

March 22, 2017

VIA HAND DELIVERY

Clerk of Mercer County
Mercer County Superior Court
175 S. Broad Street, 3rd Floor
Trenton, New Jersey 08650

**Re: H.G., et al v. Harrington, et al
Docket No. MER-L-2170-16**

Matthew J. Tharney
Partner
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Dear Sir/Madam:

On behalf of Defendants, State-Operated School District of the City of Newark and Christopher Cerf, we enclose herewith an original and two copies of the following:


- (1) Civil Case Information Statement; and
- (2) Answer to Complaint, Affirmative Defenses, Jury Demand, Demand for Statement of Damages, Designation of Trial Counsel Pursuant to Rule 4:25-4 and Rule 4:5-1 Certification.

McCarter & English, LLP
Two Tower Center Boulevard
24th Floor
East Brunswick, NJ 08816
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www.mccarter.com

Kindly file the originals and copies and return a stamped "filed" copy to my messenger who has been instructed to wait. Also, kindly charge our Firm's account no. 66800 (ref. no. 73707/00380) for the filing fee associated with this request.

Thank you for your attention to the above.

Very truly yours,



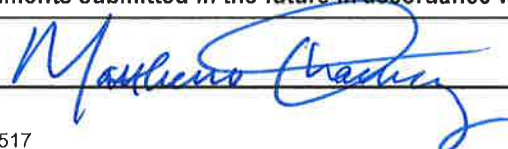

Matthew J. Tharney

Enclosures

cc: William H. Trousdale, Esq. (via e-mail and regular mail)
Kent A. Yalowitz, Esq. (via e-mail and regular mail)
Beth N. Shore, DAG (via e-mail and regular mail)
Steven P. Weissman, Esq. (via e-mail and regular mail)
Kenneth I. Nowak, Esq. (via e-mail and regular mail)
Richard E. Shapiro, Esq. (via e-mail and regular mail)

BOSTON
HARTFORD
STAMFORD
NEW YORK
NEWARK
EAST BRUNSWICK
PHILADELPHIA
WILMINGTON
WASHINGTON, DC

Appendix XII-B1

	<h2 style="margin:0;">CIVIL CASE INFORMATION STATEMENT (CIS)</h2> <p style="margin:0;">Use for initial Law Division Civil Part pleadings (not motions) under <i>Rule 4:5-1</i> Pleading will be rejected for filing, under <i>Rule 1:5-6(c)</i>, if information above the black bar is not completed or attorney's signature is not affixed</p>		FOR USE BY CLERK'S OFFICE ONLY
			PAYMENT TYPE: <input type="checkbox"/> CK <input type="checkbox"/> CG <input type="checkbox"/> CA
			CHG/CK NO.
			AMOUNT:
			OVERPAYMENT:
		BATCH NUMBER:	
ATTORNEY / PRO SE NAME Matthew J. Tharney		TELEPHONE NUMBER (732) 867-9777	COUNTY OF VENUE Mercer
FIRM NAME (if applicable) McCarter & English, LLP		DOCKET NUMBER (when available) MER-L-2170-16	
OFFICE ADDRESS Two Tower Center Boulevard, 24th Floor East Brunswick, New Jersey 08816		DOCUMENT TYPE Answer	
		JURY DEMAND <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	
NAME OF PARTY (e.g., John Doe, Plaintiff) State-Operated School District of the City of Newark and Christopher Cerf, Defendants		CAPTION H. G., et al vs. Kimberly Harrington, et al	
CASE TYPE NUMBER (See reverse side for listing) 005	HURRICANE SANDY RELATED? <input type="checkbox"/> YES <input checked="" type="checkbox"/> NO	IS THIS A PROFESSIONAL MALPRACTICE CASE? <input type="checkbox"/> YES <input checked="" type="checkbox"/> NO IF YOU HAVE CHECKED "YES," SEE N.J.S.A. 2A:53 A -27 AND APPLICABLE CASE LAW REGARDING YOUR OBLIGATION TO FILE AN AFFIDAVIT OF MERIT.	
RELATED CASES PENDING? <input type="checkbox"/> YES <input checked="" type="checkbox"/> No		IF YES, LIST DOCKET NUMBERS	
DO YOU ANTICIPATE ADDING ANY PARTIES (arising out of same transaction or occurrence)? <input type="checkbox"/> YES <input checked="" type="checkbox"/> No		NAME OF DEFENDANT'S PRIMARY INSURANCE COMPANY (if known) <input type="checkbox"/> NONE <input checked="" type="checkbox"/> UNKNOWN	
THE INFORMATION PROVIDED ON THIS FORM CANNOT BE INTRODUCED INTO EVIDENCE.			
CASE CHARACTERISTICS FOR PURPOSES OF DETERMINING IF CASE IS APPROPRIATE FOR MEDIATION			
DO PARTIES HAVE A CURRENT, PAST OR RECURRENT RELATIONSHIP? <input checked="" type="checkbox"/> YES <input type="checkbox"/> No		IF YES, IS THAT RELATIONSHIP: <input type="checkbox"/> EMPLOYER/EMPLOYEE <input type="checkbox"/> FRIEND/NEIGHBOR <input checked="" type="checkbox"/> OTHER (explain) <input type="checkbox"/> FAMILIAL <input type="checkbox"/> BUSINESS Plaintiffs include students	
DOES THE STATUTE GOVERNING THIS CASE PROVIDE FOR PAYMENT OF FEES BY THE LOSING PARTY? <input type="checkbox"/> YES <input checked="" type="checkbox"/> No			
USE THIS SPACE TO ALERT THE COURT TO ANY SPECIAL CASE CHARACTERISTICS THAT MAY WARRANT INDIVIDUAL MANAGEMENT OR ACCELERATED DISPOSITION			
 DO YOU OR YOUR CLIENT NEED ANY DISABILITY ACCOMMODATIONS? <input type="checkbox"/> YES <input checked="" type="checkbox"/> No		IF YES, PLEASE IDENTIFY THE REQUESTED ACCOMMODATION	
WILL AN INTERPRETER BE NEEDED? <input type="checkbox"/> YES <input checked="" type="checkbox"/> No		IF YES, FOR WHAT LANGUAGE?	
I certify that confidential personal identifiers have been redacted from documents now submitted to the court, and will be redacted from all documents submitted in the future in accordance with <i>Rule 1:38-7(b)</i>.			
ATTORNEY SIGNATURE: 			



CIVIL CASE INFORMATION STATEMENT (CIS)

Use for initial pleadings (not motions) under *Rule 4:5-1*

CASE TYPES (Choose one and enter number of case type in appropriate space on the reverse side.)

Track I - 150 days' discovery

- 151 NAME CHANGE
- 175 FORFEITURE
- 302 TENANCY
- 399 REAL PROPERTY (other than Tenancy, Contract, Condemnation, Complex Commercial or Construction)
- 502 BOOK ACCOUNT (debt collection matters only)
- 505 OTHER INSURANCE CLAIM (including declaratory judgment actions)
- 506 PIP COVERAGE
- 510 UM or UIM CLAIM (coverage issues only)
- 511 ACTION ON NEGOTIABLE INSTRUMENT
- 512 LEMON LAW
- 801 SUMMARY ACTION
- 802 OPEN PUBLIC RECORDS ACT (summary action)
- 999 OTHER (briefly describe nature of action)

Track II - 300 days' discovery

- 305 CONSTRUCTION
- 509 EMPLOYMENT (other than CEPA or LAD)
- 599 CONTRACT/COMMERCIAL TRANSACTION
- 603N AUTO NEGLIGENCE – PERSONAL INJURY (non-verbal threshold)
- 603Y AUTO NEGLIGENCE – PERSONAL INJURY (verbal threshold)
- 605 PERSONAL INJURY
- 610 AUTO NEGLIGENCE – PROPERTY DAMAGE
- 621 UM or UIM CLAIM (includes bodily injury)
- 699 TORT – OTHER

Track III - 450 days' discovery

- 005 CIVIL RIGHTS
- 301 CONDEMNATION
- 602 ASSAULT AND BATTERY
- 604 MEDICAL MALPRACTICE
- 606 PRODUCT LIABILITY
- 607 PROFESSIONAL MALPRACTICE
- 608 TOXIC TORT
- 609 DEFAMATION
- 616 WHISTLEBLOWER / CONSCIENTIOUS EMPLOYEE PROTECTION ACT (CEPA) CASES
- 617 INVERSE CONDEMNATION
- 618 LAW AGAINST DISCRIMINATION (LAD) CASES

Track IV - Active Case Management by Individual Judge / 450 days' discovery

- 156 ENVIRONMENTAL/ENVIRONMENTAL COVERAGE LITIGATION
- 303 MT. LAUREL
- 508 COMPLEX COMMERCIAL
- 513 COMPLEX CONSTRUCTION
- 514 INSURANCE FRAUD
- 620 FALSE CLAIMS ACT
- 701 ACTIONS IN LIEU OF PREROGATIVE WRITS

Multicounty Litigation (Track IV)

- | | |
|--|---|
| 271 ACCUTANE/ISOTRETINOIN | 292 PELVIC MESH/BARD |
| 274 RISPERDAL/SEROQUEL/ZYPREXA | 293 DEPUY ASR HIP IMPLANT LITIGATION |
| 281 BRISTOL-MYERS SQUIBB ENVIRONMENTAL | 295 ALLODERM REGENERATIVE TISSUE MATRIX |
| 282 FOSAMAX | 296 STRYKER REJUVENATE/ABG II MODULAR HIP STEM COMPONENTS |
| 285 STRYKER TRIDENT HIP IMPLANTS | 297 MIRENA CONTRACEPTIVE DEVICE |
| 286 LEVAQUIN | 299 OLMESARTAN MEDOXOMIL MEDICATIONS/BENICAR |
| 287 YAZ/YASMIN/OCELLA | 300 TALC-BASED BODY POWDERS |
| 289 REGLAN | 601 ASBESTOS |
| 290 POMPTON LAKES ENVIRONMENTAL LITIGATION | 623 PROPECIA |
| 291 PELVIC MESH/GYNECARE | |

If you believe this case requires a track other than that provided above, please indicate the reason on Side 1, in the space under "Case Characteristics."

Please check off each applicable category Putative Class Action Title 59

Matthew J. Tharney – NJ Attorney ID #033581999

McCARTER & ENGLISH, LLP

Two Tower Center Boulevard, 24th Floor

East Brunswick, New Jersey 08816

(732) 867-9777

Attorneys for Defendants,

*State-Operated School District of the City of Newark
(improperly pled as “Newark Public School District”)
and Christopher Cerf*

H. G., a minor, through her guardian TANISHA GARNER; F. G., a minor, through her guardian TANISHA GARNER; E. P., a minor, through his guardian NOEMI VAZQUEZ; M. P., a minor, through her guardian NOEMI VAZQUEZ; F. D., a minor through her guardian NOEMI VAZQUEZ; W. H., a minor through his guardian FAREEAH HARRIS; N. H., a minor, through her guardian FAREEAH HARRIS; J. H., a minor through his guardian SHONDA ALLEN; O. J., a minor, through his guardian IRIS SMITH; M. R., a minor, through his guardian IRIS SMITH; Z. S., a minor, through her guardian WENDY SOTO., D. S., a minor, through his guardian WENDY SOTO,

Plaintiffs,

vs.

KIMBERLY HARRINGTON, in her official capacity as Acting Commissioner of the New Jersey Department of Education; NEW JERSEY STATE BOARD OF EDUCATION; nominal defendant NEWARK PUBLIC SCHOOL DISTRICT; and nominal defendant CHRISTOPHER CERF, in his official capacity as Superintendent of the Newark School District,

Defendants.

SUPERIOR COURT OF NEW JERSEY
LAW DIVISION: MERCER COUNTY
DOCKET NO. MER-L-2170-16

CIVIL ACTION

**ANSWER TO COMPLAINT,
AFFIRMATIVE DEFENSES, JURY
DEMAND, DEMAND FOR STATEMENT
OF DAMAGES, DESIGNATION OF TRIAL
COUNSEL PURSUANT TO RULE 4:25-4
AND RULE 4:5-1 CERTIFICATION**

Defendants, State-Operated School District of the City of Newark (improperly pled as “Newark Public School District”) and Christopher Cerf, (“Defendants”) by way of Answer to the Complaint, allege and say:

RESPONSE TO INTRODUCTION

1. Defendants admit the allegations contained in paragraph 1 of the Complaint.

2. Defendants admit the allegations contained in paragraph 2 of the Complaint.

3. Defendants admit the allegations contained in paragraph 3 of the Complaint.

4. Defendants admit the allegations contained in paragraph 4 of the Complaint.

5. Defendants admit the allegations contained in paragraph 5 of the Complaint.

6. Defendants admit the allegations contained in paragraph 6 of the Complaint in part. Defendants admit that they are unable to separate from employment low performing teachers and that Defendants carry the cost of that burden centrally. These Defendants are forced to place Educators Without Placement Sites in classrooms.

7. Defendants admit the allegations contained in paragraph 7 of the Complaint to the extent that such allegations pertain to the State-operated School District of the City of Newark. To the extent that such allegations pertain to schools in other districts, Defendants lack information and knowledge sufficient to form a belief as to the truth of the matter asserted and, in turn, leave Plaintiffs to their proofs.

8. Defendants admit to the allegations contained in paragraph 8 of the Complaint in part. Defendants respond that the District’s schools are making great strides to meet the constitutionally mandated Thorough and Efficient education requirements for all children in the District. Through no fault of its own, and even without any additional cuts to the District’s

funding, the District has been hampered by statutory restrictions that essentially protect the interests of adults over the rights of the children of Newark. As New Jersey's Courts have recognized, we must do everything we can to create an environment where these children can learn effectively to create a pathway to success in school and in life. The most important way to make that happen is to ensure we are able to retain our best teachers in the Newark Public Schools. To the extent that the allegations in paragraph 8 of the Complaint is deemed to allege that the District should be compelled to award damages to Plaintiffs, including but not limited to punitive damages, such allegations are denied.

9. Defendants admit to the allegations contained in paragraph 9 of the Complaint in part. Defendants respond that the District's schools are making great strides to meet the constitutionally-mandated Thorough and Efficient education requirements for all children in the District. Through no fault of its own, however, and even without any additional cuts to the District's funding, the District has been hampered by statutory restrictions that essentially protect the interests of adults over the rights of the children of Newark. As New Jersey's Courts have recognized, we must do everything we can to create an environment where these children can learn effectively to create a pathway to success in school and in life. The most important way to make that happen is to ensure we are able to retain our best teachers in the Newark Public Schools. To the extent that the allegations in paragraph 9 of the Complaint is deemed to allege that the District should be compelled to award damages to Plaintiffs, including but not limited to punitive damages, such allegations are denied.

10. Defendants admit the allegations contained in paragraph 10 of the Complaint.

11. Defendants admit the allegations contained in paragraph 11 of the Complaint.

12. Defendants admit to the allegations contained in paragraph 12 of the Complaint in part. Defendants respond that the District's schools are making great strides to meet the constitutionally-mandated Thorough and Efficient education requirements for all children in the District. Through no fault of its own, however, and even without any additional cuts to the District's funding, the District has been hampered by statutory restrictions that essentially protect the interests of adults over the rights of the children of Newark. As New Jersey's Courts have recognized, we must do everything we can to create an environment where these children can learn effectively to create a pathway to success in school and in life. The most important way to make that happen is to ensure we are able to retain our best teachers in the Newark Public Schools. To the extent that the allegations in paragraph 12 of the Complaint is deemed to allege that the District should be compelled to award damages to Plaintiffs, including but not limited to punitive damages, such allegations are denied. To the extent that the allegations contained in paragraph 12 of the Complaint concern operative studies, Defendants respond that those studies speak for themselves.

13. Defendants admit to the allegations contained in paragraph 13 of the Complaint in part. Defendants respond that the District's schools are making great strides to meet the constitutionally-mandated Thorough and Efficient education requirements for all children in the District. Through no fault of its own, however, and even without any additional cuts to the District's funding, the District has been hampered by statutory restrictions that essentially protect the interests of adults over the rights of the children of Newark. As New Jersey's Courts have recognized, we must do everything we can to create an environment where these children can learn effectively to create a pathway to success in school and in life. The most important way to

make that happen is to ensure we are able to retain our best teachers in the Newark Public Schools. To the extent that the allegations in paragraph 13 of the Complaint is deemed to allege that the District should be compelled to award damages to Plaintiffs, including but not limited to punitive damages, such allegations are denied.

14. Defendants admit the allegations contained in paragraph 14 of the Complaint to the extent that such allegations pertain to the State-operated School District of the City of Newark. To the extent that such allegations pertain to schools in other districts, Defendants lack information and knowledge sufficient to form a belief as to the truth of the matter asserted and, in turn, leave Plaintiffs to their proofs.

15. Defendants admit to the allegations contained in paragraph 15 of the Complaint in part, and only to the extent that such allegations concern Defendants, as opposed to schools in other school districts. Defendants further respond that the District's schools are making great strides to meet the constitutionally-mandated Thorough and Efficient education requirements for all children in the District. Through no fault of its own, however, and even without any additional cuts to the District's funding, the District has been hampered by statutory restrictions that essentially protect the interests of adults over the rights of the children of Newark. As New Jersey's Courts have recognized, we must do everything we can to create an environment where these children can learn effectively to create a pathway to success in school and in life. The most important way to make that happen is to ensure we are able to retain our best teachers in the Newark Public Schools. To the extent that the allegations in paragraph 15 of the Complaint are deemed to allege that the District should be compelled to award damages to Plaintiffs, including but not limited to punitive damages, such allegations are denied.

16. Defendants admit to the allegations contained in paragraph 16 of the Complaint in part, and only to the extent that such allegations concern Defendants, as opposed to schools in other school districts. Defendants respond that the District's schools are making great strides to meet the constitutionally-mandated Thorough and Efficient education requirements for all children in the District. Through no fault of its own, however, and even without any additional cuts to the District's funding, the District has been hampered by statutory restrictions that essentially protect the interests of adults over the rights of the children of Newark. As New Jersey's Courts have recognized, we must do everything we can to create an environment where these children can learn effectively to create a pathway to success in school and in life. The most important way to make that happen is to ensure we are able to retain our best teachers in the Newark Public Schools. To the extent that the allegations in paragraph 16 of the Complaint is deemed to allege that the District should be compelled to award damages to Plaintiffs, including but not limited to punitive damages, such allegations are denied.

17. Defendants admit only that the Plaintiffs are seeking injunctive relief in paragraph 17 of the Complaint.

RESPONSE TO PARTIES

18. Defendants are without sufficient knowledge or information to form a belief as to the truth of the allegations contained in paragraph 18 of the Complaint, and therefore leaves Plaintiffs to their proofs.

19. Defendants are without sufficient knowledge or information to form a belief as to the truth of the allegations contained in paragraph 19 of the Complaint, and therefore leaves Plaintiffs to their proofs.

20. Defendants are without sufficient knowledge or information to form a belief as to the truth of the allegations contained in paragraph 20 of the Complaint, and therefore leaves Plaintiffs to their proofs.

21. Defendants are without sufficient knowledge or information to form a belief as to the truth of the allegations contained in paragraph 21 of the Complaint, and therefore leaves Plaintiffs to their proofs.

22. Defendants are without sufficient knowledge or information to form a belief as to the truth of the allegations contained in paragraph 22 of the Complaint, and therefore leaves Plaintiffs to their proofs.

23. Defendants are without sufficient knowledge or information to form a belief as to the truth of the allegations contained in paragraph 23 of the Complaint, and therefore leaves Plaintiffs to their proofs.

24. Defendants admit the allegations contained in paragraph 24 of the Complaint.

25. Defendants admit the allegations contained in paragraph 25 of the Complaint.

26. Defendants admit to the allegations contained in paragraph 26 of the Complaint in part. Defendants respond that the District's schools are making great strides to meet the constitutionally-mandated Thorough and Efficient education requirements for all children in the District. Through no fault of its own, however, and even without any additional cuts to the District's funding, the District has been hampered by statutory restrictions that essentially protect the interests of adults over the rights of the children of Newark. As New Jersey's Courts have recognized, we must do everything we can to create an environment where these children can learn effectively to create a pathway to success in school and in life. The most important way to

make that happen is to ensure we are able to retain our best teachers in the Newark Public Schools. To the extent that the allegations in paragraph 26 of the Complaint is deemed to allege that the District should be compelled to award damages to Plaintiffs, including but not limited to punitive damages, such allegations are denied.

27. Defendants admit to the allegations contained in paragraph 27 of the Complaint in part. Defendants admit that Defendant Christopher Cerf is the Superintendent of the State-operated School District of the City of Newark. Defendants further respond that the District's schools are making great strides to meet the constitutionally-mandated Thorough and Efficient education requirements for all children in the District. Through no fault of its own, however, and even without any additional cuts to the District's funding, the District has been hampered by statutory restrictions that essentially protect the interests of adults over the rights of the children of Newark. As New Jersey's Courts have recognized, we must do everything we can to create an environment where these children can learn effectively to create a pathway to success in school and in life. The most important way to make that happen is to ensure we are able to retain our best teachers in the Newark Public Schools. To the extent that the allegations in paragraph 27 of the Complaint is deemed to allege that the District should be compelled to award damages to Plaintiffs, including but not limited to punitive damages, such allegations are denied.

RESPONSE TO VENUE

28. In response to the allegations set forth in paragraph 28 of the Complaint, the Defendants respond by stating that venue is proper in Mercer County.

RESPONSE TO FACTS

RESPONSE THE NEWARK SCHOOL DISTRICT

29. Defendants admit in part and deny in part the allegations contained in paragraph 29 of the Complaint. Defendants admit that even though the District's schools are making great strides to meet the constitutionally-mandated Thorough and Efficient education requirements for all children in the District, the District has been hampered by statutory restrictions that essentially protect the interests of adults over the rights of the children of Newark. Defendants further admit that the District faces significant socioeconomic pressures that impact the District's students. To the extent that the allegations in paragraph 29 of the Complaint are deemed to allege that the District should be compelled to award damages to Plaintiffs, including but not limited to punitive damages, such allegations are denied. As to the remaining allegations set forth in paragraph 29 of the Complaint, Defendants lack information and knowledge sufficient to form a response as to the truth of the matter asserted and leave Plaintiffs to their proofs. As such, the remaining allegations are denied.

30. Defendants admit in part and deny in part the allegations contained in paragraph 30 of the Complaint. Defendants admit that even though the District's schools are making great strides to meet the constitutionally-mandated Thorough and Efficient education requirements for all children in the District, the District has been hampered by statutory restrictions that essentially protect the interests of adults over the rights of the children of Newark. Defendants further admit that the District faces significant socioeconomic pressures that impact the District's students. To the extent that the allegations in paragraph 30 of the Complaint are deemed to allege that the District should be compelled to award damages to Plaintiffs, including but not

limited to punitive damages, such allegations are denied. As to the remaining allegations set forth in paragraph 30 of the Complaint, Defendants lack information and knowledge sufficient to form a response as to the truth of the matter asserted and leave Plaintiffs to their proofs. As such, the remaining allegations are denied.

31. Defendants admit in part and deny in part the allegations contained in paragraph 31 of the Complaint. Defendants admit that even though the District's schools are making great strides to meet the constitutionally-mandated Thorough and Efficient education requirements for all children in the District, the District has been hampered by statutory restrictions that essentially protect the interests of adults over the rights of the children of Newark. Defendants further admit that the District faces significant socioeconomic pressures that impact the District's students. To the extent that the allegations in paragraph 31 of the Complaint are deemed to allege that the District should be compelled to award damages to Plaintiffs, including but not limited to punitive damages, such allegations are denied. As to the remaining allegations set forth in paragraph 31 of the Complaint, Defendants lack information and knowledge sufficient to form a response as to the truth of the matter asserted and leave Plaintiffs to their proofs. As such, the remaining allegations are denied.

32. Defendants admit the allegations contained in the paragraph 32 of the Complaint.

33. Defendants admit in part and deny in part the allegations contained in paragraph 33 of the Complaint. Defendants admit that even though the District's schools are making great strides to meet the constitutionally-mandated Thorough and Efficient education requirements for all children in the District, the District has been hampered by statutory restrictions that essentially protect the interests of adults over the rights of the children of Newark. Defendants

further admit that the District faces significant socioeconomic pressures that impact the District's students. To the extent that the allegations in paragraph 33 of the Complaint are deemed to allege that the District should be compelled to award damages to Plaintiffs, including but not limited to punitive damages, such allegations are denied. As to the remaining allegations set forth in 33 of the Complaint, Defendants lack information and knowledge sufficient to form a response as to the truth of the matter asserted and leave Plaintiffs to their proofs. As such, the remaining allegations are denied.

34. Defendants admit in part and deny in part the allegations contained in paragraph 34 of the Complaint. Defendants admit that even though the District's schools are making great strides to meet the constitutionally-mandated Thorough and Efficient education requirements for all children in the District, the District has been hampered by statutory restrictions that essentially protect the interests of adults over the rights of the children of Newark. Defendants further admit that the District faces significant socioeconomic pressures that impact the District's students. To the extent that the allegations in paragraph 34 of the Complaint are deemed to allege that the District should be compelled to award damages to Plaintiffs, including but not limited to punitive damages, such allegations are denied. As to the remaining allegations set forth in paragraph 34 of the Complaint, Defendants lack information and knowledge sufficient to form a response as to the truth of the matter asserted and leave Plaintiffs to their proofs. As such, the remaining allegations are denied.

35. Defendants admit in part and deny in part the allegations contained in paragraph 35 of the Complaint. Defendants admit that even though the District's schools are making great strides to meet the constitutionally-mandated Thorough and Efficient education requirements for

all children in the District, the District has been hampered by statutory restrictions that essentially protect the interests of adults over the rights of the children of Newark. Defendants further admit that the District faces significant socioeconomic pressures that impact the District's students. To the extent that the allegations in paragraph 35 of the Complaint are deemed to allege that the District should be compelled to award damages to Plaintiffs, including but not limited to punitive damages, such allegations are denied. As to the remaining allegations set forth in paragraph 35 of the Complaint, Defendants lack information and knowledge sufficient to form a response as to the truth of the matter asserted and leave Plaintiffs to their proofs. As such, the remaining allegations are denied.

36. Defendants admit the allegations contained in paragraph 36 of the Complaint.

37. Defendants admit in part and deny in part the allegations contained in paragraph 37 of the Complaint. Defendants admit that even though the District's schools are making great strides to meet the constitutionally-mandated Thorough and Efficient education requirements for all children in the District, the District has been hampered by statutory restrictions that essentially protect the interests of adults over the rights of the children of Newark. Defendants further admit that the District faces significant socioeconomic pressures that impact the District's students. To the extent that the allegations in paragraph 37 of the Complaint are deemed to allege that the District should be compelled to award damages to Plaintiffs, including but not limited to punitive damages, such allegations are denied. As to the remaining allegations set forth in paragraph 37 of the Complaint, Defendants lack information and knowledge sufficient to form a response as to the truth of the matter asserted and leave Plaintiffs to their proofs. As such, the remaining allegations are denied.

38. Defendants admit in part and deny in part the allegations contained in paragraph 38 of the Complaint. Defendants admit that even though the District's schools are making great strides to meet the constitutionally-mandated Thorough and Efficient education requirements for all children in the District, the District has been hampered by statutory restrictions that essentially protect the interests of adults over the rights of the children of Newark. Defendants further admit that the District faces significant socioeconomic pressures that impact the District's students. To the extent that the allegations in paragraph 38 of the Complaint are deemed to allege that the District should be compelled to award damages to Plaintiffs, including but not limited to punitive damages, such allegations are denied. As to the remaining allegations set forth in paragraph 38 of the Complaint, Defendants lack information and knowledge sufficient to form a response as to the truth of the matter asserted and leave Plaintiffs to their proofs. As such, the remaining allegations are denied.

39. Defendants admit in part and deny in part the allegations contained in paragraph 39 of the Complaint. Defendants admit that even though the District's schools are making great strides to meet the constitutionally-mandated Thorough and Efficient education requirements for all children in the District, the District has been hampered by statutory restrictions that essentially protect the interests of adults over the rights of the children of Newark. Defendants further admit that the District faces significant socioeconomic pressures that impact the District's students. To the extent that the allegations in paragraph 39 of the Complaint are deemed to allege that the District should be compelled to award damages to Plaintiffs, including but not limited to punitive damages, such allegations are denied. As to the remaining allegations set forth in paragraph 39 of the Complaint, Defendants lack information and knowledge sufficient to

form a response as to the truth of the matter asserted and leave Plaintiffs to their proofs. As such, the remaining allegations are denied.

40. Defendants admit in part and deny in part the allegations contained in paragraph 40 of the Complaint. Defendants admit that even though the District's schools are making great strides to meet the constitutionally-mandated Thorough and Efficient education requirements for all children in the District, the District has been hampered by statutory restrictions that essentially protect the interests of adults over the rights of the children of Newark. Defendants further admit that the District faces significant socioeconomic pressures that impact the District's students. To the extent that the allegations in paragraph 40 of the Complaint are deemed to allege that the District should be compelled to award damages to Plaintiffs, including but not limited to punitive damages, such allegations are denied. As to the remaining allegations set forth in paragraph 40 of the Complaint, Defendants lack information and knowledge sufficient to form a response as to the truth of the matter asserted and leave Plaintiffs to their proofs. As such, the remaining allegations are denied.

41. Defendants admit in part and deny in part the allegations contained in paragraph 41 of the Complaint. Defendants admit that even though the District's schools are making great strides to meet the constitutionally-mandated Thorough and Efficient education requirements for all children in the District, the District has been hampered by statutory restrictions that essentially protect the interests of adults over the rights of the children of Newark. Defendants further admit that the District faces significant socioeconomic pressures that impact the District's students. To the extent that the allegations in paragraph 41 of the Complaint are deemed to allege that the District should be compelled to award damages to Plaintiffs, including but not

limited to punitive damages, such allegations are denied. As to the remaining allegations set forth in paragraph 41 of the Complaint, Defendants lack information and knowledge sufficient to form a response as to the truth of the matter asserted and leave Plaintiffs to their proofs. As such, the remaining allegations are denied.

**RESPONSE TO NEWARK'S 2014 UNANSWERED EFFORT TO WAIVE THE
REQUIREMENT FOR QUALITY-BLIND LAYOFFS**

42. Defendants admit the allegations contained in paragraph 42 of the Complaint.

43. Defendants admit the allegations contained in paragraph 43 of the Complaint.

**RESPONSE TO EFFECTIVE TEACHERS ARE ESSENTIAL FOR CHILDREN TO
RECEIVE THE RIGHTS CONFERRED BY THE EDUCATION CLAUSE**

44. Defendants admit the allegations contained in paragraph 44 of the Complaint.

45. Defendants admit the allegations contained in paragraph 45 of the Complaint in part. Specifically, Defendants admit only that they comply with any and all evaluation requirements imposed upon Defendants by statute, rule, and/or regulation. With respect to any remaining allegations in paragraph 45 of the Complaint, Defendants respond that such allegations seek legal opinion and, as such, no response is necessary. To the extent that a response is deemed to be necessary, Defendants leave Plaintiffs to their proofs.

46. Defendants admit the allegations contained in paragraph 46 of the Complaint.

47. Defendants admit the allegations contained in paragraph 47 of the Complaint.

48. Defendants lack knowledge and information sufficient to form a belief as to the truth of the matter asserted in the allegations contained in paragraph 48 of the Complaint and, in turn, leaves Plaintiffs to their proofs.

49. Defendants admit the allegations contained in paragraph 49 of the Complaint.

50. Defendants admit the allegations contained in paragraph 50 of the Complaint.

51. Defendants admit the allegations contained in paragraph 51 of the Complaint.

52. Defendants admit the allegations contained in paragraph 52 of the Complaint in part. Specifically, Defendants admit that there are studies concerning the significant impact of low performing teachers on students. Such reports speak for themselves. With respect to any remaining allegations set forth in paragraph 52 of the Complaint, Defendants respond that they lack knowledge and information sufficient to form a response as to the truth of the matters asserted and, in turn, leave Plaintiffs to their proofs.

53. Defendants admit the allegations contained in paragraph 53 of the Complaint.

54. Defendants admit the allegations contained in paragraph 54 of the Complaint.

55. Defendants admit the allegations contained in paragraph 55 of the Complaint in part. Specifically, Defendants admit that there are studies concerning the significant impact of low performing teachers on students of color in low-income communities. Such reports speak for themselves. With respect to any remaining allegations set forth in paragraph 55 of the Complaint, Defendants respond that they lack knowledge and information sufficient to form a response as to the truth of the matters asserted and, in turn, leave Plaintiffs to their proofs.

56. Defendants admit the allegations contained in paragraph 56 of the Complaint in part. Specifically, Defendants admit that there are studies concerning the significant impact of low performing teachers on students of color in low-income communities. Such reports speak for themselves. With respect to any remaining allegations set forth in paragraph 56 of the Complaint, Defendants respond that they lack knowledge and information sufficient to form a response as to the truth of the matters asserted and, in turn, leave Plaintiffs to their proofs.

57. Defendants admit the allegations contained in paragraph 57 of the Complaint.
58. Defendants admit the allegations contained in paragraph 58 of the Complaint.
59. Defendants admit the allegations contained in paragraph 59 of the Complaint.
60. Defendants admit the allegations contained in paragraph 60 of the Complaint.
61. Defendants admit the allegations contained in paragraph 61 of the Complaint.
62. Defendants admit the allegations contained in paragraph 62 of the Complaint.

**RESPONSE TO THE DETRIMENT OF STUDENTS, QUALITY-BLIND LAYOFFS
REQUIRE NEWARK TO EITHER (I) CONSISTENTLY LAY OFF EFFECTIVE
TEACHERS AND RETAIN INEFFECTIVE TEACHERS OR (II) TAKE OTHER
HARMFUL MEASURES TO AVOID LAYING OFF EFFECTIVE TEACHERS**

63. Defendants admit the allegations contained in paragraph 63 of the Complaint.
64. Defendants admit the allegations contained in paragraph 64 of the Complaint.
65. Defendants admit the allegations contained in paragraph 65 of the Complaint.
66. Defendants admit the allegations contained in paragraph 66 of the Complaint.
67. Defendants admit the allegations contained in paragraph 67 of the Complaint.
68. Defendants admit the allegations contained in paragraph 68 of the Complaint.
69. Defendants admit the allegations contained in paragraph 69 of the Complaint.
70. Defendants admit the allegations contained in paragraph 70 of the Complaint in part. Specifically, Defendants admit that there are studies concerning the significant impact of low performing teachers on students following layoffs. Such reports speak for themselves. With respect to any remaining allegations set forth in paragraph 70 of the Complaint, Defendants respond that they lack knowledge and information sufficient to form a response as to the truth of the matters asserted and, in turn, leave Plaintiffs to their proofs.

71. Defendants admit the allegations contained in paragraph 71 of the Complaint.

72. Defendants admit the allegations contained in paragraph 72 of the Complaint.

73. Defendants admit the allegations contained in paragraph 73 of the Complaint.

74. Defendants admit the allegations contained in paragraph 74 of the Complaint.

75. Defendants admit the allegations contained in paragraph 75 of the Complaint.

76. Defendants admit the allegations contained in paragraph 76 of the Complaint.

77. Defendants admit the allegations contained in paragraph 77 of the Complaint to the extent that such allegations pertain to the State-operated School District of the City of Newark. To the extent that such allegations pertain to schools in other districts, Defendants lack information and knowledge sufficient to form a belief as to the truth of the matter asserted and, in turn, leave Plaintiffs to their proofs.

78. Defendants admit the allegations contained in paragraph 78 of the Complaint to the extent that such allegations pertain to the State-operated School District of the City of Newark. To the extent that such allegations pertain to schools in other districts, Defendants lack information and knowledge sufficient to form a belief as to the truth of the matter asserted and, in turn, leave Plaintiffs to their proofs.

79. Defendants admit the allegations contained in paragraph 79 of the Complaint.

80. Defendants admit the allegations contained in paragraph 80 of the Complaint.

81. Defendants admit the allegations contained in paragraph 81 of the Complaint.

82. Defendants deny the allegations set forth in paragraph 82 of the Complaint and respond that Defendants are unable to separate from employment low performing teachers, meaning that Defendants carry the cost of that burden centrally. Defendants further respond that Defendants are forced to place Educators Without Placement Sites in classrooms.

83. Defendants deny the allegations set forth in paragraph 83 of the Complaint and respond that Defendants are unable to separate from employment low performing teachers, meaning that Defendants carry the cost of that burden centrally. Defendants further respond that Defendants are forced to place Educators Without Placement Sites in classrooms.

84. Defendants admit the allegations contained in paragraph 84 of the Complaint.

85. Defendants admit the allegations contained in paragraph 85 of the Complaint.

86. Defendants deny the allegations set forth in paragraph 86 of the Complaint and respond that Defendants are unable to separate from employment low performing teachers, meaning that Defendants carry the cost of that burden centrally. Defendants further respond that Defendants are forced to place Educators Without Placement Sites in classrooms. Defendants further respond that when Defendants were unable to carry the cost of the burden centrally, the financial burden of such placement fell to the school budgets directly. Defendants also respond that forced placement had a detrimental impact on certain students. Defendants lack knowledge and information sufficient to form a response as to the remaining allegations set forth in paragraph 86 of the Complaint and so leave Plaintiffs to their proofs.

87. Defendants admit the allegations contained in paragraph 87 of the Complaint.

88. Defendants admit the allegations contained in paragraph 88 of the Complaint.

89. Defendants admit the allegations contained in paragraph 89 of the Complaint.

90. Defendants admit the allegations contained in paragraph 90 of the Complaint.

91. Defendants admit the allegations contained in paragraph 91 of the Complaint.

92. Defendants admit the allegations contained in paragraph 92 of the Complaint.

93. Defendants deny the allegations contained in paragraph 93 of the Complaint in part. Specifically, to the extent that the allegations in paragraph 93 of the Complaint incorrectly imply that the District either lays off certain teachers or assert tenure charges, such allegations are denied. Defendants actively pursue tenure charges in accordance with operative statutes, rules, and regulations. However, that process does not address the impact of quality-blind layoffs on students through the retention of low performing teachers. As such, the remaining allegations set forth in paragraph 93 of the Complaint are admitted.

94. Defendants admit the allegations contained in paragraph 94 of the Complaint.

95. Defendants admit that as a result of the “impossible dilemma” set forth in paragraphs 94 and 95 of the Complaint, Newark continues to struggle with growing challenges negatively impacting certain district students. With respect to any further allegations, Defendants lack knowledge and information to form a belief as to the truth of the matters asserted and, in turn, leaves Plaintiffs to their proofs.

**RESPONSE TO QUALITY-BLIND LAYOFFS ALSO UNDERMINE THE ABILITY OF
SCHOOL DISTRICTS, LIKE NEWARK, TO ATTRACT AND RETAIN EFFECTIVE
TEACHERS**

96. Defendants admit the allegations contained in paragraph 96 of the Complaint to the extent that such allegations pertain to the State-operated School District of the City of Newark. To the extent that such allegations pertain to schools in other districts, Defendants lack information and knowledge sufficient to form a belief as to the truth of the matter asserted and, in turn, leave Plaintiffs to their proofs.

97. Defendants admit the allegations contained in paragraph 97 of the Complaint.

98. Defendants admit the allegations contained in paragraph 98 of the Complaint.

99. Defendants admit the allegations contained in paragraph 99 of the Complaint to the extent that such allegations pertain to the State-operated School District of the City of Newark. To the extent that such allegations pertain to schools in other districts, Defendants lack information and knowledge sufficient to form a belief as to the truth of the matter asserted and, in turn, leave Plaintiffs to their proofs.

100. Defendants admit the allegations contained in paragraph 100 of the Complaint.

101. Defendants admit the allegations contained in paragraph 101 of the Complaint.

102. Defendants admit the allegations contained in paragraph 102 of the Complaint.

103. Defendants admit the allegations contained in paragraph 103 of the Complaint.

RESPONSE TO QUALITY-BLIND LAYOFFS UNDERMINE NEWARK'S ABILITY TO EFFECTIVELY EDUCATE ITS STUDENTS AND VIOLATE THE CONSTITUTIONAL RIGHTS OF PLAINTIFFS

104. Defendants admit the allegations contained in paragraph 104 of the Complaint.

105. Defendants admit the allegations contained in paragraph 105 of the Complaint in part. Specifically, Defendants admit that there are studies concerning the significant impact of low performing teachers on students following layoffs. Such reports speak for themselves. With respect to any remaining allegations set forth in paragraph 105 of the Complaint, Defendants respond that they lack knowledge and information sufficient to form a response as to the truth of the matters asserted and, in turn, leave Plaintiffs to their proofs.

106. Defendants admit the allegations contained in paragraph 106 of the Complaint in part. Specifically, Defendants admit that there are studies concerning the significant impact of low performing teachers on students following layoffs. Such reports speak for themselves. With respect to any remaining allegations set forth in paragraph 106 of the Complaint, Defendants

respond that they lack knowledge and information sufficient to form a response as to the truth of the matters asserted and, in turn, leave Plaintiffs to their proofs.

107. Defendants admit the allegations contained in paragraph 107 of the Complaint to the extent that such allegations pertain to the State-operated School District of the City of Newark. To the extent that such allegations pertain to schools in other districts, Defendants lack information and knowledge sufficient to form a belief as to the truth of the matter asserted and, in turn, leave Plaintiffs to their proofs.

108. Defendants are without sufficient knowledge or information to form a belief as to the truth of the allegations contained in paragraph 108 of the Complaint, and therefore leaves Plaintiffs to their proofs.

109. Defendants admit in part and deny in part the allegations contained in paragraph 109 of the Complaint. Defendants admit that even though the District's schools are making great strides to meet the constitutionally-mandated Thorough and Efficient education requirements for all children in the District, the District has been hampered by statutory restrictions that essentially protect the interests of adults over the rights of the children of Newark. Defendants further admit that the District faces significant socioeconomic pressures that impact the District's students. To the extent that the allegations in paragraph 109 of the Complaint are deemed to allege that the District should be compelled to award damages to Plaintiffs, including but not limited to punitive damages, such allegations are denied. As to the remaining allegations set forth in paragraph 109 of the Complaint, Defendants lack information and knowledge sufficient to form a response as to the truth of the matter asserted and leave Plaintiffs to their proofs. As such, the remaining allegations are denied.

110. Defendants admit in part and deny in part the allegations contained in paragraph 110 of the Complaint. Defendants admit that even though the District's schools are making great strides to meet the constitutionally-mandated Thorough and Efficient education requirements for all children in the District, the District has been hampered by statutory restrictions that essentially protect the interests of adults over the rights of the children of Newark. Defendants further admit that the District faces significant socioeconomic pressures that impact the District's students. To the extent that the allegations in paragraph 110 of the Complaint are deemed to allege that the District should be compelled to award damages to Plaintiffs, including but not limited to punitive damages, such allegations are denied. As to the remaining allegations set forth in paragraph 110 of the Complaint, Defendants lack information and knowledge sufficient to form a response as to the truth of the matter asserted and leave Plaintiffs to their proofs. As such, the remaining allegations are denied.

111. Defendants admit in part and deny in part the allegations contained in paragraph 111 of the Complaint. Defendants admit that even though the District's schools are making great strides to meet the constitutionally-mandated Thorough and Efficient education requirements for all children in the District, the District has been hampered by statutory restrictions that essentially protect the interests of adults over the rights of the children of Newark. Defendants further admit that the District faces significant socioeconomic pressures that impact the District's students. To the extent that the allegations in paragraph 111 of the Complaint are deemed to allege that the District should be compelled to award damages to Plaintiffs, including but not limited to punitive damages, such allegations are denied. As to the remaining allegations set forth in paragraph 111 of the Complaint, Defendants lack information and knowledge sufficient

to form a response as to the truth of the matter asserted and leave Plaintiffs to their proofs. As such, the remaining allegations are denied.

112. Defendants admit the allegations contained in paragraph 112 of the Complaint.

113. Defendants admit in part and deny in part the allegations contained in paragraph 113 of the Complaint. Defendants admit that even though the District's schools are making great strides to meet the constitutionally-mandated Thorough and Efficient education requirements for all children in the District, the District has been hampered by statutory restrictions that essentially protect the interests of adults over the rights of the children of Newark. Defendants further admit that the District faces significant socioeconomic pressures that impact the District's students. To the extent that the allegations in paragraph 113 of the Complaint are deemed to allege that the District should be compelled to award damages to Plaintiffs, including but not limited to punitive damages, such allegations are denied. As to the remaining allegations set forth in paragraph 113 of the Complaint, Defendants lack information and knowledge sufficient to form a response as to the truth of the matter asserted and leave Plaintiffs to their proofs. As such, the remaining allegations are denied.

RESPONSE TO FIRST CAUSE OF ACTION
Education Clause Violation

114. Defendants repeat, reallege and incorporate herein each and every response to the prior allegations contained in the Complaint as though more fully set forth at length herein.

115. Defendants admit the allegations contained in paragraph 115 of the Complaint.

116. Defendants admit in part and deny in part the allegations contained in paragraph 116 of the Complaint. Defendants admit that even though the District's schools are making great strides to meet the constitutionally-mandated Thorough and Efficient education requirements for

all children in the District, the District has been hampered by statutory restrictions that essentially protect the interests of adults over the rights of the children of Newark. Defendants further admit that the District faces significant socioeconomic pressures that impact the District's students. To the extent that the allegations in paragraph 116 of the Complaint are deemed to allege that the District should be compelled to award damages to Plaintiffs, including but not limited to punitive damages, such allegations are denied. As to the remaining allegations set forth in paragraph 116 of the Complaint, Defendants lack information and knowledge sufficient to form a response as to the truth of the matter asserted and leave Plaintiffs to their proofs. As such, the remaining allegations are denied.

117. Defendants admit in part and deny in part the allegations contained in paragraph 117 of the Complaint. Defendants admit that even though the District's schools are making great strides to meet the constitutionally-mandated Thorough and Efficient education requirements for all children in the District, the District has been hampered by statutory restrictions that essentially protect the interests of adults over the rights of the children of Newark. Defendants further admit that the District faces significant socioeconomic pressures that impact the District's students. To the extent that the allegations in paragraph 117 of the Complaint are deemed to allege that the District should be compelled to award damages to Plaintiffs, including but not limited to punitive damages, such allegations are denied. As to the remaining allegations set forth in paragraph 117 of the Complaint, Defendants lack information and knowledge sufficient to form a response as to the truth of the matter asserted and leave Plaintiffs to their proofs. As such, the remaining allegations are denied.

118. Defendants admit the allegations contained in paragraph 118 of the Complaint

RESPONSE TO SECOND CAUSE OF ACTION
Equal Protection Violation

119. Defendants repeat, reallege and incorporate herein each and every response to the prior allegations contained in the Complaint as though more fully set forth at length herein.

120. Defendants admit the allegations contained in paragraph 120 of the Complaint.

121. Defendants admit the allegations contained in paragraph 121 of the Complaint.

122. Defendants admit in part and deny in part the allegations contained in paragraph 122 of the Complaint. Defendants admit that even though the District's schools are making great strides to meet the constitutionally-mandated Thorough and Efficient education requirements for all children in the District, the District has been hampered by statutory restrictions that essentially protect the interests of adults over the rights of the children of Newark. Defendants further admit that the District faces significant socioeconomic pressures that impact the District's students. To the extent that the allegations in paragraph 122 of the Complaint are deemed to allege that the District should be compelled to award damages to Plaintiffs, including but not limited to punitive damages, such allegations are denied. As to the remaining allegations set forth in paragraph 122 of the Complaint, Defendants lack information and knowledge sufficient to form a response as to the truth of the matter asserted and leave Plaintiffs to their proofs. As such, the remaining allegations are denied.

123. Defendants admit in part and deny in part the allegations contained in paragraph 123 of the Complaint. Defendants admit that even though the District's schools are making great strides to meet the constitutionally-mandated Thorough and Efficient education requirements for all children in the District, the District has been hampered by statutory restrictions that essentially protect the interests of adults over the rights of the children of Newark. Defendants

further admit that the District faces significant socioeconomic pressures that impact the District's students. To the extent that the allegations in paragraph 123 of the Complaint are deemed to allege that the District should be compelled to award damages to Plaintiffs, including but not limited to punitive damages, such allegations are denied. As to the remaining allegations set forth in paragraph 123 of the Complaint, Defendants lack information and knowledge sufficient to form a response as to the truth of the matter asserted and leave Plaintiffs to their proofs. As such, the remaining allegations are denied.

124. Defendants admit the allegations contained in paragraph 124 of the Complaint.

125. Defendants admit the allegations contained in paragraph 125 of the Complaint.

126. Defendants admit in part and deny in part the allegations contained in paragraph 126 of the Complaint. Defendants admit that even though the District's schools are making great strides to meet the constitutionally-mandated Thorough and Efficient education requirements for all children in the District, the District has been hampered by statutory restrictions that essentially protect the interests of adults over the rights of the children of Newark. Defendants further admit that the District faces significant socioeconomic pressures that impact the District's students. To the extent that the allegations in paragraph 126 of the Complaint are deemed to allege that the District should be compelled to award damages to Plaintiffs, including but not limited to punitive damages, such allegations are denied. As to the remaining allegations set forth in paragraph 126 of the Complaint, Defendants lack information and knowledge sufficient to form a response as to the truth of the matter asserted and leave Plaintiffs to their proofs. As such, the remaining allegations are denied.

127. Defendants admit in part and deny in part the allegations contained in paragraph 127 of the Complaint. Defendants admit that even though the District's schools are making great strides to meet the constitutionally-mandated Thorough and Efficient education requirements for all children in the District, the District has been hampered by statutory restrictions that essentially protect the interests of adults over the rights of the children of Newark. Defendants further admit that the District faces significant socioeconomic pressures that impact the District's students. To the extent that the allegations in paragraph 127 of the Complaint are deemed to allege that the District should be compelled to award damages to Plaintiffs, including but not limited to punitive damages, such allegations are denied. As to the remaining allegations set forth in paragraph 127 of the Complaint, Defendants lack information and knowledge sufficient to form a response as to the truth of the matter asserted and leave Plaintiffs to their proofs. As such, the remaining allegations are denied.

128. Defendants admit the allegations contained in paragraph 128 of the Complaint.

RESPONSE TO THIRD CAUSE OF ACTION
Due Process Violation

129. Defendants repeat, reallege and incorporate herein each and every response to the prior allegations contained in the Complaint as though more fully set forth at length herein.

130. Defendants admit the allegations contained in paragraph 130 of the Complaint.

131. Defendants admit the allegations contained in paragraph 131 of the Complaint.

132. Defendants admit the allegations contained in paragraph 132 of the Complaint.

133. Defendants admit in part and deny in part the allegations contained in paragraph 133 of the Complaint. Defendants admit that even though the District's schools are making great strides to meet the constitutionally-mandated Thorough and Efficient education requirements for

all children in the District, the District has been hampered by statutory restrictions that essentially protect the interests of adults over the rights of the children of Newark. Defendants further admit that the District faces significant socioeconomic pressures that impact the District's students. To the extent that the allegations in paragraph 133 of the Complaint are deemed to allege that the District should be compelled to award damages to Plaintiffs, including but not limited to punitive damages, such allegations are denied. As to the remaining allegations set forth in paragraph 133 of the Complaint, Defendants lack information and knowledge sufficient to form a response as to the truth of the matter asserted and leave Plaintiffs to their proofs. As such, the remaining allegations are denied.

134. Defendants admit in part and deny in part the allegations contained in paragraph 134 of the Complaint. Defendants admit that even though the District's schools are making great strides to meet the constitutionally-mandated Thorough and Efficient education requirements for all children in the District, the District has been hampered by statutory restrictions that essentially protect the interests of adults over the rights of the children of Newark. Defendants further admit that the District faces significant socioeconomic pressures that impact the District's students. To the extent that the allegations in paragraph 134 of the Complaint are deemed to allege that the District should be compelled to award damages to Plaintiffs, including but not limited to punitive damages, such allegations are denied. As to the remaining allegations set forth in paragraph 134 of the Complaint, Defendants lack information and knowledge sufficient to form a response as to the truth of the matter asserted and leave Plaintiffs to their proofs. As such, the remaining allegations are denied.

