

UNITED STATES DISTRICT COURT
DISTRICT OF NEW JERSEY

DAWN COLOMBO,

Plaintiff,

v.

THE BOARD OF EDUCATION FOR THE
CLIFTON SCHOOL DISTRICT, et al.,

Defendants.

Civil Action No. 11-785 (SRC)

OPINION & ORDER

CHESLER, District Judge

This matter was initiated by the filing of a Verified Complaint on February 10, 2011. On that date, Plaintiff also filed an application for issuance of an Order To Show Cause directing Defendants to show why a preliminary injunction should not be entered against them. By letter of March 4, 2011, Plaintiff inquired as to the status of the application. The Court has reviewed the papers filed by Plaintiff, including the Verified Complaint and the brief in support of her application for a preliminary injunction. It concludes that Plaintiff has not demonstrated, pursuant to Local Civil Rule 65.1, that her request for a preliminary injunction should proceed in an expedited fashion by way of order to show cause. Local Civil Rule 65.1 states that “no order to show cause to bring on a matter for hearing will be granted except on a clear and specific showing by affidavit or verified pleading of good and sufficient reasons why a procedure other than by notice of motion is necessary.” Plaintiff, whose daughter attends Clifton High School,

seeks that her daughter be transferred to a school in another district, on the basis that the daughter has been subjected to ongoing ridicule and harassment as result of the alleged misconduct of Defendants which underlies Plaintiff's legal claims for relief. Plaintiff has not demonstrated that her request for a transfer is a matter of emergency relief. The Court further notes that the rule also makes clear that an order to show cause issued at the beginning of an action may not serve as a substitute for a summons. L.Civ.R. 65.1. In this case, there is no indication on the docket that any of the Defendants against which Plaintiff would seek to impose an injunction by emergency application have been served with a summons and copy of the Verified Complaint.

Notwithstanding Plaintiff's failure to show that emergency relief is warranted under the local rules, the Court will entertain any application for a preliminary injunction made in accordance with motion practice under Local Civil Rule 7.1.

Accordingly, **IT IS** on this 17th day of March, 2011,

ORDERED that Plaintiff's application for the issuance of an Order To Show Cause why a preliminary injunction should not be issued against Defendants be and hereby is **DENIED**.

s/Stanley R. Chesler
STANLEY R. CHESLER
United States District Judge