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UNITED STATES DISTRICT COURT  
 SOUTHERN DISTRICT OF NEW YORK

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 ELSA GULINO, MAYLING RALPH, PETER WILDS,  
 and NIA GREENE, on behalf of themselves and all others  
 similarly situated,

Plaintiffs,

- against -

THE BOARD OF EDUCATION OF THE CITY SCHOOL  
 DISTRICT OF THE CITY OF NEW YORK,

Defendant.

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 : 96 Civ. 8414 (KMW)  
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**STIPULATION CONCERNING ADMISSIBILITY OF EXHIBITS**

Defendant, the Board of Education of the City School District of the City of New York (“BOE”), and Plaintiff (collectively, the “Parties”) have entered into the following Stipulation Concerning Admissibility of Exhibits (“Stipulation”).

The Parties stipulate that the exhibits listed below are: (1) authentic and sufficiently identified, as required by Federal Rule of Evidence 901, and they contain the data that they purport to contain; (2) admissible into the trial record for the individual hearings of this matter without any requirement of testimony or certification of a custodian or other qualified witness concerning the creation of these exhibits or their contents and without any further evidentiary foundation being laid. The Parties further stipulate that: (1) exhibits designated “(BR)” in the following list are records of regularly conducted activity or public records, as contemplated by Federal Rule of Evidence 803, and kept in the ordinary course by the businesses or agencies that produced them; (2) Exhibit EE designated “(SED BR)” in the following list can be admitted into

evidence as a business record of the New York State Education Department; and (3) Exhibit FF designated “(Pearson BR)” in the following list can be admitted into evidence as a business record of Pearson Education, Inc.

The Parties further stipulate that they may rely on these exhibits in pre-hearing submissions, as well as at any hearings in this case.

- Exhibit A—(BR) Department of Education archived school year calendars from 1995-1996 to 2012-2013.<sup>1</sup>
- Exhibit B—(BR) Department of Education school year calendar from 2013-2014.<sup>2</sup>
- Exhibit C—(BR) Department of Education school year calendar from 2014-2015.<sup>3</sup>
- Exhibit D—(BR) Department of Education school year calendar from 2015-2016.<sup>4</sup>
- Exhibit E—(BR) BOE production entitled GULINO PAYDATA1\_REQ#20.TXT, produced on March 17, 2016, bates-numbered GULEX 1100.000001.
- Exhibit F—(BR) BOE production entitled GULINO PAYDATA2\_REQ#20.TXT, produced on March 17, 2016, bates-numbered GULEX 1100.000002.
- Exhibit G—(BR) BOE production entitled PerDiemServiceUratingsProblemCodesReq19withPassword, produced on January 15, 2016, bates-numbered GULEX 1200.000001.
- Exhibit H—(BR) BOE production entitled Gulino - Additional Compensation - for additional compensation Request # 20, produced on March 17, 2016, bates-numbered GULEX 1100.000003.
- Exhibit I—(BR) BOE production, produced on March 21, 2016, bates-numbered GULEX 1100.000004.

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<sup>1</sup> New York City Department of Education, Calendar Archives, *available at* <http://schools.nyc.gov/Calendar/Archives.htm>.

<sup>2</sup> New York City Department of Education, 2013-2014 School Year Calendar, *available at* <http://schools.nyc.gov/NR/rdonlyres/D45BBFC5-BB4E-4C6B-ACE7-F7E15D8AA1BE/0/20132014SchoolYearCalendar.pdf>

<sup>3</sup> New York City Department of Education, 2014-2015 School Year Calendar, *available at* <http://schools.nyc.gov/NR/rdonlyres/13CCC114-2DC8-40F2-B79E-8ED316C3C1F7/0/20142015SchoolYearCalendar.pdf>.

<sup>4</sup> New York City Department of Education, School Calendar 2015-2016, *available at* <http://schools.nyc.gov/NR/rdonlyres/32DF8AD8-D1E0-4228-A919-818C6B12D8C3/0/201516SchoolYearCalendar.pdf>.



