

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK**

YI FANG CHEN, individually and on behalf of her
minor children M.P., Ma.P., and P.P.,

Plaintiffs,

Case No. 1:26-cv-03355

v.

ZOHRAN MAMDANI, in his official capacity as
Mayor of the City of New York; KAMAR H.
SAMUELS, in his official capacity as
Chancellor of the New York City Department
of Education; and the NEW YORK CITY
DEPARTMENT OF EDUCATION,

Defendants,

and

TEENS TAKE CHARGE; DESIS RISING UP AND
MOVING; COALITION FOR ASIAN AMERICAN
CHILDREN AND FAMILIES; A.C., a minor by and
through her mother and next friend, Veronica
Carrasquillo; A.Z., a minor by and through her mother
and next friend, Wang Jin Hua; K.D., a minor by and
through her mother and next friend, Halimatou Diallo;
and G.R., a minor by and through her mother and next
friend, Jennifer Velez.

Proposed Defendant-Intervenors.

PROPOSED MOTION TO INTERVENE AS DEFENDANTS

Pursuant to Federal Rule of Civil Procedure 24, Teens Take Charge (“TTC”), a student-led coalition of high school students, including Black and Latinx students, from across New York City that advocates for educational equity through oral and written testimony, discussion with policy makers, and interactive events; Desis Rising Up and Moving (“DRUM”), a membership-led organization of South Asian and Indo-Caribbean low-wage immigrant workers and youth; Coalition for Asian American Children and Families (“CACF”), the nation’s only pan-Asian

policy advocacy member organization for children and families; Veronica Carrasquillo, on behalf of her minor child, A.C., a Latina sophomore at Brooklyn Latin School; Wang Jin Hua, on behalf of her minor child, A.Z., a Chinese American sophomore at Brooklyn Technical High School; Halimatou Diallo, on behalf of her minor child, K.D., a Senegalese American junior at Bronx High School of Science (“Bronx Science”); and Jennifer Velez, on behalf of her minor child G.R., a Hispanic sophomore at Bronx Science, (collectively, the “Proposed Intervenors”), hereby move to intervene.¹

As detailed in the accompanying memorandum, Proposed Intervenors satisfy each of the requirements for intervention as of right under Federal Rule of Civil Procedure 24(a). Proposed Intervenors’ motion is timely and will not cause any prejudice or burden to the existing Parties.² Proposed Intervenors also have significant protectable interests in a fair admissions process for the Specialized High Schools that increases access to educational opportunities for students of all socioeconomic, geographic, and racial backgrounds that would be impaired by an adverse outcome in this case. Proposed Intervenors also have a strong interest in the decreased racial isolation of Black, Latinx, and underserved Asian American students at the Specialized High Schools and in ensuring that the credentials of qualified students admitted through the Discovery Program are not questioned. Moreover, the Proposed Organizational Intervenors also have an interest in preserving

¹ Defendants consent to the proposed motion to intervene. Plaintiffs do not consent.

² As noted in their accompanying memorandum of law, Proposed Intervenors’ decision to file a proposed motion to dismiss has no bearing on the timeliness of their motion to intervene. First, even though existing Defendants have filed an answer, Proposed Intervenors are not precluded from filing a motion to dismiss at this stage in the litigation. Second, existing parties would face no specific prejudice if the Court were to grant Proposed Intervenors leave to file this motion to intervene and permit briefing on Proposed Intervenors’ accompanying motion to dismiss. *See, e.g., Bldg. & Realty Inst. of Westchester & Putnam Cntys., Inc. v. New York*, No. 19-CV-11285 (KMK), 2020 WL 5658703, at *7 (S.D.N.Y. Sept. 23, 2020) (finding that, because the action was in its infancy, no prejudicial delay would result from allowing intervention, even where intervenors raised a myriad of additional issues that required further discovery and motion practice). Here, discovery has not yet begun, and no substantive briefing has been completed. Proposed Intervenors consent to the parties beginning and continuing with discovery while Proposed Intervenors’ motion to dismiss remains pending.

their ability to continue advocating for the New York City Department of Education (“DOE”) to take race-neutral steps to address the consequences of prior admissions processes, which under-identified qualified Black and Latinx students.

