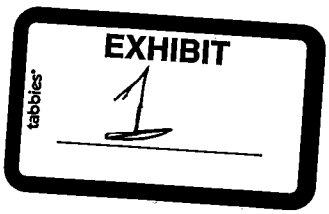
STATE OF RHODE ISLAND AND PROVIDENCE PLANTATIONS
PROVIDENCE, S.C. **SUPERIOR COURT**

Michael Benson,	:	
Nichole Leigh Rowley,	:	
Nichole Leigh Rowley, as parent	:	
and next friend of Baby Roe,	:	
Jane Doe,	:	
Jane Doe, as parent	:	
and next friend of Baby Mary Doe,	:	
Catholics for Life, Inc., dba	:	
Servants of Christ for Life,	:	
PLAINTIFFS	:	
	:	
v.	:	
Gina M. Raimondo, in her official	:	
capacity as Governor for the State	:	**C.A. No. 2019-6761**
of Rhode Island and Providence	:	
Plantations,	:	
Dominick J. Ruggerio, in his official	:	
capacity as President of the Rhode Island	:	
Senate,	:	
Nicholas A. Mattiello, if his official	:	
capacity as Speaker of the Rhode Island	:	**PLAINTIFFS'**
House of Representatives,	:	**FIRST AMENDED**
Peter F. Neronha, in his official capacity	:	**COMPLAINT**
as Attorney General for the State of	:	
Rhode Island and Providence	:	
Plantations,	:	
Francis McCabe, in his official capacity	:	
as Clerk, of the Rhode Island	:	
House of Representatives	:	
Representatives,	:	
John Doe #1, in his official capacity	:	
as a clerk/page, of the Rhode Island	:	
House of Representatives	:	
Representatives,	:	
Robert L. Ricci, in his official capacity as	:	
Secretary of the Rhode Island Senate,	:	
JOHN DOE#2, in his official capacity as	:	
a clerk/page of the Rhode Island	:	
Senate	:	
DEFENDANTS		



FIRST AMENDED COMPLAINT

Introduction

Article I, Section 2, of the Constitution of the State of Rhode Island and Providence Plantations ("Rhode Island Constitution"), specifically prohibits the General Assembly's unilateral passage of a new fundamental "right" to abortion, "or the funding thereof;" when applying the Rhode Island Supreme Court's rules of construction for the Rhode Island Constitution. See, *Mosby v. Devine*, 851 A.2d 1031, 1038 (R.I. 2004). Additionally, in 2004, the voters of the State of Rhode Island and Providence Plantations ("Rhode Island") approved the repeal of Article VI, Section 10 of the Rhode Island Constitution, which stripped the Rhode Island General Assembly of its "residual powers," generally called its "plenary powers." The effective date of the repeal of Article VI, Section 10 of the Rhode Island Constitution ("Article VI, Section 10") was January 1, 2005.

Of equal import, the Rhode Island Constitution has no "privacy" right spelled out within its boundaries, excepting the traditional Article I, Section 6 "Search and Seizure" provision. Nor is there any Rhode Island precedent, wherein the Rhode Island Supreme Court gleans an affirmative "zone of privacy" or a "penumbra," flowing from other rights within the Rhode Island Constitution, from which to fashion any affirmative "privacy rights guaranteed by the decision reached in the United States Supreme Court case of *Roe v. Wade*, 410 U.S. 113 (1973) and its progeny."[1] The Rhode Island Constitution simply does not provide the same pillars, upon

[1] See, Exhibit 4, Stated purpose in Rhode Island General Assembly House Bill 2019 - - H 5125 Substitute B ("H-5125B"). See also, *Roe v. Wade*, 410 U.S. 113, 152 (1973).

which the limited federal "privacy" guarantee of a woman to terminate her pregnancy was laid - - and, therefore, the Rhode Island General Assembly was outside its legislative powers in passing any bill that attempts to "codify *Roe v. Wade*" or maintain some illusory legal "status quo."

The issue of whether the General Assembly has the constitutional authority to pass (and Governor Raimondo to sign in to Rhode Island law) a bill that grants or secures an abortion right, or "privacy guarantee" of abortion, in Rhode Island, is one of first impression for the Rhode Island Supreme Court. Further, the Rhode Island Supreme Court has not yet spoken regarding the scope of limitation on legislative power resulting from the repeal of Article VI, Section 10 of the Rhode Island Constitution.

It is of paramount importance that the Judicial Branch of the Rhode Island government, which is the final arbiter of what the Rhode Island Constitution says, settle, as a matter of law, once and for all, the meaning of Article I, Section 2 - - and the scope of the repeal of Article VI, Section 10 - - relative to the General Assembly's legislative power. The Rhode Island Supreme Court must declare whether the Rhode Island Constitution provides any "privacy" right or substantive due process right that would even allow for the General Assembly to pass a bill like H-5125B. Finally, this Honorable Court must determine whether Governor Raimondo signed a facially void bill in to Rhode Island law, when she signed H-5125B on June 19, 2019.

<u>This case raises a Federal Question, pursuant to United States Constitution, Amendment XIV.</u>

This case raises a specific federal question, pursuant to the Constitution of the United States of America. Specifically, "but for" the General Assembly's passage of, and Governor Raimondo's signing in to law, H-5125B, certain Plaintiffs would not have been stripped of their

specific "legal right" and "privileged status" of personhood. H-5125B repealed R.I. Gen. Laws §11-3-1, et seq. Included in said Chapter 3, Title 11, is the provision that,

> "It shall be conclusively presumed in any action concerning the construction, application or validity of section 11-3-1, that human life begins at the instant of conception **and that said human life at said instant of conception is a person within the language and meaning of the fourteenth amendment of the constitution of the United States**...." *R.I. Gen. Laws §11-3-4* (emphasis supplied).

Specifically, Defendants violated Amendment XIV of the United States Constitution by the unauthorized passage and signing of H-5125B, wherein said U.S. Constitution, Amendment XIV, mandates that,

> "No State shall make or enforce any law which shall abridge the privileges or immunities of citizens of the United States; **nor shall any State deprive any person of life**, liberty, or property, without due process of law...." *U.S. Const., amend. XIV, §1* (emphasis supplied).

Defendants passage of and signing in to law H-5125B, directly deprives Plaintiffs, Baby Roe and Baby Mary Doe of their right to life under the Rhode Island Constitution (Article I, Section 2) and under the U.S. Constitution, Amendment XIV. Rhode Island law specifically conferred the constitutional, legal and privileged status of "person" on Baby Roe and Baby Mary Doe.

A declaration of unconstitutionality of H-5125B will redress Defendants' direct and unconstitutional overriding deprivation of Baby Roe and Baby Mary Doe's legal right and privileged status as a person. Plaintiff, Catholics for Life, Inc., ficticious name Servants of Christ For Life, much like the NAACP and the American Civil Liberties Union, advocates for and represents the rights of others - - in this case, specifically, Baby Roe and Baby Mary Doe.

This Honorable Court must determine the original intent of the Framers of the Rhode Island Constitution, relative to H-5125B.

As far back as our country's founding and the Federalist Papers, it has been within the province of the judicial branch of government to ascertain the "original intent" of constitutional provision and statutes. As Chief Justice John Marshall said, in *Marbury v. Madison*, "It is emphatically the province and duty of the judicial department to say what the law is." See, *Marbury v. Madison*, 5 U.S. (1Cranch) 137 (1803).

Further, current United States Supreme Court Chief Justice John G. Roberts, Jr. has said, "Separation of powers is a zero-sum game. * * * We accept the judiciary's displacement of the democratically elected branches when necessary to decide an actual case...." See, Roberts, John G., Jr., *Article III Limits on Standing*, Duke Law Journal, Vol. 42:1219, 1230. This case poses no threat to the separation of powers doctrine.

The attached affidavits of key members of the 1986 Rhode Island Constitutional Convention (General Counsel to the President of the 1986 Rhode Island Constitutional Convention and 1986 Speaker of the Rhode Island General Assembly's House of Representatives) confirm that the current language of Article I, Section 2, of the Rhode Island Constitution, is mandatory and directed at this Honorable Court as a restraint against the current abuse of legislative power.

Correspondingly, a simple "plain meaning rule" analysis of the current Article VI, Section 10, of the Rhode Island Constitution, confirms that Article VI, Section 10 is repealed. Article VI, Section 10, known as the "residual powers clause," or "plenary powers" clause, prior to its repeal in 2005, stated:

> "The General Assembly shall continue to exercise the powers it has heretofore exercised, unless prohibited in this Constitution."

