

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF NEW YORK

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DR. SHIMON WARONKER

Plaintiff,

-against-

DOCKET NO.: 2018-cv-0393

HEMPSTEAD UNION FREE SCHOOL DISTRICT, BOARD OF EDUCATION OF THE HEMPSTEAD SCHOOL DISTRICT, DAVID B. GATES, in his individual and official capacity, RANDY STITH, in his individual and official capacity, LAMONT E. JOHNSON, in his individual and official capacity, and Patricia Wright as a necessary party in her capacity as Clerk of the Hempstead School District

**AFFIDAVIT OF  
LAMONT E. JOHNSON  
IN OPPOSITION TO THE  
PLAINTIFF'S  
ORDER TO SHOW CAUSE  
FOR INJUNCTIVE RELIEF**

Defendants.  
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STATE OF NEW YORK     )  
  ) ss.  
COUNTY OF NASSAU     )

**LAMONT E. JOHNSON**, being duly sworn, deposes and states under penalty of perjury that:

1. I am a member of the Hempstead Union Free School District' ("District") Board of Education ("Board"). I am also a named Defendant in this Action. I offer this Affidavit based upon my personal knowledge.

2. On June 30, 2017, the Board removed me from my office of Trustee on the Board. I was re-instated by the New York State Commissioner of Education on November 27, 2017. *See, Exhibit Q*, a copy of the Commissioner's decision.

3. I was originally reluctant to place the Plaintiff on Administrative Leave of Absence with Pay ("ALOA with Pay"). I wanted the Plaintiff to be given an opportunity to respond to the report issued by the Distinguished Educator who was appointed by the Commissioner of Education. *See, Exhibit I*, a copy of the Bierwirth Report.

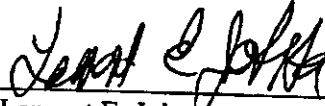
4. However, on January 8, 2018, the Board asked the Plaintiff the status of the District's application for the Community School Grant. The Plaintiff reported to the Board that it was fully submitted with the New York State Education Department. However, it was reported to the Board that the Plaintiff had lied about the status of the Community School Grant, misrepresented the fact that it had been fully submitted. If the District is awarded the Community School Grant, the District stands to receive \$5,418,134.00 from New York State to aid in the improvement of our District. The fact that the Plaintiff had not told the truth to the Board convinced me that he needed to be placed on ALOA with Pay so we could investigate him in seven areas of concern. *See, Exhibit A*, a copy of the Board's resolution.

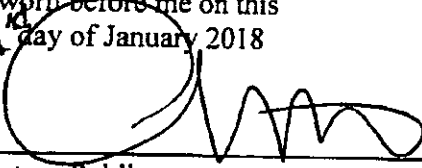
5. As a Board, we took special care and concern about publicizing the areas of concern we had and the areas of investigation we wanted to perform while the Plaintiff was on ALOA with Pay. We added a Confidential Addendum to the Board's resolution to protect the Plaintiff's good-name and to protect against undue influence in our investigations.

6. The Plaintiff was not placed on ALOA with Pay because he wrote an email dated December 6, 2017 or he publicized a Letter to the Community on District letterhead as Superintendent of Schools. The Plaintiff was placed on ALOA with Pay so the District could conduct investigations into seven areas of concern that the Board felt needed to be conducted without the Plaintiff having any undue influence on witnesses, access to the District's computer system and an ability to interfere in any way in the investigation.

7. Finally, while the Plaintiff alleges that he informed the Board of suspected illegal financial activity, he never reported what he suspected was illegal financial activity to me. To this day I do not know what he is talking about with respect to suspected illegal financial activity.

8. On behalf of myself, the Board and the District, I respectfully request that the Court deny the Plaintiff's Motion for an Injunction.

  
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Lamont E. Johnson

Sworn before me on this  
22<sup>nd</sup> day of January, 2018  
  
\_\_\_\_\_  
Notary Public

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