

RHODE ISLAND STATE LABOR RELATIONS BOARD

**EAST PROVIDENCE EDUCATIONAL
ASSOCIATION/NEARI**

AND

ULP-5951

EAST PROVIDENCE SCHOOL COMMITTEE

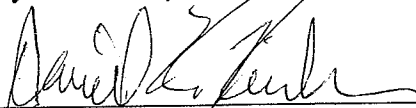
MOTION FOR STAY

Now comes the Respondent, East Providence School Committee, and respectfully requests that the Board stay proceedings in ULP-5951 and all matters with which it has been consolidated until final adjudication of that certain action entitled East Providence School Committee v. East Providence Education Association, et al filed this day, March 12, 2009 in Providence Superior Court. A true and accurate copy of the Complaint in that action is attached hereto. The reason for Respondent's request is that the question of conflict between Title 16 and Title 28 of Rhode Island's General Laws presented by this case is novel and subject to the jurisdiction of the Superior Court through the Uniform Declaratory Judgment Act. Because the Board has no jurisdiction over decisions made by school committees pursuant to Title 16, and therefore the question of the Board's jurisdiction in this case must be decided by the courts, to proceed to hearing in advance of the final adjudication of the pending Superior Court action would potentially involve the waste of substantial public resources to no purpose. The School Committee respectfully requests that the Board not proceed precipitously before its power and

authority to do so have been established by the courts.

EAST PROVIDENCE SCHOOL COMMITTEE

By its Attorneys,



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March 12, 2009

CERTIFICATION

I hereby certify that on the 12th day of March, 2009 I caused a copy of the within Motion to be mailed, by First Class, mail to the following:

John Leidecker, Assistant Executive Director
Vincent Santaniello, Deputy Executive Director
NEARI
99 Bald Hill Road
Cranston, RI 02920