Again, in 2004, the Rhode Island voters approved the amendment to the Rhode Island Constitution repealing Article VI, Section 10 therein. Our Supreme Court has yet to speak on the impact of the repeal of Article VI, Section 10, in the context of the General Assembly passing an act granting or securing a new fundamental right to abortion in Rhode Island, with a stated purpose "... to codify the privacy rights guaranteed by the decision reached in the United States Supreme Court case of *Roe v. Wade*, 410 U.S. 113 (1973) and its progeny."

Article I, Section 2 is now mandatory and not merely advisory.

"**Prior to** the addition of the equal protection, due process, and anti-discrimination clauses in the [Rhode Island] Constitution, the Rhode Island Supreme Court held that Article I, Section 2 was advisory and not mandatory in nature and that it was addressed to the general assembly as advice and direction rather that to the courts as a restraint on the legislative power." See, *1986 Rhode Island Constitution Annotated Edition*, Rhode Island Bar Association Continuing Legal Education, 1990, at pp.2-3. The language of Article I, Section 2 of the Rhode Island Constitution, is now mandatory, and is addressed to the Rhode Island Courts as a restraint on the abuse of legislative power - specifically restraining the Rhode Island General Assembly from passing any law that attempts to "grant or secure any right to abortion or the funding thereof" - - absent compliance with the Article XIV "Amendments and Revisions." section of the Rhode Island Constitution.

The relevant precise language in the current Article I, Section 2 ("No person shall be

deprived of life, liberty, or property without due process of law, nor shall any person be denied equal protection of the laws. * * * Nothing in this section shall be construed to grant or secure any right relating to abortion or the funding thereof.") was proposed, drafted and promulgated at the 1986 Rhode Island Constitutional Convention.

The General Counsel to the President of the 1986 Rhode Island Constitutional Convention and the 1986 Speaker of the Rhode Island General Assembly's House of Representatives have both sworn, under oath and the pains and penalties of perjury, that it was the intent of the said Article I, Section 2, language to act as a restraint against the Rhode Island General Assembly, from passing any law that proposes to "grant or secure any right to abortion or the funding thereof," in Rhode Island - - without those abortion issues being first presented to the citizens of Rhode Island for a vote amending the Rhode Island Constitution to change or revise the language of Article I, Section 2 of the Rhode Island Constitution. Certain Plaintiffs here are properly registered voters in Rhode Island or its members are registered Rhode Island voters. And, those Plaintiffs are alleging Defendants suppressed their votes.

H-5125B repeals the fetal homicide law and the willful killing of a "quick child," depriving certain Plaintiffs of their legal rights and privileged status.

The Legislative history of the relevant committees, and the House and Senate floor debates, on H-5125B reveal that the sole purpose of the repeal of R.I. Gen. Laws §§ 11-3-1, et seq, and 11-23-5 was to "grant and secure" an abortion right in Rhode Island. H-5125B's stated purpose is, "... to codify the privacy rights guaranteed by the decision reached in the United States Supreme Court case of *Roe v. Wade*, 410 U.S. 113 (1973) and its progeny."

R.I. Gen. Laws §33-22-17, provides for the representation of an "unborn child" in the context of probate proceedings. Prior to repeal, any death of a "quick child," or murder of a pregnant mother, raises statutory standing for the decedent's estate to bring suit on those charges. In addition to being in violation of Article I, Section 2, H-5125B's repeal of R.I. Gen. Laws §11-3-1, et sq. and R.I. Gen. Laws §11-23-5 denies the "unborn child" - through the statutory representative provided for in [probate law], immediately, irrevocably, and permanently, the right to bring suit against the perpetrators under R.I. Gen. Laws §11-3-1, et sq. and R.I. Gen. Laws §11-23-5. Moreover, H-5125B strips Baby Roe and Baby Mary Doe of their legal rights and privileged status as a"person" and/or "quick child."

R.I. Gen. Laws §11-23-5 (c) states:

> "For purposes of this section, "quick child" means an unborn child whose heart is beating, who has electronically measurable brain waves, who is discernibly moving, and who is so far developed and matured as to be capable of surviving the trauma of birth with the aid of usual care and facilities available in the state.

Defendants passage of and signing in to law H-5125B, directly deprives Plaintiff, Baby Mary Doe, the legal and privileged status of "quick child," along with all rights to sue for any invasion of that status.

A declaration of unconstitutionality of H-5125B will redress Defendants' direct and unconstitutional overriding deprivation of Baby Roe and Baby Mary Doe's state and federal legal rights and privileged status as "person," and Baby Mary Doe's legal right and privileged status as a "quick child." Plaintiff, Catholics for Life, Inc., ficticious name Servants of Christ For Life, much like the NAACP and the American Civil Liberties Union, advocates for and represents the rights of others - - specifically, here, Baby Roe and Baby Mary Doe.

Governor Raimondo signed H-5125B into Rhode Island law on June 19, 2019.

The allegations, sworn affidavits, and exhibits in this First Amended Complaint support that Article I, Section 2 must be read, as a matter of law, as a restraint on the legislative power of the Rhode Island General Assembly[2]. Further, the Rhode Island General Assembly was without proper constitutional authority when it passed H-5125B - - without first putting the issue (the creation of a new fundamental right to abortion and the funding thereof) before the citizens of Rhode Island for a vote, in conformity with the procedures set forth in Article XIV Constitutional Amendments and Revisions, of the Rhode Island Constitution.

The Rhode Island General Assembly House Bill H-5125B[3], is facially unconstitutional under the Rhode Island Constitution and under the United States Constitution. Further, to the extent that the General Assembly exceeded its authority under the Rhode Island Constitution, in passing H-5125B, and, since under Article VI, Section 1 the Rhode Island Constitution is the "supreme law of the state," H-5125B is "inconsistent" with the mandates of the Rhode Island Constitution - - and, therefore, the Rhode Island constitution declares that H-5125B "shall be void." Governor Raimondo signed H-5125B in to Rhode Island law on June 19, 2019. And, as such, she signed a facially void law.

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[2] Comprised of two chambers: the Senate and the House of Representatives.

[3] H-5125B is titled "The Reproductive Privacy Act" and is the third version of the original bill. The Senate had its own similar version of the H-5125- Substitute A, called Senate 152 - Substitute A. This complaint is meant to encompass all of these bills and any bill introduced and/or passed by the House and Senate that purports to "codify *Roe v. Wade*" and/or "grant or secure a right to abortion or the funding thereof." The entire text and substance of H-5125B is attached hereto as Exhibit 4, and fully and completely incorporate by reference herein.

It was improper for the General Assembly to transmit a facially void bill, H-5125B, to Governor Raimondo for her signature.

It was improper for this Honorable Court to allow the transmittal of a bill out of the Rhode Island General Assembly to the Governor for her signature, which is constitutionally "void." Accordingly, the Senate Secretary, Clerk of the House of Representatives, or any other person, responsible for said transmission of H-5125B to Governor Raimondo, should have been restrained and enjoined from making such transmission and signing because said bill is inconsistent, unconstitutional, and void under the Rhode Island Constitution. Defendants must now be preliminarily and permanently enjoined from enforcing H-5125B.

Fatally, H-5125B has no severability clause. Therefore, if this Honorable Court determines that any portion of H-5125B evinces an unconstitutional overreach of the legislative power of the General Assembly, the entire bill fails judicial scrutiny under the Rhode Island Constitution.

The Rhode Island Constitution , Article I, Declaration of Certain Constitutional Rights and Principles, mandates, "... that the essential and unquestionable rights and principles hereinafter mentioned shall be established, maintained, and preserved, and shall be of paramount obligation in all legislative, judicial and executive proceedings." Article I, Section 1 further mandates, "... that the constitution which at any time exists, till changed by an explicit and authentic act of the whole people, is sacredly obligatory upon all." *Rhode Island Constitution*, Art. I, Sec.1. The current version of the Rhode Island Constitution was as a result of the 1986 Rhode Island Constitutional Convention.

H-5125B was improperly transmitted to Governor Raimondo for her signature, and therefore, so as to maintain the status quo, pending a decision on Plaintiffs' Declaratory Judgment claim by this Honorable Court, Defendants must be preliminarily and permanently enjoined from enforcing H-5125B.

By the Rhode Island General Assembly's passage of H-5125B, the General Assembly has immediately, irrevocably, and permanently suppressed Plaintiffs right to vote on the issue of a statute with its stated purpose "to codify the privacy rights guaranteed by the decision reached in the United States Supreme Court case of *Roe v. Wade*, 410 U.S. 113 (1973)," - - which by its terms attempts to both "grant and secure" a right to abortion (and the funding thereof) in Rhode Island.

