

To: Recording Secretary, ALAA 2325

From: Danielle Welch, Gerald Koch, Eva Stevenson, and Candace Graff

Date: November 21, 2023

Re: Article 31 Charges Against Diane T. Clarke, Ilana Kopmar, Isaac Altman, and David Rosenfeld for Conduct Unbecoming of a Union Member

Specific Charges Alleging Conduct Unbecoming of a Union Member

This Article 31 Proceeding charges Diane T. Clarke, Ilana Kopmar, Isaac Altman, and David Rosenfeld with conduct unbecoming of a union member. Specifically, by seeking judicial injunctive relief to interrupt a democratic process on an internal union matter and, in the process, baselessly and publicly smearing their fellow union siblings as antisemitic, these individuals violated core tenants of our union's mission and behaved in ways that demand official consequences. There are at least four separate ways in which the above members have conducted themselves in ways unbecoming of a union member:

- First, their lawsuit explicitly seeks to circumvent the noticed Joint Council vote and related proceedings authorizing that the proposed resolution be sent to a membership vote.

Dissatisfied with the outcome of a noticed Joint Council vote, these members interrupted a vote-in-progress by using the courts to contravene internal union decisions. It speaks volumes about their views on solidarity that they were unwilling to even learn the will of overall membership by waiting for the outcome of the vote. If these members truly fear for their reputations based on their affiliation with ALAA, they are welcome to resign from the union at any time. Membership is voluntary. However, going outside of the democratic processes set by this union to silence fellow members is conduct unbecoming of a union member.
- Second, their conduct is unbecoming of a union member in that it has the obvious and intentional effect of chilling free speech. Fulfilling our mission as a union requires that members feel safe discussing difficult topics, that proposals and resolutions be freely and fairly decided by membership, and security that our fellow members will not be dragging our union to court when they find themselves on the losing end of those votes.
- Third, the above members filed an additional supplemental affidavit on November 17, 2023, attached as Exhibit C, which made internal union emails from Gaggle a part of a public court file, complete with the names and personal contact information for fellow members whose messages they took issue with. Not only is this publication of internal discussion conduct unbecoming of a union member, but the affidavit unfairly characterizes the shared emails as espousing antisemitic views.
- Fourth, they violated Article 33, Section 5 of the UAW Constitution, which imposes a duty

on members to exhaust fully the individual or body's remedy and all appeals under this Constitution and the rules of this Union before going to a civil court or governmental agency for redress. That article sets out specific appeal procedures for any action taken by a local union, like ALAA 2325, yet upon information and belief none of these procedures were utilized. *UAW Constitution*, Article 33, Section 1(b).

Procedural History

On November 16, 2023, in advance of a membership vote that had been authorized at a Joint Council meeting of ALAA 2325 earlier that week¹, the above-named members of ALAA, employed at Nassau County Legal Aid Society, filed an Order to Show Cause With Temporary Restraining Order and Prayer for Injunctive Relief against the union in the Supreme Court of the State of New York, County of Nassau. This complaint sought, among other things, a temporary restraining order prohibiting a vote on the proposed "Resolution Calling for a Ceasefire in Gaza, an End to the Israeli Occupation of Palestine" (hereafter "the resolution") to be followed by a permanent restraining order prohibiting the same. *See Exhibit A*.

The Honorable Judge Muraca granted the temporary order on November 17, 2023—the date of the previously authorized membership vote—and scheduled a hearing for November 21, 2023 at 10:30 a.m. to determine whether a permanent injunction and other relief was warranted. This Order, attached as Exhibit B, resulted in the immediate suspension of voting that was already in progress on the resolution and delayed the issuance of the resolution in the highly probable event that membership voted in favor of it.

On that same day, a supplemental affidavit was filed with the court detailing the response on the ALAA Gaggle to the proposed restraining order.

These charges are timely under Article 31, Section 2 of the UAW Constitution, as they are being filed within sixty (60) days of the alleged conduct. They are supported by the court filings, the Temporary Restraining Order, a copy of their supplemental affidavit, a copy of the proposed resolution, citations to various sources regarding relevant portions of the substance of the resolution, and emails establishing the noticed vote and its outcome. This corroborating evidence, if not rebutted, establishes all elements of the charges. These actions were conducted in public court filings, which have been emailed by other parties to the ALAA Gaggle listserv, and accordingly any individual on that listserv is a witness to their conduct and could be called if necessary in trial proceedings if additional corroboration is required.

¹ On November 13, 2023, the proposed resolution was circulated to ALAA membership, and a vote at the next Joint Council meeting to be held on Tuesday, November 14th was noticed. A reminder was also sent, again providing the text of the resolution, on November 14th. At the Joint Council meeting, a vote was held and the collective decision was to send the resolution to a membership vote, which would be held on Friday, November 17, 2023.

The resolution was robustly debated for a significant period of time, after which the question was called for a vote, and the vote was not close: there were 108 yes votes, 13 no votes, and 8 abstentions to bring the resolution to a vote before the entire ALAA membership. Union leadership set up a virtual vote to be run using Election Runner. This vote was noticed on November 15th, again providing the text of the resolution, and scheduled to take place on Friday, November 17, 2023 from 9 a.m. to 5 p.m.

The Resolution and its Relation to Union Mission

The resolution in question is a direct response to a call from Palestinian trade unions asking unionists worldwide to pressure governments to stop all military funding for Israel, to take action against companies involved in Israel's brutal and illegal siege, and to pass motions in our unions to this effect. It is, first and foremost, an act of solidarity with those unionized workers.

Moreover, our local chapter is comprised of legal workers, including attorneys, paralegals, legal advocates, social workers, interpreters, investigators, administrative staff, and more, who have dedicated our careers to serving and defending oppressed and marginalized communities.

As set forth in Article III: Principles and Purposes of our local Bylaws, the mission of our union includes, in relevant part, (1) advancing the economic, social, political, and cultural interests of our members; (2) to advocate through political outreach for the advancement of the interests of our membership, our clients and of poor and working people in general; and (3) to maintain relations with other labor organizations and work cooperatively with other unions for the advancement of the interests of our members, our clients and of poor and working people.

At the core of our mission is a respect for and dedication to human rights. The resolution is fully aligned with these enumerated mission principles and purposes, particularly given the specific call for solidarity from the Palestinian labor movement.

Seeking to judicially restrain a democratic vote and silence our union goes directly against those same principles.

According to many international human rights organizations, experts at the United Nations,² and academics in the field, Israel's actions following the October 7, 2023 Hamas attack are either "moving toward a genocidal campaign," or "a textbook case of genocide."³

Accordingly, the resolution supporting Palestine is both an appropriate subject for this union to address and highly time-sensitive, as more than 13,000 Palestinians, including at least 5,500 children⁴ have been killed by the State of Israel in a time span of approximately 40 days. Contrary to the four named members' pleadings, nothing in this resolution carries the "stench of extreme, rank antisemitism."⁵ In fact, the pleading ignores all of the Jewish union members who voted for the

² See "Gaza: UN experts call on international community to prevent genocide against the Palestinian people," Nov. 16, 2023, available at <https://www.ohchr.org/en/press-releases/2023/11/gaza-un-experts-call-international-community-prevent-genocide-against>.

³ Raz Segal, the program director of genocide studies at Stockton University, concretely says it is a "textbook case of genocide." See Burga, Solcyré, "Is What's Happening in Gaza a Genocide? Experts Weigh In," *Time*, available at: <https://time.com/6334409/is-whats-happening-gaza-genocide-experts/>.

⁴ Number current as of 11/19/2023 at appx. 7:23 p.m. as reported by *The Guardian* at 13:05 EST on November 19, 2023, available at <https://www.theguardian.com/world/live/2023/nov/19/israel-hamas-war-live-15-dead-in-central-and-southern-gaza-attacks-say-palestinians?page=with:block-655a46a38f0860fe3d217647#block-655a46a38f0860fe3d217647>.

⁵ See Complaint, paragraph 33, attached as Exhibit A. It is worth noting that the characterizations Plaintiffs take issue with were supported with hyperlinks to respected organizations, such as Amnesty International and Center for Constitutional Rights, which plainly declare the events at the heart of the resolution to amount to genocide. Opposing the slaughter of 13,000+ Palestinian civilians, approximately half of whom are children, is not antisemitic.

resolution and paints them with the same false brush of antisemitism. Arguably, the most insidious element of this pleading is the implication that the Jewish people are a monolith that supports Israel—that Israel is an inherent value of Judaism. To imply that any Jewish person who would vote for this resolution would somehow be attacking their own people is offensive in and of itself.

The Harm

Even if plaintiffs' lawsuit is ultimately unsuccessful, the interruption of a democratic vote, which was itself authorized by a vote of the Joint Council, caused significant harm to this union, its members, and our Palestinian allies. Their action undermines confidence in our union as an institution, undermines confidence in our union procedures, delayed a time-sensitive union action, and wasted any costs associated with Election Runner.

Furthermore, their complaint smears their fellow members as antisemitic⁶, disrespects those who put in the work on this resolution, and quite literally seeks to silence all those who ultimately showed up to vote in favor of it on November 14th, 2023 and November 17, 2023 before the issuance of the Temporary Restraining Order.