- Exhibit J—(BR) BOE production entitled GULINO FINALServiceHistoryLicenseAndCertSalaryRequest2\_1993-1995\_WithAddressGenderDOB, produced on December 11, 2014, bates-numbered GULEX 1200.000002.
- Exhibit K—(BR) BOE production entitled GULINO Request7\_BioDemoLicCertSvcHistSalHistAddlComp, produced on November 26, 2014, bates-numbered GULEX 1200.000003.
- Exhibit L—(BR) BOE production entitled fy2013toPresent\_Service\_History, produced on November 23, 2015, bates-numbered GULEX 1200.000004.
- Exhibit M—(BR) BOE production entitled Req6 Salary Information\_A-C, produced on September 24, 2014, bates-numbered GULEX 1300.000001.
- Exhibit N—(BR) BOE production entitled Req6 Salary Information\_D-I, produced on September 24, 2014, bates-numbered GULEX 1300.000002.
- Exhibit O—(BR) BOE production entitled Req6 Salary Information\_J-M, produced on September 24, 2014, bates-numbered GULEX 1300.000003.
- Exhibit P—(BR) BOE production entitled Req6 Salary Information\_N-R, produced on September 24, 2014, bates-numbered GULEX 1300.000004.
- Exhibit Q—(BR) BOE production entitled Req6 Salary Information\_S-Z, produced on September 24, 2014, bates-numbered GULEX 1300.000005.
- Exhibit R—(BR) BOE production entitled Req3Part3\_ServiceHistory, produced on February 20, 2015, bates-numbered GULEX 1200.000005.
- Exhibit S—(BR) BOE production entitled REQ19\_AddSalaryInformationFor3128 (2), produced on February 23, 2016, bates-numbered GULEX 1200.000006.
- Exhibit T—(BR) BOE production, produced on August 26, 2014, bates-numbered GULEX 1600.000001-750.
- Exhibit U—(BR) New York City public school teachers' salary schedules from 2009 to 2018, bates-numbered GULEX 1300.000006-13.
- Exhibit V—Garden City Group production, entitled GUL – SSA Earnings Statement Tracking Report.8.18.16, produced on August 18, 2016, bates-numbered GULEX 1800.000001.
- Exhibit W—Teachers' Retirement System of the City of New York Tiers III/IV Summary Plan Description, bates-numbered GULEX 1900.000001-39.
- Exhibit X—Teachers' Retirement System of the City of New York Tier IV Benefits in Brief, bates-numbered GULEX 1900.000040-43.
- Exhibit Y—Teachers' Retirement System of the City of New York Tier VI Benefits in Brief, bates-numbered GULEX 1900.000044-47.
- Exhibit Z—Teachers' Retirement System of the City of New York Benefits Summary, bates-numbered GULEX 1900.000048-49.

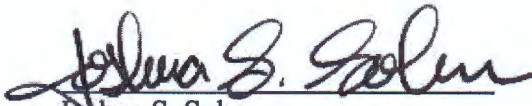
- Exhibit AA—United Federation of Teachers Pensions and the Paraprofessional Briefing, bates-numbered GULEX 1900.000050-52.
- Exhibit AB—(BR) Gulino\_LAST1Cohort\_PerDiemData, produced on December 16, 2016, bates-numbered GULEX 1300.000014.
- Exhibit AC—(BR) BOE Disability Production, produced May 3, 2017, bates-numbered GULEX 2100.000001-244.
- Exhibit AD—(BR) Updated Additional Compensation Data, produced on July 28, 2017, bates-numbered GULEX 1100.000005.
- Exhibit AE—(BR) Updated Payroll Data, produced on July 28, 2017, bates-numbered GULEX 1100.000006.
- Exhibit AF—(BR) Updated Per Diem Data, produced on July 28, 2017, bates-numbered GULEX 1200.000013.
- Exhibit AG—(BR) Updated Per Session Payroll Data, produced on July 28, 2017, bates-numbered GULEX 1100.000007.
- Exhibit AH—(BR) Updated Salary Data, produced on July 28, 2017, bates-numbered GULEX 1300.000015.
- Exhibit AI—Declaration of Gary Barton, dated April 20, 2018, bates numbered GULEX 2200.000005-13.
- Exhibit AJ—(BR) DOE Excessing Pursuant to Art. 17A and B, produced on April 17, 2018, bates-numbered GULEX 2200.00014-16.
- Exhibit BB—United Federation of Teachers Death Benefits for In-Service Members Summary, bates-numbered GULEX 1900.000053-54.
- Exhibit CC—Board of Education Retirement System of the City of New York Tier 4 with Tier 3 Supplement Summary Plan Description, bates-numbered GULEX 1900.000055-161.
- Exhibit DD—Board of Education Retirement System of the City of New York Tier 6 Summary, bates-numbered GULEX 1900.000162-79.
- Exhibit EE—(SED BR) New York State Education Department (“SED”) document entitled LASTIncepThru2013, produced on April 15, 2014, bates-numbered GULEX 1400.000001.
- Exhibit FF—(Pearson BR) Pearson Education, Inc. (“Pearson”) produced document, bates-numbered GULEX 1500.000001-63.
- Exhibit GG—*Gulino v. Bd. of Educ. of the City Sch. Dist. of the City of N.Y.*, James Sarker Deposition Transcript, November 12, 2014, bates-numbered GULEX 2000.000001-34.
- Exhibit HH—*Gulino v. Bd. of Educ. of the City Sch. Dist. of the City of N.Y.*, Lawrence E. Becker Deposition Transcript, June 5, 2014, bates-numbered GULEX 2000.000035-85.



