

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF RHODE ISLAND

HARRISON TUTTLE, et al.

v.

DANIEL J. MCKEE, Governor of the State
of Rhode Island, in his official capacity, et al.

Case No. 25-cv-00563-JJM-PAS

STIPULATION OF SETTLEMENT AND DISMISSAL

WHEREAS this action was commenced by Plaintiffs pursuant to 42 U.S.C. §1983 for violation of rights protected under the First and Fourteenth Amendments to the United States Constitution;

WHEREAS Defendants deny any and all claims of wrongdoing asserted in connection with Plaintiffs' complaint;

WHEREAS no finding of liability has been made;

WHEREAS the parties wish to avoid the expense and disruption of litigation on the issues presented in this litigation and are prepared to settle their differences without admitting any fault or liability;

WHEREAS, the Rotunda of the State House of Rhode Island has historically served as a space for public assembly and has been recognized as a public forum within the meaning of the First Amendment to the United States Constitution by the United States District Court for the District of Rhode Island in *Reilly v. Noel*, 384 F. Supp. 741, 747 (D.R.I. 1974);

WHEREAS, the parties acknowledge and agree that historically the Rotunda of the State House of Rhode Island has not been reserved or rendered off-limits to the public immediately before, during, and after the holding of State of the State address to the General Assembly by the Governor of the State;

WHEREAS, on January 14, 2025, the Rotunda in the Rhode Island State House was reserved by the Governor's Office and rendered off-limits to the public in the hours immediately before, during and after the State of the State Address;

WHEREAS, the Defendants contend that the aforesaid action was taken because of exigent security concerns regarding the large number of protestors Defendants learned shortly before the event were expected to gather in the State House, the possibility of disruption to the State of the State Address, and to ensure the safety and security of all invited guests and public visitors immediately before, during, and after the State of the State event, especially because the Rotunda

and its attached stairways are used for ingress and egress between the First Floor of the State House and the House Chamber on the Second Floor (where the State of the State Address is held);

WHEREAS, Plaintiffs contend that Defendants' decision to close the entirety of the Rotunda to the public on January 14, 2025, in the time immediately before, during and after the State of the State Address, unnecessarily limited public access to the Rotunda and was not necessary to ensure the safety and security of all invited guests and public visitors immediately before, during, and after the 2025 State of the State event;

WHEREAS, Defendants acknowledge based on the experience of the State of the State Address in 2025, and the subsequent State of the State Address in 2026 when Defendants were able to proactively implement different staffing and security measures that accommodated public access to the Rotunda, that absent extraordinary circumstances, it should normally be feasible to take proactive staffing and security measures that will address safety and security concerns while also preserving public access to the Rotunda at least one hour before, during, and one hour after the State of the State event;

NOW, THEREFORE, UPON THE STIPULATION AND AGREEMENT OF THE PARTIES, through the undersigned attorneys for the respective parties¹ herein, that this action is settled, subject to the approval of this Honorable Court pursuant to the Federal Rules of Civil Procedure, on the following terms and conditions²:

1. The parties agree, subject to the terms in paragraph 2 below, that the Rotunda of the State House of Rhode Island shall remain open to the public, for purposes including but not limited to peaceful demonstrations by members of the public, for not less than one hour before, during, and one hour after the holding of the annual State of the State address to the General Assembly by the Governor of the State, however named, and shall not exclude the public or be closed to the public for a "guest-only event" at that time.

2. The Defendants' agreement to preserve public access to the Rotunda before, during, and after the holding of the State of the State address to the General Assembly by the Governor of the State shall be subject to the right to implement safety and security measures and corresponding limitations, such as to ensure safe ingress and egress to the Rotunda and other areas of the State House, including but not limited to the protocols used by the Defendants for the January 2026 State of the State Address, during which portions of the Rotunda (and its attached stairways) were cordoned off from public access so that they could remain open for purposes of ingress and egress between the First Floor of the State House and the House Chamber on the Second Floor (where the State of the State Address is held). This agreement is further subject to and shall not affect

¹ This Stipulation of Settlement and Dismissal with prejudice applies to all Plaintiffs and to all Defendants named in this action, including the named State entities and any employees or agents of said entities, in their official and individual capacities.

² For the avoidance of doubt, the Court's approval and entry of this Stipulation shall not be construed as converting the terms of this Stipulation into a court order enforceable by the court as such, but rather this document reflects the terms of the agreement of the parties with each other as set forth in paragraph 4 below.

Defendants' ability to enforce general laws, orders, and policies, such as related to the removal of non-peaceful demonstrators, and to the ability to take appropriate measures to respond to extraordinary circumstances, such as an emergency that may require evacuation or sealing of the building, or public health conditions that require limitations on public gatherings.

3. The parties agree to the payment of attorneys' fees and costs in the amount of \$20,000.00 in attorneys' fees and \$405.00 in costs, representing a compromise of attorneys' fees and costs. Said payment shall be made by the Defendants to counsel for the Plaintiffs within sixty (60) days of entry of this Stipulation of Settlement by the District Court as follows:

To Sonja Deyoe: \$5,400.00 in fees and \$405.00 in costs

To Lynette Labinger: \$14,600.00 in fees

4. The foregoing agreements and understandings shall be enforceable by the parties under the laws of the State of Rhode Island and are contractual in nature.

5. The sharing of the tribunal-approved award with the American Civil Liberties Union Foundation of Rhode Island is consistent with this Court's decision in *Inmates of RI Training School v. Martinez*, 465 F. Supp. 2d 131 (D.R.I. 2006) and Rhode Island Rules of Professional Conduct. 5.4(a)(4).³

6. The Complaint is dismissed with prejudice. With the exception of the amounts set forth herein, each party shall bear their own fees and costs and waives any right of appeal.

³ Defendants do not object to the inclusion of paragraph 5 in this Stipulation of Settlement but take no position on its substance.

AGREED BY AND BETWEEN THE PARTIES ABOVE-NAMED, BY THEIR COUNSEL:

Plaintiffs,
HARRISON TUTTLE, ERIC HIRSCH and
RHODE ISLAND HOMELESS
ADVOCACY PROJECT,
By their attorneys,

/s/ Lynette Labinger
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Cooperating Attorneys, American
Civil Liberties Union Foundation
Of Rhode Island

Defendants,
DANIEL J. MCKEE, GOVERNOR OF
THE STATE OF RHODE ISLAND, IN HIS
OFFICIAL CAPACITY; MATTHEW
SUTTON, CHIEF OF THE RHODE
ISLAND CAPITOL POLICE, IN
HIS OFFICIAL CAPACITY; MARCO
SCHIAPPA, ACTING DIRECTOR OF THE
DIVISION OF CAPITAL ASSET
MANAGEMENT AND MAINTENANCE,
IN HIS OFFICIAL CAPACITY; AND
COLONEL DARNELL S. WEAVER,
DIRECTOR OF THE RHODE ISLAND
DEPARTMENT OF PUBLIC
SAFETY, IN HIS OFFICIAL CAPACITY,

By:

PETER F. NERONHA
ATTORNEY GENERAL

/s/ Patrick Reynolds
Patrick Reynolds (#10459)
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DATED: July 22, 2026

ENTER: 
Chief Judge

CERTIFICATION

I hereby certify that on July 22, 2026, a true copy of this document was delivered electronically using the CM/ECF system to all counsel of record.

/s/ Lynette Labinger
Lynette Labinger #1645