

**UNITED STATES DISTRICT COURT
DISTRICT OF CONNECTICUT**

LASHAWN ROBINSON, on behalf of herself and her five children; NICHOLE BURKEKANE, on behalf of herself and her minor son; NATALIE DELGADO, on behalf of herself and her two minor children; SHARA FERGUSON, on behalf of herself and her four minor children; MARIE JOULET, on behalf of herself and her three minor children; TYNIMA TONEY, on behalf of herself and her two minor children; and JUAN TIRADO and JAHAIRA VELAZQUEZ, on behalf of themselves and their two minor children,

Plaintiffs,

v.

DIANNA WENTZELL, in her official capacity as Commissioner, Connecticut State Department of Education; GLEN PETERSON, in his official capacity as the Director, Sheff and Regional School Choice Office; ALLAN B. TAYLOR, in his official capacity as Chairperson of the Connecticut State Department of Education's Board of Education; DANIEL MALLOY, in his official capacity as Governor of Connecticut; GEORGE JEPSEN, in his official capacity as Connecticut Attorney General; and CRAIG STALLINGS, in his official capacity Chairperson of the Hartford Public Schools Board of Education,

Defendants;

ELIZABETH HORTON SHEFF, on her own behalf; ALDWIN ALLEN, on behalf of his minor children; SUZANN BECKETT, on behalf of her minor children; CHARLES HOLLIS and SANDRA VERMONT-HOLLIS on behalf of their minor child; TYASHA ADAMS ROBERTS, on behalf of her minor child; AMANDA SOTO on behalf of her minor child; and NORDIA STONE on behalf of her minor children,

Defendants-Intervenors;

Civil Case No. 3:18-cv-00274 (SRU)

MOTION TO INTERVENE AS DEFENDANTS

The proposed intervenors Elizabeth Horton Sheff on her own behalf; Aldwin Allen on behalf of his minor children J.A., L.A. and M.A.; Suzann Beckett on behalf of her minor children A.B. and H.B.; Charles Hollis and Sandra Vermont-Hollis on behalf of their minor child S.H.; Tyasha Adams Roberts on behalf of her minor child G.M.; Amanda Soto on behalf of her minor child T.S.; and Nordia Stone on behalf of her minor children G.P. and M.S. (collectively, “Intervenors”) respectfully move pursuant to Federal Rule of Civil Procedure 24(a) to intervene as of right as Defendants in this action. In the alternative, Intervenors request that this Court grant permissive intervention under Federal Rule of Civil Procedure Rule 24(b). Intervenors are all presently plaintiffs or proposed plaintiffs¹ in *Sheff v. O’Neill*, No. LND-HHD-CV-175045066-S (Conn. Super. Ct.) and all are the parents or the grandparents of Black, Latina/o, or white students who reside in the City of Hartford and attend public or magnet schools in the greater Hartford area.

Before filing this Motion, counsel for Intervenors conferred with counsel for all parties. Counsel for the *Robinson*-Plaintiffs consent to the granting of intervention. Counsel for Defendants Mr. Wentzell, Mr. Peterson, Mr. Taylor, the Governor, and the Attorney General take no position on this Motion to Intervene. Counsel for Mr. Stallings does not oppose the granting of intervention.

Attached to this Motion are Intervenors’ Memorandum of Law in Support of Intervention, their proposed Answer in Intervention, and a proposed Order.

Intervenors include the following named individuals:

Intervenor Elizabeth Horton Sheff brings this action on her own behalf as the original and current lead plaintiff in *Sheff* and as the Co-Chair of the Sheff Movement, where she joins with parents and students to advocate for equal access to integrated, high quality public education for

¹ Ms. Horton Sheff and Mr. Allen are currently plaintiffs in the *Sheff* litigation. The remaining Intervenors have recently filed an unopposed motion to be added as plaintiffs in the *Sheff* litigation.

all children and the full enforcement of the Connecticut Supreme Court's mandate. Ms. Horton Sheff has a strong interest in protecting the remedies she won after decades of state court litigation.

