

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK

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DEBORAH ALEXANDER, MAUD MARON, and	: Case Number 1:24-cv-2224
NOAH HARLAN,	:
	:
Plaintiffs,	:
	:
v.	:
	:
TAJH SUTTON, President, Community Education	: Council 14, in her official and individual capacities;
Council 14, in her official and individual capacities;	:
MARISSA MANZANARES, First Vice President,	: Community Education Council 14, in her official
Community Education Council 14, in her official	: and individual capacities; DAVID C. BANKS,
and individual capacities; DAVID C. BANKS,	: Chancellor, New York City Public Schools, in his
Chancellor, New York City Public Schools, in his	: official and individual capacities; NINA S.
official and individual capacities; NINA S.	: MICKENS, Equity Compliance Officer, in her
MICKENS, Equity Compliance Officer, in her	: official and individual capacities; COMMUNITY
official and individual capacities; COMMUNITY	: EDUCATION COUNCIL 14; NEW YORK CITY
EDUCATION COUNCIL 14; NEW YORK CITY	: DEPARTMENT OF EDUCATION,
DEPARTMENT OF EDUCATION,	:
	:
Defendants.	:
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DECLARATION OF ALAN GURA

I, Alan Gura, declare and state as follows:

1. I make this declaration in support of the Application for a Temporary Restraining Order and Preliminary Injunction, filed by the Plaintiffs in this action, Deborah Alexander, Maud Maron, and Noah Harlan, for use in any other proceeding in the above-styled action, and for any other use or purpose authorized by law.
2. I am counsel for Plaintiffs in the above-captioned case.
3. Plaintiffs have made efforts to diligently serve all Defendants with the summons and complaint in this action. As of this writing, all Defendants have been

served through the Corporation Counsel, and Defendant Manzanares has also been personally served, as reflected in affidavits of service on file with the Court. On information and belief, the process server has attempted personal service on defendant Sutton four times so far, although per affidavit on file with the Court, service on her through the Corporation Counsel is complete.

4. New York City Corporation Counsel has entered an appearance in this case. Although at this time, that appearance is noted only for Defendants Department of Education and Banks, in his official capacity, Defendant Mickens is also a DOE employee and is presumably entitled to representation on the same terms as is Defendant Banks.

5. Moreover, 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.).

6. Accordingly, it appears that counsel for all Defendants will be receiving instant notice of this motion through ECF.

7. In an abundance of caution, at least until Corporation Counsel or other counsel appears for the other defendants, Plaintiffs will serve the motion papers on those defendants by mail and supplement the record with proofs of service once that has been achieved.

8. At a minimum, counsel for the Defendants against whom relief is most urgently required—the DOE and Banks, who is the person ultimately responsible for enforcing Regulation D-210—has appeared and has notice of this motion through ECF. As stated in the moving papers, a temporary restraining order is most urgently needed because Defendants continue to process D-210 complaints against Plaintiff CEC Members Alexander and Maron, and Defendant Banks has

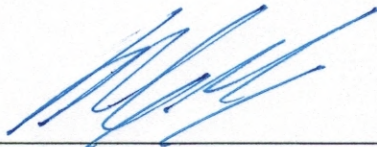
already declared that he will “take action” against Maron on at least one of the outstanding D-210 charges. Thus, in the absence of immediate relief, Alexander and especially Maron may be suspended or removed from office on account of their speech.

9. On Friday, April 12, 2024, I emailed Assistant Corporation Counsel Jordan Doll, and informed her that Plaintiffs would be seeking a temporary restraining order and preliminary injunction as soon as Monday, April 15, 2024.

10. No application for similar relief has previously been made.

I declare under penalty of perjury that the foregoing is true and correct.

Executed on April 15, 2024.



Alan Gura