

COMMONWEALTH OF MASSACHUSETTS

MIDDLESEX, SS

SUPERIOR COURT

COMMONWEALTH EMPLOYMENT  
RELATIONS BOARD  
Plaintiff

and

NEWTON TEACHERS ASSOCIATION  
Plaintiff-Intervenor

v.

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

CIVIL ACTION NO. 2481CV00148

2/1/2024

EMERGENCY MOTION FOR RECONSIDERATION OF SANCTIONS  
AND IMMEDIATE REQUEST FOR HEARING

Pursuant to this court's order entered on January 26, 2024 ("January 26<sup>th</sup> Order), the Newton School Committee ("School Committee") hereby moves this Court (1) to reconsider and materially increase the amount of the coercive fine as reduced in the January 26<sup>th</sup> Order against the Newton Teachers Association ("NTA") and Michael Zilles ("Zilles"), in his individual capacity (collectively "Defendants") and, further, (2) that the court immediately hold an emergency hearing on appropriate, increased sanctions. As shown more fully in the accompanying Memorandum and attached exhibits, despite the reduced coercive daily fine Defendants have continued in their contumacious defiance of the requirements lawfully imposed on them by the Court's Preliminary Injunction Order issued on January 19, 2024 ("Injunction"). Defendants' intransigency despite the reduced sanctions demonstrates that the purpose of coercive sanctions will be nullified unless the fines are materially increased. MG

WHEREFORE, Newton School Committee moves for reconsideration of the January 26<sup>th</sup>

Order and requests the following:

1. The NTA shall immediately pay its accrued coercive fines to date, presently in the amount of \$525,000 to the general fund of the Commonwealth of Massachusetts.
2. For each day after January 31, 2024 that the NTA engages in conduct in violation of the Injunction, the amount of the respective fines will double each day if it fails to comply with the Court's Injunction. The NTA will make daily payment of its fines to the general fund of the Commonwealth of Massachusetts (e.g. for fines incurred by 8:00pm, the fines are payable by 9:00am the following morning). When making such daily payment, the NTA will also report the amount of received donations.
3. The Court consider the imposition of coercive fines to individual defendants and compensatory fines to the Committee.
4. Plaintiff Commonwealth Employment Relations Board shall retain jurisdiction of this matter to set further requirements as appropriate and make any determinations as to good faith bargaining as it concerns compliance with the Injunction.

NEWTON SCHOOL COMMITTEE  
By its attorney,

*/s/Jennifer King*

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Dated: February 1, 2024

CERTIFICATE OF SERVICE

I hereby certify that I served a copy of the above document on counsel for Plaintiff, Lan Kantany and the Defendants, Laurie Houle and Richard Mullane, in the above-captioned matter on February 1, 2024 by e-mail at [lan.kantany@mass.gov](mailto:lan.kantany@mass.gov), [lhoule@massteacher.org](mailto:lhoule@massteacher.org) and [rmullane@massteacher.org](mailto:rmullane@massteacher.org).

*/s/ Jennifer F. King*

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Jennifer F. King, Esq.