Plaintiffs, Benson, Rowley, and Jane Doe, would all have voted against H-5125B, or a similar law, and against any establishment of any Rhode Island "right" to abortion, had it been properly placed before them, pursuant to mandates of the Rhode Island Constitution. The Rhode Island General Assembly's passage, and Governor Raimondo's signing, of H-5125B, or any similar bill, however, has immediately, irrevocably, and permanently deprived Plaintiffs of their constitutional right to vote on this critical issue of the "grant[ing] or secur[ing] the right to abortion or the funding thereof." This Honorable Court must not countenance such voter suppression.

The necessary remedy (restraining and enjoining the enforcement of H-5125B) allows for a determination from this Honorable Court as to whether the Rhode Island General Assembly lacked constitutional authority to pass H-5125B; and, that H-5125B is per se void under the terms of the Rhode Island Constitution and the United States Constitution. This conclusion is supported by the sworn testimony of key people involved in the promulgation of the current

version of Article I, Section 2 of the Rhode Island Constitution.

The most appropriate remedy/relief is to restrain and enjoin Defendants from enforcing H-5125B.

Article VI declares that the Constitution of the State of Rhode Island and Providence Plantations is the "supreme law of the state." And, "any law inconsistent therewith shall be void." Accordingly, the transmittal clerks/secretaries of the Rhode Island House of Representatives and the Rhode Island Senate should not have transmitted H-5125B to Governor Raimondo. Governor Raimondo lacked the discretionary authority to sign a facially void bill, improperly passed by the Rhode Island General Assembly, and which is rooted in an abuse of legislative power and voter suppression. On June 19, 2019, Governor Raimondo signed H-5125B in to Rhode Island law.

Therefore, the most appropriate remedy sought by Plaintiffs is for this Honorable Court to grant Plaintiffs request for an emergency temporary restraining order, or preliminary injunction, restraining/enjoining the transmittal Clerk/or other designated person of the Rhode Island House of Representatives and the Rhode Island Senate from transmitting the constitutionally void H-5125B bill to Governor Raimondo for signature, preliminarily and permanently enjoining said Clerk/or other designated person from transmitting H-5125B to the Governor, preliminarily and permanently enjoin enforcement of H-5125B, and declare as a matter of law: (1) that H-5125B is void under the Rhode Island Constitution, (2) that the General Assembly abused its legislative power, and (3) that the General Assembly's actions caused voter suppression on that constitutionally specific issue memorialized in the Rhode Island Constitution.

H-5125B's constitutional infirmities cannot be severed nor reconciled with the Rhode Island Constitution, nor with the U.S. Constitution and stare decisis on the issue of abortion rights.

As H-5125B contains no severability clause. If this Honorable Court finds any part of H-5125B unconstitutional, the entire bill fails the Rhode Island Constitutional mandate and the United States Constitutional mandate pursuant to Amendment XIV therein.

There is no "privacy guarantee" in the Rhode Island Constitution, comparable to that found in federal law, that would allow the General Assembly to establish a comparable "privacy" interest like in *Roe v. Wade*. Contrary, the Rhode Island due process clause provides a mandatory restraint against the establishment of the abortion right first found by the United States Supreme Court in *Roe v. Wade*. Even if, *Roe v. Wade* is over turned, the Rhode Island Constitution fails to provide the necessary foundation upon which the United States Supreme Court built the federal " abortion right." H-5125B must fall.

Relevant Procedural History

On March 18, 2019, Plaintiffs' counsel, independently, filed an "amicus brief" with Ruggerio and Mattiello, with a courtesy copy to Governor Raimondo, imploring the Rhode Island Senate and Rhode Island House of Representatives, either or both, to seek an advisory opinion from this Honorable Court, pursuant to Article X, Section 3 of the Rhode Island Constitution, for a determination of whether the General Assembly was exceeding its constitutional limits on their legislative power, and whether the General Assembly was suppressing any of the citizens of Rhode Island's constitutional right to vote. To date, no one from the General Assembly has sought the advisory opinion - - which would have most assuredly avoided the necessity of this

cause of action. A copy of said "amicus brief" is attached hereto as Exhibit 1 and incorporated by reference into this Complaint.

On June 19, 2019, Superior Court Associate Justice, Melissa A. Long, denied Plaintiffs' Motion For a Temporary Restraining Order.

On June 19, 2019, the Senate and House both voted and passed H-5125B, and then transmitted the same to Governor Raimondo. On June 19, 2019, Governor Raimondo signed H-5125B in to Rhode Island law.

Parties and Jurisdiction

PLAINTIFFS - BENSON, ROWLEY, JANE DOE

1. Plaintiff, Michael Benson ("Benson"), is a resident of the Town of North Kingstown, County of Washington, State of Rhode Island and Providence Plantations.
2. Benson is currently a validly registered voter in the Town of North Kingstown, County of Washington, State of Rhode Island and Providence Plantations.
3. Benson has been voting in Rhode Island elections since 1998 and intends to vote in the next Rhode Island state election, and desires to vote on whether Rhode Island should "codify" an abortion right like *Roe v. Wade* and its progeny.
4. Benson understands that the purpose of H-5125B is to establish a new Rhode Island fundamental right to abortion and the funding thereof.
5. If given the chance to vote on H-5125B, or any bill like it, Benson would have voted against it, and against any new "right' to abortion in Rhode Island.
6. Defendants' passage and signing of H-5125B, immediately, irrevocably, and permanently

changed Benson's status as a validly registered voter entitled to vote on the issue of whether to amend the Rhode Island Constitution, pursuant to Article XIV, to establish a new Rhode Island "right" and/or "privacy guarantee" to abortion and the funding thereof.

7. Benson's "rights" and "status" have changed within the meaning of R.I. Gen. Laws §9-30-2.

8. Benson seeks to obtain a determination of the constitutionality of H-5125B and obtain a declaration of his rights and status thereto, within the meaning of R.I. Gen. Laws §9-30-2.

9. Benson claims that Defendants' passage and signing of H-5125B amounts to unconstitutional suppression of his vote.

10. Defendants' passage and signing of H-5125B, immediately, irrevocably, and permanently deprives Benson of his constitutional right to vote on the issue of establishing a new Rhode Island "right" to abortion and the funding thereof.

11. Nichole Leigh Rowley ("Rowley") is a resident of the Town of Lincoln, County of Providence, State of Rhode Island.

12. Rowley is currently a validly registered voter in the Town of Lincoln, County of Providence, State of Rhode Island.

13. Rowley has been voting in elections since 2012 and intends to vote in the next Rhode Island state election, and desires to vote on whether Rhode Island should "codify" an abortion right like *Roe v. Wade* and its progeny.

14. Rowley understands that the purpose of H-5125B is to establish a new Rhode Island fundamental right to abortion and the funding thereof.

15. If given the chance to vote on H-5125B, or any bill like it, Rowley would have voted

against it, and against any new "right' to abortion in Rhode Island.

16. Defendants' passage and signing of H-5125B, immediately, irrevocably, and permanently changed Rowley's status as a validly registered voter entitled to vote on the issue of whether to amend the Rhode Island Constitution, pursuant to Article XIV, to establish a new Rhode Island "right" and/or "privacy guarantee" to abortion and the funding thereof.

17. Rowley's "rights" and "status" have changed within the meaning of R.I. Gen. Laws §9-30-2.

18. Rowley seeks to obtain a determination of the constitutionality of H-5125B and obtain a declaration of her rights and status thereto, within the meaning of R.I. Gen. Laws §9-30-2.

19. Rowley claims that Defendants' passage and signing of H-5125B amounts to unconstitutional suppression of her vote.

20. Passage of H-5125B, or any bill like it, immediately, irrevocably, and permanently deprives Rowley of her constitutional right to vote on the issue of establishing a new Rhode Island "right" to abortion and the funding thereof

21. Jane Doe[4] is a resident of the City of Providence, County of Providence, State of Rhode Island.

22. Jane Doe is currently a validly registered voter in the City of Providence, County of Providence, State of Rhode Island.

23. Jane Doe has been voted in past elections and intends to vote in the next Rhode Island

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[4] "Jane Doe" is a fictitious name to protect the true identity and health of Plaintiff, who is approximately 34 weeks pregnant and in a high risk pregnancy.

state election, and desires to vote on whether Rhode Island should "codify" an abortion right like *Roe v. Wade* and its progeny.

24. Jane Doe understands that the purpose of H-5125B, or any bill like it, is to establish a new Rhode Island fundamental right to abortion and the funding thereof.

25. If given the chance to vote on H-5125B, or any bill like it, Jane Doe would have voted against it, and against any new "right' to abortion in Rhode Island.

