



THE STATE EDUCATION DEPARTMENT / THE UNIVERSITY OF THE STATE OF NEW YORK

Commissioner of Education
President of the University of the State of New York
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July 18, 2014

Austin Graff, Esq.
The Scher Law Firm, LLP
One Old Country Road
Suite 385
Carle Place, NY 11514

Re: Toure, et al. v. BOE, Hempstead UFSD, et al.
Appeal No. 20009

Dear Mr. Graff:

Pursuant to Education Law §310 and 8 NYCRR §276.1(a), in order to protect the interests of the parties pending an ultimate determination of the above-referenced appeal, interim relief is hereby granted to the extent that respondent board of education is precluded from: (1) enforcing its May 21, 2014 action declaring respondent Cross the winner of the May 20, 2014 school board election as against petitioner Toure and (2) seating respondent Cross as a member of the board pending a determination on the merits of this appeal. I note that Appeal of Wiatr (40 Ed Dept Rep 648, Decision No. 14,575) does not limit my discretion under 8 NYCRR §276.1(a) to grant a stay, with or without application therefor, if in my judgment such stay is necessary to protect the interests of the parties, or any of them, pending a decision on the merits of the appeal.

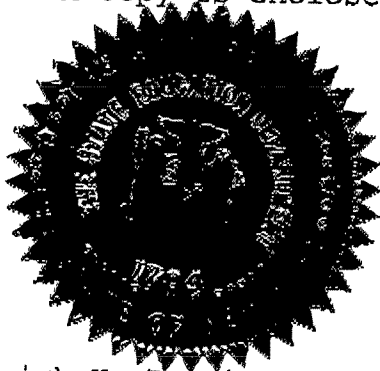
The parties are further directed to adhere to the following schedule for submission of papers in this appeal:

- Respondents' answer shall be served by July 31, 2014;
- Petitioners' reply and memorandum of law shall be served by August 11, 2014; and
- Respondents' memorandum of law shall be served by August 18, 2014.

Service of all such papers shall be made by personal delivery or next day delivery by express mail or a private

express delivery service, in accordance with the provisions of 8 NYCRR §275.8(b); provided that, upon consent of the receiving party, service of such papers may be made by electronic mail (e-mail) communication. The original of any such paper, together with the affidavit of verification and an affidavit proving the service of a copy thereof, shall be transmitted to the Office of Counsel, New York State Education Department, State Education Building, Albany, NY 12234, by personal delivery, express mail delivery, or equivalent means reasonably calculated to assure receipt of such paper within one business day of such service.

You are kindly requested to file this duplicate original with the district clerk, send a statement of such filing to this office and promptly inform the Board of Education concerning this order. A copy is enclosed for your files.



SO ORDERED.

John B. King, Jr.
John B. King, Jr.
Commissioner of Education

c: Frederick K. Brewington, Esq.