

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF RHODE ISLAND

ROBERT R. COTE
Plaintiff,

vs.

C.A. No. 1:23-cv-00346-MRD-AEM

DONNA TRAVIS, WILLIAM FOLEY,
VINCENT GEBHART, TIMOTHY
HOWE, EDGAR LADOUCEUR,
JAMES MCELROY, JEREMY RIX, and
ANTHONY SINAPI, in their individual
And official capacities as members of the
Council of City of Warwick, Rhode
Island, STEPHEN MCALLISTER, who
Is sued in his official capacity as a
Member of the Council of the City of
Warwick, Rhode Island, PEDER SHAEFER,
In his official capacity as Finance Director of
The City of Warwick, Rhode Island, and the
CITY OF WARWICK, RHODE ISLAND
Defendants.

DEFENDANTS' MEMORANDUM IN SUPPORT OF
MOTION FOR PROTECTIVE ORDER

Plaintiff, Robert Cote, propounded broad discovery requests to each of the nine (9) individual City Council Defendants in this case, as well as the City itself. The Defendants have scoured their personal communications, official email accounts, and other documents in a good faith effort to identify and produce “[a]ll documents referring or relating to Plaintiff” pursuant to Plaintiff’s Amended Requests for Production of Documents. Defendants have produced thousands of pages of responsive documents to date.¹ Upon receiving the Defendants’ discovery responses, Plaintiff has, on multiple occasions, publicly divulged information gleaned through

¹ Plaintiff has produced nothing in response to Defendants’ discovery requests, simply indicating that he deletes all text messages and emails “as they serve no purpose after review.” Plaintiff avers that this has been his practice since 1994.

discovery during City Council meetings and on social media in an effort to harass and embarrass both the Defendant Council Members and various City employees who are not parties to this lawsuit. Plaintiff's improper use of materials produced in discovery warrants the entry of a protective order pursuant to Rule 26(c) of the Federal Rules of Civil Procedure to prevent the further improper dissemination of discovery materials.

This Court has discretion pursuant to Rule 26(c) to “issue an order to protect a party or person from annoyance, embarrassment, oppression, or undue burden or expense” whenever good cause is shown. Fed. R. Civ. P. 26(c). This rule specifically contemplates orders forbidding disclosure of discovery. *See id.* The First Circuit has explained that good cause must be based on a particular factual demonstration of potential harm. *See Anderson v. Cryovac, Inc.*, 805 F.2d 1, 7-8 (1st Cir. 1986).

Federal courts have long recognized that “[t]here is a potential infringement of the first amendment whenever the government prohibits or restrains free speech or publication.” *Id.* at 5. However, in *Seattle Times Company v. Rhinehart*, the United States Supreme Court made clear that there is no absolute public right of access to discovery material. *See* 467 U.S. 20, 32 (1984). The Court reasoned that a litigant has no First Amendment right of access to information made available only for purposes of trying his lawsuit; instead, discovery rules are “a matter of legislative grace” and, as such, “continued control of discovery information does not raise the same specter of government censorship that such control might suggest in other situations.” *Id.* Importantly, the Court explained that, because Rule 26(b)(1) provides for liberal pretrial discovery, there is “significant potential for abuse.” *Id.* at 34. Specifically, litigants have an opportunity “to obtain—incidentally or purposefully—information that not only is irrelevant but if publicly released could be damaging to reputation and privacy.” *Id.* at 35. Consequently, the

Court recognized that “[t]he government clearly has a substantial interest in preventing this sort of abuse of its processes.” *Id.* The Court thus held that where “a protective order is entered on a showing of good cause as required by Rule 26(c), is limited to the context of pretrial discovery, and does not restrict the dissemination of the information if gained from other sources, it does not offend the First Amendment.” *Id.* at 37.

