

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

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MARIE ANNE THOMAS, et al.,

Plaintiffs,

MEMORANDUM AND ORDER

-against-

09-CV-5167 (SLT)

**NEW YORK CITY DEPARTMENT OF
EDUCATION, et al.,**

Defendants.

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ROANNE L. MANN, UNITED STATES MAGISTRATE JUDGE:

The Court is in receipt of a letter from non-party Jennifer Saunders, who identifies herself as “a member of the class in the above-referenced matter” and requests that she “be included as a named plaintiff based on my involvement with this action *ab initio*.” Letter to the Court from Jennifer Saunders (Jan. 28, 2011) (“Saunders Letter”), Electronic Case Filing Docket Entry #83. In support of this request, Ms. Saunders states that she “was a named plaintiff in the first draft of the complaint,” Exhibit 1 to Ms. Saunders’ letter, and that her “name was taken off for no good reason by Attorney Hochstadt” Id.¹

Contrary to the implications of the Saunders Letter, the pleading that Ms. Saunders attaches is a complaint (or draft thereof) filed in the Southern District of New York, not in this district. Ms. Saunders has never been a party to this lawsuit, see Complaint (Nov. 24, 2009), which was filed back in November 2009. Nor can she be said to be a “member of the class,”

¹ Ms. Saunders also attaches an article that she characterizes as “the first evidence that principals had hit lists when they targeted” her and other teachers. Saunders Letter. The article is hearsay, not admissible evidence.

as no class has been certified, and no motion for class certification has been filed. Currently, defendants' motion to dismiss the instant complaint is pending before the District Court.

In these circumstances, and given the procedural posture of the case, which has been pending for more than fourteen months, the Court declines to grant Ms. Saunders' request that she be deemed a named plaintiff. This ruling does not preclude her from filing a separate lawsuit on her own behalf, or from participating in the instant lawsuit as a class member if and only if the motion to dismiss is denied and the named plaintiffs successfully move for class certification.

Any objection to this ruling must be filed with Judge Sandra L. Townes by February 15, 2011, or will be deemed waived.

The Clerk is directed to docket this Memorandum and Order into the Electronic Case Filing system and to mail a copy to Jennifer Saunders at 26 Pulaski Street, Brooklyn, NY 11206.

SO ORDERED.

**Dated: Brooklyn, New York
February 1, 2011**

**ROANNE L. MANN
UNITED STATES MAGISTRATE JUDGE**