Their conduct also represents contempt for union decision-making, demonstrates a troubling lack of concern for the humanitarian crisis described in the resolution itself, and seeks to chill the free speech of more than one thousand members on a topic that the four of them find objectionable. The publication of internal union emails in unsealed court filings, particularly without so much as bothering to redact (and indeed, highlighting) identifying information, leaving fellow union members susceptible to doxing, also plainly has a chilling effect on free speech and robust union organizing.

Further, falsely accusing fellow members of antisemitism is a grave harm of its own. Criticism of the government of the State of Israel is not synonymous with or equivalent to antisemitism. Calling for an end to the death of thousands of humans is not antisemitic. Our members have dedicated their careers to the pursuit of equal justice and fight for the dignity and humanity of our clients every day. It is painful to be falsely accused of holding and promoting antisemitic views. To have such false accusations made a part of a public court record additionally poses serious risks to members' safety and reputations.

Regardless of one's feelings on the substance of the resolution, the conduct that forms the basis of this Article 31 Complaint—namely seeking injunctive relief to prevent a noticed and lawfully authorized membership vote from taking place—is plainly conduct unbecoming of a union member. All four named plaintiffs had the opportunity to attend the noticed Joint Council Meeting and make their case to membership. They had the opportunity to draft a competing statement if they so disagreed. They had the ability *and the obligation* to utilize internal union appeal procedures before seeking redress in civil court. They failed to do so.

While it may be *en vogue* in America to ask courts to upset the results of a free and fair vote, this union is not obligated to tolerate such behavior.

Indeed, it must not.

⁶ *Id.*

Relief Sought

Members Clarke, Kopmar, Altman, and Rosenfeld have demonstrated that they feel they are above union procedures and unbound by fair, noticed, democratic proceedings. They have violated the UAW Constitution. They have placed their own interests ahead of that of the union, publicly smeared their fellow union siblings, caused personal contact information to be published in a public court record, sought compensatory financial damages against the union for hypothetical harm, sought to chill free speech, and behaved in ways unbecoming of union members in at least four distinct ways. Accordingly, they should be expelled from this union as authorized by the UAW Constitution, Article 31 Section 10(b).

Exhibit A

SUPREME COURT OF THE STATE OF NEW YORK
COUNTY OF NASSAU

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DIANE T. CLARKE,
ILANA KOPMAR, ISAAC ALTMAN,
DAVID ROSENFELD,

SUMMONS

Defendant's Address:

50 Broadway, Suite 1600
New York, NY 10004

INDEX NO.:

Plaintiffs,

– against –

Date Index No.
Purchased/Date of Filing:

THE ASSOCIATION OF LEGAL AID ATTORNEYS,
AMALGAMATED LOCAL UNION 2325 OF THE INTERNATIONAL UNION,
UNITED AUTOMOBILE, AEROSPACE AND AGRICULTURAL IMPLEMENT
WORKERS OF AMERICA (UAW), AFL-CIO, LISA OHTA, BRET J. TAYLOR,
JEREMY BUNYANER, EMILY C. EATON, MARTYNA KAZNOWSKI,
GILLIAN R. KRESS, IOANA CALIN, PUJA PAUL,

Defendants.

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To the above named Defendant:

YOU ARE HEREBY SUMMONED and required to serve upon Plaintiff's attorney, at his address stated below, an answer to the attached Verified Complaint.

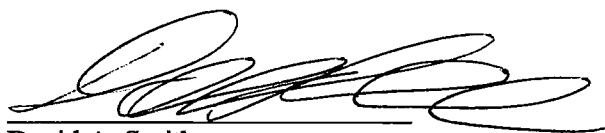
If this summons was personally served upon you in the State of New York, the answer must be served within 20 (twenty) days after such service of the summons, excluding the date of service. If the summons was not personally delivered to you within the State of New York, the answer must be served within 30 (thirty) days after service of the summons is compete as provided by law.

If you do not serve an answer to the attached Verified Complaint within the applicable time limitation stated above, a judgment may be entered against you, by default, for the relief demanded in the Verified Complaint, without further notice to you.

This action will be heard in the Supreme Court of the State of New York, in and for the County of Nassau.

This action is brought in the Supreme Court of the State of New York, County of Nassau because Plaintiffs principal place of business is at 40 Main Street, 3rd Floor Hempstead, NY 11550, which is in Nassau County, New York; and also because this action is based upon the majority of Plaintiffs' residence, which is Nassau County, New York.

DATED: Garden City, New York
November 16, 2023



David A. Smith
Law Office of David A. Smith, PLLC
Attorneys for Plaintiff JIN WANG
500 Old Country Road, Suite 109
Garden City, New York 11530
(516) 294-7301

SUPREME COURT OF THE STATE OF NEW YORK
COUNTY OF NASSAU

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DIANE T. CLARKE,
ILANA KOPMAR, ISAAC ALTMAN and
DAVID ROSENFELD,

Plaintiffs,

– against –

**Verified Complaint Seeking
Temporary Restraining Order,
Injunctive Relief and Damages**

Index No.: _____

THE ASSOCIATION OF LEGAL AID
ATTORNEYS, AMALGAMATED LOCAL
UNION 2325 OF THE INTERNATIONAL
UNION, UNITED AUTOMOBILE, AEROSPACE
AND AGRICULTURAL IMPLEMENT
WORKERS OF AMERICA (UAW), AFL-CIO,
LISA OHTA, BRET J. TAYLOR, JEREMY
BUNYANER, EMILY C. EATON, MARTYNA
KAZNOWSKI, GILLIAN R. KRESS,
IOANA CALIN, PUJA PAUL,

Defendants.

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The Verified Complaint of DIANE T. CLARKE, ILANA KOPMAR, ISAAC ALTMAN
and DAVE ROSENFELD respectfully states and alleges that:

Background, Nature and Purpose of This Action

1. Plaintiffs are attorneys licensed to practice law in the State of New York and are all currently employed by the LEGAL AID SOCIETY OF NASSAU COUNTY (hereinafter alternatively “NCLAS”), operating as Public Defenders in and for the County of Nassau within the State of New York, and each of the Plaintiffs herein are dues-paying members of THE ASSOCIATION OF LEGAL AID ATTORNEYS AMALGAMATED LOCAL UNION 2325 OF THE INTERNATIONAL UNION, UNITED AUTOMOBILE, AEROSPACE AND

AGRICULTURAL IMPLEMENT WORKERS OF AMERICA (UAW), AFL-CIO, (hereinafter alternatively referred to as UAW Local 2325 (AFL-CIO/CLC) ["ALAA" or "Union"]).

2. Plaintiffs bring this action, both individually as private citizens, and in their capacities as attorney employees of NCLAS and dues-paying members of ALAA.

3. As attorney employees of the Legal Aid Society of Nassau County, we are subject to “The Legal Aid Society of Nassau County’s Employee Handbook” (hereinafter, “Handbook”) which, together with our Collective Bargaining Agreement (hereinafter, “CBA”), determines the terms and conditions of the employment.

4. As of the date of this writing, Defendant ALAA and the individual Defendants named herein have plans to imminently cause a vote to be scheduled and held, on Friday, November 17, 2023, whereby they seek to obtain the adoption a resolution/statement of principles/release an official statement entitled “Resolution Calling for a Ceasefire in Gaza, an End to the Israeli Occupation of Palestine, and Support for Workers’ Political Speech” by the Association of Legal Aid Attorneys, United Auto Workers Local 2325 (hereinafter “the proposed Resolution”) on behalf of the Union and its constituent members to be released publicly regarding the events surrounding the unprecedented, brutal and historic terrorist attacks, massacres and crimes against humanity that occurred within the nation of Israel commencing on October 7, 2023, which attacks and crimes against humanity were perpetrated by the group known as “Hamas”, which is also ostensibly the governing authority of the part of the Palestinian Territories known as “Gaza”, and the events that have unfolded thereafter and in direct response thereto, including armed conflict between the nation of Israel and the group Hamas. A true copy of the proposed Resolution at issue is annexed hereto as **Exhibit A**.

5. The proposed Resolution is indistinguishable from similar previously-issued statements by other Unions, organizations and individuals which have created great controversy and division across the United States and the entire world, and have fomented hate and derision towards the nation of Israel, and most significantly as it relates to the relief requested herein, people

of Jewish descent as a general matter (often referred to pejoratively as “Zionists” in the public sphere) including and especially past, present and prospective future clients of NCLAS.

6. The Legal Aid Society of Nassau County is a private and not-for-profit organization established pursuant to County Law Article 18-A and County Law §722 for the purpose of providing quality legal services and legal representation to indigent clients who lack the financial resources and wherewithal needed to privately retain and pay their own counsel to represent them, primarily in criminal proceedings under New York State’s Criminal Procedure Law (“CPL”), but also in connection with certain limited civil and quasi-criminal matters in Family Courts under New York State’s Civil Practice Rules and Procedure (“CPLR”) and the Family Court Act (“FCA”) and New York State Executive Law (“EL”) with the Appellate Courts of New York State.

