

SUPREME COURT OF THE STATE OF NEW YORK  
COUNTY OF NEW YORK

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Rafaela Espinal f/k/a Rafaela Espinal-Pacheo,

Plaintiffs,

**NOTICE OF MOTION FOR  
AN ORDER DISMISSING  
THE COMPLAINT**

- against -

New York City Department of Education, Richard Carranza, Chancellor of the New York City Department of Education Individually, Cheryl Watson-Harris, Former First Deputy Chancellor of the New York City Department of Education Individually, David Hay, Ursulina Ramirez, New York City Department of Education Chief Operating Officer Individually and “John Does” and “Jane Does” 1-25 whose names are currently unknown.

Index No.: 151246/2021

Defendants.

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**PLEASE TAKE NOTICE** that, upon the annexed Affirmation of Assistant Corporation Counsel Nicholas L. Collins, dated April 30, 2021, the exhibits annexed thereto, and upon all prior pleadings and proceedings heretofore had herein, defendants the New York City Department of Education (“Department of Education” or “DOE”), Richard Carranza, Cheryl Watson-Harris, David Hay, and Ursulina Ramirez (collectively “Defendants”) by their attorney, James E. Johnson, Corporation Counsel of the City of New York, will move this Court in the General Clerk’s Office Motion Submission Courtroom, located at 60 Centre Street, New York, N.Y. 10007, Room 130, on the 28th day of May, 2021, at 9:30 a.m., or as soon thereafter as counsel can be heard for an order:

1. Pursuant to CPLR 3211(a)(5) dismissing all claims of Plaintiff against the Defendants on the grounds that Plaintiff’s claims are barred by Statute of Limitations in compliance with Educ. Law § 3813;

2. pursuant to CPLR 3211(a)(5) dismissing all claims of Plaintiff against the Defendants on the grounds that Plaintiff has failed to timely file a Notice of Claim in compliance with GML § 50-e and Educ. Law § 3813; or
3. in the alternative, pursuant to CPLR 3211(a)(7) dismissing all claims of Plaintiff against Defendants on the grounds that Plaintiff has failed to state a cause of action; and
4. for such other and further relief as the Court deems just and proper.

**PLEASE TAKE FURTHER NOTICE** that, pursuant to Rule 2214(b) of the CPLR, answering papers, if any, shall be served at least seven (7) days before the return date herein and reply papers shall be served at least one (1) day before the return date.

Dated: New York, New York  
April 30, 2021

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**VIA NYSCEF**  
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