Importantly, the Defendants do not adequately represent Proposed Intervenors’ interests. First, the Proposed Intervenors may raise legal arguments, such as evidence of past intentional discrimination, that the Defendants are disincentivized from raising. Second, Proposed Intervenors are uniquely qualified to help the Court answer questions about the discriminatory impact of the current admissions system and the need for DOE to remedy these inequities. As communities and families who will directly benefit from the Specialized High Schools and will be the most harmed if the Policy is invalidated, Proposed Intervenors bring real-life experience to this litigation, while Defendants bring an institutional and political perspective. Third, the DOE has institutional interests that may compete with and outweigh its interest in the diversity of the Specialized High Schools. It is conceivable, for example, that the City’s position on the importance of diversity in the Specialized High Schools may change, and Defendants should not be presumed to be adequate representatives for Proposed Intervenors for the duration of litigation.

If the Court declines to grant Proposed Intervenors intervention as of right, Proposed Intervenors alternatively request that they be allowed to intervene permissively under Federal Rule of Civil Procedure 24(b). Intervention will not unduly delay or prejudice adjudication of the rights of original Parties. Moreover, the Proposed Intervenors have a substantial interest in the issues at stake in this case. They include students at the Specialized High Schools, whose access to educational opportunities are directly impacted. Proposed Intervenors also include community groups with members who include middle school students applying to the Specialized High Schools in the next two years, and other students and families who likewise have a stake in ensuring the availability of

educational opportunities for themselves, their peers, and the young people in their communities and across the city. Their participation in this lawsuit is necessary to the full development of the issues in this case and its equitable adjudication. Without participation of Proposed Intervenors, the voices of those who are injured by the single-test admissions scheme and who stand to benefit from the expansion of the Discovery Program would be absent, and the development of the case would be incomplete.

Filed separately in support of this motion are: (1) a memorandum of law in support of this motion; (2) a declaration from each Proposed Intervenor setting forth facts upon which this motion is based; (3) a proposed motion to dismiss; and (4) a proposed opposition to Plaintiffs' motion for preliminary injunction.

WHEREFORE, Proposed Intervenors respectfully request that this Court grant this motion to intervene.

Dated: June 24, 2026

Stefanie D. Coyle
Emma Curran Donnelly Hulse
New York Civil Liberties Union Foundation
125 Broad St. 19th Floor
New York, NY 10004
Tel: (212) 607-3300
scoyle@nyclu.org
ehulse@nyclu.org

Sarah Hinger
American Civil Liberties Union
125 Broad Street
Ste 18th Floor
New York, NY 10004
Tel: (212) 519-7882
shinger@aclu.org

Respectfully submitted,

/s/ Rachel Kleinman
Rachel Kleinman
NAACP LEGAL DEFENSE &
EDUCATIONAL FUND, INC.
40 Rector Street, 5th Floor
New York, NY 10004
rkleinman@naacpldf.org

Donya Khadem*
Molly M. Cain*
Michael N. Turnage Young*
Morgan Elle Humphrey*
Asja F. Towns**
NAACP LEGAL DEFENSE &
EDUCATIONAL FUND, INC.
700 14th Street NW, Suite 600
Washington, DC 20005
(202) 682-1300

Francisca D. Fajana
Mariana C. Lopez
LATINOJUSTICE PRLDEF
475 Riverside Drive, Suite 1901
New York, NY 10115
Tel: (212) 319-3360
ffajana@latinojustice.org
mlopez@latinojustice.org

dkhadem@naacpldf.org
mcain@naacpldf.org
mturnageyoung@naacpldf.org

Counsel for Defendant-Intervenors

**Applications pro hac vice forthcoming*

***Ms. Towns is a not-yet-barred legal fellow with the Legal Defense Fund. Permission for her inclusion in this signature block was sought and granted by the chambers of the Honorable Judge Edgardo Ramos on June 24, 2026.*

CERTIFICATE OF SERVICE

I hereby certify that on this 24th day of June, 2026, I caused the foregoing MOTION TO INTERVENE AS DEFENDANTS to be electronically filed with the Clerk of the Court using the CM/ECF system, which shall send notification of such filing to all counsel of record registered with the CM/ECF system.

s/ Rachel M. Kleinman
Rachel M. Kleinman
Bar No. RK2141
NAACP LEGAL DEFENSE &
EDUCATIONAL FUND, INC.
40 Rector Street, 5th floor
New York, NY 10006
Tel: (212) 965-2200
Fax: (212) 226-7592
rkleinman@naacpldf.org