

**SUPREME COURT OF THE STATE OF NEW YORK
COUNTY OF NEW YORK**

Moises Jimenez, Devaun Longley, R.O. by his guardian
Doris Afumaa, A.A. by his guardian Francisco Ballester,
individually and on behalf of all others similarly situated,
and INTEGRATENYC Inc.,

Index No. 155825/2018

Plaintiffs

STIPULATION AND ORDER

-against-

THE NEW YORK CITY DEPARTMENT OF
EDUCATION, THE PUBLIC SCHOOLS ATHLETIC
LEAGUE, and PUBLIC SCHOOLS ATHLETIC
LEAGUE EXECUTIVE DIRECTOR DONALD J.
DOUGLAS

Defendants

IT IS HEREBY STIPULATED, by and between the parties hereto, by their duly
authorized counsel, that:

1. This action is certified as a class action pursuant to Article 9 of the Civil Practice Law and Rules.
2. The plaintiff class is defined as all present and future Black and Latinx New York City high school students who attend a DOE high school and who are or who become eligible for participation in high school sports (the "Class").
3. The Class is so numerous that joinder of all members is impracticable.
4. Common questions of law and fact exist in this action with respect to the Class as fully set forth in the Amended Complaint, including, *inter alia*, (1) whether Defendants have engaged in Discriminatory Practices as alleged in the Amended Complaint (2) whether

the Discriminatory Practices violate the rights of Plaintiffs and the Class under the New York City Human Rights Law; (3) whether the Defendants' Discriminatory Practices have a disparate impact on Plaintiffs and the Class in violation of the New York City Human Rights Law; (4) whether there are policies and practices with less disparate impact available to Defendants for allocating high school sports teams; and (5) what relief is required to remedy the violations of law by Defendants alleged in the Amended Complaint. All such common questions are certified as class issues. Nothing in this provision, or any other provision herein, constitutes a waiver of any defense at law or equity to the merits of the claims alleged in the Amended Complaint.

5. The claims of Plaintiffs Moises Jimenez, Devaun Longley, R.O. by his guardian Doris Afumaa, and A.A. by his guardian Francisco Ballester are typical of the claims of the Class, and they will fairly and adequately protect the interests of the Class; they are appointed Class Representatives.

6. A class action is superior to other available methods for the fair and efficient adjudication of the controversy.

7. New York Lawyers for the Public Interest, Emery Celli Brinckerhoff & Abady LLP, and Patterson Belknap Webb & Tyler LLP will fairly and adequately represent the interests of the Class and are appointed as class counsel for the Class.

8. This Stipulation and Order shall be binding upon the parties hereto, including their successors, agents, servants, supervisors, and employees, and all Defendants.

9. This Stipulation and Order may be executed in counterparts, including by signatures delivered by facsimile or scanned signatures.

Dated: September 2, 2020

NEW YORK LAWYERS FOR THE PUBLIC
INTEREST, INC.

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SO ORDERED:

J.S.C.

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Attorneys for Defendants

So Ordered
- 9/10/20
HON. LYLE E. FRANK, J.S.C.