	08/13/2022 <b>Date</b>
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**Whoever knowingly files a state or report pursuant to M.G.L. c.14, which report is false in any material representation, shall be punished by a fine of not more than five thousand dollars. M.G.L. c. 150E, §15.**

# Exhibit 18

**Eustace, Kimberly (DLR)**

**From:** EFile DLR (DLR) <efiledlr@mass.gov>  
**Sent:** Monday, August 21, 2023 1:06 PM  
**To:** treasurer@newteach.org  
**Cc:** Efile DLR (EOL)  
**Subject:** Confirmation for on-line filing of EMPLOYEE ORGANIZATION INFORMATION REPORT (Form 1)

Your online form for EMPLOYEE ORGANIZATION INFORMATION REPORT (Form 1) was submitted and the e-File Confirmation Number is 26607.

<b>COMMONWEALTH OF MASSACHUSETTS                  DEPARTMENT OF LABOR RELATIONS                  EMPLOYEE ORGANIZATION                  INFORMATION REPORT                  (Form 1)</b>	<b>E-File Confirmation Number</b>	<b>Date Filed</b>
	26607	08/21/2023

**EMPLOYEE ORGANIZATION**

<b>1. Name</b> Newton Teachers Association		<b>2. Telephone Number</b> 617-244-9562
<b>3,4,5,6. Address</b> 46 Austin Street, 302 Newton MA 02468		<b>7. FAX Number</b>
<b>8. If incorporated, state of incorporation</b> Massachusetts	<b>9. Date of organization</b> 5/13/1981	<b>10. Full name of organization affiliate, if any</b> Massachusetts Teachers Association

**EMPLOYEE ORGANIZATION REPRESENTATIVE**

<b>11. Name</b> Christine Walsh		<b>12. Title</b> Treasurer
<b>13,14,15,16. Address</b> 46 Austin Street Newton MA 02468		<b>17. Telephone Number</b> 617-244-9562
<b>18. E-mail Address</b> treasurer@newteach.org		<b>19. Firm/Organization Name</b> Newton Teachers Association
<b>21. Type Of Employee Organization (L)ocal, (N)ational or International, (O)ther</b>	L	Newton Teachers Association
<b>22. Month and day on which fiscal year ends</b>	June 30	

**23. Names and address of officers**

Name	Title	Address	City	State	Zip	Annual salary
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Michael Zilles	President	46 Austin Street	Newton	MA	02468	\$30,296.00
ELIZABETH ROSS DEL PORTO	Vice President	13 HAWTHORNE STREET	WATERTOWN	MA	02472	\$4,180.00
ELIZABETH SIMPSON	Vice President	31 SIDLAW ROAD	BRIGHTON	MA	02135	\$4,180.00
CHRISTINE WALSH	Treasurer	61 NEWTON ST.	BELMONT	MA	02478	\$6,987.00
Susan Cohen	Recording Secretary	124 Mt. Vernon Street	Newton	MA	02465	\$2,787.00
<b>24. Dues</b> 308.00	<b>25. Agency service fee</b> 0	<b>26. Initiation fees</b> 0	<b>27. Fines or assessments</b> 0			

**28. Certifications and recognitions held**

Employer	Date of certification or recognition	Description of unit	Contract effective date	Contract expiration date
School Committee of the City of Newton, MA	09/01/1970	Unit D - Instructional Support/Substitute Staff	09/01/2020	08/31/2023
School Committee of the City of Newton, MA	09/01/1970	Unit E - Technology staff, program staff, data specialists, financial analysts, transportation staff, purchasing	09/01/2020	08/31/2023
School Committee of the City of Newton, MA	09/01/1970	Unit C - Educational Support Professionals	09/01/2020	08/31/2023
School Committee of the City of Newton, MA	09/01/1970	Unit B - Assist and vice principals, directors, deans, curriculum coordinators, supervisors	09/01/2020	08/31/2023
School Committee of the City of Newton, MA	09/01/1970	Unit A - Teachers, counselors, psychologists, social workers, occupational and physical therapists	09/01/2020	08/31/2023
Michael J. Zilles <b>(president)</b>	08/21/2023 <b>Date</b>	Christine J. Walsh <b>(treasurer)</b>	8/21/2023 <b>Date</b>	

