

**UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF NEW YORK**

**NATIONAL ASSOCIATION FOR THE
ADVANCEMENT OF COLORED PEOPLE,
SPRING VALLEY BRANCH, *et al.*,**

Plaintiffs,

v.

**EAST RAMAPO CENTRAL SCHOOL
DISTRICT, *et al.*,**

Defendants.

ECF CASE

Case No. 7:17-cv-08943

**DISTRICT JUDGE
CATHY SEIBEL**

**MAGISTRATE JUDGE
JUDITH C. MCCARTHY**

**DECLARATION OF RANDALL M. LEVINE
IN FURTHER SUPPORT OF CROSS-MOTION TO DISMISS**

RANDALL M. LEVINE, pursuant to 28 U.S.C. § 1746, hereby declares under penalty of perjury as follows:

1. I am a partner of the law firm Morgan Lewis & Bockius, LLP.
2. I am counsel of record for the defendant in the above captioned action, the East Ramapo Central School District (“the District”).
3. I am a member in good standing of the bar of the State of New York and of this Court.
4. I respectfully submit this declaration in further support of the arguments on the District’s Motion to Dismiss presented in the District’s Combined Memorandum in Opposition to Plaintiffs’ Motion for Preliminary Injunction and in Support of Cross-Motion to Dismiss.
5. I am familiar with all of the facts and circumstances set forth herein.
6. Attached as Exhibit 1 to this declaration is a true and correct copy of excerpted pages of the rough, non-final deposition transcript of the deposition of the designated Rule 30(b)(6) witness of the plaintiff National Association for the Advancement of Colored

People, Spring Valley Branch, Mr. William Trotman. The rough copy of the transcript was provided to counsel by the court reporter.

7. A final, signed copy of the deposition transcript is not yet available.
8. Because the attached deposition transcript is non-final, it may contain transcription errors or otherwise be corrected by an errata duly served by the witness.
9. Given the accelerated briefing and discovery schedule ordered by the Court for the purpose of Plaintiffs' Motion for Preliminary Injunction, the attached non-final, unsigned copy of the deposition transcript is the best presently available documentation of the witness's sworn testimony.
10. We will supplement the record and/or submit a corrected exhibit to this declaration with an updated set of excerpts from the final transcript once a final, signed copy of the deposition transcript becomes available from the court reporter.

Dated: Washington, DC
March 21, 2018

/s/ Randall M. Levine
Randall M. Levine