

UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF RHODE ISLAND

CHRISTINE MELENDEZ

v.

TOWN OF NORTH SMITHFIELD, by its  
Treasurer, RICHARD CONNORS, and  
LOCAL 3984, INTERNATIONAL  
ASSOCIATION OF FIREFIGHTERS, by its  
President, BRAYTON ROUND

C.A. No. 03-

**VERIFIED COMPLAINT**

**Jurisdiction And Venue**

1. This is an action for declaratory and injunctive relief and for damages for denial of rights protected by the First and Fourteenth Amendments to the United States Constitution, 42 U.S.C. §§ 1981, 1983, 2000d and 2000e, and for violations of the Constitution and laws of the State of Rhode Island, including Article XIII § 4 of the Rhode Island Constitution, the Rhode Island Civil Rights Act, R.I.G.L. chapter 42-112 (“RICRA”), and the Town Charter of the Town of North Smithfield. This Court has jurisdiction pursuant to 28 U.S.C. §§ 1331 (federal question) and 1343 (civil rights), and the Declaratory Judgment Act, 28 U.S.C. §§ 2201 and 2202, and pursuant to the pendent and supplemental jurisdiction of this Court.
2. Venue is proper in the District of Rhode Island pursuant to 28 U.S.C. § 1391(b).
3. Plaintiff has taken the following administrative actions prior to suit:
  1. Plaintiff timely filed a claim of sex and national origin discrimination prior to the institution of this action. Plaintiff has requested but not received a Notice of Right to Sue thereon. Upon information and belief, the United States Department

of Justice must issue a Notice of Right to Sue and will not be able to do so soon enough to prevent the irreparable harm faced by the plaintiff.

2. Plaintiff timely filed a claim of sex and national origin discrimination pursuant to R.I.G.L. chapter 28-5, with the Commission for Human Rights of the State of Rhode Island. Upon information and belief, due to the actions complained of herein, plaintiff has been unconstitutionally deprived of her right to pursue an action before the Commission pursuant to chapter 28-5.

3. Prior to filing the within action, plaintiff filed a claim before the Town Council of the Town of North Smithfield. Upon information and belief, plaintiff cannot delay this action for forty (40) days before seeking emergency relief of this Court. Upon information and belief, no substantive compensatory relief will be provided until more than forty (40) days have passed from the presentation of her claim to the Town Council.

### **Parties**

4. Plaintiff CHRISTINE MELENDEZ (“plaintiff”) is a citizen of the United States and the State of Rhode Island, residing in the City of Cranston.
5. Defendant TOWN OF NORTH SMITHFIELD (“Town”) is a municipal corporation and government within the State of Rhode Island. The Town is sued by and through its Treasurer, Richard Connors.

1. With respect to the matters complained of herein, the Town has acted and refused to act under color of state law.

2. With respect to the matters complained of herein, the Town is a “person”

within the meaning of Title VII, 42 U.S.C. §2000e(a) and an “employer” within the meaning of Title VII, 42 U.S.C. §2000e(b).

3. With respect to the matters complained of herein, the Town is a recipient of federal funding so as to be subject to the requirements of Title VI, 42 U.S.C. §2000d.

4. With respect to the matters complained of herein, the Town is subject to the requirements contained within the Rhode Island Civil Rights Act, R.I.G.L. c. 42-112.

5. Upon information and belief, and except to the extent described hereinafter, the Town is an “employer” within the meaning of R.I.G.L. §28-5-6(2)(i) of the Rhode Island Fair Employment Practices Act.

6. Defendant LOCAL 3984, INTERNATIONAL ASSOCIATION OF FIREFIGHTERS (“the Local”), is upon information and belief, the union currently representing those persons currently employed as firefighters (all ranks except Chief) of an entity known as North Smithfield Fire and Rescue Service, Inc. The Local is sued by and through its President, Brayton Round. The Local is named herein as a party necessary to effect full relief and to prevent the deprivation of rights to plaintiff.

1. With respect to the matters complained of herein, the Local is a “person” within the meaning of Title VII, 42 U.S.C. §2000e(a) and a “labor organization” within the meaning of Title VII, 42 U.S.C. §2000e(d).

2. With respect to the matters complained of herein and insofar as the Local has acted or seeks to participate in actions of the Town which deprive plaintiff of

statutory and constitutional rights pursuant to Town Ordinance and State law, upon information and belief, the Local has acted and will act in concert with the Town and under color of state law.