26. Defendants' passage and signing of H-5125B, immediately, irrevocably, and permanently changed Jane Doe's status as a validly registered voter entitled to vote on the issue of whether to amend the Rhode Island Constitution, pursuant to Article XIV, to establish a new Rhode Island "right" and/or "privacy guarantee" to abortion and the funding thereof.

27. Jane Doe's "rights" and "status" have changed within the meaning of R.I. Gen. Laws §9-30-2.

28. Jane Doe seeks to obtain a determination of the constitutionality of H-5125B and obtain a declaration of her rights and status thereto, within the meaning of R.I. Gen. Laws §9-30-2.

29. Jane Doe claims that Defendants' passage and signing of H-5125B amounts to unconstitutional suppression of her vote.

30. Passage of H-5125B immediately, irrevocably, and permanently deprives Jane Doe of her constitutional right to vote on the issue of establishing a new Rhode Island "right" to abortion and the funding thereof.

PLAINTIFF - BABY ROE

31. The Uniform Declaratory Judgments Act states:

> "Any person interested in a deed, will, written contract, or other writings, **or whose rights, status, or other legal relations are affected by a statute**, municipal ordinance, contract, or franchise, **may have determined any question or construction of validity arising under the instrument, statute**, ordinance, contract, or franchise **and obtain a declaration of rights, status, or other legal relations thereunder**." *R.I. General Laws §9-30-2.* (emphasis supplied).

32. Rowley is approximately fifteen (15) weeks pregnant with Baby Roe.

33. Prior to enactment of H-5125B, Rhode Island General Laws §11-3-4. "Construction and application of section 11-3-1." provided in part, that

> "It shall be conclusively presumed in any action concerning the construction, application or validity of section 11-3-1, **that human life begins at the instant of conception** and that said human life at said instant of conception **is a person within the language and meaning of the fourteenth amendment of the constitution of the United States....**"

34. R.I. Gen. Laws §11-3-4, conferred on Baby Roe certain legal rights of a "person," under Rhode Island law and the United States Constitution, Amendment XIV.

35. R.I. Gen. Laws §11-3-4, conferred on Baby Roe the privileged status of a "person," under Rhode Island law and the United States Constitution, Amendment XIV.

36. H-5125B immediately, irrevocably, and permanently deprived Baby Roe of his/her said legal right and privileged status of "personhood" under R.I. Gen. Laws §11-3-1. et seq., the due process and equal protection clauses of the Rhode Island Constitution, and the United States Constitution, Amendment XIV.

37. Pursuant to R.I. Gen. Laws §9-30-2, Baby Roe has the statutory right as a "person" "...

whose rights, status, or other legal relations are affected by a statute [H-5125B] * * * may have determined any question of construction or validity arising under the ... statute ... and obtain a declaration of rights, status, or other legal relations thereunder."

38. Pursuant to R.I. Gen. Law §33-22-17, titled, "Representation of unborn, unascertained, and incompetent persons," Rowley has the statutory right to bring a cause of action against any perpetrator or assailant defined in R.I. Gen. Laws §11-3-1, as construed by R.I. Gen. Laws §11-3-4 and R.I. Gen. Laws §11-3-2, on behalf of Baby Roe, because Rowley (or a representative of her estate) could bring the same suit on her own behalf within the requirements of R.I. Gen. Laws §33-22-17.

39. Pursuant to R.I. Gen. Laws §11-3-1 and R.I. Gen. Laws §11-3-2 the death of Baby Roe would be an actionable crime.

40. H-5125B immediately, irrevocably, and permanently deprived Baby Roe of his/her legal rights and privileged status as a "person," the Rhode Island constitutional right to due process and equal protection, and the right to sue for his/her injury or death, pursuant to those R.I. Gen. Laws §11-3-1 and R.I. Gen. Laws §11-3-2.

41. H-5125B immediately, irrevocably, and permanently deprived Baby Roe of his/her legal rights and privileged status as "... a person within the language and meaning of the fourteenth amendment of the constitution of the United States." R.I. Gen. Laws §11-3-4.

42. H-5125B changed the legal rights and status of Baby Roe within the meaning of R.I. Gen. Laws §9-30-2.

43. "But for" the enactment of H-5125B, Baby Roe would still have the legal right and privileged status as a "person" under Rhode Island law, and under the United States

Constitution, Amendment XIV.

44. A determination by the Rhode Island Courts that H-5125B is unconstitutional, under the Rhode Island Constitution and the United States Constitution, will immediately restore Baby Roe's legal rights and privileged status of a "person."

PLAINTIFF - BABY DOE

45. The Uniform Declaratory Judgments Act states:

> "Any person interested in a deed, will, written contract, or other writings, **or whose rights, status, or other legal relations are affected by a statute**, municipal ordinance, contract, or franchise, **may have determined any question or construction of validity arising under the instrument, statute**, ordinance, contract, or franchise **and obtain a declaration of rights, status, or other legal relations thereunder**." *R.I. General Laws §9-30-2.* (emphasis supplied).

46. Jane Doe is approximately thirty-four (34) weeks pregnant with Baby Mary Doe.

47. Prior to enactment of H-5125B, Rhode Island General Laws §11-3-4. "Construction and application of section 11-3-1." provided in part, that

> "It shall be conclusively presumed in any action concerning the construction, application or validity of section 11-3-1, **that human life begins at the instant of conception** and that said human life at said instant of conception **is a person within the language and meaning of the fourteenth amendment of the constitution of the United States...."**

48. R.I. Gen. Laws §11-3-4, conferred on Baby Mary Doe certain legal rights of a "person," under Rhode Island law and the United States Constitution, Amendment XIV.

49. R.I. Gen. Laws §11-3-4, conferred on Baby Mary Doe the privileged status of a "person," under Rhode Island law and the United States Constitution, Amendment XIV.

50. H-5125B immediately, irrevocably, and permanently deprived Baby Mary Doe of her said legal rights and privileged status of "personhood" under R.I. Gen. Laws §11-3-1. et seq., the due process and equal protection clauses of the Rhode Island Constitution, and the United States Constitution, Amendment XIV.

51. Pursuant to R.I. Gen. Laws §9-30-2, Baby Mary Doe has the statutory right as a "person" "... whose rights, status, or other legal relations are affected by a statute [H-5125B] * * * may have determined any question of construction or validity arising under the ... statute ... and obtain a declaration of rights, status, or other legal relations thereunder."

52. Pursuant to R.I. Gen. Law §33-22-17, titled, "Representation of unborn, unascertained, and incompetent persons," Jane Doe has the statutory right to bring a cause of action against any perpetrator or assailant defined in R.I. Gen. Laws §11-3-1, as construed by R.I. Gen. Laws §11-3-4 and R.I. Gen. Laws §11-3-2, on behalf of Baby Mary Doe, because Jane Doe (or a representative of her estate) could bring the same suit on her own behalf within the requirements of R.I. Gen. Laws §33-22-17.

53. Pursuant to R.I. Gen. Laws §11-3-1 and R.I. Gen. Laws §11-3-2 the death of Baby Mary Doe would be an actionable crime.

54. H-5125B immediately, irrevocably, and permanently deprived Baby Mary Doe of her legal rights and privileged status as a "person," the Rhode Island constitutional right to due process and equal protection, and the right to sue for her injury or death, pursuant to those R.I. Gen. Laws §11-3-1 and R.I. Gen. Laws §11-3-2.

55. H-5125B immediately, irrevocably, and permanently deprived Baby Mary Doe of her legal rights and privileged status as "... a person within the language and meaning of the

fourteenth amendment of the constitution of the United States." R.I. Gen. Laws §11-3-4.

56. "But for" the enactment of H-5125B, Baby Mary Doe would still have the legal rights and privileged status as a "person" under Rhode Island law, and under the United States Constitution, Amendment XIV.

57. A determination by the Rhode Island Courts that H-5125B is unconstitutional, under the Rhode Island Constitution and the United States Constitution, will immediately restore Baby Mary Doe's legal rights and privileged status of a "person."

58. Baby Mary Doe is a "quick child" as defined in R.I. Gen. Laws §11-23-5, specifically, Baby Mary Doe is an "unborn child whose heart is beating, who is experiencing electronically measurable brain waves, who is discernibly moving, and who is so far developed and matured as to be capable of surviving the trauma of birth with the aid of usual medical care and facilities available within the state."

59. Pursuant to R.I. Gen. Laws §11-3-1, R.I. Gen. Laws §11-3-2, and R.I. Gen. Laws §11-23-5, the death of Baby Mary Doe would be an actionable crime.