**Whoever knowingly files a state or report pursuant to M.G.L. c.14, which report is false in any material representation, shall be punished by a fine of not more than five thousand dollars. M.G.L. c. 150E, §15.**

# Exhibit 19

**Eustace, Kimberly (DLR)**

**From:** EFile DLR (DLR) <efiledlr@mass.gov>  
**Sent:** Monday, August 21, 2023 1:45 PM  
**To:** treasurer@newteach.org  
**Cc:** Efile DLR (EOL)  
**Subject:** Confirmation for on-line filing of EMPLOYEE ORGANIZATION FINANCIAL REPORT (Form 2)

Your online form for EMPLOYEE ORGANIZATION FINANCIAL REPORT (Form 2) was submitted and the e-File Confirmation Number is 26608.

<b>COMMONWEALTH OF MASSACHUSETTS                  DEPARTMENT OF LABOR RELATIONS                  EMPLOYEE ORGANIZATION                  FINANCIAL REPORT                  (Form 2)</b>	<b>E-File Confirmation Number</b> 26608	<b>Date Filed</b> 08/21/2023
	<b>Period covered by this report:</b> <b>From:</b> 7/1/2022 <b>To</b> : 06/30/2022	

**EMPLOYEE ORGANIZATION**

<b>1. Name</b> Newton Teachers Association	<b>2. Telephone Number</b> 617-244-9562
<b>3,4,5,6. Address</b> 46 Austin Street, 302  Newton MA 02468	<b>7. FAX Number</b>

**EMPLOYEE ORGANIZATION REPRESENTATIVE**

<b>11. Name</b> Christine Walsh	<b>12. Title</b> Treasurer
<b>13,14,15,16. Address</b> 46 Austin Street, 302  Newton MA 02468	<b>17. Telephone Number</b> 617-244-9562
<b>18. E-mail Address</b> treasurer@newteach.org	<b>19. Firm/Organization Name</b> Newton Teachers Association
<b>21. Is this a new address?</b>	N
<b>Since filing the last Employee Organization Information Report (Form 1):</b>	<b>24. Current No. of Members</b> 1921
<b>22. Has there been a change in officers?</b>	Y
<b>23. Have there been other changes?</b>	N
<b>Are records kept at the address listed in question No. 13-16?</b>	Y
<b>During the reporting period, did your organization directly or indirectly:</b>	
<b>Required Field Icon 26. Make any loans to a business enterprise?</b>	N
<b>27. Pay any employee a total of salary, allowances and any other expenses, which, together with payments from any organization affiliated with it or its national amounted to more than \$10,000?</b>	Y

<b>28. Dispose of any assets other than by sales?</b>	N
<b>29. Create or participate in the administering of a trust or other fund or organization, whose primary purpose is to provide benefits for members or their beneficiaries?</b>	Y

<b>BALANCE SHEET</b>					
<b>ASSETS</b>			<b>LIABILITIES</b>		
<b>Description</b>	<b>Start of Reporting Period</b>	<b>End of Reporting Period</b>	<b>Description</b>	<b>Start of Reporting Period</b>	<b>End of Reporting Period</b>
<b>30. Cash on hand and in banks</b>	486229	422062	<b>36. Accounts and bills payable</b>	468	85
<b>31. Loans and notes receivable</b>	0	0	<b>37. Loans and notes payable</b>	0	0
<b>32. U.S. Government bonds</b>	0	0	<b>37. Mortgages payable</b>	0	0
<b>33. Land and buildings</b>	0	0	<b>38. Other liabilities</b>	0	0
<b>34. Other investments</b>	257237	296627			
<b>35. Other assets</b>	13370	23386			
<b>Total Assets</b>	<b>\$756836.00</b>	<b>\$742075.00</b>	<b>Total Liabilities</b>	<b>\$468.00</b>	<b>\$85.00</b>

