

**IN THE CIRCUIT COURT OF COOK COUNTY
COUNTY DEPARTMENT, CHANCERY DIVISION**

CHICAGO TEACHERS UNION AFT,)
AFL-CIO LOCAL 1)
An Unincorporated Association,)
MARILYN STEWART, President,)
MARY MCGUIRE, Recording Secretary,)
MARK OCHOA, Financial Secretary,)
Plaintiff,)

v.)

BOARD OF EDUCATION OF THE CITY OF)
CHICAGO,)
MARY RICHARDSON LOWRY, President,)
NORMAN BOBINS, Member,)
TARIQ BUTT, Member,)
PEGGY DAVIS, Member,)
ROXANNE WARD, Member,)
CLARE MUNANA, Member,)
ALBERTO A. CARRERO, JR., Member,)
RON HUBERMAN, Chief Executive Officer,)
Defendants.)

Case Number _____

EMERGENCY MOTION FOR TEMPORARY RESTRAINING ORDER

Plaintiff Chicago Teachers Union AFT, AFL-CIO Local 1, an unincorporated association (“Plaintiff” or “CTU”), Marilyn Stewart President (“Stewart” or “CTU President”), Mary McGuire Recording Secretary (“McGuire”), and Mark Ochoa Financial Secretary (“Ochoa”), by and through their undersigned attorneys, POLTROCK & POLTROCK, moves this court Pursuant to 735 ILCS 5/11-101 of the Illinois Code of Civil Procedure for entry of a temporary restraining order against Defendants (collectively, the “Defendants”) against Defendants the Chicago Board of Education (“Board”), Norman Bobbins (“Bobbins”), Tariq Butt (“Butt”),

Peggy Davis (“Davis”), Roxanne Ward (“Ward”), Clare Munana (“Munana”), Alberto Carrero, Jr. (“Carrero”), and Ron Huberman (“Huberman” or “CEO”) (collectively, the “Defendants” requesting that this Court enjoin the Defendants from proceeding with its plans to reorganize several schools within the Chicago Public Schools in violation of the Memorandum of Understanding between the CTU and Board. In support of its motion, Plaintiff submits herewith its Complaint for Injunctive and Other Relief and Plaintiff’s Memorandum of Law, attached, and incorporates by reference herein and made a part hereof, and further states as follow:

1. This is an action by the Plaintiffs to hold Defendants accountable for unilaterally removing two CPS schools from the REAL/TAP Program. In July 2006, the CPS in collaboration with the National Institute for Excellence in Teaching (“NIET”) submitted a grant to the Teacher Incentive Fund (“TIF”) requesting funds to implement the (“REAL”) program. In November 2006, the United States Department of Education awarded a \$27.5 million dollar grant to CPS to implement NIET Teacher Advancement Program (“TAP”) – a whole school reform model that is designed to increase student achievement by improving teacher quality and maximizing principal effectiveness. Defendants now seek to violate this contract by unilaterally removing Deneen Elementary and McCorkle Elementary from the REAL/TAP Program.

2. The issuance of a temporary restraining order is appropriate where the facts demonstrate a “fair question” that (1) plaintiff possesses a clear and ascertainable right in need of protection; (2) plaintiff will suffer irreparable harm without injunctive relief; (3) there is no adequate remedy at law; (4) plaintiff is likely to succeed on the merits of the action; and (5) the benefits of granting the injunction outweigh the possible injury which defendant might suffer as a result thereof. *Gannett Outdoor of Chicago v. Baise*, 163 Ill. App. 3d 717, 516 N.E.2d 915 (1st Dist. 1987).

3. All of these requirements are met in this case. First, the CTU has a protectable right in the requirement that schools selected for the REAL/TAP Program will remain in the program. Second, Plaintiffs will suffer irreparable harm without injunctive relief because Defendants actions will have a chilling effect on future involvement in the program and might jeopardize the entire program as well as any federal assistance given to it. Third, Plaintiffs do not have an adequate remedy at law because Plaintiffs stand to lose the already achieved benefits of the program as well as any further federal grants. Fourth all the equities lie in favor of Plaintiffs against Defendants. Plaintiffs are seeking to enjoin Defendants from voting to ‘turnaround’ or ‘consolidate’ two TAP schools without allowing the staff the full opportunity of the program. Fifth, as set forth in the Memorandum of Law in Support of Motion for Temporary Restraining Order, Plaintiff has a substantial likelihood of prevailing on the merits.

4. The status quo will be preserved by entering an injunction against Defendants because the Temporary Restraining Order that orders Defendants not to vote on the ‘turnaround’ or ‘consolidation’ of the previously approved TAP schools as well as, ordering the Defendants to comply with the Contract it entered into with the CTU.

5. Notice of this Emergency Motion has been provided to Defendants via hand delivery, facsimile and telephone call.

FOR THE FOREGOING REASONS, Plaintiffs respectfully requests that this Court enter and order as follows:

A. Imposing a temporary, preliminary, and permanent injunction prohibiting the Defendants, their agents, servants and employees, and those acting in privity or concert with them, from proceeding with its plan to reorganize several schools within the Chicago Public School System.

B. Imposing a temporary, preliminary injunction prohibiting the Defendants, their agents, servants and employees, and those acting in privity or concert with them from “turning around” Charles S. Deenen Elementary School.

C. Imposing a temporary, preliminary, and permanent injunction prohibiting the Defendants, their agents, servants and employees, and those acting in privity or concert with them, from “consolidating” Helen J. McCorkle Elementary School.

D. Imposing a temporary, preliminary, and permanent injunction prohibiting the Defendants, their agents, servants and employees, and those acting in privity or concert with them, from interfering with or preventing the REAL/TAP Advisory/Planning Committee from making recommendations to CEO Huberman regarding the future participation of the above mentioned schools in the REAL program.

E. Granting the Plaintiff such other relief that the Court deems to be just and appropriate under the circumstances; and awarding the Plaintiff his costs.

CHICAGO TEACHERS UNION

By: _____
One of the Plaintiff's Attorney's

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