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ELECTRONICALLY FILED
DOC #: _____
DATE FILED: 11/13/2023

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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ALEXANDRA FIALLOS, as Parent and Natural :
Guardian of L.V., and ALEXANDRA FIALLOS, :
Individually; MADELINE GRULLON, as Parent :
and Natural Guardian of C.B., and MADELINE :
GRULLON, Individually; MARIA HIDALGO, as :
Parent and Natural Guardian of L.S., and MARIA :
HIDALGO, Individually; PATRICK DONOHUE, :
as Parent and Natural Guardian of S.J.D., and :
PATRICK DONOHUE, Individually; ROSA :
ELBA de PAULINO, as Parent and Natural :
Guardian of R.P., and ROSA ELBA de :
PAULINO, Individually; EILEEN MENDEZ, as :
Parent and Natural Guardian, of A.C., and :
EILEEN MENDEZ, Individually; CLAUDIA :
RIVAS, as Parent and Natural Guardian of S.C., :
and CLAUDIA RIVAS, Individually; LINDA :
LARACH-COHEN, as Parent and Natural :
Guardian of M.C., and LINDA LARACH- :
COHEN, Individually; SVETLANA :
KHANIMOVA, as Parent and Natural Guardian :
of Y.N., and SVETLANA KHANIMOVA, :
Individually; JANERIS DE JESUS :
RODRIGUEZ, as Parent and Natural Guardian of :
E.R., and JANERIS DE JESUS RODRIGUEZ, :
Individually, :
Plaintiffs, :
-against- :
DAVID C. BANKS, in his official capacity as :
Chancellor of the New York City Department of :
Education, and the NEW YORK CITY :
DEPARTMENT OF EDUCATION, :
Defendants. :
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VALERIE CAPRONI, United States District Judge:

WHEREAS on November 6, 2023, Plaintiffs filed a Complaint against Defendants David C. Banks and New York City Department of Education (“DOE”), Compl., Dkt. 1;

WHEREAS the Complaint purports to join claims of ten parents, on behalf of ten students of varying ages and with differing accommodations necessary to have access to a free appropriate public education (“FAPE”), *id. ¶¶ 30-97*;

WHEREAS each parent is alleged to have obtained a pendency order for his or her child by initiating separate due process proceedings before different Impartial Hearing Officers (“IHOs”), *id. ¶¶ 108-251*; *see also id.* Exs. 1-15;

WHEREAS permissive joinder of plaintiffs is appropriate only when they “assert any right to relief jointly, severally, or in the alternative with respect to or arising out of the same transaction, occurrence, or series of transactions or occurrences,” Fed. R. Civ. Pro. 20(a)(1);

WHEREAS joinder under Rule 20 is appropriate where the claims are “so logically connected that considerations of judicial economy and fairness dictate that all the issues be resolved in one lawsuit,” *Bautista v. Banks*, No. 1:23-CV-7366-GHW, 2023 WL 6811775, at *3 (S.D.N.Y. Oct. 16, 2023) (dismissing without prejudice claims by improperly joined plaintiffs in complaint also filed by Brain Injury Rights Group, Ltd.) (citation omitted);

WHEREAS permissive joinder is not appropriate when the plaintiffs are “distinct individuals, with unique needs and differing underlying FAPEs, seeking enforcement of [] different final administrative orders, issued for different time periods and by different IHOs, in different administrative proceedings,” *id.*; and

WHEREAS Plaintiffs filed a proposed order to show cause why a preliminary injunction should not be issued, Dkt. 5, and an accompanying memorandum of law in support of its proposed order, Dkt. 6.

IT IS HEREBY ORDERED that by no later than **Wednesday, November 29, 2023**, Plaintiffs must file a letter brief, **not to exceed five pages**, explaining why the claims of all

Plaintiffs other than Alexandra Fiallos should not be dismissed without prejudice for improper joinder under Rule 20.

IT IS FURTHER ORDERED that Plaintiffs must serve a copy of this order and its memorandum of law in support of its proposed order to show cause on Defendants or their counsel by no later than **Wednesday, November 15, 2023**.

IT IS FURTHER ORDERED that Plaintiffs' motion for a preliminary injunction, Dkts. 5-6, is held in abeyance pending the Court's receipt of the Plaintiffs' letter due on November 29, 2023.

SO ORDERED.

Date: November 13, 2023
New York, New York


VALERIE CAPRONI
United States District Judge