<b>OPERATING STATEMENT</b>			
<b>RECEIPTS</b>		<b>DISBURSEMENTS</b>	
<b>Description</b>	<b>Amount</b>	<b>Description</b>	<b>Amount</b>
<b>39. Dues</b>	1590062.44	<b>43. Affiliation payments</b>	1126885.66
<b>40. Agency service fees</b>	0	<b>44. Payments to officers</b>	48410
<b>41. Fees, fines, assessments, and work permits</b>	0	<b>45. Payments to employees</b>	145705.92
<b>42. Other receipts</b>	67304.21	<b>46. Officer and administrative expenses</b>	91018.41
		<b>47. Professional fees</b>	8274.38
		<b>48. Loans made by your organization</b>	0
		<b>49. Payments for benefits</b>	0
		<b>50. Other disbursements</b>	266092.02
<b>Total Receipts</b>	<b>\$1657366.65</b>	<b>Total Disbursements</b>	<b>\$1686386.39</b>

**51. OFFICERS AND DISBURSEMENTS**

<b>Name</b>	<b>Title</b>	<b>Status</b>	<b>Amount</b>
Michael Zilles	President	continuing	\$30,296.00
ELIZABETH ROSS DEL PORTO	Vice President	continuing	\$4,180.00
CHRISTINE WALSH	Treasurer	continuing	\$6,967.00
ELIZABETH SIMPSON	Vice President	continuing	\$4,180.00
Susan Cohen	Recording Secretary	continuing	\$2,787.00

**52. ADDITIONAL INFORMATION**

We pay an Executive Secretary and a part-time secretary as part of the administrative costs of running the office (amounts included in line 45). Also included in Line 45 are amounts paid to association representatives, committee chairs, and committee members. Line 29: Newton Teachers Association administers a scholarship fund known as the Haskell Freedman Scholarship which pays a scholarship to two children of NPS employees, one from each of the two high schools. Lind 50: This includes amounts sent to NPS to reimburse them for the salaries and benefits of the president and second release officers.

Michael J. Zilles <b>(president)</b>	8/21/2023 <b>Date</b>	Christine J. Walsh <b>(treasurer)</b>	8/21/2023 <b>Date</b>
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# Exhibit 20

## Chart of Recent Strikes

Union	Number of students impacted	Vote to strike	First day of strike	Injunctive Complaint filed	Superior Court Docket No.	Contempt Complaint filed	Contempt Hearing	Day Fines Began	Assets	Amount of fines ordered	Total amount of fines	Last day of strike	Days of strike
Dedham	2,700	Thurs. 10/24/2019	Fri. 10/25/2019	Fri. 10/25/2019	Norfolk County Superior Court C.A. No. 1982CV01376							Sun. 10/27/2019	1 workday
Brookline	7,000	Thurs. 5/12/2022	Fri. 5/13/2022	Fri. 5/13/2022	Norfolk County Superior Court C.A. No. 2282CV00453	Mon. 5/16/2022	Mon. 5/16/2022	Mon. 5/16/2022	\$329,447.73 cash on hand; no other assets	\$50,000 with \$10,000 escalator		Mon. 5/16/2022	2 workdays
Haverhill	8,000	Fri. 10/14/2022	Mon. 10/17/2022	Mon. 10/17/2022	Essex County Superior Court C.A. No. 2277CV00990	Wed. 10/19/2022	Wed. 10/19/2022	Wed. 10/19/2022	\$451,265 cash on hand; no other assets	\$50,000 with \$10,000 escalator	\$110,000	Thurs. 10/20/2022	4 days
Woburn	4,299	Fri. 1/27/2023	Mon. 1/30/2023	Mon. 1/30/2023	Middlesex County Superior Court C.A. No. 2381CV00288	Tues. 1/31/2023	Wed. 2/1/2023	Thurs. 2/2/2023	\$83,000 cash in hand; no other assets	\$40,000 with \$5,000 escalator	\$85,000	Sun. 2/5/2023	5 workdays
Andover	5,500	Thurs. 11/9/2023	Fri. 11/10/2023	Fri. 11/10/2023	Essex County Superior Court C.A. No. 2377CV01082	Mon. 11/13/2023	Mon. 11/13/2023	Mon. 11/13/2023	\$125,250.95 cash on hand; no other assets	\$50,000 with \$10,000 escalator	\$50,000	Tues. 11/14/2023	3 workdays
Newton	12,000	Thurs. 1/18/2024	Fri. 1/19/24	Fri. 1/19/24	Middlesex County Superior Court C.A. No. 2481CV00148	Mon. 1/22/2024			\$486,229 cash on hand; \$756,836 total assets (\$299,308 in "other investments" and \$3,333 in "other assets")				