7. The State of New York, as well as all other forty-nine (49) States within the United States of America (“USA”), are required to provide counsel to indigent criminal Defendants and certain other qualifying individuals pursuant to the United States Constitution and the landmark 1963 Decision issued by the Supreme Court of the United States of America (hereinafter alternatively “the Supreme Court” or “SCOTUS”) in the matter of *Gideon v. Wainwright*, 372 U.S. 335 (1963). The right to counsel is an individual and absolute right on the part of indigent defendants and other qualifying individuals to have legal counsel appointed for them, and the not-for-profit organization referred to herein, NCLAS, was created for the specific purpose of fulfilling New York State’s obligations to its qualifying citizens – as is required by the aforementioned SCOTUS Decision issued in the matter of *Gideon v. Wainwright* – to provide said qualifying individuals with quality legal representation, thereby guaranteeing them, *inter alia*, a fair trial.

8. NCLAS represents clients of all backgrounds, races, religions, ethnicities and national origins, including, most relevantly as it relates to the instant proceeding, Jewish clients (whether practicing or non-practicing, atheist or agnostic, or simply by virtue of being deemed to be “culturally Jewish” or “ethnically Jewish”), as well as Muslim clients, clients of Arab descent and those of Palestinian descent, to each of whom they owe an equal duty of undivided loyalty,

fidelity and zealous advocacy under New York State's Rules of Professional Conduct, 22 N.Y.C.R.R. Part 1200.

9. As set forth in greater detail, *infra*, the relief requested herein is not only necessary, but paramount, in order for New York State, through NCLAS, to be able to satisfy its obligations under *Gideon v. Wainright* to indigent clients and to provide this level of representation of such a diverse array of indigent clients. Moreover, as it relates to the instant proceeding, the adoption of the proposed Resolution would deprive Plaintiffs of the ability to avoid irreconcilable conflicts of interest and the appearance thereof with present and future prospective clients, creating an impossible ethical dilemma for them and thereby making it impossible for them to properly do their job as Public Defenders.

10. As a result of the foregoing, any failure to grant the relief requested herein will fatally undermine NCLAS' mission and its ability, and the ability of Plaintiffs as individual attorneys, on behalf of the State of New York, to provide proper and constitutionally-mandated representation to all of its clients, including and especially as it relates to the matters addressed herein, Jewish clients (whether they be practicing or non-practicing, atheist and/or agnostic "culturally" Jewish clients and/or those who are, or who are even considered to be, of ethnically Jewish descent), also thereby depriving entire swathes of past, present and future indigent clients from the confidence that they will be afforded their constitutional rights under *Gideon v. Wainright* and be provided with proper and adequate legal representation by both (a) attorneys and staff employed by NCLAS, and (b) members of ALAA 2325.

11. It is imperative in this regard to note that unlike other unions, our members are attorneys licensed to practice law within the State of New York. As such, each of we attorneys have a professional and ethical duty to not only avoid representing clients when there exists an actual conflict of interest between the attorney and client, but also when the mere appearance of a conflict and/or the mere appearance of impropriety is present.

12. The Plaintiffs herein, in their individual capacities, as employees of the LEGAL

AID SOCIETY OF NASSAU COUNTY, and as current, dues-paying members of ALAA 2325, have standing to bring this proceeding against ALAA 2325.

13. The relief requested herein is for the Court to make and issue a Decision and Order granting the following relief:

- (a) That the Court issue a Temporary Restraining Order in the proposed Order to Show Cause submitted simultaneously herewith temporarily restraining and enjoining the Defendants named herein, and each of them, from distributing for a vote to the membership of the Association of Legal Aid Attorneys, or otherwise causing to be distributed or disseminated to the said membership or putting to a vote by such members, a certain document entitled “Resolution Calling for a Ceasefire in Gaza, an End to the Israeli Occupation of Palestine”; and
- (b) That the Court issue a permanent injunction restraining and enjoining the Defendants named herein, and each of them, from distributing for a vote to the membership of the Association of Legal Aid Attorneys, or otherwise causing to be distributed or disseminated to the said membership or putting to a vote by such members, a certain document entitled “Resolution Calling for a Ceasefire in Gaza, an End to the Israeli Occupation of Palestine”;
- (c) Awarding compensatory damages to Plaintiffs in an amount to be determined at trial based upon Plaintiffs’ First Cause of Action – Breach of Duty of Fair Representation;
- (d) Awarding compensatory damages to Plaintiffs in an amount to be determined at trial based upon Plaintiffs’ Second Cause of Action – Breach of Contract; and
- (e) Granting Plaintiffs such other, further and different relief as to the Court seems just and proper.

14. The reasons why this relief is urgently necessary and must be granted, and a

description of the harm each of the Plaintiffs will suffer if the Resolution is passed by ALAA are more fully set forth, *infra*.

Venue is Properly in Nassau County

15. Nassau County is the proper venue for this matter because Plaintiffs are employed within the State of New York in the County of Nassau, and because NCLAS is a not-for-profit organization with general offices located within the County of Nassau at 40 Main Street, 3rd Floor, Hempstead, New York, 11550 and the ALAA is located at 50 Broadway, Suite 1600, New York, NY 10004. Moreover, the imminent and irreparable harm faced by Plaintiffs relates to events that are scheduled to transpire within Nassau County, more specifically the Resolution referred to herein.

16. The names and email addresses of the Defendants herein are as follows:

BRET J. TAYLOR
Financial Secretary-Treasurer
Association of Legal Aid Attorneys
btaylor@alaa.org

JEREMY BUNYANER
Guide
Association of Legal Aid Attorneys
jbunyaner@gmail.com

LISA OHTA
President
Association of Legal Aid Attorneys
lohta@alaa.org

EMILY C. EATON
Recording Secretary
Association of Legal Aid Attorneys
eeaton37@gmail.com

MARTYNA KAZNOWSKI
Sergeant-at-Arms
Association of Legal Aid Attorneys
martynakaznowski@gmail.com

GILLIAN R. KRESS
Trustee
Association of Legal Aid Attorneys
gillian.kress@gmail.com

IOANA CALIN
Trustee
Association of Legal Aid Attorneys
ioana.calin@gmail.com

PUJA PAUL
Trustee
Association of Legal Aid Attorneys
pujapaul@gmail.com

As and for a First Cause of Action: Breach of Duty of Fair Representation

17. Plaintiffs repeat and reallege the allegations in paragraphs 1 through 15 as though they were fully and explicitly set forth herein.

18. Defendants, as a labor organization and officers, have a duty of fair representation to Plaintiffs, as members of that labor organization.

19. Defendants have breached, and imminently will continue to breach, that duty by virtue of the conduct set forth above, which was, and imminently will continue to be, arbitrary, discriminatory, and/or in bad faith.

20. As a result of Defendants' arbitrary, discriminatory, and bad faith misconduct, Plaintiffs have suffered and/or imminently will suffer harm in their relationship with their employer NCLAS, their employer's continued ability to employ them, their relationships with current and/or future clients, their professional standing, and their reputation among potential future employers.

21. Plaintiffs are entitled to compensatory damages in an amount to be determined at trial, as well as a permanent injunction enjoining Defendants from their continued and planned

misconduct.

As and for a Second Cause of Action: Breach of Contract

22. Plaintiffs repeat and reallege the allegations in paragraphs 1 through 20 as though they were explicitly set forth herein.

23. The constitution and bylaws of UAW and ALAA 2325 are contracts containing legally enforceable promises, including and/or illuminated by a statement of purpose to, *inter alia*, “improve the ... professional standing of members” and “ensure the provision of high-quality legal services to our clients.”

24. Plaintiffs are dues-paying members in good standing of the Union and have given valid consideration for such promises.

25. Defendants have breached those promises and imminently will continue to breach those promises.

26. As a result of Defendants’ breach of their contractual promises, Plaintiffs have suffered and/or imminently will suffer harm in their relationship with their employer NCLAS, their employer’s continued ability to employ them, their relationships with current and/or future clients, their professional standing, and their reputation among potential future employers.

27. Plaintiffs are entitled to compensatory damages in an amount to be determined at trial, as well as a permanent injunction enjoining Defendants from their continued and planned misconduct.

The Urgent Need for a Temporary Restraining Order and an Injunction

28. Plaintiffs repeat and restate the allegations set forth at paragraphs “1” through “27” as if same were fully set forth herein.

29. The proposed Resolution at issue in the instant matter relates to the events surrounding the unprecedented, brutal and historic terrorist attacks and crimes against humanity

that occurred within the nation of Israel commencing on October 7, 2023, which attacks and crimes against humanity were perpetrated by the group known as “ Hamas”, which is also ostensibly the governing authority of the part of the Palestinian Territories known as “ Gaza”, and the events that have unfolded thereafter and in direct response thereto, including armed conflict between the nation of Israel and Hamas.

30. The background events, facts and circumstances surrounding the urgent need for the relief requested herein are set forth in detail, *supra*. In the event that the requests for a Temporary Restraining Order and injunctive relief requested herein are not granted by the Court, Plaintiffs will suffer massive, immediate and irreparable reputational, professional and personal harms, both as individuals, members of the New York State Bar, and in connection with both internal and external future employment and career advancement prospects and opportunities.

