

2023 ACLU OF RHODE ISLAND CASE DOCKET

Active Cases: January-November 2023

* indicates case opened in 2023; # indicates case closed in 2023

*# ***A.D. v. Bristol-Warren School District***. DISABILITY RIGHTS. This is an administrative complaint against a school district on behalf of a six-year-old child who for months was not given the free and appropriate services he was entitled to due to his serious special education needs. After appropriate services were provided, the case was dismissed. Cooperating attorney: Christine Marinello

* ***Anders v. California State University, Fresno***. SEX DISCRIMINATION. Due to its successful involvement in a similar case, the Affiliate was asked, and agreed, to join a brief supporting this appeal involving a California university's elimination of its women's lacrosse team. The appeal challenges a lower court decision refusing to certify the suit as a class-action, thus severely limiting the remedies available in sex discrimination cases like these. Cooperating attorney: Lynette Labinger

* ***Andrew C. v. McKee***. CHILDREN'S RIGHTS. The ACLU joined this long-standing federal class action lawsuit, filed by a national children's rights organization, that requires the Department for Children, Youth and Families to implement systemic reforms to improve its treatment of children in its care and custody. A detailed settlement agreement designed to address numerous deficiencies was entered in 2017, but significant areas of non-compliance remain, prompting the ACLU's intervention. Cooperating attorney: Lynette Labinger.

* ***A.P. v. North Kingstown School District***. STUDENTS' RIGHTS. Complaint before the state Department of Education, filed in collaboration with R.I. Legal Services, against the West Warwick and North Kingstown school districts for excessively and unlawfully restraining and placing in seclusion young children, resulting in mental health trauma and physical injury. Cooperating attorney: Ellen Saideman

Blanchette v. Town of Narragansett. STUDENTS' RIGHTS/POLICE MISCONDUCT. Federal lawsuit on behalf of a high school student with disabilities who was thrown to the ground, handcuffed, and arrested by a school resource officer for disorderly conduct after "giving the finger" to the SRO. The defendants agreed to an award of monetary damages. Cooperating Attorneys: Amato DeLuca, Matthew Provencher

Calderon v. Nielsen. RIGHTS OF IMMIGRANTS. Successful habeas corpus petition, filed by the ACLU of Massachusetts with initial ACLU of RI assistance, that has since been amended into a class-action lawsuit, on behalf of a Providence mother of two who was detained by ICE officials after appearing at an interview to pursue a change in her undocumented immigration status. Numerous orders have been issued by the court as the case proceeds. ACLU of Massachusetts Attorney: Adriana Lafaille

Chapdelaine v. Neronha (Freitas v. Kilmartin). CRIMINAL JUSTICE. Federal lawsuit challenging the constitutionality of a state law barring certain sex offenders from residing within 1,000 feet of a school. A temporary restraining order against enforcement of the law was issued, and after substantial discovery and intervening revisions to the law, the court ruled the statute unconstitutional. Cooperating Attorneys: Lynette Labinger, John MacDonald

* ***Cintron v. Bibeault***. RIGHTS OF PRISONERS. A "friend of the court" brief in an appeal supporting an ACI inmate's constitutional challenge to his confinement in solitary for over a year as a violation of the constitutional ban on cruel and unusual punishment. Oral argument has been scheduled. Cooperating attorneys: Sonja Deyoe, Lynette Labinger

Cohen v. Brown University. SEX DISCRIMINATION. Reopening of an almost-two-decades-old lawsuit challenging Brown University's violation of a consent agreement requiring gender equity in the school's athletic program. A new agreement was reached, in which the University reinstated two women's sports programs that had been cut and agreed to formal monitoring for four years. A group of students intervened to contest the settlement, but an appellate court upheld the agreement and the U.S. Supreme Court denied a petition to review the case. Cooperating Attorney: Lynette Labinger

* ***Cote v. Travis.*** FREEDOM OF SPEECH. Federal lawsuit challenging the Warwick City Council's refusal to allow a resident to speak at a meeting based on the content of his remarks. The parties agreed to a consent order allowing him to make his comments at the next Council meeting. Additional proceedings are pending. Cooperating Attorneys: Thomas W. Lyons, Rhiannon Huffman

