

Alan Gura

From: Doll, Jordan (Law) <jdoll@law.nyc.gov>
Sent: Saturday, April 13, 2024 5:52 PM
To: Alan Gura
Cc: Nathan Ristuccia; djsaffranlaw@gmail.com
Subject: Re: [EXTERNAL] Alexander et al v. Sutton et al - 24-cv-2224 (JRC) - Request for Extension

Hi Alan,

Thank you for following-up and letting me know about the PI/TRO.

I think part of the issue has been resolved because the CEC-14, Ms. Sutton, and Ms. Manzanares have now been properly served.

I agree that N.Y. Education Law § 2590-e(9) is relevant, but the Corporation Counsel still does not automatically represent the above defendants without further investigation into any potential conflicts of interest or other limitations subject to Gen Municipal Law 50-k.

That being said, I would renew my request to extend the time to answer for all defendants until 5/20.

Please let me know.

Thanks,
Jordan

From: Alan Gura <agura@ifs.org>
Sent: Friday, April 12, 2024 4:58 PM
To: Doll, Jordan (Law) <jdoll@law.nyc.gov>
Cc: Nathan Ristuccia <nristuccia@ifs.org>; djsaffranlaw@gmail.com <djsaffranlaw@gmail.com>
Subject: RE: [EXTERNAL] Alexander et al v. Sutton et al - 24-cv-2224 (JRC) - Request for Extension

Hi Jordan,

I've still not heard back from you, though I guess you still want that extension and our offer still stands. We'd be happy to give all defendants the extension you requested if we can get your assurance that the issue of service is settled.

First, this is a fairly standard and unremarkable condition. If people are going to contest service, then they're not going to get an extension of time to do that.

When I had a job defending the government, every plaintiff's lawyer asked that of me when I sought extensions, and I always agreed.

Because who wants to argue over service—it's ultimately unavoidable, and not useful for anyone to argue about. (I'm constrained to note that although service has been accomplished on everyone, it looks like Sutton may have been evading the process server.)

Also please note that N.Y. Education Law § 2590-e(9) requires the Corporation Counsel to represent the Community Education Councils and their members, and Corporation Counsel has done so in the past even in cases where other city agencies and officials were not also being sued. *See, e.g., Chu v. Community Education Council for District One*, Index No. 151673/21 (Sup. Ct., N.Y. Co.).

Finally, this is to let you know that we are planning to file for a TRO and preliminary injunction, as soon as Monday. Obviously, given the facts here, including the continuing threats against our clients, we need relief quickly.

Thanks,
Alan

From: Doll, Jordan (Law) <jdoll@law.nyc.gov>
Sent: Tuesday, April 9, 2024 4:58 PM
To: Alan Gura <agura@ifs.org>
Cc: Nathan Ristuccia <nristuccia@ifs.org>; djsaffranlaw@gmail.com
Subject: RE: [EXTERNAL] Alexander et al v. Sutton et al - 24-cv-2224 (JRC) - Request for Extension

Let me touch base internally to see if that is an agreeable solution and get back to you.

From: Alan Gura <agura@ifs.org>
Sent: Tuesday, April 9, 2024 4:53 PM
To: Doll, Jordan (Law) <jdoll@law.nyc.gov>
Cc: Nathan Ristuccia <nristuccia@ifs.org>; djsaffranlaw@gmail.com
Subject: Re: [EXTERNAL] Alexander et al v. Sutton et al - 24-cv-2224 (JRC) - Request for Extension

Jordan,

If you accept service on everyone's behalf, regardless of your later decision to represent them, or not, then we'd be happy to agree to the extension.

We'd like your letter to reflect that corporation counsel accepted service on behalf of all the defendants.

Come May 21, whether you or someone else represents any defendant in any particular capacity, or whether they get defaulted, would be up to you and the defendants.

We just have to know that service is established in order to agree to an extension.

Please let me know.

Thanks,
Alan

On Apr 9, 2024, at 4:15 PM, Doll, Jordan (Law) <jdoll@law.nyc.gov> wrote:

Hi Alan,

Thanks for your quick response.

I am an attorney for the New York City Law Department that represents the City generally, but that representation is circumscribed. I represent the Chancellor in his official capacity as he operates as a City

official. We would have to determine, through further investigation, whether we could represent him in his individual capacity. I agreed on Pacer to both just to get an NOA in for the Chancellor generally.

As to Mickens, CEC 14, Sutton, and Manzanares – it depends. Accepting service on their behalf does not automatically mean we will represent them. For these four defendants, we have to have internal discussions and further conversations with these defendants to determine if/whether we would be appropriate counsel. However, they always have the option of retaining their own private counsel.

Though representation for these later four defendants is still being determined, we can request an extension for all defendants. When we've done this in the past, the letter to the Judge goes something to the effect of, "While the Law Department's representation for these four defendants remain uncertain, we are nonetheless requesting an extension for all defendants." I would ask, if consent to an extension is granted, you allow me to write the letter that way because I can't in good faith let them miss the filing deadline if it turns out the Law Department will end up representing them.

Neither CEC 14, Sutton, or Manzanares has reached out to the Law Department for representation in this matter. Neither have I been informed that any of them have retained private counsel.

Best,
Jordan

From: Alan Gura <agura@ifs.org>
Sent: Tuesday, April 9, 2024 3:41 PM
To: Doll, Jordan (Law) <jdoll@law.nyc.gov>
Cc: Nathan Ristuccia <nristuccia@ifs.org>; djsaffranlaw@gmail.com
Subject: [EXTERNAL] Re: Alexander et al v. Sutton et al - 24-cv-2224 (JRC) - Request for Extension

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Hi Jordan,

Nice meeting you.

We'd be happy to figure out an extension, but we first need some clarity as to who you'd represent.

We're a bit confused by your entry of appearance. Why did you only appear for Banks in his official capacity? Also, do you intend to represent Mickens, for whom corporation counsel also accepted service?

And do you intend to represent CEC 14, Sutton, and Manzanares?

If not, do you know who will?

Manzanares was served, and I understand service is in progress for the others, but if you're going to represent these defendants, then we'd ask that you just confirm that you're accepting service and appear for all of them.

We could then have one extended response date for everyone.

Thanks
Alan

On Apr 9, 2024, at 12:58 PM, Doll, Jordan (Law) <jdoll@law.nyc.gov> wrote:

Good afternoon all,

I am the Assistant Corporation Counsel assigned to represent the New York City Department of Education and Chancellor David C. Banks in the above-captioned matter. I am writing to ask for a 32-day extension to respond to the Complaint. Our response is currently due April 18, 2024, and a 32-day extension would result in a Monday, May, 20, 2024 due date.

The Complaint's allegations will require significant coordination with my clients. In addition, I have to determine what representation, if any, the City may provide to the other named-defendants. In the interim, I am happy to consider good-faith settlement negotiations to resolve this matter if it proves prudent to do so.

Please let me know either way.

Thanks,

Jordan

Jordan Doll

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