31. Moreover, failure to grant the relief requested herein will render it impossible for attorneys employed by NCLAS, including Plaintiffs, to carry out their duties to their clients and to uphold their ethical obligations to past, present and future prospective clients, thereby depriving them of the ability to zealously represent all of their clients, regardless of the said clients’ background, religion, race, ethnicity, national origin, citizenship status, etc. More generally, by mere virtue of being employees of NCLAS and dues-paying members of UAW ALAA Local 2325 on the date and time that the vote on the Resolution referred to herein is taken, Plaintiffs would be placed in a grossly compromised potential position, even in the future if engaged in the private practice of law, if and when they accept employment outside of NCLAS.

32. The proposed Resolution, if implemented, will also potentially irreparably damage the professional reputations of Plaintiffs and their relationships with jurists and fellow members of the bar who are Jewish and who may take great offense to the said Resolution.

33. In other words, the stench of extreme, rank antisemitism will attach to each and every attorney at NCLAS who is a member of UAW ALAA Local 2325, and will follow them and haunt them all for the remainder of their lives and careers, even if and when they were to leave NCLAS for other career opportunities. They will forever be tarnished by the Union's actions if this vote were to proceed, notwithstanding their vehement condemnation of, and opposition to, the proposed Resolution and the objectively antisemitic and hateful nature of the contents thereof.

34. As a matter of pure public policy, failure to grant the relief requested herein could prevent individuals, primarily past, present and prospective future Jewish clients, who otherwise might qualify for the appointment of a Public Defender to represent them, from having equal access to justice under the law and within the Courts of the State of New York (or, quite notably, the mere appearance of being deprived of equal justice under the law).

35. These are not hypothetical harms that Plaintiffs will suffer, as similar resolutions have been adopted not only by other Unions and organizations generally, but Unions representing various Counties' Legal Aid Societies within the State of New York, and anyone paying attention knows that the backlash against such antisemitic statements and Resolutions has been swift and severe. In fact, there have been several notorious such incidents involving the Legal Aid Societies of other counties within the State of New York reported in the press.

36. One particularly notorious such instance involved an attorney employed by the Legal Aid Society of New York County named Victoria Ruiz, who was caught on camera tearing down pictures of hostages taken by Hamas (*See*, <https://www.thejc.com/news/world/new-york-lawyer-apologises-after-ripping-down-posters-of-israelis-kidnapped-by-hamas-7q8MLuN88nLDqPIp4q9jOi>), and who ultimately resigned from the New York County Legal Aid Society as a result of her actions.

37. As far as reputational damage is concerned, in very short order after such statements and Resolutions are made public, the tendency of the media and large social media accounts with massive platforms, has been to not only publish the name of the relevant individuals and/or organizations issuing such statements and Resolutions, but to list the names of each and every constituent member of those organizations, whether they be professional organizations or even student groups operating on college campuses. In this regard, the cliché that people are typically first exposed to as pre-teens and told repeatedly over the ensuing years applies; to wit: “The internet is forever”, meaning that even if a current employee of NCLAS were to pursue other employment opportunities some 10, 15, 20 years or more from now, their names will appear in search results as having been associated with the proposed Resolution.

Likelihood of Success on the Merits

38. For all of the reasons set forth herein, Plaintiffs are likely to ultimately succeed on the merits in connection with the relief requested herein. As a threshold matter, and as hereinbefore explained, this case does not involve hypothetical or potential harms that might *possibly* be suffered by Plaintiffs (to say nothing of the individuals who otherwise would qualify for the appointment of a Public Defender to be provided by NCLAS), but *guaranteed harms*, a proposition supported many times over by the existence of such harms being suffered by individual members of various groups releasing nearly-identical statements/Resolutions.

39. This has played out repeatedly in nearly each and every similar instance where a group or organization has released such a statement/Resolution. From a mere perusal of media reports regarding countless similar situations, it is a virtual guarantee that the names, addresses and private/personal identifying information of the attorneys employed by NCLAS will be released

publicly by media outlets and on social media (sometimes this practice is referred to colloquially as “doxing”), causing not only career/reputational harm as hereinbefore stated, but also putting their lives, health, safety and physical and mental well-being at direct, severe and imminent risk.

40. In any event, there is no question but that the release of such a statement/Resolution containing unambiguous, rank antisemitism will, at a bare minimum, create the appearance of a conflict of interest and the appearance of impropriety. This will render it impossible for lawyers employed by NCLAS to ethically represent essentially any clients of Jewish descent who would otherwise qualify for the appointment of a Public Defender without, at a bare minimum, disclosing to Jewish clients the nature of the conflict and ethical issues that arise by mere virtue of the fact that any given NCLAS attorney is, or previously had been, a member of an organization that had released such a venomously antisemitic statement/Resolution.

41. Such an outcome would unquestionably deprive such individuals of their unassailable rights and protections afforded to them under the United States and New York Constitutions, and by the SCOTUS Decision in the matter of *Gideon v. Wainright*, and would more generally cause the general public, most notably citizens and residents of the County of Nassau, to entirely lose faith in the ability of NCLAS (and the individual attorneys employed by NCLAS) to carry out their constitutional mandate.

The Nature of the Harm to Plaintiffs is Irreparable

42. The potential harm and damage to Plaintiffs is irreparable, in that it will likely be exceedingly difficult – in fact, most likely impossible – to ever remove the stench of rank antisemitism from Plaintiffs and those similarly-situated by virtue of their names becoming associated with the vile contents of this Resolution in the event that it is passed. As hereinbefore

stated, it is a cliché that most individuals learn as small children that “The internet is forever”, meaning that a simple Google search of the individual attorneys’ names conducted many years from now will still produce search results that associate them as individuals and as attorneys with rank, venomous antisemitism associated with the proposed Resolution of UAW ALAA Local 2325. This will happen to Plaintiffs and others similarly-situated regardless of the Plaintiffs’ vehement personal disagreement with the Union’s actions and the Union’s proposed Resolution at issue in the instant matter.

43. The foregoing is true not only *in practice*, but also *in perception*, in that – regardless of whether any valid arguments can be made supporting the proposition that the Resolution is somehow not overtly antisemitic – it is *perceived* by members of the public at large as overtly antisemitic.

Balancing of the Equities

44. Finally, any balancing of the equities favor the Court’s granting of the interim relief requested herein. Simply stated, it is most decidedly *not* within the mission statement of either NCLAS or UAW ALAA Local 2325 to release such inherently-controversial statements and/or Resolutions about international events occurring on the other side of the planet. As such, no articulable “rights” on the part of NCLAS and/or UAW ALAA Local 2325, or the leadership thereof, would be infringed by the Court’s granting of the relief requested herein.

45. On the other hand, it is patently unfair and unacceptable for attorneys employed by NCLAS and dues-paying members of ALAA to forever be associated with, and tainted by the stench of, the overtly antisemitic nature of the contents of the Resolution; a Resolution which, once again, has absolutely nothing to do, whatsoever, with the mission statement and purpose of either the NCLAS or the ALAA.

46. Finally as it relates to the balancing of the equities herein, Defendants cannot articulate any harm that would be suffered by them by virtue of the granting of the Temporary Restraining Order requested herein. More specifically, even in the event that this Court were to ultimately deny the Plaintiffs' request for a permanent injunction herein, there is no articulable "harm" that might be suffered by Defendants by mere virtue of any such vote on the Resolution being temporarily delayed. Simply stated, the stakes are just too high in this matter.

47. Plaintiffs have no adequate remedy at law that would otherwise remediate or protect against the imminent, severe and permanent harm that they will suffer and/or make them whole in the event that the relief requested herein is not granted.

48. For all of the above-stated reasons, a Temporary Restraining Order and Injunction must be granted, restraining and enjoining ALAA as requested herein, and for all of the reasons, facts and circumstances set forth herein.

No Previous Application Made For the Relief Requested Herein

49. No previous application has been made to this Court or any other Court for any of the relief requested herein and no provisional remedies are requested herein other than the requests for a Temporary Restraining Order and Injunction that are specifically-stated and pleaded herein.

WHEREFORE, your Plaintiffs request that the Court sign the Order to Show Cause submitted herewith requiring the Defendants named herein to SHOW CAUSE why the relief requested herein should not be granted, namely that the Court make and issue a Decision and Order granting the following relief:

- (a) That the Court issue a Temporary Restraining Order in the proposed Order to Show Cause submitted simultaneously herewith temporarily restraining and enjoining the Defendants named herein, and each of them, from distributing for a vote to the

membership of the Association of Legal Aid Attorneys, or otherwise causing to be distributed or disseminated to the said membership or putting to a vote by such members, a certain document entitled “Resolution Calling for a Ceasefire in Gaza, an End to the Israeli Occupation of Palestine”; and

- (b) That the Court issue a permanent injunction restraining and enjoining the Defendants named herein, and each of them, from distributing for a vote to the membership of the Association of Legal Aid Attorneys, or otherwise causing to be distributed or disseminated to the said membership or putting to a vote by such members, a certain document entitled “Resolution Calling for a Ceasefire in Gaza, an End to the Israeli Occupation of Palestine”;
- (c) Awarding compensatory damages to Plaintiffs in an amount to be determined at trial based upon Plaintiffs’ First Cause of Action – Breach of Duty of Fair Representation;
- (d) Awarding compensatory damages to Plaintiffs in an amount to be determined at trial based upon Plaintiffs’ Second Cause of Action – Breach of Contract; and
- (e) Granting Plaintiffs such other, further and different relief as to the Court seems just and proper.