*# ***Cotugno v. GoLocalProv.*** FREEDOM OF THE PRESS. Proposed "friend of the court" brief filed in support of a petition by a digital news website seeking review of a lower court's decision allowing a defamation lawsuit brought against the website to proceed. The Court denied the Affiliate permission to file the brief. The petition for certiorari remains pending. Cooperating attorney: Carolyn Mannis

*# ***Doe v. McKee.*** FREEDOM OF SPEECH/RIGHTS OF THE HOMELESS. This lawsuit was filed on behalf of two dozen homeless individuals camping at the State House who were protesting the lack of adequate housing in the state and who were ordered to leave the site. The court denied the plaintiffs' request for a preliminary injunction, and no appeal was filed. Cooperating attorneys: Richard Corley, Lynette Labinger

Doe v. Providence School District. STUDENTS' RIGHTS/RIGHTS OF IMMIGRANTS. Lawsuit, filed jointly with R.I. Legal Services, charging the Providence School District with violating laws and regulations governing the provision of educational services to English Language Learner students. A court has ruled that the district was in violation of the law. Cooperating Attorney: Ellen Saideman

Gaines v. State of Rhode Island. DISABILITY DISCRIMINATION. Lawsuit challenging the R.I. Department of Education's failure to reasonably accommodate the plaintiff's disability while employed there. Discovery is proceeding. Cooperating Attorneys: Georgi Vogel-Rosen, Lynette Labinger

* ***GoLocalProv v. Providence Public School District.*** OPEN RECORDS. Open records lawsuit challenging the school district's significant redaction and withholding of records relating to a controversial bidding process for a multimillion-dollar "integrated facilities services" contract for the district. A decision is awaited. Cooperating Attorneys: Fausto Anguilla, Lynette Labinger

Hanson v. Jensen. DUE PROCESS/ECONOMIC JUSTICE. Federal lawsuit against the state Department of Labor and Training for freezing unemployment insurance benefits of thousands of eligible residents without notice or explanation. After taking various interim measures, the DLT entered into a settlement agreement requiring the agency to follow detailed due process procedures before withholding benefits, and to be subject to a court-reviewed monitoring process for fifteen months, which is now completed. Cooperating Attorneys: Ellen Saideman, Lynette Labinger

Johnson v. City of Pawtucket. RACE DISCRIMINATION/STUDENTS' RIGHTS. Federal lawsuit on behalf of a 13-year-old Black middle school student who was arrested by a school resource officer and detained in jail for allegedly getting in a fight with another girl. A motion by defendants to dismiss the case was denied, and discovery is proceeding. Cooperating Attorneys: Shannah Kurland, Lynette Labinger

* ***J.P. v Providence School District***. DISABILITY RIGHTS. Complaint to the U.S. Department of Education, filed with R.I. Legal Services, against the Providence School District for failing to provide parents of special education students the documents used to determine a child's eligibility for services and the type of services to be provided. Cooperating attorney: Ellen Saideman

Lambert v. State of Rhode Island. JUVENILE JUSTICE. "Friend of the court" brief challenging the Department of Corrections' retroactive application of a policy changing the way it calculates parole eligibility dates for juvenile offenders who are serving consecutive sentences. After the court ordered the petitioner's release, the state filed a petition seeking review by the R.I. Supreme Court. Cooperating Attorneys: Lisa Holley, Sonja Deyoe, Lynette Labinger

* ***LeBlanc v. City of Pawtucket***. PRIVACY RIGHTS. Federal lawsuit on behalf of five firefighters challenging the warrantless search by police of their personal lockers at the fire station. Cooperating attorneys: Danilo Borgas, Richard Sinapi

Liberty v. R.I. Department of Corrections. DISABILITY RIGHTS/RIGHTS OF PRISONERS. Federal lawsuit, filed with the ACLU National Prison Project and Disability Rights RI, challenging the Department of Corrections' use of solitary confinement on individuals with severe and persistent mental illness. Discovery is proceeding. Cooperating Attorney: James Rollins ACLU NPP Attorney: Maria Morris

Lyssikatos v. King. OPEN RECORDS/POLICE MISCONDUCT. Lawsuit against the Pawtucket Police Department over its refusal to release final reports of police officer misconduct investigations generated by its Internal Affairs Division. Plaintiff's motion for summary judgment was denied, but the case was settled when the defendants agreed to release most of the records. Cooperating Attorney: James Cullen