Here, Plaintiff has repeatedly used information gleaned in discovery to harass and embarrass both the named Defendants and other City employees who have no role in this case. For instance, on March 23, 2026, Plaintiff approached the City Council Liaison, a City employee who is not involved in the instant action, just prior to the start of the City Council meeting. Plaintiff began questioning this employee, accused her of acting as a “lookout” at the behest of certain Council members, showed her screenshots of a text message produced by Defendant Foley in discovery, and accused her of lying.² Plaintiff then told this employee that he no longer holds her in high regard and that he intended to drag her into the instant lawsuit. Plaintiff subsequently addressed the City Council during public comment period, during which he announced that he had received a thumb drive of discovery materials to review “because of the situation [he is] embroiled in with the former convicted criminal Ms. Travis.” *See YouTube*, City of Warwick, March 23, 2026 City Council Meeting, <https://www.youtube.com/watch?v=Ezm45VPP1PU&t=7235s> (last visited June 30, 2026), at 1:55:53-2:00:25. Plaintiff continued, stating that the thumb drive contained “volumes of text messages from City Council members Mr. Foley, Mr. Howe, and Mr. McAllister berating people like myself and others that come to Council meetings worried about the fiscal soundness of the City.” *See id.* Plaintiff then turned to Defendant Foley, stating, “Mr. Foley, I’d just like you to be notified that I will enjoy your

deposition at the trial.” *See id.* He then proceeded to recount the contents of a private text message sent to Defendant McAllister by his brother-in-law, who works for the City’s Board of Canvassers. *See id.* This text message is not related to the instant lawsuit.³ Thus, Plaintiff used private communications produced in discovery that are wholly unrelated to the case at bar for the sole purpose of shaming and embarrassing not only the Defendants, but also City employees who are not involved in this case. This was not an isolated incident; Plaintiff discussed the Defendants’ discovery responses during the public comment period of the Warwick City Council as recently as June 15, 2026. *See YouTube*, City of Warwick, June 15, 2026, City Council Meeting, <https://www.youtube.com/watch?v=waICUB6UDhE>, (last visited June 30, 2026), at 1:50:45-1:55:08.

Plaintiff has also been posting about the Defendants’ discovery responses on social media, taking these responses out of context and mischaracterizing them to fit his narrative. For example, Plaintiff posted on the social media site Nextdoor on April 26, 2026, stating, in part: “Just a quick update on my civil rights lawsuit against the city. The council members after 2+ years have finally forwarded discovery. They are attempting to discredit me due to emails that I sent to all on my email list including city officials which pertain to city expenditures, mathematical errors on expenditures, unfunded liabilities etc... citing that this is harassment.” *See Nextdoor Post* (Apr. 26, 2026), attached hereto as Exhibit A. These statements are deliberately misleading in an effort to cast the Defendants in a negative light. To begin, although Plaintiff initially propounded discovery on Defendants in February of 2024, the parties engaged in a settlement conference in April of 2024, and the Defendants subsequently filed a motion for

² The text message that formed the basis of Mr. Cote’s accusations was sent by the City Council Liaison to Defendant Foley on April 1, 2024—nearly nine months after the events that gave rise to this lawsuit—simply stating, “Cote just walked in.”

summary judgment in July of 2024. *See Notice of Hearing*, (Apr. 2, 2024); *Defs' Mot. for Summary Judgment*, E.C.F. No. 35 (July 30, 2024). Consequently, this Court held discovery in abeyance until it reached a decision on the Defendants' motion. This Court issued a decision on Defendants' motion for summary judgment on July 22, 2025 and, thereafter, entered a pretrial scheduling order for the first time in this case. *See Memorandum and Order*, E.C.F. No. 57 (July 22, 2025); *Pretrial Scheduling Order* (Dec. 1, 2025). Consequently, the Defendants' have not, as Plaintiff intimates, evaded discovery for over two years. Moreover, Plaintiff's attempt to malign the Defendants for trying to "discredit" him by producing certain documents in discovery is plainly disingenuous as these documents were produced in response to Plaintiffs' own request for "[a]ll documents referring or relating to Plaintiff."

Plaintiff should not be afforded carte blanche to weaponize the Defendants' discovery responses, many of which are personal communications, in an effort to simultaneously embarrass City officials and employees and promote his narrative about the instant case in the public arena. The dissemination of such information, filtered through Plaintiff's lens and absent any context, opportunity for cross examination, or instruction, has the potential to prejudice the jury pool against the Defendants. This is precisely the type of abuse the Supreme Court cautioned against in *Seattle Times*. *See* 467 U.S. at 34-35. As such, there is good cause for entry of a protective order pursuant to Rule 26(c).