Dated: Garden City, New York
November 16, 2023

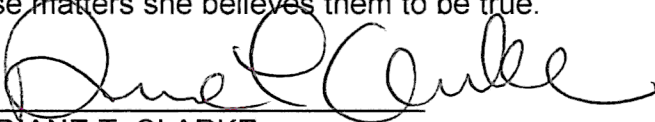


David A. Smith, Esq.
Law Office of David A. Smith, PLLC
Attorneys for Plaintiffs
500 Old Country Road, Suite 109
Garden City, New York 11530
(516) 294-7301


VERIFICATION

STATE OF NEW YORK)
) ss:
COUNTY OF NASSAU)

DIANE T. CLARKE, being duly sworn, deposes and says that she is a Plaintiff in the within action; that she has read the foregoing Verified Complaint; and that the same is true of her own knowledge, except as to the matters therein stated be alleged on information and belief; and that as to those matters she believes them to be true.


DIANE T. CLARKE

Sworn to before me this
16th day of November, 2023.


Notary Public

DAVID A. SMITH
Notary Public, State of New York
No. 4922656
Qualified in Nassau County
Commission Expires Feb. 16, ~~2014~~
2024

VERIFICATION


STATE OF NEW YORK)
) SS:
COUNTY OF NASSAU)

ILANA KOPMAR, being duly sworn, deposes and says that she is a Plaintiff in the within action; that she has read the foregoing Verified Complaint; and that the same is true of her own knowledge, except as to the matters therein stated be alleged on information and belief; and that as to those matters she believes them to be true.



ILANA KOPMAR

Sworn to before me this
16 day of November, 2023.




Notary Public

DAVID A. SMITH
Notary Public, State of New York
No. 4922656
Qualified in Nassau County
Commission Expires Feb. 16, ~~2024~~
2026

VERIFICATION


STATE OF NEW YORK)
) ss:
COUNTY OF NASSAU)

ISAAC ALTMAN, being duly sworn, deposes and says that he is a Plaintiff in the within action; that he has read the foregoing Verified Complaint; and that the same is true of his own knowledge, except as to the matters therein stated be alleged on information and belief; and that as to those matters he believes them to be true.



ISAAC ALTMAN

Sworn to before me this
16th day of November, 2023.


Notary Public

DAVID A. SMITH
Notary Public, State of New York
No. 4922656
Qualified in Nassau County
Commission Expires Feb. 16, ~~2014~~
2026

VERIFICATION

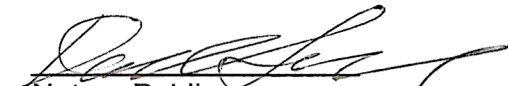
STATE OF NEW YORK)
) ss:
COUNTY OF NASSAU)

DAVID ROSENFELD, being duly sworn, deposes and says that he is a Plaintiff in the within action; that he has read the foregoing Verified Complaint; and that the same is true of his own knowledge, except as to the matters therein stated be alleged on information and belief; and that as to those matters he believes them to be true.



DAVID ROSENFELD

Sworn to before me this
16th day of November, 2023.

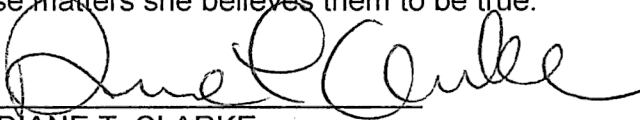

Notary Public

DAVID A. SMITH
Notary Public, State of New York
No. 4922656
Qualified in Nassau County
Commission Expires Feb. 16, ~~2024~~
2026

VERIFICATION

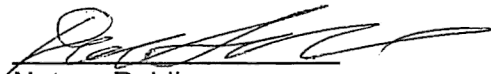
STATE OF NEW YORK)
) ss:
COUNTY OF NASSAU)

DIANE T. CLARKE, being duly sworn, deposes and says that she is a Plaintiff in the within action; that she has read the foregoing Verified Complaint; and that the same is true of her own knowledge, except as to the matters therein stated be alleged on information and belief; and that as to those matters she believes them to be true.



DIANE T. CLARKE

Sworn to before me this
16th day of November, 2023.



Notary Public

DAVID A. SMITH
Notary Public, State of New York
No. 4922656
Qualified in Nassau County
Commission Expires Feb. 16, ~~2014~~
2024

VERIFICATION


STATE OF NEW YORK)
) ss:
COUNTY OF NASSAU)

ILANA KOPMAR, being duly sworn, deposes and says that she is a Plaintiff in the within action; that she has read the foregoing Verified Complaint; and that the same is true of her own knowledge, except as to the matters therein stated be alleged on information and belief; and that as to those matters she believes them to be true.



ILANA KOPMAR

Sworn to before me this
16th day of November, 2023.



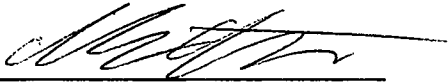
Notary Public

DAVID A. SMITH
Notary Public, State of New York
No. 4922656
Qualified in Nassau County
Commission Expires Feb. 16, ~~2024~~
2026

VERIFICATION


STATE OF NEW YORK)
) ss:
COUNTY OF NASSAU)

ISAAC ALTMAN, being duly sworn, deposes and says that he is a Plaintiff in the within action; that he has read the foregoing Verified Complaint; and that the same is true of his own knowledge, except as to the matters therein stated be alleged on information and belief; and that as to those matters he believes them to be true.



ISAAC ALTMAN

Sworn to before me this
16th day of November, 2023.


Notary Public

DAVID A. SMITH
Notary Public, State of New York
No. 4922655
Qualified in Nassau County
Commission Expires Feb. 16, ~~2014~~

2022

VERIFICATION

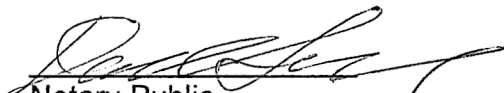
STATE OF NEW YORK)
) ss:
COUNTY OF NASSAU)

DAVID ROSENFELD, being duly sworn, deposes and says that he is a Plaintiff in the within action; that he has read the foregoing Verified Complaint; and that the same is true of his own knowledge, except as to the matters therein stated be alleged on information and belief; and that as to those matters he believes them to be true.



DAVID ROSENFELD

Sworn to before me this
16th day of November, 2023.


Notary Public

DAVID A. SMITH
Notary Public, State of New York
No. 4922656
Qualified in Nassau County
Commission Expires Feb. 16, ~~2024~~
2026

Exhibit B

FSM

MOTION SEQUENCE# 1
ORIGINAL RETURN DATE 11/21/23
RELIEF OTRO

At IAS Part 41 of the Supreme Court of the State of New York held in and for the County of Nassau at the Courtroom located at 100 Supreme Court Drive, Mineola, New York on the 17th day of Nov., 2023.

SUPREME COURT OF THE STATE OF NEW YORK
COUNTY OF NASSAU

-----X
DIANE T. CLARKE,
ILANA KOPMAR, ISAAC ALTMAN,
DAVID ROSENFELD,

Plaintiffs,

- against -

Order to Show Cause With
Temporary Restraining Order
and Prayer for Injunctive Relief

Index No.: 618 764-23

THE ASSOCIATION OF LEGAL AID
ATTORNEYS, AMALGAMATED LOCAL
UNION 2325 OF THE INTERNATIONAL
UNION, UNITED AUTOMOBILE, AEROSPACE
AND AGRICULTURAL IMPLEMENT
WORKERS OF AMERICA (UAW), AFL-CIO,
LISA OHTA, BRET J. TAYLOR, JEREMY
BUNYANER, EMILY C. EATON, MARTYNA
KAZNOWSKI, GILLIAN R. KRESS,
IOANA CALIN, PUJA PAUL,

Hon: Felice Muraca

HON. FELICE J. MURACA
ajsc

Defendants.