- Exhibit II—*Gulino v. Bd. of Educ. of the City Sch. Dist. of the City of N.Y.*, Trial Transcript, December 12, 2002 examination of Marie DeCanio, bates-numbered GULEX 2000.000086-106.
- Exhibit JJ—*Gulino v. Bd. of Educ. of the City Sch. Dist. of the City of N.Y.*, Trial Transcript, December 19, 2002, examination of Gary Barton, bates-numbered GULEX 2000.000107-21.
- Exhibit KK—*Gulino v. Bd. of Educ. of the City Sch. Dist. of the City of N.Y.*, Trial Transcript, December 18, 2002, examination of Gary Barton, bates-numbered GULEX 2000.000122-35.
- Exhibit LL—United Federation of Teachers, Cumulative Absence Reserve (CAR), bates-numbered GULEX 1700.000008.
- Exhibit MM—United Federation of Teachers, Death Benefits for In-Service Members, bates-numbered GULEX 1700.000009-10.
- Exhibit NN—United Federation of Teachers, Tenure, bates-numbered GULEX 1700.000011-13.
- Exhibit OO—New York City Department of Education, Division of Human Resources, Application for Reduction of Probationary Service, bates-numbered GULEX 2200.000001.
- Exhibit PP—New York City Department of Education, Absence Categories and Usages, bates-numbered GULEX 2200.000002-04.
- Exhibit QQ—United Federation of Teachers, Know Your Rights, bates-numbered GULEX 1700.000001-02.
- Exhibit RR—United Federation of Teachers, Preparing for Tenure Decisions, bates-numbered GULEX 1700.000004-05
- Exhibit SS—United Federation of Teachers, Probationary Period, bates-numbered GULEX 1700.000003.
- Exhibit TT—United Federation of Teacher, Salary Steps, bates-numbered GULEX 1700.000006-07.
- Exhibit UU—(BR) Per-diem microfiche production, produced on September 1, 2017, bates-numbered GULEX 1200.000007.
- Exhibit VV—(BR) Per-diem microfiche production per-diem service history, produced on September 12, 2017, bates-numbered GULEX 1200.000008.
- Exhibit WW—(BR) Per-diem microfiche production per-diem service history, produced on September 12, 2017, bates-numbered GULEX 1200.000009.
- Exhibit XX—(BR) Per-diem microfiche production, produced on December 1, 2017, bates-numbered GULEX 1200.000010.
- Exhibit YY—(BR) Per-diem microfiche production, produced on December 5, 2017, bates-numbered GULEX 1200.000011.

- Exhibit ZZ— (BR) Per-diem microfiche production, produced on December 5, 2017, bates-numbered GULEX 1200.000012.

DATED: August 28, 2018



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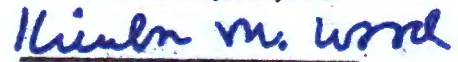
*Counsel for Defendant*

On the recommendation of the Special Master

So ordered.

The exhibits referenced herein and in the attached Index of Exhibits (collectively referred to as the "Classwide Exhibits") are on file with the Clerk's office.

12/14/18  
SO ORDERED, N.Y., N.Y.

  
KIMBA M. WOOD  
U.S.D.J.

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

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ELSA GULINO, MAYLING RALPH, PETER WILDS, :  
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- against - :  
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THE BOARD OF EDUCATION OF THE CITY :  
SCHOOL DISTRICT OF THE CITY OF NEW YORK, :  
:  
Defendant. :  
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**INDEX OF EXHIBITS**

I. Stipulated Exhibits

A. Payroll Data

1. Stipulated Exhibit E—GULINO PAYDATA1\_REQ#20.TXT, produced on March 17, 2016, bates-numbered GULEX 1100.000001.
2. Stipulated Exhibit F—PAYDATA2\_REQ#20.TXT, produced on March 17, 2016, bates-numbered GULEX 1100.000002.
3. Stipulated Exhibit H—Gulino - Additional Compensation - for additional compensation Request # 20, produced on March 17, 2016, bates-numbered GULEX 1100.000003.
4. Stipulated Exhibit I—Retroactive Pay production, produced on March 21, 2016, bates-numbered GULEX 1100.000004.
5. Stipulated Exhibit AD—Updated Additional Compensation Data, produced on July 28, 2017, bates-numbered GULEX 1100.000005.
6. Stipulated Exhibit AE—Updated Payroll Data, produced on July 28, 2017, bates-numbered GULEX 1100.000006.
7. Stipulated Exhibit AG—Updated Per Session Payroll Data, produced on July 28, 2017, bates-numbered GULEX 1100.000007.