### **Facts**

7. Plaintiff is a woman of Hispanic descent.
8. At all times material hereto and since May, 2002, plaintiff has been licensed as an Emergency Medical Technician by the State of Rhode Island, as set forth in Exhibit 1, attached hereto and incorporated herein.
9. At all times material hereto and since April, 2003, plaintiff has been licensed as an Emergency Medical Technician–Cardiac, an advanced licensure authorizing her to provide Advanced Life Support, by the State of Rhode Island, as set forth in Exhibit 2, attached hereto and incorporated herein.
10. At all times material hereto, plaintiff has aspired to serve as a rescue worker/firefighter or related service, including dispatcher, for a municipal fire department within the State of Rhode Island, and has sought consideration for appointment to such positions.
11. Plaintiff is currently and since 2002 employed as an emergency medical technician for a private ambulance service in Rhode Island and also serves as a volunteer on the 911 Rescue Squad of the Scituate Rhode Island Ambulance and Rescue Corps.
12. The Town has, upon information and belief, existed for more than 100 years.
13. Upon information and belief, the Town is a small suburban bedroom or commuter community whose residents (over 98%) are predominantly white or non-minority. Upon information and belief, of the population of approximately 10,000, 50, or less than 0.5% are persons of Hispanic descent.

14. Upon information and belief, the Town is located in close proximity to the City of Woonsocket, which is industrial and multi-racial. Upon information and belief, of the population of approximately 43,000, more than 4000, over 9.0% of the residents of Woonsocket are persons of Hispanic descent, and more than 16% of the residents of Woonsocket are non-white.
15. Upon information and belief, of the population of approximately one million in the State of Rhode Island (2000 Census data), women represent 52%, persons of Hispanic descent represent 8.7%, and the total non-white population of Rhode Island is 15%.
16. Upon information and belief, at all times material hereto and since approximately 1969, governance of the Town has been pursuant to a Town Charter. Excerpts from the Town Charter are attached hereto as Exhibit 3 and incorporated herein.
17. Upon information and belief, at all times material hereto, the Town has not operated its own municipal fire and rescue service.
18. Upon information and belief, historically, fire and rescue services were provided by contract by two private nonprofit organizations, the Primrose Fire Department and the North Smithfield Ambulance and Rescue Association.
19. Upon information and belief, in or about 1997, the Town completed a two-year study which recommended merging the two private fire departments into a single municipal department.
20. Upon information and belief, the Town had previously “studied” the concept of establishing its own municipal fire department for more than 20 years without action.
21. Upon information and belief, the Town declined to take action on the recommended merger at that time. A report of the Providence Journal of July 8, 1997, concerning the recommendation and failure to act is attached hereto as Exhibit 4 and incorporated herein.

22. Upon information and belief, the Town by joint statement of its Town Council reported that, upon creation of a municipal fire department, the Town Charter required that firefighters hired to staff the department would have to be chosen after open testing, and that no current employee of either private fire department could be guaranteed municipal employment. A report of the Providence Journal of August 5, 1997, concerning the Joint Statement is attached hereto as Exhibit 5 and incorporated herein.
23. Upon information and belief, in or about February, 1998, the Local, or its predecessor, filed a petition with the Rhode Island Labor Relations Board seeking a determination that the firefighters employed by the private North Smithfield Volunteer Fire Department were in fact municipal employees.
1. Upon information and belief, in or about May 1999, the Board ruled that members of the private fire department were not in fact employees of the Town.
  2. Upon information and belief, the Town successfully argued to the Board that the firefighters were employed solely by the private organization
  3. A report of the Providence Journal of May 13, 1999, concerning the petition and its outcome is attached hereto as Exhibit 6 and incorporated herein.
24. Upon information and belief, in or about 2002, the two private fire departments serving the Town by contract united in a single private nonprofit department called the North Smithfield Fire & Rescue Services, Inc. (“The Fire Service”).
25. Upon information and belief, at all times material hereto, the Town has had no role in the hiring, retention, discipline, collective bargaining, or determination of qualifications of employees, including firefighters, of The Fire Service.