In Person
Appearance Required
on Return Date

-----X
Upon reading and filing the Verified Complaint Seeking Temporary Restraining Order and Injunctive Relief herein dated November 16, 2023 and the exhibit thereto, and suffice cause appearing therefor,

LET the Defendants herein, and each of them, SHOW CAUSE before this Court on the 21st day of November, 2023, at 10:30 AM in person, at Part 41, at 100 Supreme Court Drive, Mineola, New York 11501, or as soon thereafter as counsel can be heard, why this Court should not grant the Petitioners and as against the Defendants all of the relief sought in the Verified Complaint herein; and it is further

ORDERED that, based upon the specific allegations set forth in the Verified Complaint herein by which the need for a Temporary Restraining Order was demonstrated to the satisfaction

of this Court, that, pending the hearing and determination of this action,; and the individual Defendants each having been provided pursuant to Uniform Rules of Court Part the Defendants herein, and each of them, be and hereby are

RESTRAINED AND ENJOINED, pending the hearing and determination of this action, from distributing for a vote to the membership of the Association of Legal Aid Attorneys, or otherwise causing to be distributed or disseminated to the said membership or putting to a vote by such members, a certain document entitled "Resolution Calling for a Ceasefire in Gaza, an End to the Israeli Occupation of Palestine"; and it is further

ORDERED, that service upon each of the individual Defendants herein shall be made by delivering to them a copy of this Order to Show Cause and the papers upon which it is based by e-mail sent to the professional e-mail addresses published by each of the individual Defendants on the website of the Defendant ASSOCIATION OF LEGAL AID ATTORNEYS, and that service of the ASSOCIATION OF LEGAL AID ATTORNEYS be made by e-mail sent to the e-mail address of the Defendant herein who is identified on their website as the President thereof, who is Defendant LISA OHTA; and it is further

ORDERED, that answering papers, if any be served via e-mail on Plaintiffs' attorney, David A. Smith, Esq., to Dave153@aol.com, ^{by 11/20/23} ~~not less than~~ days in advance of the return date of this Order to Show Cause.

ENTER:



A Justice of the Supreme Court **HON. FELICE J. MURACA**
A.J.S.C.

Exhibit C

SUPREME COURT OF THE STATE OF NEW YORK
COUNTY OF NASSAU

-----X

DIANE T. CLARKE,
ILANA KOPMAR, ISAAC ALTMAN and
DAVID ROSENFELD,

Plaintiffs,

– against –

**Supplemental Affirmation in
Support of Emergency
Order to Show Cause**

Index No.: 618764-2023

THE ASSOCIATION OF LEGAL AID
ATTORNEYS, AMALGAMATED LOCAL
UNION 2325 OF THE INTERNATIONAL
UNION, UNITED AUTOMOBILE, AEROSPACE
AND AGRICULTURAL IMPLEMENT
WORKERS OF AMERICA (UAW), AFL-CIO,
LISA OHTA, BRET J. TAYLOR, JEREMY
BUNYANER, EMILY C. EATON, MARTYNA
KAZNOWSKI, GILLIAN R. KRESS,
IOANA CALIN, PUJA PAUL,

Defendants.

-----X

DAVID A. SMITH, ESQ., an attorney licensed to practice before the Courts of the State of New York, affirms under penalty of perjury and pursuant to CPLR 2106 that:

1. I am the proprietor of the Law Office of David A. Smith, PLLC, attorneys for Plaintiffs DIANE T. CLARKE, ILANA KOPMAR, ISAAC ALTMAN, and DAVID ROSENFELD in the above-captioned action.

2. By email sent November 16, 2023, at 1:23 p.m., I provided Defendants LISA OHTA, BRET J. TAYLOR, JEREMY BUNYANER, EMILY C. EATON, MARTYNA KAZNOWSKI, GILLIAN R. KRESS, IOANA CALIN, and PUJA PAUL, all of whom are officers of Defendant THE ASSOCIATION OF LEGAL AID ATTORNEYS, AMALGAMATED LOCAL UNION 2325 OF THE INTERNATIONAL UNION, UNITED AUTOMOBILE, AEROSPACE AND AGRICULTURAL IMPLEMENT WORKERS OF AMERICA (UAW),

AFL-CIO (hereinafter “ALAA”), with notice of my intention to seek a temporary restraining order against them, (i) restraining and enjoining them from distributing for a vote to the membership of the Association of Legal Aid Attorneys, or otherwise causing to be distributed or disseminated to the said membership or putting to a vote by such members, a certain document entitled “Resolution Calling for a Ceasefire in Gaza, an end to the Israeli Occupation of Palestine”, and (ii) granting Plaintiffs such other, further and different relief as to the Court may seem just and proper.

3. My law office represents all four (4) of the above-named Plaintiffs in the above-captioned action concerning the *ultra vires* and blatantly improper actions of the Defendants, all of whom are Officers of the Defendant ALAA.

4. I E-Filed, via the New York State NYSCEF E-Filing system, the Order to Show Cause Seeking Temporary Restraining Order, Injunctive Relief and Damages, yesterday afternoon, Thursday, November 16, 2023. Moreover, I provided due and proper notice pursuant to Uniform Rules of Court 202.7(f), to each of the Defendants via email and filed proof thereof as part of the NYSCEF filing.

5. The purpose of this Supplemental Affirmation is to put before the Court additional information and context which is of great and immediate relevance and importance for the Court have before it in considering Plaintiffs’ request for emergency relief as set forth in the proposed Order to Show Cause. More specifically, in the within Affirmation, I seek to advise the Court as to the full text of the remarkable and hateful screeds that were broadly circulated by ALAA constituent members and leadership, upon their having become aware of the filing of the Plaintiffs’ Summons & Complaint and proposed Order to Show Cause with Temporary Restraining Order and Request for Injunctive Relief.

6. These messages and hate-filled screeds long ago crossed into the territory of “Blood Libel” and demonstrate beyond any reasonable debate that the ALAA most decidedly does *not* serve the purpose of advancing the interests of its constituent members if they are Jewish, and this blind hatred extends to constituent members who aren’t Jewish but who stand up in support and, to borrow what appears to be the ALAA President’s favorite word, “solidarity”, with their Jewish colleagues.

7. As of this writing, the only persons at ALAA who had been notified by this office of this lawsuit are the eight (8) individual named Defendants identified in the caption. It is therefore unmistakably clear that the only way any other ALAA members could have information concerning the filing of this action at this time is by being informed thereof by one of more of the Defendants/the ALAA leadership.

8. These messages were sent to the ALAA constituent members via the messaging app called “Gaggle”, described by one of the above-named Defendants, who happens to be the President of this Chapter of the ALAA, LISA OHTA, as follows (*See, Exhibit A* hereto for the full text of this deeply troubling and threatening message from the ALAA President to its constituent members):

“Gaggle is meant to be a safe space for members to discuss issues that are important to us.... I am disgusted to learn that someone has leaked internal union communications to managers and the press. This behavior is completely unacceptable and violates our fundamental principles. Leaking union communications to outside parties only harms our strength and power. **Moreover, it puts individual members at real risk of doxxing which only lead to a silencing of debate and discussion which is so vital to our union....** Union democracy also requires everyone to stand in solidarity with the outcomes of democratic decisions. **Solidarity is not only a feeling, it is also an action. It is finding ways in which we share common interests and goals and collaborate together to achieve them.** I trust our decision making process and I will stand in solidarity with whatever the outcome of the vote [is]. Solidarity, Lisa”

(See, **Exhibit A** hereto annexed; emphasis added).

9. Ms. OHTA said it well herself when she wrote “Solidarity is not only a feeling, it is also an action.” By the actions and words of the ALAA leadership and likeminded constituent members, it is clear that when Ms. OHTA described the messaging app Gaggle as being a “safe space for members”, **she neglected to add that, in action and practice, it serves as a “safe space” for everyone other than Jewish constituent members, and those who support ALAA’s Jewish members in standing up to ALAA’s vile, open and notorious rank antisemitism.**

10. In short order after the filing of the pleadings herein on 16 November 2023, by Gaggle messages sent as early as 3:50 p.m. that same day, the ALAA’s “safe space” was used by several members of ALAA to spread further hate and derision, cementing the allegations in Plaintiffs’ pleadings as to the fetid, putrid and rank antisemitism spewed by the ALAA’s members and leadership. First, one Michael Letwin used the Gaggle app “safe space” to accuse Israel of being on an “extermination” campaign against Palestinians (See, **Exhibit B** hereto). Invoking Holocaust imagery against Jewish people is a classic, internationally recognized form of antisemitism.

11. Further demonstrating the status-based nature of the Gaggle app as a “safe space” depending on ALAA members’ backgrounds, one Yosmin Badie, by Gaggle message sent at 4:57 p.m. in response to another member’s message expressing a desire for more camaraderie and compassion, stated, verbatim, as follows: “I will never have camaraderie with Zionists.” (See, **Exhibit C** hereto). In all likelihood, Ms. Badie had yet to actually see a copy of the Complaint in this action, as it was pointed out early and prominently therein (See, Complaint at paragraph 5) that one common form of antisemitism is to refer to all people of Jewish descent as “Zionists”, and to use the word “Zionist” as pejorative and antisemitic slur.

12. Once again, it's clear that the ALAA leadership and many of its members view the Gaggle communications app not as a "safe space" as that term is generally understood and commonly used, but instead a "safe space for virulent antisemitism to be directed at our Jewish members and those who stand in support and 'solidarity' with them."

13. As if to underscore the above and remove all doubt as to how the Gaggle communication app is used by ALAA leadership and many members, via Gaggle message sent at 7:14 p.m. the very night that this action was filed containing a screenshot of the link to this case taken from the NYSCEF E-Filing system, one Zachory Nowosadzki spread the following venom for ALAA's Jewish members and those who stand in "solidarity" with them:

"FYI – Looks like the Zionists are running scared and know the resolution will overwhelmingly pass and so have filed an OSC to try to enjoin the vote tomorrow y'all....."