B. Service History Data

1. Stipulated Exhibit G—  
PerDiemServiceUratingsProblemCodesReq19withPassword, produced on  
January 15, 2016, bates-numbered GULEX 1200.000001.
2. Stipulated Exhibit J—GULINO  
FINALServiceHistoryLicenseAndCertSalaryRequest2\_1993-  
1995\_WithAddressGenderDOB, produced on December 11, 2014, bates-  
numbered GULEX 1200.000002.
3. Stipulated Exhibit K—GULINO  
Request7\_BioDemoLicCertSvcHistSalHistAddlComp, produced on  
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5. Stipulated Exhibit R—Req3Part3\_ServiceHistory, produced on February  
20, 2015, bates-numbered GULEX 1200.000005.
6. Stipulated Exhibit S—REQ19\_AddSalaryInformationFor3128 (2),  
produced on February 23, 2016, bates-numbered GULEX 1200.000006.
7. Stipulated Exhibit UU—Per-diem microfiche production, produced on  
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8. Stipulated Exhibit VV—Per-diem microfiche production per-diem service  
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1200.000008.
9. Stipulated Exhibit WW—Per-diem microfiche production per-diem  
service history (2), produced on September 12, 2017, bates-numbered  
GULEX 1200.000009.
10. Stipulated Exhibit XX— Per-diem microfiche production, produced on  
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11. Stipulated Exhibit YY— Per-diem microfiche production (1), produced on  
December 5, 2017, bates-numbered GULEX 1200.000011.
12. Stipulated Exhibit ZZ— Per-diem microfiche production (2), produced on  
December 5, 2017, bates-numbered GULEX 1200.000012.
13. Stipulated Exhibit AF—Updated Per Diem Data, produced on July 28,  
2017, bates-numbered GULEX 1200.000013.

C. Salary History

1. Stipulated Exhibit M—Req6 Salary Information\_A-C, produced on  
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2. Stipulated Exhibit N—Req6 Salary Information\_D-I, produced on  
September 24, 2014, bates-numbered GULEX 1300.000002.



3. Stipulated Exhibit O—Req6 Salary Information\_J-M, produced on September 24, 2014, bates-numbered GULEX 1300.000003.
  4. Stipulated Exhibit P—Req6 Salary Information\_N-R, produced on September 24, 2014, bates-numbered GULEX 1300.000004.
  5. Stipulated Exhibit Q—Req6 Salary Information\_S-Z, produced on September 24, 2014, bates-numbered GULEX 1300.000005.
  6. Stipulated Exhibit U—New York City public school teachers' salary schedules from 2009 to 2018, bates-numbered GULEX 1300.000006-13.
  7. Stipulated Exhibit AB—Gulino\_LAST1Cohort\_PerDiemData, produced on December 16, 2016, bates-numbered GULEX 1300.000014.
  8. Stipulated Exhibit AH—Updated Salary Data, produced on July 28, 2017, bates-numbered GULEX 1300.000015.
- D. LAST-fees Records
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- E. Cost and Administration of LAST
1. Stipulated Exhibit FF—Pearson LAST production, bates-numbered GULEX 1500.000001-63.
- F. UFT/BOE Collective Bargaining Agreements
1. Stipulated Exhibit T—October 1, 1991-October 31, 2009, produced on August 26, 2014, bates-numbered GULEX 1600.000001-750.
- G. UFT Documents
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  2. Stipulated Exhibit SS, United Federation of Teachers, Probationary Period, bates-numbered GULEX 1700.000003.
  3. Exhibit RR—United Federation of Teachers, Preparing for Tenure Decisions, bates-numbered GULEX 1700.000004-05.
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- H. SSA Production

