

Supreme Court of the State of New York

Appellate Division: Third Judicial Department

Informational Statement (Pursuant to 22 NYCRR 1250.3 [a]) - Civil

Case Title: Set forth the title of the case as it appears on the summons, notice of petition or order to show cause by which the matter was or is to be commenced, or as amended.

In the Matter of UNITED JEWISH COMMUNITY OF BLOOMING GROVE, INC., JOEL STERN, As Parent and Natural Guardian of K.S., M.S., R.S., B.S., and F.S., Infants Under the Age of Eighteen Years, YITZCHOK EKSTEIN, As Parent and Natural Guardian of J.E., C.E., M.E. and P.E., Infants Under the Age of Eighteen Years,
Petitioners-Plaintiffs,

For a judgment Pursuant to Article 78 of the Civil Practice Law and Rules and for Declaratory Relief Pursuant to Section 3001 of the Civil Practice Law and Rules,

- against -

WASHINGTONVILLE CENTRAL SCHOOL DISTRICT and THE NEW YORK STATE EDUCATION DEPARTMENT,
Respondents-Defendants.

For Court of Original Instance

Date Notice of Appeal Filed

For Appellate Division

Case Type	Filing Type
<input checked="" type="checkbox"/> Civil Action <input type="checkbox"/> CPLR article 75 Arbitration	<input checked="" type="checkbox"/> Appeal <input type="checkbox"/> Original Proceedings <input type="checkbox"/> CPLR Article 78 <input type="checkbox"/> Eminent Domain <input type="checkbox"/> Labor Law 220 or 220-b <input type="checkbox"/> Public Officers Law § 36 <input type="checkbox"/> Real Property Tax Law § 1278
<input checked="" type="checkbox"/> CPLR article 78 Proceeding <input type="checkbox"/> Special Proceeding Other <input type="checkbox"/> Habeas Corpus Proceeding	<input type="checkbox"/> Transferred Proceeding <input type="checkbox"/> CPLR Article 78 <input type="checkbox"/> Executive Law § 298 <input type="checkbox"/> CPLR 5704 Review

Nature of Suit: Check up to three of the following categories which best reflect the nature of the case.

<input type="checkbox"/> Administrative Review	<input type="checkbox"/> Business Relationships	<input type="checkbox"/> Commercial	<input type="checkbox"/> Contracts
<input checked="" type="checkbox"/> Declaratory Judgment	<input type="checkbox"/> Domestic Relations	<input type="checkbox"/> Election Law	<input type="checkbox"/> Estate Matters
<input type="checkbox"/> Family Court	<input type="checkbox"/> Mortgage Foreclosure	<input type="checkbox"/> Miscellaneous	<input type="checkbox"/> Prisoner Discipline & Parole
<input type="checkbox"/> Real Property (other than foreclosure)	<input checked="" type="checkbox"/> Statutory	<input type="checkbox"/> Taxation	<input type="checkbox"/> Torts

Appeal	
Paper Appealed From (Check one only):	If an appeal has been taken from more than one order or judgment by the filing of this notice of appeal, please indicate the below information for each such order or judgment appealed from on a separate sheet of paper.
<input type="checkbox"/> Amended Decree <input type="checkbox"/> Amended Judgement <input type="checkbox"/> Amended Order <input type="checkbox"/> Decision <input type="checkbox"/> Decree	<input type="checkbox"/> Determination <input type="checkbox"/> Finding <input type="checkbox"/> Interlocutory Decree <input type="checkbox"/> Interlocutory Judgment <input type="checkbox"/> Judgment <input checked="" type="checkbox"/> Order <input type="checkbox"/> Order & Judgment <input type="checkbox"/> Partial Decree <input type="checkbox"/> Resettled Decree <input type="checkbox"/> Resettled Judgment <input type="checkbox"/> Resettled Order <input type="checkbox"/> Ruling <input type="checkbox"/> Other (specify):
Court: Supreme Court <input type="button" value="v"/>	County: Albany <input type="button" value="v"/>
Dated: 11/18/2021	Entered: 11/18/2021
Judge (name in full): Peter A. Lynch, J.S.C.	Index No.: 906129-21
Stage: <input type="checkbox"/> Interlocutory <input checked="" type="checkbox"/> Final <input type="checkbox"/> Post-Final	Trial: <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No If Yes: <input type="checkbox"/> Jury <input type="checkbox"/> Non-Jury
Prior Unperfected Appeal and Related Case Information	
Are any appeals arising in the same action or proceeding currently pending in the court? <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No If Yes, please set forth the Appellate Division Case Number assigned to each such appeal. 533923 Where appropriate, indicate whether there is any related action or proceeding now in any court of this or any other jurisdiction, and if so, the status of the case: Above-referenced appeal was by granted permission to appeal from a preliminary mandatory injunction order, providing automatic stay pursuant to CPLR 5519(a)(1). Pursuant to 10/15/21 Decision and Order on Motion of this Court, Petitioners-Plaintiffs-Respondents' motion to vacate that stay was denied without prejudice to renewal if the appellants did not perfect that appeal by 11/29/21. Appellant Washingtonville CSD considers that appeal as rendered academic by virtue of the lower court's 11/18/21 Decision, Order and Judgment granting a permanent mandatory injunction.	
Original Proceeding	
Commenced by: <input type="checkbox"/> Order to Show Cause <input type="checkbox"/> Notice of Petition <input type="checkbox"/> Writ of Habeas Corpus	Date Filed:
Statute authorizing commencement of proceeding in the Appellate Division:	
Proceeding Transferred Pursuant to CPLR 7804(g)	
Court: Choose Court	County: Choose County
Judge (name in full):	Order of Transfer Date:
CPLR 5704 Review of Ex Parte Order:	
Court: Choose Court	County: Choose County
Judge (name in full):	Dated:
Description of Appeal, Proceeding or Application and Statement of Issues	
Description: If an appeal, briefly describe the paper appealed from. If the appeal is from an order, specify the relief requested and whether the motion was granted or denied. If an original proceeding commenced in this court or transferred pursuant to CPLR 7804(g), briefly describe the object of proceeding. If an application under CPLR 5704, briefly describe the nature of the ex parte order to be reviewed. Paper appealed from is a Decision, Order and Judgment granting a motion by the Petitioners-Plaintiffs-Respondents for a summary judgment, declaring that they were entitled under Education Law section 3635 to, and granting them a permanent mandatory injunction, requiring the Respondent-Defendant-Appellant Washingtonville CSD ("District") to provide transportation to all non-public school students within the District on each day that the non-public schools are in session, regardless of whether the District's public schools are closed.	