(See, **Exhibit D** hereto annexed)

14. As if to remove all doubt as to the hate-filled nature of the ALAA's "safe space" and the fact that it isn't safe in the slightest for its Jewish members and those who stand in "solidarity" with them, by Gaggle message sent at 9:19 a.m. this morning, 17 November 2023, one Katherine Pecore sent the following message: "From the river to the sea!"


15. "From the river to the sea!" happens to be considered by many scholars who have studied the history of antisemitism and hate movements in general to be a call for the genocide of Jewish people and the complete and utter destruction of the nation of Israel.

16. It is respectfully asserted that the foregoing additional context, facts and circumstances only serve to underscore the allegations set forth in the Complaint as to the overtly antisemitic nature of the proposed Resolution at issue in the instant matter. *In fact, they couldn't*

have done a better job of bolstering the credibility of the claims made by Plaintiffs in the Complaint if they were affirmatively, proactively attempting to do so.

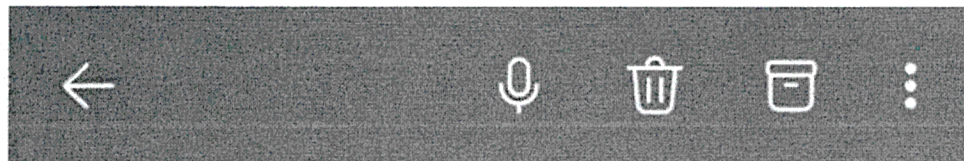
17. For all the above-stated reasons, and as set forth in this Supplemental Affirmation, Plaintiff's must have the immediate intervention of this Court. In the event that the "Resolution" that is annexed to the Complaint herein as **Exhibit A** has already been put to a vote by the ALAA, it is respectfully submitted that the Court can and must under our prayer for relief for such "other further and different relief" to add to the Order to Show Cause, when signed, that Defendants be prohibited from taking any further action of any kind in furtherance of this "Resolution" pending hearing and determination of this action.

WHEREFORE, Your Affirmant prays that the relief requested herein and in the Summons & Complaint and Order to Show Cause herein, be granted in all respects.



David A. Smith
Law Office of David A. Smith, PLLC
*Attorneys for Plaintiffs DIANE T. CLARKE,
ILANA KOPMAR, ISAAC ALTMAN, and DAVID
ROSENFELD*
500 Old Country Road, Suite 109
Garden City, New York 11530
(516) 294-7301
Dave153@aol.com

EXHIBIT A

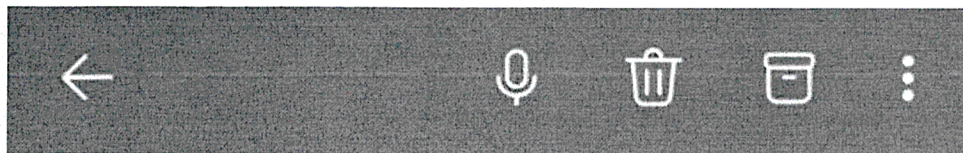


Union siblings:

Gaggle is meant to be a safe space for members to discuss issues that are important to us. ALAA's principles include to advance the economic, social, political, and cultural interests of our members, as well as to protect all members from illegal, improper, arbitrary or discriminatory treatment. I am disgusted to learn that someone has leaked internal union communications to managers and the press. This behavior is completely unacceptable and violates our fundamental principles. Leaking union communications to outside parties only harms our strength and power. Moreover, it puts individual members at real risk of doxxing which will only lead to a silencing of debate and discussion which is so vital to our union.

As a reminder, ALAA does not monitor, police or otherwise interfere with the form or content of members' messages sent through the Gaggle group. This is an intentional choice. A core requirement for robust union democracy is an

⏪ ✓ Reply all



requirement for robust union democracy is an active and engaged membership. I am constantly in awe of the actions and leadership of our rank and file. Another requirement is a transparent and accountable process for decision making including opportunity for discussion and debate and voting. Union democracy also requires everyone to stand in solidarity with the outcomes of democratic decisions. Solidarity is not only a feeling, it is also an action. It is finding ways in which we share common interests and goals and collaborate together to achieve them. I trust our decision making process and I will stand in solidarity with whatever the outcome of the vote.

Solidarity,

Lisa

How to Update Gaggle Preferences

Participation in the Gaggle group is limited to union members, and is completely voluntary. You may also unsubscribe at any time. Gaggle

⏪ ✓ Reply all

EXHIBIT B

This message is from a mailing list.
Unsubscribe



Michael Letwin via ALAA

3:50 PM

To: Yosmin Cc: Jon & 9 more... >

URGENT ACTION: As Israel
escalates extermination of the Gaza ghetto,
with 7000+ Palestinians already dead,

EXHIBIT C



Yosmin Badie via ALAA 4:57 PM



to Stephanie, ALAA, Monica ▾

I will never have camaraderie with zionists.

On Thu, Nov 16, 2023 at 4:45 PM Stephanie Sonsino via ALAA <alaa+stephanie.sonsino_at_gmail.com@gaggle.email> wrote:

Thanks for sharing, Cliff. I am also profoundly disheartened by the lack of camaraderie and compassion on display in these emails. Compassion is so central to our shared work. It's stunning how quickly it evaporated in this discourse. I deeply hope we can revive it soon, and remember that we joined this union to support each other.

EXHIBIT D



Katherine Pecore via... 9:19 AM



to Ignacia, Grxgory, ALAA, Adam,...

From the river to the sea!

Sent from my iPhone

On Nov 17, 2023, at 9:17 AM, Ignacia Lolos Ojeda via ALAA <alaa+mignacia.ojeda_at_gmail.com@gaggle.email> wrote:

Proudly voted yes! Free Palestine 

SUPREME COURT OF THE STATE OF NEW YORK
COUNTY OF NASSAU

Index No. 618764
Year 2023

DIANE T. CLARKE,
ILANA KOPMAR, ISAAC ALTMAN, DAVID ROSENFELD,
Plaintiffs,
-against-
THE ASSOCIATION OF LEGAL AID ATTORNEYS,
AMALGAMATED LOCAL UNION 2325 OF THE INTERNATIONAL
UNION, UNITED AUTOMOBILE, AEROSPACE &
AGRICULTURAL IMPLEMENT WORKERS OF AMERICA (UAW),
AFL-CIO, LISA OHTA, BRET J. TAYLOR, JEREMY BUNYANER,
EMILY C. EATON, MARTYNA KAZNOWSKI, GILLIAN R. KRESS,
IOANA CALIN, PUJA PAULZ
Defendants.

Supplemental Affirmation in Support of
Emergency Order to Show Cause

Signature (Rule 130-1.1-a)

David A. Smith
Print name beneath

LAW OFFICE OF
DAVID A. SMITH, PLLC

Attorney for

Office and Post Office Address, Telephone

500 Old Country Road, Suite 109
GARDEN CITY, NEW YORK 11530

PHONE: (516) 294-7301

FAX: (516) 393-7594

To

Attorney(s) for

Service of a copy of the within is hereby admitted.

Dated

Attorney(s) for

PLEASE take notice that the within is a (certified)
true copy of a
duly entered in the office of the clerk of the within
named court on

Dated,
Yours, etc.,
LAW OFFICE OF
DAVID A. SMITH, PLLC

Attorney for:

Office and Post Office Address

500 Old Country Road, Suite 109
GARDEN CITY, NEW YORK 11530

To

Attorney(s) for

PLEASE take notice that an order
of which the within is a true copy will be presented
for settlement to the Hon.
one of the judges of the within named Court, at

on

at

M.