26. Upon information and belief, at all times material hereto, all persons employed by The Fire Service as firefighters below the rank of Chief have been represented by the Local.
27. Upon information and belief, on or about January 21, 2003, the Town enacted an Ordinance Establishing A municipal Fire Department, as amended, chapter 7.1, a copy of which is attached as Exhibit 7 and incorporated herein.
  1. Among other things, chapter 7.1 established a municipal Fire Department, established the position of Fire Chief, specified that personnel shall be determined by the Council upon recommendation of the Town and Fire Chief.
  2. Among other things, chapter 7.1 provided that “[a]ll full time members of the fire department below the rank of Fire Chief...shall have satisfactorily passed such qualifying tests as the Council shall have established by resolution...[and] that preference for appointment...may first be given to such persons as have served in the capacity of firefighters for the North Smithfield Fire/Rescue Services, Inc. and/or its predecessors, *provided such prospective appointees meet the requirements established by the Fire Chief and the Town Council.*” (Emphasis added)
28. Upon information and belief, notwithstanding the enactment of chapter 7.1, the Town failed to fill any position of firefighter to date, and neither sought nor considered applicants for its Fire Department.
29. Upon information and belief, on or about February 12, 2003, attorney Andrew Prescott advised the Town Solicitor that the Town faced potential liability under one, state common law for negligent hiring, supervision or retention of an employee for failing to exercise reasonable care in selecting or

retaining an unfit employee, and two, under state and federal anti-discrimination laws for giving a preference to current Fire Service employees “because the [Fire Service] employs exclusively white males.” The Town was advised to consider a broad and open hiring process to generate applicants from the general public, to develop a diverse applicant pool and to apply the same qualification standards to all candidates regardless of prior service with The Fire Service. A copy of Prescott’s letter is attached hereto as Exhibit 8 and incorporated herein.

30. Upon information and belief, the Town Solicitor concurred with Prescott’s findings.
31. Upon information and belief, rather than follow the advice of Prescott, the Town sought the passage of legislation by the State of Rhode Island which would one, specifically exempt the Town from liability under the Rhode Island Fair Employment Practices Act for hiring the employees of The Fire Service, and two, provide for indemnification of any judgment against the Town by the State. An article of the Woonsocket Call of April 22, 2003, reporting on these events is attached hereto as Exhibit 9 and incorporated herein. An article of the Woonsocket Call of May 6, 2003, reporting on the adoption of the Town Council resolution requesting passage of the aforesaid legislation, is attached hereto as Exhibit 10 and incorporated herein. A copy of the resolution, dated May 5, 2003, is attached hereto as Exhibit 11 and incorporated herein.
32. A copy of the legislation, as originally introduced, is attached hereto as Exhibit 12 and incorporated herein.
33. On or about June 30, 2003, the Town adopted an Ordinance, chapter 7.2, entitled Fire Department Personnel, a copy of which is attached hereto as Exhibit 13 and incorporated herein. Among other things, chapter 7.2, upon information and belief, established a composition of the new Fire Department identical to the number and composition of the firefighters of The Fire Service,

provided for recognition of seniority acquired by employees of The Fire Service, and further provided that the Town would “first offer employment in the municipal service to the employees of [The Fire Service] at their current respective rank.”

1. Chapter 7.2 further provided that all hiring after the initial employment of The Fire Service employees would “be done after written documentation supplied and/or administered by a recognized testing agency...in accordance with NFPA Standards for Fire Fighter Professional Qualifications then prevailing...criminal background (BCI) check and physical examination.”
  2. For the rank of firefighter, chapter 7.2-6 provided that, prior to the expiration of the one-year probationary period, the individual must obtain NFPA Firefighter Level 1001, and “[a]t a minimum, all Firefighters and Officers are required to maintain EMT and CPR qualification.”
34. Upon information and belief, notwithstanding the passage of chapter 7.2, the Town did not at that time, or at any time to date, make any appointments to the Fire Department thus established.
35. Upon information and belief, the requirement of chapter 7.2 to first offer employment to the employees of The Fire Service, does not comply with, and violates, the requirements for competitive testing and open candidacy set forth in Article III of the Town Charter, which requires in Article III § 5 that all vacancies occurring after its adoption shall be subject to its terms.
36. Upon information and belief, on or about July 2, 2003, the General Assembly passed identical provisions, Senate S 1092 Sub A (Public Law 03-276) and H-6453A (Public Law 03-123), which became law without the signature or veto of the Governor. A copy of each bill (hereinafter “the State exemption”) as enacted is attached hereto as Exhibit 14 and incorporated herein.