60. H-5125B immediately, irrevocably, and permanently deprived Baby Mary Doe of her legal rights and privileged status as a "quick child," Rhode Island constitutional right to due process and equal protection, and of the right to sue for her injury or death, pursuant to those R.I. Gen. Laws §11-3-1, R.I. Gen. Laws §11-3-2, R.I. Gen. Laws §11-3-4, and R.I. .Gen. Laws §11-23-5.

61. H-5125B changed the legal rights and status of Baby Mary Doe within the meaning of R.I. Gen. Laws §9-30-2.

62. "But for" the enactment of H-5125B, Baby Mary Doe would still have the legal right and

privileged status as a "quick child" under Rhode Island law.

63. A determination by the Rhode Island Courts that H-5125B is unconstitutional, under the Rhode Island Constitution and the United States Constitution, will immediately restore Baby Mary Doe's legal rights and privileged status of a "quick child."

PLAINTIFF - CATHOLICS FOR LIFE, INC., FICTITIOUS NAME,

"SERVANTS OF CHRIST FOR LIFE"

64. The Uniform Declaratory Judgments Act states:

> "Any person interested in a deed, will, written contract, or other writings, **or whose rights, status, or other legal relations are affected by a statute**, municipal ordinance, contract, or franchise, **may have determined any question or construction of validity arising under the instrument, statute**, ordinance, contract, or franchise **and obtain a declaration of rights, status, or other legal relations thereunder**." *R.I. General Laws §9-30-2.* (emphasis supplied).

65. Catholics For Life, Inc. is a domestic non-profit corporation, pursuant to R.I. Gen. Laws §7-6-1 et seq., duly registered in the Office of the Secretary of State for the State of Rhode Island and Providence Plantations, with its principle place of business located in the City of Providence, County of Providence, State of Rhode Island and Providence Plantations.

66. Catholics for Life, Inc., maintains the use of the fictitious name, "Servants of Christ for Life" ("SOCL").

67. Tyler Rowley is registered with the Rhode Island Secretary of State's office as President of SOCL.

68. The stated purpose of SOCL is "Giving witness of official Catholic teachings regarding issues of morality and the sanctity of life."

69. The Amended Statement of Purpose in the By-Laws of SOCL states, in sum, that SOCL's purpose is to advocate for, represent, and support the legal rights of those unborn, specifically, Baby Roe and Baby Mary Doe - - and others similarly situated.

70. SOCL advocates, serves, and represents the interests of individual Rhode Island unborn children that fall within the definition of "person," under R.I. Gen. Laws §11-3-1 et seq., and "quick child," under R.I. Gen. Laws §11-23-5.

71. Defendants' passage and signing of H-5125B, immediately, irrevocably, and permanently deprived SOCL of its right to sue on behalf of unborn "persons'" deprivation of due process and equal protection rights and their privileged status of "person" and/or "quick child," and of its right to fulfill a critical part of its stated purpose in protection of the unborn and promotion of the "sanctity of life."

72. H-5125B changed the "legal relations" of SOCL and Baby Roe and Baby Mary Doe, and others similarly situated, within the meaning of R.I. Gen. Laws §9-30-2.

73. "But for" the enactment of H-5125B, SOCL would still have the legal right to advocate for and represent Baby Roe and Baby Mary Doe, as having the legal rights and privileged status as a "person" under Rhode Island law, and under the United States Constitution, Amendment XIV, and/or as a "quick child," under Rhode Island law.

74. A determination by the Rhode Island Courts that H-5125B is unconstitutional, under the Rhode Island Constitution and the United States Constitution, will immediately restore SOCL's "legal relationship", within the meaning of R.I. Gen. Laws §9-30-2, and SOCL

would still have the legal right to advocate for and represent Baby Roe and Baby Mary Doe as having the legal rights and privileged status as a "person" under Rhode Island law, and under the United States Constitution, Amendment XIV, and/or as a "quick child," under Rhode Island law.

DEFENDANTS

75. Gina M. Raimondo ("Governor Raimondo") is the duly elected Governor for the State of Rhode Island and Providence Plantations, and as head of the Executive Branch of the Rhode Island Government, charged with the duty of signing in to law bills presented to her from the Rhode Island General Assembly.

76. Dominick J. Ruggerio ("Ruggerio") is the duly appointed President of the Rhode Island General Assembly's Senate.

77. Nicholas A. Mattiello (Mattiello), is the duly elected Speaker of the Rhode Island General Assembly's House of Representatives.

78. Peter F. Neronha is the duly elected Attorney General for the State of Rhode Island charged with enforcement of all Rhode Island laws.

79. Francis McCabe ("McCabe") is the duly appointed Clerk of the Rhode Island General Assembly's House of Representatives.

80. John Doe #1, is a clerk/page of the Rhode Island General Assembly's House of Representatives.

81. Robert L. Ricci ("Ricci"), is the duly appointed Secretary of the Rhode Island Senate.

82. John Doe #2 is a secretary/clerk/page in the Rhode Island Senate.

JURISDICTION AND VENUE

83. Jurisdiction lies both with the Superior Court under R.I. Gen. Laws §9-31-1 et seq. and with the Rhode Island Supreme Court pursuant to R.I. Gen. Laws §9-24-27.

84. Venue is proper, under RIGL 9-4-3, as some of the Plaintiffs reside in Providence County and as the Seat of the Rhode Island Government, specifically, the Rhode Island General Assembly's Senate and House of Representatives, Governor Raimondo's Office, Ruggerio's office, Mattiello's office, and Rhode Island Attorney General's office are located in the City of Providence, County of Providence, State of Rhode Island and Providence Plantations.

The 1986 Rhode Island Constitutional Convention

85. In a 1986 letter to the citizens of Rhode Island, the then Secretary of State, Kathleen S. Connell wrote, "As a result of the 1986 Constitutional Convention, the Rhode Island Constitution of 1843 was modernized and amended. This document contains and incorporates all the democratic concepts that have gone before, and takes into account the present needs of Rhode Islanders as determined and approved by the electorate."

86. The relevant Articles herein, of the current Rhode Island Constitution, are the same today as when they were adopted and promulgated at the 1986 Rhode Island Constitutional Convention (1986 Constitutional Convention"), excluding Article VI, Section 10 which was duly and validly repealed in 2005.

87. Article I, Section 1 of the Rhode Island Constitution requires that the Rhode Island Constitution can only be changed by an "explicit and authentic act of the whole people."

Specifically, Article I, Section 1 reads:

> "In the words of the Father of his Country, we declare that 'the basis of our political systems is the right of the people to make and alter their constitutions of government; but that the constitution which at any time exists, till changed by an explicit and authentic act of the whole people, is sacredly obligatory upon all.'"

88. Patrick T. Conley, Ph.d., J.D. ("General Counsel Conley"), has been a duly licensed attorney in the State of Rhode Island since 1973, and was duly appointed as General Counsel to the President of the 1986 Constitutional Convention. See, Exhibit 2, Affidavit of Patrick T. Conley, Ph.D., J.D. ("Conley Affidavit").

89. Matthew J. Smith ("Speaker Smith") was the duly elected Speaker of the Rhode Island General Assembly's House of Representatives at all time relevant to the 1986 Constitutional Convention. See, Exhibit 3, Affidavit of Matthew J. Smith ("Smith Affidavit").

90. Mary Batastini, ("Chairwoman Batastini") was the duly appointed chairwoman of the 1986 Constitutional Convention's Citizens Rights Committee.

91. The Citizens Rights Committee was responsible for all proposals and drafting of the language of the current Article I, Section 2, of the Rhode Island Constitution.

92. The current Article I, Section 2, of the Rhode Island Constitution was proposed, drafted, debated, voted on, adopted and promulgated as part of the 1986 Constitutional Convention. See, Exhibit 2, Conley Affidavit at ¶2.

93. The current Article I, Section 2 of the Rhode Island Constitution reads:

> "Article I, DECLARATION OF CERTAIN CONSTITUTIONAL RIGHTS AND PRINCIPLES, Section 2. Rhode Island Constitution, Laws for the good of the whole - Burdens to be

> equally distributed - Due Process - Equal protection - Discrimination - No right to abortion granted." ("Article I, Section 2").

94. The relevant portion of the text of Article I, Section 2 of the Rhode Island Constitution reads:

> "No person shall be deprived of life, liberty, or property without due process of law, nor shall any person be denied equal protection of the laws. * * * Nothing in this section shall be construed to grant or secure any right relating to abortion or the funding thereof." *Rhode Island Constitution*, Article I, Section 2."

