

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

MOTION FOR CIVIL CONTEMPT ORDER  
AND EMERGENCY HEARING ON SANCTIONS

The Commonwealth Employment Relations Board (“Board”) and the Newton School Committee (“School Committee”) (collectively “Plaintiffs”) hereby move this Court to issue a Civil Contempt Order against the Newton Teachers Association (“NTA”) and Michael Zilles (“Zilles”), in his individual capacity and, further, immediately hold an emergency hearing on appropriate sanctions. As indicated more fully in the accompanying Memorandum and attached exhibits, and the Verified Complaint for Civil Contempt, the NTA and Zilles failed to comply with the Court’s Preliminary Injunction Order issued on January 19, 2024 (“Injunction”).

WHEREFORE, the Plaintiffs move for a Contempt Order ordering the following:

1. The NTA, its officers, and employees it represents, and Michael Zilles, in his official capacity, shall immediately cease and desist from engaging or threatening to engage in a

strike or work stoppage, slowdown or other withholding of services, and the employees shall immediately return to their assigned work locations on January 23, 2024.

2. The NTA, its officers, and the employees it represents, and Zilles, in his official capacity, shall immediately cease and desist from inducing, encouraging, or condoning this strike, or work stoppage, or other withholding of services, either directly or through surrogates. The NTA shall not permit its officers to encourage, condone, or induce this strike, work stoppage, slowdown, or other withholding of services.
3. The NTA and its officers shall publicly state by 4:00 p.m. on Monday, January 22, 2024, that (1) the strike is cancelled and there will be no continued strike action; and (2) engaging in, 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. The NTA and its officers shall notify all employees the NTA 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, posting the statements on its website, Facebook page and/or any social media it regularly uses to communicate with its membership.
4. The NTA shall pay a coercive fine, payable to the general fund of the Commonwealth of Massachusetts, to ensure that the NTA is compliance with the Injunction, in the amount of \$50,000 per day, starting on January 22, 2024 at 4:00 p.m., if the NTA has not taken all steps ordered to be taken.
5. For each day after January 22, 2024 that the NTA engages in conduct in violation of the Injunction, the amount of the respective fines will be increased each day by an additional \$25,000, 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) if it fails to comply with the Court's Injunction.

6. If the NTA is not in compliance with the Injunction by 7 p.m. on Sunday, January 28, 2024, the amount that the fine will double to \$50,000 beginning at 4 p.m. on Monday, January 29, 2024.
7. The Board shall retain jurisdiction of this matter to set further requirements as appropriate.

Dated: January 22, 2024

COMMONWEALTH EMPLOYMENT  
RELATIONS BOARD

By its attorney,

/s/Lan T. Kantany

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ANDOVER 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 and rmullane@massteacher.org.

/s/ Lan T. Kantany

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Lan T. Kantany, Esq.