1. Stipulated Exhibit V—Garden City Group production, entitled GUL – SSA Earnings Statement Tracking Report.8.18.16, produced on August 18, 2016, bates-numbered GULEX 1800.000001.
- I. Teachers’ Retirement System of the City of New York & Board of Education Retirement System of the City of New York
1. Stipulated Exhibit W—Teachers’ Retirement System of the City of New York Tiers III/IV Summary Plan Description, bates-numbered GULEX 1900.000001-39.
  2. Stipulated Exhibit X—Teachers’ Retirement System of the City of New York Tier IV Benefits in Brief, bates-numbered GULEX 1900.000040-43.
  3. Stipulated Exhibit Y—Teachers’ Retirement System of the City of New York Tier VI Benefits in Brief, bates-numbered GULEX 1900.000044-47.
  4. Stipulated Exhibit Z—Teachers’ Retirement System of the City of New York Benefits Summary, bates-numbered GULEX 1900.000048-49.
  5. Stipulated Exhibit AA—United Federation of Teachers Pensions and the Paraprofessional Briefing, bates-numbered GULEX 1900.000050-52.
  6. Stipulated Exhibit BB—United Federation of Teachers Death Benefits for In-Service Members Summary, bates-numbered GULEX 1900.000053-54.
  7. Stipulated Exhibit CC—Board of Education Retirement System of the City of New York Tier 4 with Tier 3 Supplement Summary Plan Description, bates-numbered GULEX 1900.000055-161.
  8. Stipulated Exhibit DD—Board of Education Retirement System of the City of New York Tier 6 Summary, bates-numbered GULEX 1900.000162-79.
- J. Transcripts
1. Stipulated Exhibit GG— *Gulino v. Bd. of Educ. of the City Sch. Dist. of the City of N.Y.*, James Sarker Deposition Transcript, November 12, 2014, bates-numbered GULEX 2000.000001-34.
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  5. Stipulated Exhibit KK— *Gulino v. Bd. of Educ. of the City Sch. Dist. of the City of N.Y.*, Trial Transcript, December 18, 2002, examination of Gary Barton, bates-numbered GULEX 2000.000122-35.



- K. BOE Disability Production
  - 1. Stipulated Exhibit AC, BOE Disability Production, produced May 3, 2017, bates-numbered GULEX 2100.000001-244.
- L. Other
  - 1. Stipulated Exhibit OO, New York City Department of Education, Division of Human Resources Application for Reduction of Probationary Service, bates-numbered GULEX 2200.000001.
  - 2. Stipulated Exhibit PP, New York City Department of Education, Absence Categories and Usages, bates-numbered GULEX 2200.000002-04.
  - 3. Stipulated Exhibit AI, Declaration of Gary Barton, dated April 20, 2018, bates-numbered GULEX 2200.000005-13.
  - 4. Stipulated Exhibit AJ, DOE Excessing Pursuant to Art. 17A and B, produced on April 17, 2018, bates-numbered GULEX 2200.00014-16.
- II. Special Master Conference Summaries
  - A. September 16, 2016, bates-numbered GULCS 000001.
  - B. October 21, 2016, bates-numbered GULCS 000002.
  - C. November 14, 2016, bates-numbered GULCS 000003-04.
  - D. November 23, 2016, bates-numbered GULCS 000005-07.
  - E. December 2, 2016, bates-numbered GULCS 000008-10.
  - F. December 8, 2016, bates-numbered GULCS 000011-37.
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  - K. January 25, 2017, bates-numbered GULCS 000096-108.
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  - O. February 22, 2017, bates-numbered GULCS 000141-54.
  - P. March 1, 2017, bates-numbered GULCS 000155-63.
  - Q. March 16, 2017, bates-numbered GULCS 000164-79.
  - R. April 7, 2017, bates-numbered GULCS 000180-203.
  - S. April 19, 2017, bates-numbered GULCS 000204-12.
  - T. May 2, 2017, bates-numbered GULCS 000213-25.

- U. May 10, 2017, bates-numbered GULCS 000226-41.
- V. May 23, 2017, bates-numbered GULCS 000242-50.
- W. June 7, 2017, bates-numbered GULCS 000251-60.
- X. June 21, 2017, bates-numbered GULCS 000261-73.
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- Z. July 19, 2017, bates-numbered GULCS 000287-303.
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- EE. November 1, 2017, bates-numbered GULCS 000349-61.
- FF. November 29, 2017, bates-numbered GULCS 000362-71.
- GG. December 20, 2017, bates-numbered GULCS 000372-79.
- HH. January 24, 2018, bates-numbered GULCS 000380-87.
- II. February 7, 2018, bates-numbered GULCS 000388-92.
- JJ. February 21, 2018, bates-numbered GULCS 000393-403.