

**VIA ECF**

June 24, 2026

The Honorable Edgardo Ramos
 United States District Court
 Southern District of New York
 40 Foley Square
 New York, New York 10007

Re: *Yi Fang Chen, individually and on behalf of her minor children M.P., Ma.P., and P.P. v. Zohran Mamdani, et al.*, No. 1:26-cv-03355 (ER)

Dear Judge Ramos:

Pursuant to paragraph 2.A.ii. of Your Honor's Individual Practices, on behalf of proposed Defendant-Intervenors¹ (collectively "Proposed Intervenors"), we request a pre-motion conference to discuss an anticipated motion to intervene. Defendants consent to the proposed motion to intervene. Plaintiffs do not. Attached to this letter, we have included the proposed motion to intervene, a proposed opposition to Plaintiffs' motion for preliminary injunction, and a proposed motion to dismiss. Should the Court allow Proposed Intervenors to file a motion to intervene, and grant it, we request that the Court also permit Proposed Intervenors to file the proposed motion to dismiss and the opposition to Plaintiffs' motion for preliminary injunction.

As the Court is aware, this case was filed as related to *Christa McAuliffe Intermediate School PTO, Inc. v. De Blasio*, 627 F. Supp. 3d 253 (S.D.N.Y. 2022), *vacated and remanded sub nom. Chinese American Citizens Alliance of Greater New York v. Adams*, 116 F.4th 161 (2d Cir. 2024) ("*McAuliffe*"), and contains almost identical claims. Proposed Intervenors include three organizations who successfully intervened in *McAuliffe*, as well as students. Proposed Intervenors' interests are at stake in this litigation but are not adequately represented. The Proposed Intervenors include students currently attending Specialized High Schools, including two admitted through the Discovery Program, who have interests in the removal of unfair barriers to education, preserving socioeconomic, geographic, and racial diversity in their student populations, and decreasing racial isolation in their schools; and three community-based organizations that advocate for education equity in New York City and have an interest in defending the legality of the Discovery Program on behalf of the communities they serve. The organizations serve members and/or children of

¹ Proposed Defendant-Intervenors are Teens Take Charge ("TTC"), Desis Rising Up and Moving ("DRUM"), Coalition for Asian American Children and Families ("CACF"), Veronica Carrasquillo, on behalf of her minor child, A.C., Wang Jin Hua, on behalf of her minor child, A.Z., Halimatou Diallo, on behalf of her minor child, K.D., and Jennifer Velez, on behalf of her minor child G.R.

members who are middle schoolers planning to apply to the Specialized High Schools in the near future.

Proposed Intervenors satisfy each requirement for intervention as of right under Federal Rule of Civil Procedure 24(a)(2). *First*, given the early stage of the litigation, Proposed Intervenors' motion is timely. Briefing has not been completed on Plaintiffs' motion for preliminary injunction, nor has a hearing on the motion been set. The Parties have not started discovery. The early stage of the case weighs in favor of intervention. Moreover, intervention will not cause delay or otherwise prejudice the parties, especially given that Proposed Intervenors have already attached their proposed motion to intervene, opposition to Plaintiffs' motion for a preliminary injunction, and motion to dismiss to this letter. Finally, if granted intervention, Proposed Intervenors will work with the parties to ensure that all briefing schedules are agreeable and that the Parties are not burdened by their participation. Intervenors in *McAuliffe* have worked well with the other Parties for years, and this case will be no different.

Second and third, a denial of their motion to intervene would prejudice Proposed Intervenors because they have significant interests in increased access to educational opportunities by students of all socioeconomic, geographic, and racial backgrounds that would be impaired by an adverse outcome in this case. Proposed Intervenors have an interest in reducing the 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. Finally, the Proposed Organizational Intervenors also have an interest in preserving their ability to continue advocating for the City to take race-neutral steps to address the consequences of prior admissions processes, which under-identified qualified Black and Latinx students. Courts, including this one, have repeatedly found similar interests sufficient under Rule 24(a)(2), including in *McAuliffe*, where three of the same organizations who seek to intervene in this case were granted intervention for similar reasons. *See Christa McAuliffe Intermediate Sch. PTO, Inc. v. de Blasio*, No. 18-cv-11657(ER), 2020 WL 1432213, at *4 (S.D.N.Y. Mar. 24, 2020) (discussing intervenors' interests in the litigation).