95. As General Counsel to the President of the 1986 Constitutional Convention, wherein the current Article I, Section 2 of the Rhode Island Constitution was drafted, adopted and promulgated, General Counsel Conley conferred and reviewed the language of said Article I, Section 2, Speaker Smith. See, Exhibit 2, Conley Affidavit at ¶3.

96. The intent of the Article I, Section 2 resolutions, regarding due process and equal protection, was to include the due process and equal protection language of the Fourteenth Amendment to the United States Constitution in the Rhode Island Constitution. See, Exhibit 2, Conley Affidavit at ¶13.

97. Because of the concerns of some of the committee members, the framers of Article I, Section 2 added a provision that specifically stated that nothing within the resolution should be construed as granting a right to abortion. See, Exhibit 2, Conley Affidavit at ¶14.

98. The specific wording of Article I, section 2, "Nothing in this section shall be construed to grant or secure any right relating to abortion or the funding thereof.", was rooted in the concern that the Rhode Island Constitution, as amended in 1986, should not leave open

the door for establishment, by the Rhode Island General Assembly, of a fundamental right to abortion - - similar to *Roe v. Wade*, 410 U.S. 113 (1973), - - in the event the U.S. Supreme Court overturned *Roe v. Wade*, or the Congress narrowed its definition of the Fourteenth Amendment to the United States Constitution. See, Exhibit 2, Conley Affidavit at ¶14.

99. It was the intent of Article I, Section 2, to mandate that any establishment of a new Rhode Island fundamental "right" to abortion, and the funding thereof, would require a proper amendment to the Rhode Island Constitution, pursuant to Article XIV of the Rhode Island Constitution. See, Exhibit 2, Conley Affidavit at ¶15; See Exhibit 3, Smith Affidavit at ¶3.

100. General Counsel Conley proposed and drafted, as Secretary/Delegate of the 1973 Limited Rhode Island Constitutional Convention, the current Article XIV-Constitutional Amendments and Revisions section, of the Rhode Island Constitution. See, Exhibit 2, Conley Affidavit.

101. To date, the Due Process and Equal Protection Clauses of the Rhode Island Constitution have not been interpreted by this Honorable Court to include a "substantive" content that would, for example, protect a woman's right to abortion. In fact, the final sentence of the 1986 revision specifically disavows that any such right to abortion is conferred under state law. See, Exhibit 2, Conley Affidavit at ¶16.

102. The delegates of the 1986 Constitutional Convention contemplated and discussed the United States Supreme Court case of Roe v. Wade during the drafting of Article I, Section 2. See, Exhibit 2, Conley Affidavit at ¶16.

103. The last sentence of Article I, Section 2, specifically, "Nothing in this section shall be construed to grant or secure any right relating to abortion.", was meant as a restraint against any unilateral effort by the Rhode Island General Assembly to create a *Roe v. Wade*-type "abortion right," - - absent a proper amendment in accordance with the provisions of Rhode Island Constitution, Article XIV - Constitutional Amendments and Revisions. See, Exhibit 2, Conley Affidavit at ¶16.

104. If the constitutional rationale for the decision in *Roe v. Wade* is rejected or reversed by the U.S. Supreme Court, the alleged "rights" which that decision created cannot be preserved by the State of Rhode Island because the language of Article I, Section 2, clearly excludes "any right relating to abortion or the funding thereof," from the provision of the Rhode Island Due Process clause. See, Exhibit 2, Conley Affidavit at ¶17.

105. Rhode Island's right to privacy (Rhode Island Constitution, Article I, Section 6) has only been applied procedurally to instances of traditional search and seizure and has never been interpreted expansively or substantively in the manner that the U.S. Supreme Court interpreted the right of privacy in *Roe v. Wade*. See, Exhibit 2, Conley Affidavit at ¶17.

106. At all times relevant to the 1986 Constitutional Convention, General Counsel Conley conferred and reviewed the language of the proposed, and later promulgated, current Rhode Island Constitution, Article I, Section 2, with the then Speaker of the General Assembly's House of Representatives, Speaker Smith. See, Exhibit 2, Conley Affidavit at ¶3; See also, Exhibit 3, Smith Affidavit at ¶2.

107. Any passage of any law, by the Rhode Island General Assembly, that attempts to establish a new "fundamental right" to abortion, i.e. and act with a stated purpose to "codify the

privacy rights guaranteed by the decision reached in the United States Supreme Court case of *Roe v. Wade*, 410 U.S. 113 (1973) and its progeny.", outside the Rhode Island Constitution, Article XIV amendment process is facially in violation of Article I, Section 2 of the Constitution of the State of Rhode Island and Providence Plantations; and, pursuant to the Rhode Island Constitution, Article VI "Of the Legislative Power. Constitution supreme law of the state.", said law "shall be void." See, Exhibit 2, Conley Affidavit at ¶19.

108. Passage of H-5125B, or any version of the same, shall be deemed null and void upon passage - as being "inconsistent" and "void" under Article I, Section 2 and Article VI, Section I of the Constitution of the State of Rhode Island and Providence Plantations. See, Exhibit 2, Conley Affidavit at ¶20; See also, Exhibit 3, Smith Affidavit at ¶4.

Rhode Island Voters Repealed the "Plenary Power" of the Rhode Island Legislature, first promulgated in Article VI, Section 10 of the Rhode Island Constitution.

109. Currently, Article VI, Section 10, of the Rhode Island Constitution is repealed. Prior to its repeal in 2005, Article VI, Section 10, was known as the "Residual Powers Clause," sometimes referred to as the "plenary powers" clause stated:

> "The General Assembly shall continue to exercise the powers it has heretofore exercised, unless prohibited in this Constitution.".

110. In 2004 the Rhode Island voters approved the amendment to the Rhode Island Constitution repealing Article VI, Section 10 of the Rhode Island Constitution.

111. The Rhode Island General Assembly is attempting to exercise a "plenary power" or

"residual power" in passing H-5125B, or similar bill, to "grant or secure a right to abortion or the funding thereof," in derogation of the specific prohibitions of Article I, Section 2, of the Rhode Island Constitution.

112. The Rhode Island General Assembly is attempting to exercise a "plenary power" or "residual power" in passing H-5125B, or similar bill, to "grant or secure" a right to abortion or the funding thereof," in derogation of the specific repeal, by the voters of the State of Rhode Island and Providence Plantations, of said "plenary powers" and/or "residual powers."

113. This Honorable Court, to date, has not interpreted the meaning of the repeal of Article VI, Section 10, of the Rhode Island Constitution.

114. Even if this Honorable Court determines that the Rhode Island General Assembly had the "plenary power" and/or "residual power," to "grant or secure any abortion right or the funding thereof" prior to 2005, outside the prohibitions in Article I, Section 2, as a result of the voter-approved repeal of Article VI, Section 10, Rhode Island General Assembly lacks the constitutional authority to do so in 2019.

2019 – H 5125 Substitute B
AN ACT
RELATING TO HEALTH AND SAFETY - THE REPRODUCTIVE PRIVACY ACT

115. The stated purpose of H-5125B, "enacted by the General Assembly" reads:

> "This act would serve to codify the privacy rights guaranteed by the decision reached in the United States Supreme Court case of *Roe v. Wade*, 410 U.S. 113 (1973) and its progeny."

116. H-5125B provides:

> "(a) Neither the state, nor any of its agencies, or political subdivisions shall:
> (1) Restrict an individual person from preventing, commencing, continuing, or terminating that individual's pregnancy prior to fetal viability."

117. H-5125B provides:

> "(a) Neither the state, nor any of its agencies, or political subdivisions shall: ***
> (3) Restrict an individual person from terminating that individual's pregnancy after fetal viability when necessary to preserve the health or life of that individual;
> (4) Restrict the use of evidence-based, medically recognized methods of contraception or abortion except in accordance with the evidence-based medically appropriate standards that are in compliance with state and federal statutes enumerated in subsections (c)(1) and (c)(2), department of health regulations and standards referenced in subsection (c)(3), and subsection (d); or
> (5) Restrict access to evidence-based, medically recognized methods of contraception or abortion except in accordance with the evidence-based medically appropriate standards that are in compliance with state and federal statutes enumerated in subsections (c)(1) and (c)(2), department of health regulations and standards referenced in subsection (c)(3), and subsection (d)."

118. H-5125B repeals the following statute:

> "11-3-2. Murder charged in the same indictment or information. Any person who shall be charged with the murder of any infant child, or any pregnant woman, or of any woman supposed by such person to be or to have been pregnant, may also be charged in the same indictment or information with any and all the offenses mentioned in 11-3-1, and if a jury shall acquit such person on the charge of murder and find him guilty of the other offenses or either of them, judgment and sentence may be awarded against him accordingly."