For the foregoing reasons, Defendants respectfully request that this Court grant the instant Motion and prohibit Plaintiff from disclosing the contents of the Defendants' discovery responses for any purpose to anyone other than the parties in this matter, legal staff, expert witnesses, witnesses at depositions, and third-party vendors such as stenographers. The

³ The text message, dated June 12, 2024—nearly a year after the events that gave rise to this lawsuit—states, "Rob Cote just picked up declaration papers lol."

Defendants further request that Plaintiff be prohibited from disclosing the contents of or reproducing any of the Defendants' discovery responses on any social media platform or otherwise making such responses public in any way, including but not limited to discussion at City Council meetings.

Defendants,
By their Attorneys,

/s/ Marc DeSisto

/s/ Sarah D. Boucher

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CERTIFICATION OF SERVICE

I hereby certify that the within document has been electronically filed with the Court on this 1st day of July 2026 and is available for viewing and downloading from the ECF system. Service on counsel of record, as listed below, will be effectuated by electronic means:

Thomas W. Lyons, Esq. (#2946)
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/s/ Sarah D. Boucher

EXHIBIT A

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R

R. C.

Warwick, RI

13 hr ago



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1ST AMENDMENT LAWSUIT UPDATE

Dear friends,

Just a quick update on my civil rights lawsuit against the city. The council members after 2+ years have finally forwarded discovery. They are attempting to discredit me due to emails that I sent to all on my email list including city officials which pertained to city expenditures, mathematical errors on expenditures, unfunded liabilities etc... citing that this is harassment.

In addition, the former council woman and convicted criminal that had me removed by police for holding up the front page of the Providence Journal which highlighted her Grand Jury investigation into stealing a piece of property which was the cause of this legal action, she is now attempting to discredit me for the work that I performed fighting the unfair car taxes in which my efforts resulted in the repeal of the automobile car tax state wide which has resulted in an annual return to the taxpayer of \$128 million dollars.

This is unbelievable. In addition, council president Sinapi is attempting the same , by putting forth to the courts that I publicized in emails to my contacts, that after he failed the Rhode Island bar exam, he sued the state demanding extra time and a private room to retake the exam, which no other law candidate has ever done. While at the same time he put forth legislation in Warwick to limit public speech during council meetings. I must say that I am amused, that they are spending our tax dollars in a feeble attempt to justify the blatant unconstitutional actions of a former council member and convicted criminal.

For those unfamiliar with these events I have attached the video of the council meeting that went viral nation wide.

<https://www.youtube.com/watch?v=uCdurooL7As&t=3s> (<https://www.youtube.com/watch?v=uCdurooL7As&t=3s>)

Enjoy

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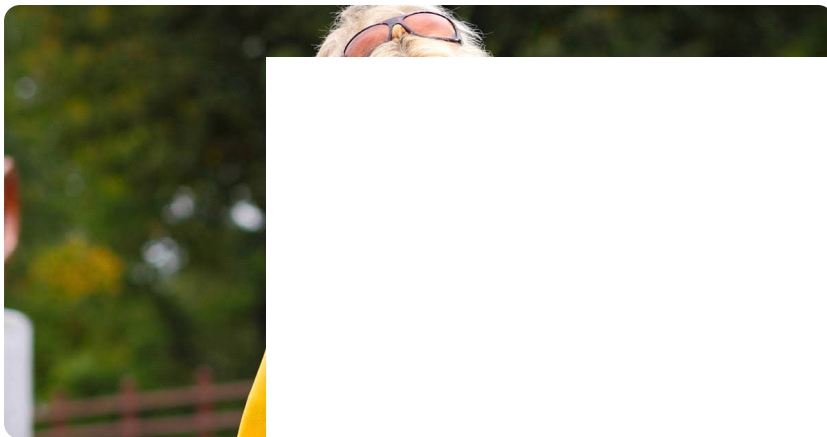
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Create page



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