

DOCKET NO.: FST-CV17-6032660-S : SUPERIOR COURT
BRUCE MORRIS : J.D. OF STAMFORD-NORWALK
vs. : AT STAMFORD
CITY OF NORWALK, ET AL., : APRIL 15, 2019

AFFIDAVIT OF MICHAEL LYONS

I, MICHAEL LYONS, do hereby depose and swear that:

1. I am over the age of eighteen and believe in the obligations of an oath.
2. I make this affidavit based upon my own personal knowledge and observations, as well as information set forth in materials made and maintained in the regular course of business in the Norwalk Board of Education ("BOE"), City of Norwalk (the "City") and/or Norwalk Public Schools' (the "District") (collectively, the "defendants") usual practice.
3. I was elected to the BOE in November 2011.
4. In 2012-13, the BOE lacked sufficient funds in its insurance reserve account to satisfy the claims made.
5. The City ultimately loaned the BOE the funds necessary for the insurance reserve, but this resulted in the City appropriating to the BOE approximately \$5 million less than it had requested or anticipated requesting.
6. Due to this massive shortfall, the BOE laid off approximately 80 employees.

7. The then-BOE Chief Operations Officer, Elio Longo, initially recommended that plaintiff be included in the group of individuals to be laid off. At the time, the BOE did not have an employee dedicated to its finances – such as a Finance Director or Chief Financial Officer – and, thus, Mr. Longo, in coordination with the then-Superintendent, formulated the budget proposals for the BOE.

8. Contrary to that recommendation, the then-Superintendent, Dr. Susan Marks, requested that, rather than eliminate plaintiff's position, it be reduced from a 1.0 full-time employee ("FTE") to a 0.6 FTE.

9. The BOE ultimately acceded to the Superintendent's request, and plaintiff's position was merely reduced rather than eliminated, as recommended.

10. Later, when additional funding was received, the BOE increased the position to 0.8 FTE.

11. In setting the 2013 and 2014 budgets, the BOE retained plaintiff's position.

12. On June 16, 2015, the BOE elected Dr. Steven J. Adamowski to serve as Superintendent of Schools for the District.

13. The vote was split along racial lines, with the five Caucasian members voting for Dr. Adamowski and the four non-Caucasian members opposed to him.

14. At or about that same time, the BOE was in the midst of a budget reconciliation process for the 2015-16 school year.

15. The then-BOE Chief Financial Officer, Mr. Richard Rudl, recommended that plaintiff's position be eliminated in balancing the budget.

16. Because Dr. Adamowski had been appointed (but not yet taken office), the BOE sought his input on the reconciliation process.

17. When I spoke to Dr. Adamowski and presented Mr. Rudl's proposal, Dr. Adamowski requested that the BOE not eliminate plaintiff's position.

18. The BOE acceded to the Superintendent's request, and, for the second time in a budgetary cycle when the Finance department had recommended elimination of plaintiff's position, the plaintiff's position was *not* eliminated.

19. Due to my numerous dealings with them, I privately termed Tony Daddona, Tony Ditrio, plaintiff, and Dr. Lynne Moore as the "Four Horsemen."

20. In my opinion, which was formulated through my personal experiences and information reported to me by others that I deemed credible, these four individuals were known to strongly resist changes within the District necessary to improve student performance and achievement.

21. It is my understanding that, in some instances, these individuals had been openly insubordinate, and they had failed to implement, failed to further and sometimes actively undermined BOE policies the Superintendent was attempting to implement.

22. In an email communication among majority caucus members of the BOE, I characterized Dr. Adamowski's appointment as a "racial vote" because the five Caucasian BOE members voted for Dr. Adamowski and the four non-Caucasian members opposed his appointment.

23. I also called plaintiff a "snake" in that private email.

24. I viewed plaintiff as a “snake” not due to any suspect or semi-suspect basis but because I believed his primary concern was furthering his legislative career and own financial well-being, and these objectives directly impaired the performance in his well-paying position with the District.

25. Based on what had been reported to me in the past and matters of which I had personal knowledge, I had serious doubts that plaintiff worked his required hours for the District, and I felt that, due to his political connections within the South Norwalk community, plaintiff felt above reasonable supervision – effectively untouchable.

26. In my private email communications, I criticized Caucasian administrators who I felt were obstructing progress, such as Tony Daddona and Tony Ditrio, as well as minority administrators and BOE members who were also attempting to obstruct progress. I also praised and described as a positive development the appointment of African-American Michael Connor to the second-highest position in the administration, Chief Academic Officer.

