

COMMONWEALTH OF MASSACHUSETTS

MIDDLESEX, ss
SUPERIOR COURT

2481CV00148

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

FEB 05 2024

FOR MIDDLESEX COUNTY
CLERK

RENEWED OR AMENDED EMERGENCY
MOTION TO INTERVENE pro se

BY

PARENT LITAL ASHER-DOTAN & HER CHILDREN-STUDENTS

1. The underlying Motion to Intervene by the proposed Intervenors addressed Defendants' violation of Court Order and sought an immediate end to the strike.
2. The Honorable Judge deemed those interests adequately to be addressed and represented in the Plaintiffs' actions before the Court, as he stated during the February 2, 2024, Hearing.
3. For that reason, the Judge stated that the pending Emergency Motion to Intervene was then not considered.
4. The Judge recognized during the Hearing the profound harm to and loss sustained by numerous individuals essentially in the same class as the proposed intervenors, namely, the students of the Newton Public Schools and their parents.

5. That harm and loss is a reason for the Court's issuance of its Order following the Hearing, that is, to curtail as quickly as possible further such harm and loss.

6. Currently pending before the Court is the issue of civil compensatory relief and restitution afforded the Plaintiff-Newton School Committee, payable by the Defendants, stemming from Defendants' illegal strike, being a violation of the laws of the Commonwealth.

7. Under common law, the breach of a duty imposed by statute may create a civil liability to those persons injured or damaged by the breach if belonging to the class whose protection the statute was passed. In the instant case, the class is the Newton Public School students and their parents.

8. Those duties, rights and breaches derive also from Massachusetts Constitutional, statutory, and case authority cited in the underlying Emergency Motion to Intervene dated and filed January 29, 2024.

9. While the Court is addressing compensatory relief and restitution to the Newton Public Schools, that pales in comparison to the loss and damages sustained by Newton Public School students and their parents stemming from the illegal strike.

10. Proposed intervenors feel that an evidentiary hearing or trial would be required to assess the relief which they seek to have opportunity to identify with particulars. If the Court requires or requests legal authority, it is expected that legal counsel will step in for representation before the Court.

11. The proposed intervenors request at least the same rights afforded the Newton Public Schools on compensatory relief and restitution, stemming from the same breach and facts.

WHEREFORE, the proposed intervenors renew their request that their Motion be granted.

Respectfully Submitted

Lital
Lital Asher-Dotan

Parent-Intervene

Feb 5th, 2024

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Lital
Lela Dotan
Student Intervene