Among other things, the State exemption purports to exempt the Town and its officials, among others, from liability or coverage under the RI-FEPA for acquiring The Fire Service and hiring The Fire Service employees as the Town's fire department, provided that “[a]ny and all elections and affirmative votes by the town council that are required to effectuate such acquisition, shall take place on or before September 1, 2003.”

37. Upon information and belief, as a result of the enactment of the State exemption, on or about August 19, 2003, the Town by its Council enacted a resolution to acquire The Fire Service and its personnel effective August 31, 2003. A copy of the Town resolution is attached hereto as Exhibit 15 and incorporated herein.
38. On or about August 13, 2003, in anticipation that the Town would proceed to establish a municipal Fire Department, plaintiff submitted a letter, with her credentials, seeking consideration for a firefighter, EMT, or dispatcher position. On or about August 20, 2003, plaintiff was advised by the Town Administrator that the Town was not prepared to state when or whether any action would be taken upon her request for consideration.
39. Upon information and belief, plaintiff possesses at least the minimum qualifications to serve as a firefighter, dispatcher, or other employee of the Town Fire Department in that:
  1. Plaintiff holds the basic (and advanced) EMT license from the State of Rhode Island.
  2. The Town has not established any standards for appointment to its Fire Department other than current employment by The Fire Service.
  3. The Town does not have a residency requirement for its Fire Department, in that, upon information and belief, approximately one-half of the firefighters

currently employed by The Fire Service reside outside of the Town.

40. Upon information and belief, at no time has the State exemption been submitted to or approved by the electorate of the Town at a special or general election as required by Article XIII §4 of the Rhode Island Constitution in order to become effective.
41. Upon information and belief, no special or general election is scheduled to take place in the Town on or before September 1, 2003, thereby rendering the State exemption void and ineffective by its own terms.
42. Upon information and belief, unless this Court exercises its equitable jurisdiction, the Town will, effective August 31, 2003, acquire The Fire Service and employ all persons currently serving as The Fire Service employees, along with according them seniority based upon their employment with The Fire Service, and further will do so to the exclusion of consideration or eligibility of any person who is not currently a Fire Service employee, including the plaintiff.
43. Upon information and belief, all persons eligible to be employed by the Town as firefighters are known by the Town to be white, non-minority males.
44. Upon information and belief, all persons eligible to be employed by the Town as firefighters are known by the Town to be affiliated and to be required to be affiliated with the Local.
45. Upon information and belief, the Town has not independently reviewed or considered the qualifications of any firefighter employee of The Fire Service, or determined whether or not any firefighter employee of The Fire Service does or would meet standards which the Town intends to impose on all future candidates for rank of firefighter under chapter 7.2.
46. Upon information and belief, in adopting chapter 7.2, in seeking the passage of the State exemption, and in avoiding creating or filling any vacancies on the Fire Department it established in January

2003, the Town intended that it would give an absolute preference in employment to an identified and known group of exclusively white, non-minority males affiliated with the Local , and otherwise prevent any non-white, non-minority, female or unaffiliated applicant from consideration.

47. Upon information and belief, unless enjoined by this Court, the Town will, effective August 31, 2003, acquire The Fire Service and hire as its full complement of firefighters exclusively white, non-minority, males as employees of the Town, and will accord each such individual seniority based upon past service with The Fire Service.
48. Upon information and belief, unless enjoined by this Court, the Town will, effective August 31, 2003, acquire The Fire Service and hire as its full complement of dispatchers and other personnel as employees of the Town and will accord each such individual seniority based upon past service with The Fire Service.
49. As a direct result of the foregoing, plaintiff has been and continues to be denied the opportunity to be considered for employment by the Town in its Fire Department upon the same standards applied to white, non-minority males, and persons affiliated with the Local, and has been and continues to be denied employment by the Town in its Fire Department in favor of white, non-minority males, and persons affiliated with the Local, and has suffered substantial injuries, including but not limited to wages and other fringe benefits, seniority, personal pain, suffering, and embarrassment, and deprivation of constitutionally protected rights of association, due process, and equal protection of the laws.
50. Plaintiff has no adequate remedy at law.