27. During my time on the BOE, I have personally supported the appointment of twelve African-American administrators, and four Hispanic administrators, including Norwalk’s first-ever minority Superintendent, Manny Rivera.

28. As a BOE member, however, I did not engage in daily supervision of Central Office employees.

29. Based on my limited conversations with Dr. Adamowski at or around the time of his appointment, I knew that Dr. Adamowski had experience supervising legislators, and that he intended to

require that plaintiff maintain a log delineating his legislative activities that caused him to miss work as Climate Coordinator.

30. In my mind, if plaintiff was subject to reasonable supervision, such as that described by Dr. Adamowski, plaintiff would naturally encounter disciplinary and/or performance issues. Thus, a “solid record” of performance and/or disciplinary missteps would result organically.

31. Similarly, I believed that, if plaintiff was actually held accountable for working his full 32 hours per week, he necessarily would have less time to attend various partisan political events and functions that, from my perspective, he attended during the school day or at the expense of the District. Thus, his partisan political activities would be naturally “curtailed,” but I had no intention to – and did not – request that plaintiff’s employment be structured to negatively impact his legislative duties in Hartford.

32. The recommended budget adopted by the BOE each year defines the overall resources the District is requesting for the following year’s operation; it sets forth the portion of the budget that will be controlled centrally and disbursed to the individual schools; and it sets the formula for the preliminary per-student allocation.

33. The 2016-2017 budget was first budget cycle in which the District utilized a student-based budget.

34. On January 12, 2016, the BOE unanimously passed the 2016-17 recommended budget, which estimated a need for \$177,650,073, to operate the District. This represented a 3.9% increase from the 2015-16 budgetary appropriation.

35. As with every budget, certain budget assumptions were necessary in formulating the recommended budget. Those assumptions accounted for certain staff reductions that were anticipated, but the at-risk positions had not yet been fully defined.

36. In the course of the 2016-17 budgetary process, a dispute among the City and BOE arose concerning what the City's Common Council believed was an excessive insurance reserve fund.

37. Ultimately, the City and the BOE agreed that the BOE would reduce its 2016-17 budget request by approximately \$1.5 million.

38. Irrespective, this reduction still resulted in an approximately \$600,000 difference between the BOE's request and City Finance Director's recommendation.

39. In accordance with the budget process, the Common Council set a spending cap for 2016-17 of \$316,639,469.

40. The BOE was appropriated \$176,150,073.

41. Even if the BOE's budget request had been funded in full, which it was not, it was fully understood that an approximate 5% increase would have been required to maintain all positions, to address the (at that point) ever-rising special education costs, and to devote the funds necessary to properly fund, support, and further the District's goals and objectives.

42. Given the BOE's budget shortfall, the Superintendent and Chief Financial Officer undertook a reconciliation process through which the necessary cuts – positional and otherwise – to balance the budget were particularly formulated and submitted to the BOE.

43. The BOE had no involvement in defining the specific positions that were recommended for elimination.

44. On June 21, 2016, the BOE unanimously passed a reconciled 2016-17 operating budget of \$176,150,073, which represented a 3% increase to the 2015-16 budgetary appropriation.

45. The reconciled budget passed eliminated plaintiff's position and many others.

46. In the course of this approval, any BOE member had the right to and could have sought a budget amendment, proposing that the School Climate Coordinator position be funded.

47. Neither of the two non-Caucasian BOE members in office at that time sought an amendment to the budget to fund plaintiff's position.

48. Since 2011, the BOE has hired eighteen (18) non-Caucasian administrators, including seven (7) Black principals, seven (7) Black assistant principals, a Hispanic Chief Talent Officer, a Hispanic School Preparedness Coordinator, the first ever Hispanic Superintendent, and a Hispanic Assistant Principal.

49. Exhibits S and U are true and accurate copies of emails I sent to the BOE's majority caucus and/or Bruce Kimmel.

50. Exhibits G, H, I, M, Q, and R are true and accurate copies of minutes from BOE and Common Council meetings.

51. These exhibits are BOE records made and kept in the regular course of business. These records are BOE records made and kept in the regular course of business. These records are routinely made and kept in the course of business, in the BOE's usual practice. The records were made at or near

the time of the event recorded, and were made by a person with knowledge, or from information transmitted by a person with knowledge, and who reported such knowledge in the regular course of business.

52. The foregoing is true and accurate to the best of my knowledge and belief.