

## 2024 ACLU OF RHODE ISLAND CASE DOCKET

Active Cases: January-November 2024

\* indicates case opened in 2024; # indicates case closed in 2024

\* ***ACLU of Rhode Island v. Salisbury***. ACCESS TO THE COURTS. Lawsuit challenging on various grounds the Department of Corrections' unilateral adoption of practices authorizing the opening of attorney-client mail outside the presence of prisoners. Cooperating Attorneys: Sonja Deyoe, Lynette Labinger

# ***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. The appellate court overturned the lower court ruling, allowing the class-action to proceed. 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 to address numerous deficiencies was entered in 2017, but significant areas of non-compliance remained, prompting the ACLU's intervention. Monitoring of the settlement agreement is ongoing. Cooperating Attorney: Lynette Labinger.

\* ***A.O. v. Warwick School District***. ECONOMIC JUSTICE. Administrative appeal before a R.I. Department of Education hearing officer of the school district's policy of charging families for repairs and replacement of school-loaned Chromebooks regardless of their ability to pay. The case has been briefed and a decision is awaited. Cooperating Attorney: Ellen Saideman

***A.P. v. North Kingstown School District; P. Doe v. West Warwick School District***. STUDENTS' RIGHTS. Complaints before the state Department of Education, filed in collaboration with R.I. Legal Services, against two school districts for excessively and unlawfully restraining and placing in seclusion young children, resulting in mental health trauma and physical injury. The cases are in different stages of administrative review. Cooperating Attorney: Ellen Saideman

\* ***Blackie v. Hammond***. POLICE MISCONDUCT/RACE DISCRIMINATION. Federal lawsuit on behalf of an African American man who was twice arrested and jailed by police on the basis of a knowingly false affidavit filed by a Woonsocket police officer. Cooperating Attorneys: Joshua Xavier, Chloe Davis

***Calderon v. Nielsen***. RIGHTS OF IMMIGRANTS. Successful habeas corpus petition, filed by the ACLU of Massachusetts with initial ACLU of RI assistance, that was 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, and settlement negotiations are proceeding. ACLU of Massachusetts Attorney: Adriana Lafaille

***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 held and a decision is awaited. 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. The formal monitoring has ended with the University in full compliance with the settlement agreement. 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

**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 ruled that the district was in violation of the law, and a RI Department of Education hearing officer is considering potential remedies. 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: Sonja Deyoe, 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. After various documents were provided, the suit was voluntarily dismissed. Cooperating Attorney: Fausto Anguilla

\***J.E.L. v. Charest.** CHILDREN'S RIGHTS. Class-action lawsuit, filed with Disability Rights Rhode Island and a national children's rights group, challenging the state's denial to Medicaid-eligible children of their right to community-based mental health care. Cooperating Attorney: 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. The complaint was dismissed. Cooperating Attorney: Ellen Saideman

# **Lambert v. State of Rhode Island; Martinez v. State of Rhode Island.** CRIMINAL 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 offenders serving consecutive sentences. The court rejected the state's position and ordered the petitioners' release. The state appealed to the R.I. Supreme Court, where the cases are pending. 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. Under a settlement agreement, the defendants acknowledged the unconstitutionality of the search and paid damages to the plaintiffs. Cooperating Attorneys: Danilo Borgas, Richard Sinapi

**Liberty v. R.I. Department of Corrections; Paiva v. R.I. Department of Corrections.** DISABILITY RIGHTS/RIGHTS OF PRISONERS. Two federal lawsuits, one of which was filed with the ACLU National Prison Project and Disability Rights RI, challenging the Department of Corrections' use of solitary confinement on individuals, including those with severe and persistent mental illness. Discovery and settlement negotiations are proceeding. Cooperating Attorneys: James Rollins, Lynette Labinger  
ACLU NPP Attorney: Maria Morris

\* **McLaren v. Salisbury; DePina v. Salisbury; Leyland v. Salisbury.** RIGHTS OF PRISONERS. This is a trio of negligence lawsuits brought on behalf of the families of three individuals who all died by suicide within the span of five months while incarcerated at the ACI. Discovery is proceeding. Cooperating Attorneys: Mark Decof, Jeffrey Mega, Shad Miller

# **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, 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, which was stayed pending appeal. After oral argument, the R.I. Supreme Court upheld the lower court decision, leading to Monteiro's release. Cooperating Attorneys: Sonja Deyoe, Lisa Holley, Lynette Labinger

**Morelli v. Rhode Island Public Transit Authority.** PRIVACY RIGHTS. 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 defendants' motion to dismiss the case. Settlement negotiations are proceeding. Cooperating Attorneys: Peter Wasyluk, 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 retroactive application of a prison policy governing the calculation of parole eligibility dates for juvenile offenders serving consecutive sentences. The court ordered the petitioners' release, and the R.I. Supreme Court upheld the lower court decision. 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 was entered, and monitoring of the agreement for compliance is ongoing. Cooperating Attorneys: Ellen Saideman, Lynette Labinger

\* **Pawochawog-Mequinosh v. R.I. Department of Corrections.** RELIGIOUS FREEDOM. Federal lawsuit challenging DOC policies that limit the religious freedom of incarcerated individuals, in this case a Native American's request to wear a religious headband. The headband was provided, and settlement negotiations are proceeding. Cooperating Attorneys: Jared Goldstein, Lynette Labinger

**Perry v. Spencer.** RIGHTS OF PRISONERS. "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. Oral argument was heard, and a decision is awaited. Cooperating Attorney: Lynette Labinger

\*# ***Price v. R.I. Department of Labor and Training***. NATIONAL ORIGIN DISCRIMINATION. This administrative appeal challenged a DLT rule that required documentation of medical conditions to qualify for temporary caregiver benefits to be provided by a U.S.-based physician. The agency has reversed its position, authorized benefits to the complainant, and revised the rule to accept documentation from foreign physicians. Cooperating Attorney: Richard Sinapi

***In re R.I. Department of Labor and Training***. LANGUAGE DISCRIMINATION. Federal administrative complaint, filed with R.I. Legal Services, challenging the state DLT'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

\* ***Rivera v. Butler***. FIRST AMENDMENT RIGHTS. Lawsuit on behalf of four low-income tenants threatened with eviction for associating with Reclaim RI, a non-profit agency that organizes tenants to vindicate their rights to safe and healthy housing conditions. An interim settlement agreement was entered and additional proceedings are pending. Cooperating Attorney: Lynette Labinger

***Shepard v. Diniz***. 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: Sonja Deyoe

***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

\*# ***Weekapaug Fire District v. Town of Westerly and Caroline Contrata***. THE RIGHT TO PETITION. Defense representation of a resident sued by the fire district for seeking to intervene in a pending case against the district relating to access to the shore. The fire district dismissed her from the suit after the ACLU's intervention. Cooperating Attorney: Michael Rubin

***Yanes v. Martin***. RIGHTS OF IMMIGRANTS. Class-action habeas corpus petition, filed with the National ACLU at the beginning of the Covid-19 pandemic, challenging the continued civil detention of ICE detainees at the Wyatt Detention Center in light of the dangers of the disease's spread in prison facilities. The suit led to the release of dozens of detainees. A proposed settlement agreement is pending. Cooperating Attorneys: Deborah Gonzalez, Jared Goldstein

**American Civil Liberties Union Foundation of Rhode Island**  
**128 Dorrance Street, Suite 400 - Providence, RI 02903**  
**info@riaclu.org      401-831-7171      www.riaclu.org**