**Count I (Title VII, 42 U.S.C. § 2000e, disparate treatment)**

51. Paragraphs 1 through 50 are incorporated herein as if restated in full.

52. By intentionally and deliberately limiting employment opportunities to white, non-minority, males, and by seeking and obtaining exemption for application of state anti-discrimination laws to further this purpose, the Town has denied plaintiff employment and consideration for employment on the basis of her sex and her national origin, in violation of Title VII, including but not limited to 42 U.S.C. § 2000e-2 (a)(1) and (2).

**Count II (Title VII, 42 U.S.C. § 2000e, disparate impact)**

53. Paragraphs 1 through 50 are incorporated herein as if restated in full.

54. By adopting a selection criterion which regardless of intent has the effect of foreclosing eligibility to all non-white, non-minority, and/or female applicants, the Town has denied plaintiff employment and consideration for employment on the basis of her sex and her national origin, in violation of Title VII, including but not limited to 42 U.S.C. § 2000e-2 (a)(2).

**Count III (Title VI, 42 U.S.C. § 2000d)**

55. Paragraphs 1 through 50 are incorporated herein as if restated in full.

56. By intentionally and deliberately limiting employment opportunities to white, non-minority, males, and by seeking and obtaining exemption for application of state anti-discrimination laws to further this purpose, the Town has denied plaintiff employment and consideration for employment on the basis of her sex and her national origin, in violation of Title VI, 42 U.S.C. § 2000d.

**Count IV (42 U.S.C. § 1981)**

57. Paragraphs 1 through 50 are incorporated herein as if restated in full.

58. By intentionally and deliberately limiting employment opportunities to persons who are white and non-minority, and by seeking and obtaining exemption for application of state anti-discrimination laws to further this purpose, the Town has denied plaintiff the same right to make and enforce

contracts, as is enjoyed by white citizens, in violation of 42 U.S.C. § 1981.

**Count V (42 U.S.C. § 1983, national origin and sex discrimination)**

59. Paragraphs 1 through 50 are incorporated herein as if restated in full.
60. By intentionally and deliberately limiting employment opportunities to persons who are white, non-minority, males, and by seeking and obtaining exemption for application of state anti-discrimination laws to further this purpose, the Town has deprived plaintiff of rights secured by the Equal Protection Clause of the Fourteenth Amendment to the United States Constitution and 42 U.S.C. § 1983.

**Count VI (42 U.S.C. § 1983, constitutionality of State Exemption)**

61. Paragraphs 1 through 50 are incorporated herein as if restated in full.
62. The State exemption, enacted as Public Law. 03-276 and Public Law 03-123, if given effect, deprives plaintiff of the right to pursue discrimination claims based upon her sex and national origin, under the Rhode Island Fair Employment Practices Act, R.I.G.L. chapter 28-5.
63. The State exemption deprives plaintiff of rights secured by the Equal Protection Clause of the Fourteenth Amendment to the United States Constitution and 42 U.S.C. § 1983, and is unconstitutional.

**Count VII (42 U.S.C. § 1983, First Amendment)**

64. Paragraphs 1 through 50 are incorporated herein as if restated in full.
65. By intentionally and deliberately limiting employment opportunities to persons who, prior to their appointment as employees of the Town, are already affiliated with the Local, deprives plaintiff of rights secured by the First Amendment to the United States Constitution and 42 U.S.C. § 1983.

**Count VIII (RICRA)**

66. Paragraphs 1 through 50 are incorporated herein as if restated in full.
67. By intentionally and deliberately limiting employment opportunities to persons who are white, non-minority, and male, and by seeking and obtaining exemption for application of state anti-discrimination laws to further this purpose, the Town has denied plaintiff the same right to make and enforce contracts, as is enjoyed by white male citizens, in violation of the Rhode Island Civil Rights Act, R.I.G.L. § 42-112-1.

#### **Count IX (Violation of Rhode Island Constitution)**

68. Paragraphs 1 through 50 are incorporated herein as if restated in full.
69. Article XIII § 4 of the Rhode Island Constitution provides that any legislative action of the general assembly “in relation to the property, affairs and government of a particular city or town” “shall become effective only upon approval by a majority of the qualified electors of the said city or town voting at a general or special election, except that in the case of acts involving the...expenditure of money by a town the same shall provide for the submission thereof to those electors in said town qualified to vote upon a proposition to impose a tax or for the expenditure of money.”
70. Upon information and belief, the State exemption has not been submitted to the electors of the Town, either at an election or by tax or bond proposition or at a town financial meeting.
71. The State exemption, enacted as Public Law. 03-276 and Public Law 03-123, fails to comply with the requirements of Art. XIII § 4 of the Rhode Island Constitution and is unconstitutional, null and void.
72. In the alternative, the State exemption, enacted as Public Law. 03-276 and Public Law 03-123, having failed to be presented for an “election” required by Art. XIII § 4 of the Rhode Island Constitution on or before September 1, 2003, is null and void under its own terms and has no force

and effect to support the acquisition of The Fire Service and employment of Fire Service employees to the exclusion of all other candidates, including the plaintiff.

**Count X (Violation of Town Charter)**

73. Paragraphs 1 through 50 are incorporated herein as if restated in full.
74. In the absence of the State exemption, chapter 7.2 of the Town ordinances, insofar as it limits consideration of Fire Department candidates to The Fire Service employees, and insofar as it establishes different employment standards for future employees, contravenes the requirements of the Town Charter, to plaintiff's injury.

**Relief Requested**

WHEREFORE, plaintiff respectfully requests that this Court grant the plaintiff the following relief:

1. A declaratory judgment declaring that:
  1. the conduct of defendants described in this Complaint have deprived plaintiff of rights secured by the First and Fourteenth Amendments to the United States Constitution, 42 U.S.C. §§ 1981, 1983, 2000d, 2000e, the Rhode Island Civil Rights Act, Art. XIII § 4 of the Rhode Island Constitution and, after declaring the State exemption invalid, the Charter of the Town of North Smithfield.
  2. Public Law. 03-276 and Public Law 03-123 are unconstitutional in violation of the Equal Protection Clause of the Fourteenth Amendment to the United States Constitution and 42 U.S.C. § 1983 and therefore provide no basis to prevent plaintiff from pursuing a claim under the Rhode Island Fair Employment Practices Act, R.I.G.L. chapter 28-5.
  3. Public Law. 03-276 and Public Law 03-123 having failed to meet the

requirements of Art. XIII § 4 of the Rhode Island Constitution, are unconstitutional, void and of no effect and therefore provide no basis to prevent plaintiff from pursuing a claim under the Rhode Island Fair Employment Practices Act, R.I.G.L. chapter 28-5, and further provide no basis for the Town to restrict employment to current employees of The Fire Service.

4. The Town having failed to hold the requisite elections on or before September 1, 2003, Public Law. 03-276 and Public Law 03-123, are void and of no effect and therefore provide no basis to prevent plaintiff from pursuing a claim under the Rhode Island Fair Employment Practices Act, R.I.G.L. chapter 28-5, and further provide no basis for the Town to restrict employment to current employees of The Fire Service.
2. Pending hearing on the merits, a temporary restraining order and preliminary injunction preventing the Town and the Local from proceeding to acquire The Fire Service and to hire The Fire Service employees, provided that the Town may proceed to staff its Fire Department in accordance with open and competitive selection under its Town Charter.
3. A permanent injunction ordering the Town to appoint plaintiff to the position of firefighter, retroactive to the first date of any such appointment, together with back pay, the value of lost fringe benefits, and retroactive seniority equivalent to the most senior firefighters hired by the Town.
4. Compensatory damages, including interest, for the injuries suffered by plaintiff as a result of the deprivation of her rights by the Town.
5. Attorneys' fees and costs and expenses as authorized by law.

6. Such other and further relief as this Court deems appropriate.

**PLAINTIFF HEREBY CLAIMS TRIAL BY JURY ON ALL ISSUES SO TRIABLE.**

Plaintiff,  
By her attorneys,

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## **VERIFICATION**

I, CHRISTINE MELENDEZ, declare and state, under penalties of perjury, the following:

1. I am the named plaintiff in the above-captioned action.
2. I have read the complaint in the above-captioned action. The complaint is true and accurate to the best of my knowledge, information and belief.

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CHRISTINE MELENDEZ

Subscribed and sworn before me in \_\_\_\_\_, Rhode Island this  
\_\_\_\_ day of \_\_\_\_\_, 2003.

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Notary Public