119. H-5125B repeals the following statute:

> "11-3-1. Procuring, counseling or attempting miscarriage.

> Every person who with the intent to procure the miscarriage of any pregnant woman or woman supposed by such person to be pregnant, unless the same is necessary to preserve her life, shall administer to her or cause to be taken by her any poison or noxious thing, or shall use any instrument or other means whatsoever or shall aid, assist or counsel any person so intending to procure a miscarriage, shall if the woman die in consequence thereof, be imprisoned not exceeding twenty (20) years nor less than five (5) years, and if she does not die in consequence thereof, shall be imprisoned not exceeding seven (7) years nor less than one (1) year, provided that the woman whose miscarriage shall have been caused or attempted shall not be liable to the penalties prescribed by this section."

120. H-5125B repeals the following statute:

> "11-3-4. Construction and application of section 11-3-1.
> It shall be conclusively presumed in any action concerning the construction, application or validity of section 11-3-1, **that human life commences at the instant of conception and that said human life at the instant of conception is a person within the language and meaning of the fourteenth amendment of the constitution of the United States**, and that miscarriage at any time after the instant of conception caused by the administration of any poison or other noxious thing or the use of any instrument or other means shall be in violation of said section 11-3-1, unless the same be necessary to preserve the life of a woman who is pregnant."

121. H-5125B repeals the following statute:

> "11-23-5. Willful killing of unborn quick child.
> (a) The willful killing of an unborn quick child by any injury to the mother of the child, which would be murder if it resulted in the death of the mother; the administration of any woman pregnant with a quick child of any medication, drug, or substance or the use of any instrument or device or other means, with intent to destroy the child, unless it is necessary to preserve the life of the mother; in the event of the death of the child; shall be deemed manslaughter.
> (b) In any prosecution under this section, it shall not be necessary for the prosecution to prove that any necessity existed.
> (c) For the purposes of this section, "quick child" means an unborn child whose heart is beating, who is experiencing electronically measurable brain waives, who is discernibly moving,

and who is so far developed and matured as to be capable of surviving the trauma of birth with the aid of usual medical care and facilities available in this state."

122. H-5125B repeals completely R..I. Gen. Laws Chapter 23 4.12, prohibiting partial birth abortions in the State of Rhode Island, except when it "is necessary to save the life of the mother because her life is endangered by a physical disorder, physical illness, or physical injury, including a life endangering condition caused by or arising from the pregnancy itself; provided, that no other medical procedure would suffice for that purpose."

123. H-5125B provides for the "funding" of abortion as defined in Article I, Section 2.

H-5125B as No Severability Clause

124. H-5125B repeals the following statutory severability clauses: R.I. Gen. Laws §11-3-5, R.I. Gen. Laws §23-4.12-6, and R.I. Gen. Laws §23-4.8-5.

125. H-5125B has no severability clause.

126. There is, at least one section of H-5125B, that is unconstitutional, under the Rhode Island Constitution, therefore the entire bill is unconstitutional.

COUNT I

Violation of Article I, Section 2 of the Rhode Island Constitution
Unconstitutional "Grant" of a "right" to abortion" -
Denial of "legal rights" and privileged status" -
Voter Suppression - Abuse of Legislative Power

127. Plaintiffs hereby incorporate paragraphs 1-126 of this First Amended Complaint into this Count I, as if originally and fully set forth herein.

128. Article I, Section 1 of the Rhode Island Constitution reads:

> "In the words of the Father of his Country, we declare that 'the basis of our political systems is the right of the people to make and alter their constitutions of government; but that the constitution which at any time exists, till changed by an explicit and authentic act of the whole people, is sacredly obligatory upon all.'"

129. Article I, Section 2, of the Rhode Island Constitution establishes a "due process" and "equal protection" right for the "people of the State of Rhode Island and Providence Plantations."

130. Article I, Section 2, of the Rhode Island Constitution specifically declares "No right to abortion granted."

131. Article I, Section 2, of the Rhode Island Constitution proscribes that nothing in Article I, Section 2, i.e. the due process or equal protection clauses, "shall be construed to grant or secure any right relating to abortion or the funding thereof."

132. The repeal of Article VI, Section 10, of the Rhode Island Constitution, denies the Rhode Island General Assembly any claim of "plenary powers" or "residual powers" outside of those enumerated in Article VI of the Rhode Island Constitution.

133. The Rhode Island Constitution is the "supreme law of the state, and any law inconsistent therewith shall be void."

134. The Affidavits of General Counsel Conley and Speaker Smith confirm that Article I, Section 2, was intended by the framers to be a mandatory restraint against the Rhode Island General Assembly from unilaterally "grant[ing]" a fundamental right to abortion in Rhode Island, thereby impermissibly suppressing the constitutional rights of Plaintiffs, and of all the citizens of Rhode Island, to vote on the issue, pursuant to a proper

Constitutional Amendments and revisions process, provided for in Article XIV of the Rhode Island Constitution.

135. H-5125B, stated purpose is to "codify the privacy rights guaranteed by the decision reached in the United States Supreme Court case of *Roe v. Wade*, 410 U.S. 113 (1973) and its progeny.

136. H-5125B, or any similar law, on its face professes to "grant" a "right relating to abortion."

137. The Rhode Island General Assembly, through passage of H-5125B, including the repeal of R.I. Gen. Laws §11-3-1, §11-3-2, §11-3-3, §11-3-4, §11-23-5, §23-4.12-1, §23-4.12-.2, §23-4.12-3, §23-4.12-4, §23-4.12-5, "grant[s]" an unconstitutional absolute right "relating to abortion," on demand.

138. The Rhode Island General Assembly, through passage of H-5125B, which includes, R.I. Gen. Laws §23-4.13.1 and §23-4.13.2, unconstitutionally "grant[s]" a "right relating to abortion," in derogation of the mandatory prohibitions set forth in Article I Section 2 of the Rhode Island Constitution.

139. Plaintiffs' constitutional right to vote, through the Article XIV Constitutional Amendments and Revisions, on the issue of whether to "grant" "any right relating to abortion," has been unconstitutionally suppressed and denied by Defendants' passage and signing of H-5125B.

140. The Rhode Island General Assembly's passage of H-5125B is an attempt to exercise "plenary powers" or "residual powers" which no longer exist as a result of the repeal of Article VI, Section 10, of the Rhode Island Constitution.

141. Plaintiffs have been immediately, irrevocably, and permanently denied their constitutional right to vote on the issue of whether to "grant" "any right relating to abortion" in Rhode Island, by the Rhode Island General Assembly's passage of H-5125B; in derogation of the language of Article I, Section 2 and the repeal of Article VI, Section 10, of the Rhode Island Constitution.

142. Plaintiff, Benson, asserts his intent, and desires his constitutional right, to vote on whether to "grant" a new "right relating to abortion" in the State of Rhode Island.

143. Plaintiff, Rowley, asserts her intent, and desires her constitutional right, to vote on whether to "grant" a new "right relating to abortion" in the State of Rhode Island.

144. Plaintiff, Jane Doe, asserts her intent, and desires her constitutional right, to vote on whether to "grant" a new "right relating to abortion" in the State of Rhode Island.

145. Plaintiff, Baby Roe has been immediately, irrevocably, and permanently denied his/her legal rights and privileged status, within the meaning of R.I. Gen. Laws §9-30-2, under the R.I. Gen. Laws §11-3-1 et seq., as a "person," by Defendants' passage and signing of H-5125B, in derogation of the language of Article I, Section 2 and the repeal of Article VI, Section 10, of the Rhode Island Constitution.

146. Pursuant to R.I. Gen. Laws §33-22-17. Representation of unborn, unascertained, and incompetent persons., and any other applicable Rhode Island statute, Rowley, asserts the claims of Baby Roe.

147. Plaintiff, Baby Mary Doe, have been immediately, irrevocably, and permanently denied her legal rights and privileged status, within the meaning of R.I. Gen. Laws §9-30-2, as a "person" and "quick child," by Defendants' passage and signing of H-5125B, in

derogation of the language of Article I, Section 2 and the repeal of Article VI, Section 10, of the Rhode Island Constitution.

148. Pursuant to R.I. Gen. Laws §33-22-17. Representation of unborn, unascertained, and incompetent persons., and any other applicable Rhode Island statute, Jane Doe, asserts the claims of Baby Mary Doe.

149. Plaintiffs assert that, as the Rhode Island Constitution "exists" today, "till changed by an explicit and authentic act of the whole people, is sacredly obligatory upon all," and the Rhode Island General Assembly lacked and abused its legislative power in passing H-5125B.

150. H-5125B, or any similar bill, violates Article I, Section 1, and Article I, Section 2, and Article VI, Section 10, and Article XIV of the Rhode Island Constitution.

