

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF NEW YORK

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DEBORAH ALEXANDER, <i>et al.</i> ,	:
	:
Plaintiffs,	:
	:
v.	:
	:
TAJH SUTTON, <i>et al.</i> ,	:
	:
Defendants.	:
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No.: 1:24-cv-2224-DG-JRC

**FACTUAL STIPULATIONS BETWEEN PLAINTIFFS AND CITY DEFENDANTS**

**WHEREAS** Plaintiffs Deborah Alexander, Maud Maron, and Noah Harlan and City Defendants (all Defendants except former Defendants Tajh Sutton and Marissa Manzanares in their individual capacities) have agreed to the following stipulations of fact so as to preclude the necessity for a deposition of Defendant Nina Mickens in either her individual or official capacity;

**AND WHEREAS** Plaintiffs have stated they do not intend to depose any other individuals in this action;

**AND WHEREAS** the following facts are conclusively established, for the sake of this litigation;

**NOW, THEREFORE, IT IS HEREBY STIPULATED AND AGREED TO BY THE UNDERSIGNED THAT:**

1. In consideration of receipt of this signed stipulation of facts, Plaintiffs agree not to notice the depositions or otherwise attempt to conduct any depositions in this action;

2. Before Regulation D-210 was promulgated on December 22, 2021, the Department of Education (“DOE”) relied upon Education Law § 2590-l to order elected and appointed members of the Community and Citywide Education Councils (“CCECs”) who “in the judgment of the chancellor . . . fail[ed] to comply with any applicable provisions of law, by-laws, rules or regulations, standards, directives and agreements” to cease “improper conduct or to take required action.” Under §2590-l, the Chancellor may enforce such an order through, among other things, suspension or removal of the CCEC member.
3. Between 2019 and 2021, the DOE received complaints<sup>1</sup> alleging that certain CCEC members used hateful, derogatory, or offensive language; used racial slurs; promoted racist views; doxxed or harassed DOE students; or instigated the verbal and physical intimidation of other CCEC members.
4. These complaints came from parents, elected officials, and community leaders, including from former Defendant Tajh Sutton (at the time, Program Manager of Teens Take Charge).
5. In addition to criticizing alleged incidents of the above-described behavior of certain CCEC members who are not parties in this case, complaints also criticized the DOE’s failure to address such behavior.

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<sup>1</sup> The veracity of the content of any such complaints cannot be established for the purposes of this stipulation.

6. Regulation D-210 was proposed and passed—among other reasons—to provide the DOE’s Chancellor with a specific mechanism to address the speech and conduct described above in paragraph 3.
7. The Chancellor has the authority to waive enforcement of portions of a Chancellor’s Regulation, including Regulation D-210, as well as the authority to withdraw a waiver of enforcement, consistent with applicable laws, regulations and/or judicial orders.
8. On August 28, 2024, former DOE Chancellor David Banks waived enforcement of Sections II(C) and II(D) of Regulation D-210, pending DOE’s further review of these sections.
9. On or about September 3, 2024, the Court issued an order enjoining DOE from “conducting any investigation, disciplining, or removing from office any Community Education Council or Citywide Council member pursuant to Section II(E) of Regulation D-210.”
10. Neither the DOE nor the Chancellor can unilaterally or immediately issue a revised Regulation D-210. Under Education Law § 2590-g(1)(c) and (8), proposed amendments to Regulation D-210 must undergo a 45-day public notice and comment period and then be approved by the Panel for Education Policy.
11. The DOE commenced an investigation into D-210 complaints received in December 2023 against Plaintiff Maud Maron “related to her comments about

the LGBTQI+ community”. This investigation concluded on or about July 17, 2024 when the case was administratively closed.

12. The DOE did not send Plaintiff Maud Maron notice of the administrative closure of this investigation.

13. On or about April 17, 2024, the DOE sent Maron a determination in regard to a separate Regulation D-210 complaint concerning a statement by Maron that was published in *The New York Post* concerning an anonymous author of an opinion piece about the Israel-Hamas war. Maron stated: “The byline should read coward instead of anonymous. If you are going to repeat revolting Hamas propaganda and transcribe your ignorance and Jew hatred, put your name to it.” (available at: <https://nypost.com/2024/02/24/us-news/nycs-stuyvesant-hs-newspaperaccuses-israel-of-genocide-whitewashes-hamas-massacre>) (last accessed May 1, 2024).

14. That determination found that there was a reasonable basis to conclude that Maron “engaged in conduct that constitutes a violation of Regulation D-210,” and ordered her to “cease engaging in conduct involving derogatory or offensive comments about any New York City Public School student, and conduct that serves to harass, intimidate, or threaten, including but not limited to frequent verbal abuse and unnecessary aggressive speech that serves to intimidate and cause others to have concern for their personal safety, which is prohibited by Chancellor’s Regulation D-210(II)(C & D).”

15. The DOE has been drafting proposed amendments to various portions of Regulation D-210, including but not limited to Sections II(C), II(D), and II(E), and has not yet published any proposed amendments for notice and comment.
16. On October 16, 2024, Defendant Nina Mickens and the Equity Council convened for an annual review of Regulation D-210.
17. At this review, the Equity Council proposed, among other things, that the amendments to Regulation D-210 should more clearly define harassment and discrimination; clarify under what circumstances and specific locations Section II(D) applies; and require CCEC members to sign non-disclosure agreements as part of Sections II(E) and II(G).
18. No proposed revisions to Regulation D-210 were published after this meeting.
19. Plaintiffs Deborah Alexander, Maud Maron, and Noah Harlan can participate in the notice and comment process, but neither state law nor any other legal authority affords them any special rights in the amendment process.
20. Neither Plaintiffs Deborah Alexander, Maud Maron, and Noah Harlan nor the public at large has yet seen the text of the DOE's proposed amendments to Regulation D-210.

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Dated: September 4, 2025

/s/ Dennis J. Saffran

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Respectfully submitted,

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in D.C. authorized by D.C. Ct. App.  
R. 49(c)(3).

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