

NY Teachers for Choice: Today We Lost the Battle but Not the War

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Temporary Restraining Order for KANE vs DE BLASIO Denied in Court Today

We are appealing immediately

by [Michael Kane](#), [NY Teachers for Choice](#)

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The only questions that remain are how are we appealing and when.

Today in federal court we were denied a temporary restraining order (TRO) to pause the vaccine mandate in NYC Schools, however a date was set for Tuesday, October 12th where we will be requesting an injunction. TRO's are very hard to get. So are injunctions, but according to experts I have spoken to they are not as difficult to obtain as a TRO. An injunction would pause the mandate if one is granted next week.

We may be appealing BEFORE the October 12th date, and we are even discussing a plan to get KANE vs DE BLASIO before the Supreme Court in an emergency appeal. As many of you know Rachel Maniscaclo's class action lawsuit made such an attempt but was denied by Supreme Court Justice Sotomayor. The difference with our case is that it is far more narrow focusing not on the entire vaccine mandate but rather on the illegal and unconstitutional religious and medical exemption process.

We also believe the judge made a number of statements and conclusions that will ultimately help our case. For example she stated that she “believes” the covid vaccines do in fact stop the transmission of SARS CoV-2. It is well and fine to believe all types of things, but there isn’t anyone in science that is arguing this belief is true today. CDC Director Walensky stated publicly on CNN, August 5th, that covid vaccines do not stop the transmission of SARS CoV-2. This is just one point of many from today’s decision that we believe will ultimately help us as KANE vs DE BLASIO moves forward in court.

Unemployment

I have another one of our attorneys currently investigating just how legal or illegal the parameters of the UFT’s denial of unemployment benefits may be. Since it was negotiated by “our union” it may be difficult for us to fight it. As of now it is under investigation and we will let everyone know what we uncover as soon as possible.

I know this is tough. It is equally tough on me and my family as well. I urge everyone to HOLD THE LINE. I can say, for certain, I am not getting vaccinated to keep my job. It goes too far against my core beliefs to do so. These are tough decisions for us all. I hold no ill feelings towards anyone for any decision you make. I pray for you all to be well and do well, and hope you will be able to hold the line along with me.

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