COUNT II

Violation of Article I, Section 2 of the Rhode Island Constitution Unconstitutional "Secur[ing]" the right to abortion" - Denial of "legal rights" and privileged status" - Voter Suppression - Abuse of Legislative Power

151. Plaintiffs hereby incorporate paragraphs 1-150 of this First Amended Complaint into this Count II, as if originally and fully set forth herein.

152. Article I, Section 1 of the Rhode Island Constitution reads:

> "In the words of the Father of his Country, we declare that 'the basis of our political systems is the right of the people to make and alter their constitutions of government; but that the constitution which at any time exists, till changed by an explicit and authentic act of the whole people, is sacredly obligatory upon all.'"

153. Article I, Section 2, of the Rhode Island Constitution establishes a "due process" and "equal protection" right for the "people of the State of Rhode Island and Providence Plantations.

154. Article I, Section 2, of the Rhode Island Constitution specifically declares "No right to abortion granted."

155. Article I, Section 2, of the Rhode Island Constitution proscribes that nothing in Article I, Section 2, i.e. the due process or equal protection clauses, "shall be construed to grant or secure any right relating to abortion or the funding thereof."

156. The repeal of Article VI, Section 10, of the Rhode Island Constitution, denies the Rhode Island General Assembly any claim of "plenary powers" or "residual powers" outside of Article VI of the Rhode Island Constitution.

157. The Rhode Island Constitution is the "supreme law of the state, and any law inconsistent therewith shall be void."

158. The Affidavits of General Counsel Conley and Speaker Smith confirm that Article I, Section 2, was intended by the framers to be a mandatory restraint against the Rhode Island General Assembly from unilaterally "secur[ing]" a fundamental right to abortion in Rhode Island; thereby suppressing the constitutional right of Plaintiffs, and of the citizens of Rhode Island, to vote on the issue, pursuant to a proper Constitutional Amendments and revisions process, provided for in Article XIV of the Rhode Island Constitution.

159. H-5125B, stated purpose is to "codify the privacy rights guaranteed by the decision reached in the United States Supreme Court case of *Roe v. Wade*, 410 U.S. 113 (1973)

and its progeny.

160. H-5125B, or any similar law, on its face professes to "secure" a "right relating to abortion.

161. The Rhode Island General Assembly, through passage of H-5125B, including the repeal of R.I. Gen. Laws §11-3-1, §11-3-2, §11-3-3, §11-3-4, §11-23-5, §23-4.12-1, §23-4.12-2, §23-4.12-3, §23-4.12-4, §23-4.12-5, "secure[s]" an unconstitutional absolute right "relating to abortion," on demand.

162. The Rhode Island General Assembly, through passage of H-5125B, which includes R.I. Gen. Laws §23-4.13.1, §23-4.13.2, unconstitutionally "secure[s]" a "right relating to abortion," in derogation of the prohibitions set forth in Article I Section 2 of the Rhode Island Constitution.

163. Plaintiffs' constitutional right to vote, through the Article XIV Constitutional Amendments and Revisions process, on the issue of whether to "secure" "any right relating to abortion" has been unconstitutionally suppressed and denied by the Rhode Island General Assembly's passage of H-5125B, or any similar bill.

164. The Rhode Island General Assembly's passage of H-5125B is an attempt to exercise "plenary powers" or "residual powers" which no longer exist as a result of the repeal of Article VI, Section 10, of the Rhode Island Constitution.

165. Plaintiffs have been immediately, irrevocably, and permanently denied their constitutional right to vote on the issue of whether to "secure" "any right relating to abortion" in Rhode Island, by the Rhode Island General Assembly's passage of H-5125, or similar bill, in derogation of the language of Article I, Section 2 and the repeal of Article VI, Section 10,

of the Rhode Island Constitution.

166. Plaintiff, Benson, asserts his intent, and desires his constitutional right, to vote on whether to "secure" a new "right relating to abortion" in the State of Rhode Island.

167. Plaintiff, Rowley, asserts her intent, and desires her constitutional right, to vote on whether to "secure" a new "right relating to abortion" in the State of Rhode Island.

168. Plaintiff, Jane Doe, asserts her intent, and desires her constitutional right, to vote on whether to "secure" a new "right relating to abortion" in the State of Rhode Island.

169. Plaintiff, Baby Roe has been immediately, irrevocably, and permanently denied his/her legal rights and privileged status, within the meaning of R.I. Gen. Laws §9-30-2, under the R.I. Gen. Laws §11-3-1 et seq., as a "person," by Defendants' passage of H-5125B, in derogation of the language of Article I, Section 2 and the repeal of Article VI, Section 10, of the Rhode Island Constitution.

170. Pursuant to R.I. Gen. Laws §33-22-17. Representation of unborn, unascertained, and incompetent persons., and any other applicable Rhode Island statute, Rowley, asserts the claims of Baby Roe.

171. Plaintiff, Baby Mary Doe, have been immediately, irrevocably, and permanently denied her legal rights and privileged status, within the meaning of R.I. Gen. Laws §9-30-2, under the Rhode Island General Laws, as a "person" and "quick child," by Defendants' passage and signing of H-5125B, in derogation of the language of Article I, Section 2 and the repeal of Article VI, Section 10, of the Rhode Island Constitution.

172. Pursuant to R.I. Gen. Laws §33-22-17. Representation of unborn, unascertained, and incompetent persons., and any other applicable Rhode Island statute, Jane Doe, asserts the

claims of Baby Mary Doe.

173. Plaintiffs assert that, as the Rhode Island Constitution "exists" today, "till changed by an explicit and authentic act of the whole people, is sacredly obligatory upon all," and the Rhode Island General Assembly lacked, and abused, its legislative authority in passing H-5125B.

174. H-5125B, or any similar bill, violates Article I, Section 1, and Article I, Section 2, attempts to revive the repealed language in Article VI, Section 10, and Article XIV of the Rhode Island Constitution.

COUNT III

Violation of Article I, Section 2 of the Rhode Island Constitution Unconstitutional "Funding" of abortion - Voter Suppression - Abuse of Legislative Power

175. Plaintiffs hereby incorporate paragraphs 1-174 of this First Amended Complaint into this Count III, as if originally and fully set forth herein.

176. Article I, Section 1 of the Rhode Island Constitution reads:

> "In the words of the Father of his Country, we declare that 'the basis of our political systems is the right of the people to make and alter their constitutions of government; but that the constitution which at any time exists, till changed by an explicit and authentic act of the whole people, is sacredly obligatory upon all.'"

177. The Rhode Island Constitution is the "supreme law of the state, and any law inconsistent therewith shall be void."

178. Article I, Section 2, of the Rhode Island Constitution proscribes that nothing in Article I,

Section 2, i.e. the due process or equal protection clauses, "shall be construed to grant or secure any right relating to abortion or the funding thereof."

179. The repeal of Article VI, Section 10, of the Rhode Island Constitution, denies the Rhode Island General Assembly any "plenary powers" or "residual powers," outside of Article VI of the Rhode Island Constitution.

180. The Affidavits of General Counsel Conley and Speaker Smith confirm that Article I, Section 2, was intended by the framers to be a mandatory restraint against the Rhode Island General Assembly from unilaterally "funding" a fundamental right to abortion in Rhode Island, thereby suppressing the constitutional right of Plaintiffs, and of the citizens of Rhode Island to vote on the issue, pursuant to a proper Constitutional amendments and revisions process provided for in Article XIV of the Rhode Island Constitution.

181. H-5125B repeals R.I. Gen. Laws §27-18-28 which reads in relevant part:

> "... (b) Nothing contained in this section shall be construed to pertain to insurance coverage for complications as the result of an abortion."

182. H-5125B provides for a "Medical Assistance expansion for pregnant women/RIte Start" that provides for the "funding" of abortion, in derogation of Article I, Section 2 of the Rhode Island Constitution.

183. Plaintiffs', Benson, Rowley, Jane Doe, and SOCL, constitutional right to vote, through the Article XIV Constitutional amendments and revisions, on the issue of whether to "fund" "any right relating to abortion" has been unconstitutionally suppressed and denied by the Rhode Island General Assembly's passage of H-5125B.

184. The Rhode Island General Assembly's passage of H-5125B is an attempt to exercise

"plenary powers" or "residual powers," which no longer exist as a result of the repeal of Article VI, Section 10, of the Rhode Island Constitution.

185. Plaintiff, Benson, asserts his intent, and desires his constitutional right, to vote on whether to "fund" a new "right relating to abortion" in the State of Rhode Island.

186. Plaintiff, