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1. [The Louis D. Brandeis Center For Human Rights Under Law Et Al V. President And Fellows Of Harvard College](#)

Client/Matter: -None-

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***The Louis D. Brandeis Center For Human Rights Under Law Et Al V.
President And Fellows Of Harvard College***

1:24cv11354

US District Court for the District of Massachusetts

July 22, 2024, Filed

Reporter

2024 U.S. DIST. CT. MOTIONS LEXIS 143010

State: US-MA

Type: Dismiss

Title

MOTION to Dismiss by President and Fellows of Harvard College.(Ellsworth, Felicia) (Entered: 07/22/2024)

Text

Defendant President and Fellows of Harvard College ("Harvard") hereby moves to dismiss this action in its entirety pursuant to *Federal Rules of Civil Procedure 12(b)(1)* and *12(b)(6)*. The grounds for this motion, which are explained in detail in the accompanying Memorandum of Law, include the following: 1. The Court should dismiss this action under Rule 12(b)(1) because Plaintiffs fail to establish organizational standing for the Louis D. Brandeis Center ("Brandeis Center") or Jewish Americans for Fairness in Education ("JAFE").

2. The Court should dismiss Plaintiffs' claims under Rule 12(b)(1) because Plaintiffs fail to establish associational standing for the Brandeis Center or JAFE. Plaintiffs' claims require the individualized participation of their members, and their members lack standing to seek prospective injunctive relief, the only form of relief sought here, as they do not plead an ongoing or certainly impending injury traceable to Harvard.

3. The Court should dismiss Plaintiffs' Title VI claims under Rule 12(b)(6) because Plaintiffs do not plausibly allege that Harvard directly discriminated against their members, acted with deliberate indifference to a hostile environment, or retaliated in any way against Plaintiffs' members.

4. In support of this Motion, Harvard submits the accompanying Memorandum of Law and the Declarations of Meredith Weenick and Felicia Ellsworth.


WHEREFORE, Harvard respectfully requests that the Court dismiss this action in its entirety.

REQUEST FOR ORAL ARGUMENT

Pursuant to Local Rule 7.1(d), Defendant respectfully requests oral argument of this Motion.

DATED: July 22, 2024 Respectfully Submitted,

PRESIDENT AND FELLOWS OF HARVARD COLLEGE

By it  H. Ellsworth Mark A. Kirsch (pro hac vice) Felicia H. Ellsworth, BBO #665232

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The Louis D. Brandeis Center For Human Rights Under Law Et Al V. President And Fellows Of Harvard College

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LOCAL RULE 7.1 CERTIFICATION

The undersigned hereby certifies that on July 18, 2024, counsel for Harvard conferred with Plaintiffs' counsel in a good faith attempt to resolve or narrow the issues involved in this motion, and that the parties did not reach an agreement.

/s/ Felicia H. Ellsworth Felicia H. Ellsworth

CERTIFICATE OF SERVICE

I hereby certify that on July 22, 2024, I caused this document to be filed through the CM/ECF system, where it will be sent electronically to the registered participants as identified on the Notice of Electronic Filing.

/s/ Felicia H. Ellsworth Felicia H. Ellsworth

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