

ORIGINAL

STATE OF NEW YORK
SUPREME COURT COUNTY OF WARREN
In the Matter of

GLENS FALLS CITY SCHOOL DISTRICT and BOARD
OF EDUCATION OF GLENS FALLS CITY SCHOOL
DISTRICT,

PAID

Amount \$
Date JUL 15 2013

Petitioners,

ORDER TO SHOW CAUSE

-against-

Index No.

№ 59052

KENNON ENGELMANN,

Respondent

Hon. Robert J. Muller, J.S.C.

For a determination pursuant to CPLR Article 75 and 78

UPON the purported decision of the Hearing Officer in the above-entitled proceeding, signed and affirmed on the 5th day of July, 2013; upon the annexed Verified Petition pursuant to CPLR Article 75 and 78, verified and filed on the 15th day of July, 2013, upon the annexed affidavit of Eileen M. Haynes, Esq., sworn to on the 15th day of July, 2013; and upon all the proceedings heretofore had herein,

LET the Respondent Kennon Engelmann, show cause before this Court at a Term thereof, to be held in and for the County of Warren, at the Warren County Municipal Center, on the 9 day of August, 2013 at 10 a.m./p.m., why the Petitioner should not be entitled to an order pursuant to CPLR 7511(a) and 7511 (b) and CPLR 7803 (3) and 7803 (4) vacating and reversing those portions of the Hearing Officer's decision which (1) found the Respondent not guilty of the charges of Sexual Harassment and Immoral Conduct as being arbitrary and capricious and against the weight of the evidence; (2) imposed a penalty of a fine rather than termination as being shocking and outrageous in its leniency, arbitrary and capricious, not

ORDER



Pamela J. Vogel, Warren Co Clerk

2013-59052

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supported by the substantial evidence, and a violation of public policy ; (3) required the District to return Respondent to the classroom as exceeding the authority of the Hearing Officer and (4) remitting the matter back to the hearing officer for imposition of a new penalty to require the termination of Respondent's employment with the Glens Falls City School District and for such other and further relief as to the Court seems just and proper.

IT IS TEMPORARILY ORDERED that pending further Order of the Court, the petitioner is hereby granted the following relief:

- a. That portion of the Hearing Officer's decision requiring the District to reinstate Respondent to the classroom is stayed; and
- b. All papers in this matter shall be filed under seal to protect the confidentiality of the parties.

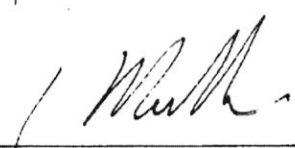
IT IS FURTHER ORDERED, that service of a copy of this Order to Show Cause and the papers upon which it is based be made by delivering the same to Respondent by personal service on or before the 22 day of July, 2013, which shall be deemed good and sufficient service thereof; and it is further

IT IS FURTHER ORDERED, that answering papers, if any, shall be delivered to Petitioner's counsel on or before the 6 day of August, 2013; and it is further

ORDERED, that Petitioner's Reply papers, if any, shall be delivered in like manner on or before the 8 day of August, 2013.

Dated: July 16, 2013

Lake George, NY



Justice, Supreme Court
Hon. Robert J. Muller, J.S.C.