

Supreme Court

No. 2005-154-Appeal.

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School Committee of the Town of Johnston :
and Margaret Iacovelli, in her capacity as
Superintendent of Schools

v. :

William F. Santilli, Earnest F. Pitochelli, :
Stephanie Manzi, Robert V. Russo, and
John DiMaio, in their capacities as
members of the Johnston Town Council;
William Macera, in his capacity as Mayor
of the Town of Johnston and Richard
Connors, in his capacity as Finance
Director of the Town of Johnston.

ORDER

This case came before the Supreme Court on motion for a stay of a judgment of the Superior Court, filed by the defendants, William F. Santilli, Earnest F. Pitochelli, Stephanie Manzi, Robert V. Russo, and John DiMaio, in their capacities as members of the town council of the Town of Johnston, William Macera, the Mayor of the Town of Johnston and Richard Connors, in his capacity as finance director of the Town of Johnston (defendants or town). On April 29, 2005, a justice of the Superior Court entered an judgment in favor of the plaintiffs, the School Committee of the Town of Johnston and Margaret Iacovelli in her capacity as Superintendent of Schools of the Town of Johnston (school committee or plaintiffs), directing that defendants “shall cause an additional appropriation of \$2,346,061 to be made to the Johnston School Department’s budget for the 2004-05 school year.”

This litigation was instituted in accordance with the provisions of G.L. 1956 § **16-2-21.4**, “**School Budgets—Compliance with certain requirements,**” a statutory procedure by which a school committee can seek an increase of its municipal appropriation on a showing that, inadequate budget appropriations have rendered the school committee unable to comply with educational mandates of law, regulation, or its binding contractual obligations. The Act sets forth a procedure for the resolution of school financing disputes, and failing that, it vests the school committee with authority to file and action against the municipality in the Superior Court of Providence County, requesting an additional appropriation. The plaintiffs filed suit against the town and the judgment before this court entered in their favor. The defendants seek a stay of the implementation of the judgment pending appellate review by this Court.

After meeting with counsel and reviewing the memoranda of the parties, the following order shall issue:

1. A temporary stay of the judgment is granted.
2. This case is assigned to the Court’s May 31, 2005 conference calendar.
3. The parties may file supplemental memoranda with the Court on or before May 25, 2005.

Entered as an Order of this Court, this **19th** day of **May, 2005**.

By Order,

S/S

Clerk