135. Defendants admit in part and deny in part the allegations contained in paragraph 135 of the Complaint. Defendants admit that even though the District's schools are making great strides to meet the constitutionally-mandated Thorough and Efficient education requirements for all children in the District, the District has been hampered by statutory restrictions that essentially protect the interests of adults over the rights of the children of Newark. Defendants further admit that the District faces significant socioeconomic pressures that impact the District's students. To the extent that the allegations in paragraph 135 of the Complaint are deemed to allege that the District should be compelled to award damages to Plaintiffs, including but not limited to punitive damages, such allegations are denied. As to the remaining allegations set forth in paragraph 135 of the Complaint, Defendants lack information and knowledge sufficient to form a response as to the truth of the matter asserted and leave Plaintiffs to their proofs. As such, the remaining allegations are denied.

RESPONSE TO FOURTH CAUSE OF ACTION
Civil Rights Act Violation

136. Defendants repeat, reallege and incorporate herein each and every response to the prior allegations contained in the Complaint as though more fully set forth at length herein.

137. Defendants admit the allegations contained in paragraph 137 of the Complaint.

138. Defendants admit the allegations contained in paragraph 138 of the Complaint.

139. Defendants admit in part and deny in part the allegations contained in paragraph 139 of the Complaint. Defendants admit that even though the District's schools are making great strides to meet the constitutionally-mandated Thorough and Efficient education requirements for all children in the District, the District has been hampered by statutory restrictions that essentially protect the interests of adults over the rights of the children of Newark. Defendants

further admit that the District faces significant socioeconomic pressures that impact the District's students. To the extent that the allegations in paragraph 139 of the Complaint are deemed to allege that the District should be compelled to award damages to Plaintiffs, including but not limited to punitive damages, such allegations are denied. As to the remaining allegations set forth in paragraph 139 of the Complaint, Defendants lack information and knowledge sufficient to form a response as to the truth of the matter asserted and leave Plaintiffs to their proofs. As such, the remaining allegations are denied.

RESPONSE TO FIFTH CAUSE OF ACTION
Declaratory Judgment

140. Defendants repeat, reallege and incorporate herein each and every response to the prior allegations contained in the Complaint as though more fully set forth at length herein.

141. Defendants admit the allegations contained in paragraph 141 of the Complaint.

142. Defendants admit the allegations contained in paragraph 142 of the Complaint.

143. Defendants admit in part and deny in part the allegations contained in paragraph 143 of the Complaint. Defendants admit that even though the District's schools are making great strides to meet the constitutionally-mandated Thorough and Efficient education requirements for all children in the District, the District has been hampered by statutory restrictions that essentially protect the interests of adults over the rights of the children of Newark. Defendants further admit that the District faces significant socioeconomic pressures that impact the District's students. To the extent that the allegations in paragraph 143 of the Complaint are deemed to allege that the District should be compelled to award damages to Plaintiffs, including but not limited to punitive damages, such allegations are denied. As to the remaining allegations set forth in paragraph 143 of the Complaint, Defendants lack information and knowledge sufficient

to form a response as to the truth of the matter asserted and leave Plaintiffs to their proofs. As such, the remaining allegations are denied.

144. Defendants admit in part and deny in part the allegations contained in paragraph 144 of the Complaint. Defendants admit that even though the District's schools are making great strides to meet the constitutionally-mandated Thorough and Efficient education requirements for all children in the District, the District has been hampered by statutory restrictions that essentially protect the interests of adults over the rights of the children of Newark. Defendants further admit that the District faces significant socioeconomic pressures that impact the District's students. To the extent that the allegations in paragraph 144 of the Complaint are deemed to allege that the District should be compelled to award damages to Plaintiffs, including but not limited to punitive damages, such allegations are denied. As to the remaining allegations set forth in paragraph 144 of the Complaint, Defendants lack information and knowledge sufficient to form a response as to the truth of the matter asserted and leave Plaintiffs to their proofs. As such, the remaining allegations are denied.

RESPONSE TO PRAYER FOR RELIEF

145. Defendants make no response to the allegations against it contained in paragraph 145 of the Complaint, inasmuch as the same calls for legal conclusions.

146. Defendants make no response to the allegations against it contained in paragraph 146 of the Complaint, inasmuch as the same calls for legal conclusions.

147. Defendants make no response to the allegations against it contained in paragraph 147 of the Complaint, inasmuch as the same calls for legal conclusions.

148. Defendants make no response to the allegations against it contained in paragraph 148 of the Complaint, inasmuch as the same calls for legal conclusions.

149. Defendants make no response to the allegations against it contained in paragraph 149 of the Complaint, inasmuch as the same calls for legal conclusions.

150. Defendants make no response to the allegations against it contained in paragraph 150 of the Complaint, inasmuch as the same calls for legal conclusions. To the extent that same do not call for legal conclusions, these Defendants deny all allegations in paragraph 150 of the Complaint.

151. Defendants make no response to the allegations against it contained in paragraph 151 of the Complaint, inasmuch as the same calls for legal conclusions. To the extent that same do not call for legal conclusions, these Defendants are without sufficient knowledge or information to form a belief as to the truth of the allegations and therefore leave Plaintiffs to their proofs.

SEPARATE DEFENSES

As for additional defenses to the Complaint, and without assuming any burden of proof or pleading that would otherwise rest on Plaintiffs or any other party, Defendants assert the following Separate Defenses:

1. Any injuries or damages which may have been sustained by Plaintiffs were caused by the wrongful conduct of third party(ies) over whom the answering Defendants had no control and no right of control.

2. These Defendants acted at all times in good faith and without malice.

3. The Defendant, State-Operated School District of the City of Newark, is a public entity and is immune from liability pursuant to all applicable provisions of the New Jersey Tort Claims Act.

4. These Defendants have fully discharged to the extent possible any and all of their obligations to the students pursuant to the United States Constitution and the courts of the State of New Jersey.

5. Defendants reserve the right to assert any and all other defenses, factual and legal, as may be justified by information subsequently obtained.

ANSWER TO CROSS-CLAIMS

These Defendants deny the allegations contained in any and all cross-claims which have been or which will in the future be made against these Defendants.

JURY DEMAND

Defendants demand a jury trial on all issues so triable.

DEMAND FOR STATEMENT OF DAMAGES

Defendants hereby requests, pursuant to Rule 4:5-2, that Plaintiffs furnish to the undersigned within five (5) days a written statement of the amount of damages claimed in each and every Count of the Complaint.

DESIGNATION OF TRIAL COUNSEL PURSUANT TO RULE 4:25-4

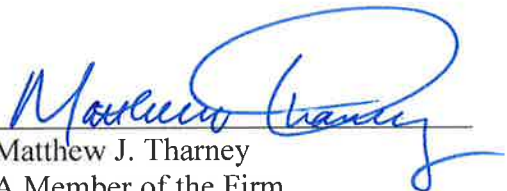
Pursuant to Rule 4:25-4, Matthew J. Tharney hereby is designated as trial counsel for Defendants.

RULE 4:5-1 CERTIFICATION

I certify that at this time, upon information and belief, this matter in controversy is not the subject of any other action pending in any court or the subject of a pending arbitration proceeding and that no other action or arbitration proceeding is contemplated. I presently do not know of any other party who should be joined in this action. I further certify pursuant to Rule 4:5-1(b)(3) that confidential personal identifiers have been redacted from any documents now submitted to the court, and will be redacted from all documents submitted in the future in accordance with Rule 1:38-7(b).

McCARTER & ENGLISH, LLP
*Attorneys for Defendants, State-Operated
School District of the City of Newark and
Christopher Cerf*

By: _____


Matthew J. Tharney
A Member of the Firm

Dated: March 22, 2017