

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF NEW YORK

-----X	
DEBORAH ALEXANDER, et al.,	:
	:
Plaintiffs,	:
	:
v.	:
	:
TAJH SUTTON, et al.,	:
	:
Defendants.	:
-----X	

No.: 1:24-cv-2224-DG-JRC

NOTICE RE: PRELIMINARY INJUNCTION

The Court should be aware of five related developments that impact the urgent need for preliminary injunctive relief.

(1) As Plaintiff Maron previously apprised the Court, on June 27, 2024, she submitted an administrative appeal and application for a stay of Defendant Banks’s decision removing her from office to the Panel for Education Policy (PEP), as suggested by the Court. Dkt. 49, 54.

The following day, undersigned counsel emailed Defendants’ counsel, Ms. Doll, to confirm that Maron’s appeal and application were received—and requested guidance if any further steps were needed to perfect the appeal: “If you believe that my client needs to do anything else to start this process, please let us know immediately.” Exh. M. Ms. Doll confirmed that the appeal was received. Exhibit M. Undersigned counsel then confirmed that this was also Defendants’ position with respect to the appeal’s included petition for a stay. *Id.*

Nonetheless, in response to the appeal, New York City Public Schools General Counsel Liz Vladeck—who had been copied on the appeal’s submission—claimed

that the appeal was not properly submitted “due to several procedural defects,” such as the fact that DOE was not served by certified mail. Exh. N.

Undersigned counsel had written Ms. Doll, suggesting that the Department of Education withdraw this position, especially on account of her contrary representation. Exhibit O<sup>1</sup>. Ms Doll eventually offered that her response was only a “professional courtesy”—and because she “said nothing” about the appeal’s “procedural sufficiency,” she “cannot advise you on that.” *Id.* The DOE remains steadfast in this position. Exh. P.

(2) PEP has denied both Maron’s request to expedite the appeal and her application for a stay. Exhibit Q.

(3) Two of the three PEP panelists assigned to Maron’s appeal, Shirley Aubin and Angela Green, previously voted in favor of PEP’s resolution calling on Defendant Banks to remove Maron from office under Regulation D-210. Maron Decl., ¶ 4.

(4) Immediately following the June 26 status conference, undersigned counsel asked Ms. Doll and Mr. Wallace for settlement offers, so that the parties could negotiate constructively ahead of the August 15 settlement conference. Counsel indicated that they would formulate offers. As of this writing, no settlement offers have been received from any defendant. Gura Decl., ¶ 3.

On the morning of July 11, 2024, Defendants’ counsel, Ms. Doll, emailed Plaintiffs’ counsel to declare that neither she nor her clients could attend the August 15 settlement conference to which they previously agreed at the June 26 status conference. Ms. Doll gave no reason for this sudden inability to attend the

---

<sup>1</sup> Maron does not agree with Vladeck’s characterization of what suffices to initiate the appeal. The PEP’s webpage does not publicly identify its Secretary, or any address for service. PEP also suggests its appeals are governed by different procedures than those referenced by Vladeck. *See* PEP By-Laws, art. XIII.

settlement conference, and suggested the weeks of August 19 or 26 as possible new dates for that conference. Further, Ms. Doll requested that *Plaintiffs* make a settlement offer. Exhibit R.

(5) The next CEC 2 meeting is set for August 21. Maron Decl., ¶ 5. DOE Defendants have indicated to the members of CEC 2 that if they do not fill Maron's seat within sixty days of her removal, Defendant Banks could fill that seat himself. Silverman Decl., ¶ 3. DOE appears unusually interested in quickly filling this seat. *Id.* ¶ 4.

\* \* \*

Plaintiffs remain chilled from exercising their First Amendment rights, and the clock is ticking down to the filling of Maron's seat, from which she was improperly removed. Plaintiffs respectfully renew their request for an expeditious decision of their preliminary injunction motion. Plaintiffs also renew their request that, if a quick decision on the preliminary injunction motion is impossible, this Court enjoin Defendants from filling Maron's seat while the injunction motion is pending.

Dated: July 22, 2024

Respectfully submitted,

/s/Dennis J. Saffran  
Dennis J. Saffran  
New York Bar No. 1724376  
LAW OFFICE OF DENNIS J. SAFFRAN  
38-18 West Dr.  
Douglaston, NY 11363  
Tel: (718) 428-7156  
djsaffran@gmail.com

/s/ Alan Gura  
Alan Gura\*  
D.C. Bar No. 453,449  
Nathan J. Ristuccia\*†  
Virginia Bar No. 98372  
INSTITUTE FOR FREE SPEECH  
1150 Connecticut Ave., NW  
Suite 801  
Washington, D.C. 20036  
Tel: (202) 301-3300  
agura@ifs.org  
nrstuccia@ifs.org

*\*Pro hac vice*

† Not a D.C. bar member. Practice in D.C. authorized by D.C. Ct. App. R. 49(c)(3).

*Counsel for Plaintiffs*