Intervenor Aldwin Allen seeks to join this action on behalf of his minor children M.A., L.A. and J.A. who reside in the City of Hartford and are currently plaintiffs in the *Sheff* litigation. M.A. is a sixteen-year-old Black child who is enrolled in the eleventh grade at Connecticut International Baccalaureate Academy, a magnet school. L.A. is a fifteen-year-old Black child who is enrolled in the ninth grade at Connecticut International Baccalaureate Academy. J.A. is a twelve-year-old Black child who is enrolled in the seventh grade at Breakthrough Magnet School.

Intervenor Suzann Beckett seeks to join this action on behalf of her minor children A.B. and H.B who reside in the City of Hartford and are proposed plaintiffs in the *Sheff* litigation. A.B. is an eight-year-old Latino child who is enrolled in the second grade at Reggio Magnet School. H.B. is a seven-year-old white child who is enrolled in the first grade at Reggio Magnet School.

Intervenors Charles E. Hollis and Sandra Vermont-Hollis seek to join this action on behalf of their minor child S.H. who resides in the City of Hartford and is a proposed plaintiff in the *Sheff* litigation. S.H. is a thirteen-year-old Black child who is enrolled in the eighth grade at Greater Hartford Academy for the Arts, a magnet school.

Intervenor Tyasha Adams Roberts seeks to join this action on behalf of her minor child G.M. who resides in the City of Hartford and is a proposed plaintiff in the *Sheff* litigation. G.M. is a fifteen-year-old Black child who is enrolled in the ninth grade at Academy of Aerospace and Engineering, a magnet school.

Intervenor Amanda Soto seeks to join this action on behalf of her minor child T.S. who resides in the City of Hartford and is a proposed plaintiff in the *Sheff* litigation. T.S. is a six-year-

old Latino child who is enrolled in kindergarten at Elizabeth Green School in Newington Public School District through the Open Choice Program.

Intervenor Nordia Stone seeks to join this action on behalf of her minor children G.P. and M.S. who reside in the City of Hartford and are proposed plaintiffs in the *Sheff* litigation. G.P. is a ten-year-old Black child who is enrolled in the sixth grade at Breakthrough Magnet School. M.S. is a three-year-old Black child who will enter kindergarten in the public school system in 2020.

Under Rule 24(a), intervention as of right depends on four factors: (1) the timeliness of the motion; (2) whether the applicant “claims an interest relating to the property or transaction that is the subject of the action;” (3) whether the applicant “is so situated that disposing of the action may as a practical matter impair or impede the movant’s ability to protect its interest;” and (4) whether “existing parties adequately represent that interest.” Fed. R. Civ. P. 24(a)(2). This Motion is timely as the Complaint was filed less than three months ago on February 15, 2018. Intervention is warranted as of right because of Intervenor’s strong interest in maintaining and expanding the school desegregation remedies (hereinafter, the “*Sheff* remedies”)—including the magnet school and Open Choice programs, lottery system, and reduced isolation standard—that Intervenor uses or previously won as the plaintiffs in the *Sheff* litigation. The present federal litigation threatens to invalidate the *Sheff* remedies and therefore impair Intervenor’s strong interest in expanding and continuing these remedies. Intervenor is not adequately represented by Defendants who opposed Intervenor in *Sheff* and continue to oppose aspects of the *Sheff* remedies in the ongoing state court case. Intervenor may also raise defenses that the existing Defendants are not presently pursuing.

In the alternative, this Court should grant Intervenor permission to intervene because their defenses share issues of fact and law with the existing litigation and intervention will ensure a prompt and fair resolution of the outstanding issues. There is no risk of undue delay or prejudice.

For these reasons, which are more fully explained in the accompanying Memorandum of Law, Intervenor respectfully request that this Court grant their Motion to Intervene as Defendants.

Respectfully submitted on May 8th, 2018 by,

/s/ Martha Stone

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**Motions for Pro Hac Vice forthcoming*

CERTIFICATE OF SERVICE

I hereby certify that on May 8th, 2018, a copy of foregoing was filed electronically and served by mail on anyone unable to accept electronic filing. Notice of this filing will be sent by e-mail to all parties by operation of the Court's electronic filing system or by mail to anyone unable to accept electronic filing, as indicated below. Parties may access this filing through the Court's CM/ECF System.

Respectfully submitted on May 8th, 2018 by,

/s/ Martha Stone

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