Finally, these significant interests are not "adequately represent[ed]" by "the existing parties." Fed. R. Civ. P. 24(a)(2). The City Defendants and Proposed Intervenors may share an interest in defending the legality of the Discovery Program, but their interests diverge in significant ways. These differences are reflected in this Court's intervention decision in *McAuliffe*. *See McAuliffe*, 2020 WL 1432213, at *7. First, and perhaps most importantly, the New York City Department of Education ("DOE") is disincentivized from raising factual and legal arguments that would cast it in an unfavorable light, including potential evidence of past intentional discrimination. Proposed Intervenors intend to proffer these arguments. Second, Proposed Intervenors offer the lived experiences and perspectives of the communities and families who directly benefit from the educational opportunities offered by the Discovery Program. Third, the City has competing priorities and must consider the demands of all New York City public school families, including those who oppose the Discovery Program. It is therefore plausible that the DOE's position on the importance of diversity in the Specialized High Schools may change. For these reasons, Defendants cannot adequately represent the interests of Black, Latinx, and

underserved Asian American students as Proposed Intervenor will. Thus, any presumption of adequacy is overcome. For these reasons, the Court should grant Proposed Intervenor's request to file a motion to intervene and grant them intervention as of right. In the alternative, this Court should grant Proposed Intervenor permissive intervention.

Proposed Intervenor has also attached a proposed opposition to Plaintiffs' motion for preliminary injunction. This Court should deny Plaintiffs' motion, as they are unlikely to succeed on the merits of their claims, have not established irreparable harm, and cannot show that the balance of equities tips in favor of an injunction or that an injunction is in the public interest. First, Plaintiffs Ma.P. and P.P. must be dismissed for lack of standing, because their alleged injury is far from actual or imminent, as they are years away from applying to the Specialized High Schools. Second, on the merits, Plaintiffs' Equal Protection claim fails because they cannot establish an intent to discriminate against Asian American students. What Plaintiffs point to as evidence of discriminatory intent is not plausibly so. Instead, it reflects awareness that the barriers created by the prior admissions program kept out Black and Latinx students and others, and that the revised policy was anticipated to improve access to opportunities for students from previously disadvantaged socioeconomic, geographic, and racial backgrounds in New York City. For the same reason, Plaintiffs' Title VI claim is also unlikely to succeed. Third, Plaintiff M.P. suffers no irreparable harm as a result of the policy, because the City's policy is not discriminatory. Fourth, the equities tip in favor of the City, as an injunction premised on the illegality of the Discovery Program would harm current students admitted under the current Discovery Program.

Finally, Proposed Intervenor has attached a proposed motion to dismiss. For the reasons articulated above, Plaintiffs Ma.P. and P.P.'s standing necessarily fails, as do Plaintiffs' arguments under the Equal Protection Clause and Title VI. As such, if the Court allows Proposed Intervenor to join the case, it should also grant them permission to move to dismiss Plaintiffs' claims pursuant to Federal Rules of Civil Procedure 12(b)(6) and 12(b)(1).

Proposed Intervenor respectfully request that this Court permit them to file their motion to intervene, pursuant to Federal Rule of Civil Procedure 24(a) or 24(b). If the Court grants Proposed Intervenor's motion to intervene, Proposed Intervenor respectfully ask the Court for permission to file their opposition to the preliminary injunction and motion to dismiss.

Dated: June 24, 2026

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Respectfully submitted,

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**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.*

Cc: All counsel of record (via ECF)