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COMMONWEALTH OF MASSACHUSETTS

MIDDLESEX, ss  
SUPERIOR COURT

# 2481CV00148

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COMMONWEALTH EMPLOYMENT  
RELATIONS BOARD  
Plaintiff

and

NEWTON SCHOOL COMMITTEE  
Plaintiff-Intervenor

v.

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

FILED  
IN THE OFFICE OF THE  
CLERK OF COURTS

JAN 31 2024

FOR MIDDLESEX COUNTY  
CLERK

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RESPONSE OF PARENT LITAL ASHER-DOTAN & HER CHILDREN  
TO DEFENDANTS' OPPOSITION

First, contrary to Defendants' allegation, service of motion copies was perfected on all parties. In addition to personal service on Defendants and Newton School Committee having been timely made, please see Exhibit A hereto documenting service on the Commonwealth Employment Relations Board.

Second, Defendant's reliance on Allen v. School Committee of Boston (396 Mass. 582 (1986)), and their argument based thereon, are misplaced and inapplicable because in the instant case there was an injunction already issued from the Superior Court which is being violated. As such, proposed intervenors are merely asking the Court to enforce its own back-to-work Order.

Third, the proposed intervenors ask the Honorable Court for additional time to file sufficient pleadings setting forth two claims: 1) a claim for money damages against Defendants Newton Teachers Association and Michael Zilles pursuant to G.L. c. 12, §§ 11H, 11I for their interference by threats, intimidation, and coercion with intervenor students' rights under Mass. Const. part II, c. 5, § 2; and 2) injunctive relief directly pursuant to Mass. Const. part II, c. 5, § 2 against Plaintiff Commonwealth Employment Relations Board for failing to vindicate those rights. Defendants state in a conclusory fashion, but fail to explain why it is "inappropriate to try to address or remedy [these claims] through intervention in a matter being decided under G.L. c. 150E, § 9A." The Court should ignore such conclusory arguments.

Fourth, the proposed intervenors expect damages in the six figures per student, which are growing daily, and a class action is likely, in which case proposed intervenors expect to be represented by counsel.

WHEREFORE, this Court should deny the Defendants' Opposition to Third Party Emergency Motion to Intervene.

Respectfully submitted,  
Lital Asher-Dotan  
Parent Intervenor  
01/31/2024



Lital Asher-Dotan  
Parent Intervenor

Date: January 31, 2024