* ***Monteiro v. State of Rhode Island***. CRIMINAL JUSTICE. Habeas corpus petition challenging the state's position that an important criminal justice reform enacted by the General Assembly in 2021, designed to give young offenders serving lengthy sentences a chance for early release on parole, doesn't apply to the person the law was overtly enacted to help. The court ruled in the petitioner's favor, but the R.I. Supreme Court issued a stay of the decision pending appeal. Cooperating attorneys: Sonja Deyoe, Lisa Holley, Lynette Labinger

Morelli v. Rhode Island Public Transit Authority. PRIVACY. Class-action lawsuit challenging RIPTA and United Healthcare's negligence in allowing a data breach that compromised the personal and health care information of thousands of current and former state employees, including many with no connection to RIPTA. The court rejected the defendants' motion to dismiss the case. Cooperating Attorneys: Peter Wasylyk, Carlin Philips

Neves v. State of Rhode Island; Ortega v. State of Rhode Island; Nunes v. State of Rhode Island. JUVENILE JUSTICE. Three habeas corpus petitions challenging the Department of Corrections' retroactive application of a policy changing the way it calculates parole eligibility dates for juvenile offenders serving consecutive sentences. The court ordered the petitioners' release, and the R.I. Supreme Court has agreed to hear the cases. Cooperating Attorneys: Lisa Holley, Sonja Deyoe, Lynette Labinger

* ***Parents Leading for Educational Equity v. Providence Public School Department***. DISABILITY RIGHTS. Federal lawsuit challenging the failure of the Providence School District to provide 3-to-5-year-olds the special education services to which they are entitled under the law. An interim settlement agreement has been entered. Cooperating Attorneys: Ellen Saideman, Lynette Labinger

Perry v. Spencer. RIGHTS OF PRISONERS. This is a “friend of the court” brief filed by all ACLU Affiliates in the First Circuit seeking appellate review of a decision granting qualified immunity to corrections officials who placed a person in solitary confinement for over a year without procedural due process. Cooperating Attorney: Lynette Labinger

In re R.I. Department of Labor and Training. LANGUAGE DISCRIMINATION. Federal administrative complaint, filed with R.I. Legal Services, challenging the state Department of Labor and Training’s failure to provide adequate language interpretation services. The U.S. Department of Labor found the DLT in violation of a prior consent decree and has ordered compliance measures. Cooperating Attorney: Ellen Saideman

*Schultz v. Bellamy-Goslin.* PREGNANCY DISCRIMINATION. Lawsuit on behalf of a newly hired employee at a professional cleaning service who was immediately terminated after the company learned she was pregnant. The defendants agreed to pay monetary damages. Cooperating Attorney: Mark Gagliardi

Shepard v. Diniz. RIGHTS OF PRISONERS/FREEDOM OF SPEECH. Federal lawsuit, filed with the Center for Justice, challenging a person’s placement in solitary confinement for eight months after he raised concerns with prison officials about a variety of condition issues. Discovery is proceeding. Cooperating Attorney: Brett Baubien

*Soto Alvarado v. Garland. RIGHTS OF IMMIGRANTS. The ACLU of RI joined in a “friend of the court” brief in support of a domestic violence victim’s petition to reopen her deportation case to allow her to plead reliance on a federal statute designed to give victims in her circumstances the opportunity to apply for immigration relief. The court granted the motion. Cooperating Attorney: Deborah Gonzalez

Stern v. City of Providence. OPEN RECORDS. Lawsuit challenging the City’s refusal to release any documents related to its decision to bar a rapper from performing at a local night club. The court denied the City’s motion to dismiss and its subsequent motion for summary judgment. Cooperating Attorney: Jeff Levy

*Stewart and Cruz v. City of Pawtucket.* FREEDOM OF SPEECH. Federal lawsuit challenging a city ordinance banning the placement of political signs on residential property more than 60 days before an election. After the City agreed to a temporary restraining order against enforcement of the ordinance, the order was made permanent, and damages were awarded. Cooperating Attorney: Richard A. Sinapi

Yanes v. Martin. RIGHTS OF IMMIGRANTS. Class-action habeas corpus petition, filed with the National ACLU, challenging the continued civil detention of ICE detainees at the Wyatt Detention Center in light of the dangers of Covid-19 at prison facilities. The suit has led to the release of dozens of detainees. Settlement negotiations are proceeding. Cooperating Attorneys: Deborah Gonzalez, Jared Goldstein