Informational Statement - Civil

Issues: Specify the issues proposed to be raised on the appeal, proceeding, or application for CPLR 5704 review, the grounds for reversal, or modification to be advanced and the specific relief sought on appeal.

The relief sought on appeal is that the Court reverse the lower court's Decision, Order and Judgment and grant a judgment to the Respondent-Defendant-Appellant District.

The grounds for reversal are that (1) the lower court misinterpreted and misapplied Education Law section 3635 in concluding that that statute mandates that the District provide transportation to all non-public school students within the District on each day that the non-public schools are in session, regardless of whether the District's public schools are closed; (2) the lower court erred and abused its discretion in granting a summary judgment to the Petitioners-Plaintiff-Respondents despite their failure to comply with section 202.8-g of the Uniform Rules of the Court and (3) the lower court erred and abused its discretion in granting a summary judgment to the Petitioners-Plaintiff-Respondents despite their failure to file the pleadings in the action as part of their motion for summary judgment

Party Information

Instructions: Fill in the name of each party to the action or proceeding, one name per line. If this form is to be filed for an appeal, indicate the status of the party in the court of original instance and his, her, or its status in this court, if any. If this form is to be filed for a proceeding commenced in this court, fill in only the party's name and his, her, or its status in this court.

No.	Party Name	Original Status	Appellate Division Status
1	Washingtonville Central School District	Respondent	Appellant <input type="checkbox"/>
2	New York State Education Department	Respondent <input type="checkbox"/>	Respondent <input type="checkbox"/>
3	United Jewish Community of Blooming Grove, Inc.	Petitioner <input type="checkbox"/>	Respondent <input type="checkbox"/>
4	Joel Stern, as Parent & Natural Guardian of K.S., M.S., R.S. B.S. & F.S.	Petitioner <input type="checkbox"/>	Respondent <input type="checkbox"/>
5	Yitzchok Ekstein, as Parent & Natural Guardian of J.E., C.E. M.E. & P.E.	Petitioner <input type="checkbox"/>	Respondent <input type="checkbox"/>
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Attorney Information

Instructions: Fill in the names of the attorneys or firms for the respective parties. If this form is to be filed with the notice of petition or order to show cause by which a special proceeding is to be commenced in the Appellate Division, only the name of the attorney for the petitioner need be provided. In the event that a litigant represents herself or himself, the box marked "Pro Se" must be checked and the appropriate information for that litigant must be supplied in the spaces provided.

Attorney/Firm Name: Mark C. Rushfield, Esq., Shaw, Perelson, May & Lambert, LLP

Address: 21 Van Wagner Road

City: Poughkeepsie State: New York Zip: 12603 Telephone No: (845) 486-4200

E-mail Address: mrushfield@shawperelson.com

Attorney Type: Retained Assigned Government Pro Se Pro Hac Vice

Party or Parties Represented (set forth party number(s) from table above): 1

Attorney/Firm Name: Robert S. Rosborough, Esq., Whiteman Osterman & Hanna, LLP

Address: One Commerce Plaza

City: Albany State: New York Zip: 12260 Telephone No: (518) 487-7600

E-mail Address: rrosborough@woh.com

Attorney Type: Retained Assigned Government Pro Se Pro Hac Vice

Party or Parties Represented (set forth party number(s) from table above): 3, 4, 5

Attorney/Firm Name: Erik Pinonnault, AAG, Letitia James, Attorney General of the State of New York

Address: The Capitol

City: Albany State: New York Zip: 12224 Telephone No: (518) 776-2553

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Attorney Type: Retained Assigned Government Pro Se Pro Hac Vice

Party or Parties Represented (set forth party number(s) from table above): 2

Attorney/Firm Name:

Address:

City: State: Zip: Telephone No:

E-mail Address:

Attorney Type: Retained Assigned Government Pro Se Pro Hac Vice

Party or Parties Represented (set forth party number(s) from table above):

Attorney/Firm Name:

Address:

City: State: Zip: Telephone No:

E-mail Address:

Attorney Type: Retained Assigned Government Pro Se Pro Hac Vice

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