Dated,

Yours, etc.,
LAW OFFICE OF
DAVID A. SMITH, PLLC

Attorney for

Office and Post Office Address

500 Old Country Road, Suite 109
GARDEN CITY, NEW YORK 11530

To

Attorney(s) for

Exhibit D

Resolution Calling for a Ceasefire in Gaza, an End to the Israeli Occupation of Palestine, and Support for Workers' Political Speech

by the Association of Legal Aid Attorneys, United Auto Workers Local 2325

November 2023

WHEREAS, Palestinian trade unions [issued a statement](#) calling for unionists worldwide to pressure governments to stop all military funding for Israel, to take action against companies involved in Israel's brutal and illegal siege, and to pass motions in our unions to this effect;

WHEREAS, in recent weeks, [working people around the world](#) have shown public support for Palestinian freedom;

WHEREAS, we are legal workers, including attorneys, paralegals, legal advocates, social workers, interpreters, investigators, administrative staff, and more, serving and defending the most demonized and oppressed communities in the United States—poor, criminalized, immigrant, Black and Indigenous people—and [we stand for human rights and against apartheid, ethnic cleansing, and genocide](#);

WHEREAS, Israel has, since the violent tragedy on October 7, 2023, increasingly espoused genocidal rhetoric against all Palestinians, including the Israeli Defense Minister [calling all Gazans "human animals,"](#) and the President of Israel [denying the existence of innocent civilians](#) in the Gaza Strip, and has taken actions to collectively punish civilians in Gaza, such as cutting off food, water, aid, and electricity, and conducting a [widespread bombing campaign](#);

WHEREAS, the United States has [encouraged Israel's escalation of violence](#) against Palestinians—for example, the House of Representatives recently [passed \\$14.3 billion](#) in US military aid beyond the nearly [\\$4 billion a year](#) it provides to Israel annually—and it has otherwise failed to express solidarity with the people of Palestine or taken any actions to do anything but [escalate](#) the current violence;

WHEREAS, [Israel has cut off internet](#) and phone service in Gaza, further isolating Palestinians in Gaza from the rest of the world and from one another;

WHEREAS, since October 7, 2023, Israel has killed [over 11,100 people](#) in Gaza, not counting thousands of missing people and those who are dying from starvation, illness, or [lack of treatment](#);

WHEREAS, Israel has bombed [hospitals, schools, places of worship,](#) and [refugee camps,](#) resulting in numerous deaths of civilians who are already displaced from their homes and are seeking refuge at internationally recognized safe areas;

WHEREAS, on October 13, 2023, Israel gave 1.1 million Palestinians living in northern Gaza only [24 hours to evacuate their homes](#);

WHEREAS, in recent weeks, the number of Palestinian [arrests](#) and Israeli [attacks](#) against Palestinians in the West Bank and Jerusalem have greatly escalated, including [133 Palestinians killed](#) in the West Bank since October 7, 2023;

WHEREAS, Israel is holding approximately [10,000](#) Palestinians in its prisons, many of them under administrative detention without due process, and treatment of Palestinians in prison has [worsened](#) in [recent weeks](#);

WHEREAS, Israel has kept the Gaza Strip under a state of siege [for decades](#), and according to many international human rights organizations, maintains a [colonial apartheid occupation](#) regime against the Palestinian people;

WHEREAS, the recent Israeli siege on Gaza deepens the [ethnic cleansing and dispossession](#) of the Palestinian people that has been ongoing since the Nakba in 1948 and the Balfour Declaration in 1917;

WHEREAS, Palestinians will now need humanitarian relief that reflects the assistance we provide as legal service workers in New York, Detroit, and Texas, including relief to address Palestinian [homelessness](#), refugee [displacement](#), [prisoners rights](#), [criminal defense](#), rights of [parents](#) and [children](#), and access to [food, clean water, medical services, schools](#) and [essential utilities](#).

WHEREAS, in 2022, this local passed a [Resolution on Divestment from Israel Bonds](#), affirming support for individual members and as a local collectively to take action in support of Palestinian liberation from Israeli apartheid;

WHEREAS, many of our members, and the majority of our clients, have ancestors who are survivors of [colonization](#), [apartheid](#), or [genocide](#);

WHEREAS, our members denounce and are subjected to [Islamophobic attacks](#) and [antisemitic threats](#), and such attacks and threats are on the rise as Israel and the United States continue to escalate the violence in Gaza;

WHEREAS, in the face of these ongoing horrors, members of the Association of Legal Aid Attorneys reaffirm and deepen our connection to the Palestinian liberation struggle;

WHEREAS, organized workers at [CAMBA Legal Services Workers United - UAW Local 2325](#), [The Bronx Defenders Union - UAW Local 2325](#), [Make the Road NY Union - UAW Local 2320](#), [workers at the San Francisco Public Defender's Office](#), [United Electrical, Radio and Machine Workers of America](#) (UE), [National Writers Union](#), [the American Postal Workers Union](#), [NYU GSOC - UAW 2110](#), [University of California Academic Workers - UAW 2865](#), [Student Workers of](#)

[Columbia - UAW 2710](#), [Rutgers Adjunct Faculty Union](#), and others have spoken out in solidarity with the Palestinian people in recent weeks;

WHEREAS, [workers](#), [law students](#), and [undergraduate student organizations](#) are being [doxxed](#) for expressing support for Palestinians and opposition to Israeli occupation, ethnic cleansing, and genocide;

WHEREAS, New York County Defender Services pressured attorney [Victoria Ruiz](#) to quit after the New York Post published an article containing a video that [misrepresented](#) her actions at a vigil for Palestinians recently killed by Israel;

WHEREAS, the ALAA chapter at The Bronx Defenders is being [threatened](#) with [organizational defunding](#) due to [The Bronx Defenders Union - UAW Local 2325, October 20, 2023 statement in support of Palestinians](#), which condemned the ongoing genocide and ethnic cleansing of Palestinians committed by Israel and the United States;

WHEREAS, such threats to defund The Bronx Defenders are [threats against vital legal services provided to 20,000 low-income Bronx residents](#), including Bronx parents facing family separation by child protective services in family court as well as Bronx community members facing displacement in Bronx housing court, deportation in immigration court, and prosecution and incarceration in criminal court.

THEREFORE, be it resolved, that the Association of Legal Aid Attorneys, Local 2325 of the United Auto Workers, takes the following positions:

- We call on Israel and the United States to implement an immediate ceasefire; restore water, electricity, gas, and internet; permit international humanitarian assistance, and retract any evacuation orders in Gaza;
- We call for an end to Israeli apartheid and the occupation and blockade of Palestinian land, sea, and air by Israeli military forces;
- We oppose all existing and any future military aid to Israel;
- We endorse the [Boycott, Divestment, and Sanctions](#) movement;
- We endorse [Not On Our Dime](#) legislation, which prohibits not-for-profit corporations in New York from aiding or abetting activity in support of illegal Israeli settlements in violation of the Geneva Conventions of 1949; and
- We support the right of all Palestinian refugees to return to their homeland; and

THEREFORE, be it further resolved, that we reject all attempts to intimidate workers for their political speech, and we will organize against any attempts by our employers to procure funds denied to other legal services providers due to their union's political activism in support of Palestinians and in opposition to the Israeli apartheid regime and occupation; and

THEREFORE, be it further resolved, that we call on our elected officials, [UAW International](#), [labor councils](#) of which we are members, other unions, and our employers to use all available resources to take the actions listed above.

Association of Legal Aid Attorneys, United Auto Workers Local 2325


Exhibit E

ALAA Joint Council Meeting -Tomorrow November 14, 2023 at 6:00PM

Emily Eaton <EEaton@legal-aid.org>

Mon 11/13/2023 5:05 PM

To:ALAA MEMBERS <ALAAMEMBERS@legal-aid.org>;ALAAChapterAnnouncements@googlegroups.com <ALAAChapterAnnouncements@googlegroups.com>;ALAA INVINT <ALAAINVINT@legal-aid.org>
Cc:ALAA@gaggle.email <alaa@gaggle.email>

 3 attachments (773 KB)

September 12, 2023 ALAA JC Meeting Minutes - for approval.pdf; ALAA Resolution for Palestine.pdf; June 21, 2023 ALAA AC Minutes - without executive session - Approved.pdf;

Good afternoon ALAA,

Our next Joint Council meeting will be held on Tuesday, November 14, 2023 at 6:00PM. If you are a delegate or officer, please arrive between 5:00PM and 5:45PM to receive a voting number.

Please find the minutes from our last meeting, held on September 12, 2023, attached to this email. Approval of these minutes will be on the agenda for our meeting Tuesday. I am also attaching the Proposed ALAA Resolution for Palestine. Lastly, I am attaching the minutes from the June 21, 2023 Amalgamated Council meeting.

The Agenda and Zoom link are below:

- Welcome
- Minutes
- Financial Report
- Sectoral Bargaining Update
- Election Committee
- CAMBA Palestine Statement
- Arbitration
- New Business

<https://us02web.zoom.us/j/87944840549?pwd=Rm84V0NQMXFHN0pMaUs2Mkt0R0VuUT09>

In solidarity,


Lisa, Bret, Emily, Alexi, Rita, Lee, Claire

Membership Vote on Propose Palestine Resolution 11/17/23

Lisa Ohta <lohta@alaa.org>

Wed 11/15/2023 11:46 AM

To: ALAA MEMBERS <ALAAMEMBERS@legal-aid.org>; ALAAChapterAnnouncements@googlegroups.com <ALAAChapterAnnouncements@googlegroups.com>; ALAA INVINT <alaainvint@legal-aid.org>; ALAA <alaa@gaggle.email>
Cc: Staff <staff@alaa.org>

 1 attachments (104 KB)

ALAA Resolution for Palestine.pdf;

Union Siblings:

At last night's Joint Council meeting (11/14/22), ALAA delegates voted to send the attached resolution on to the general membership for your consideration and vote on Friday, November 17, 2023 from 9am to 5pm. Voting is limited to dues paying members (i.e. units that have ratified a contract with their employer). We will be using Election Runner as the voting platform and each eligible member should receive a ballot directly from Election Runner on Friday morning. Please reach out to Lee Diaz (LDiaz@alaa.org), Bret Taylor (BTaylor@alaa.org), or Jane Fox (JFox@alaa.org) if you do not receive a ballot.

Please see the attached document for more details on the proposed resolution.

Solidarity,
Lisa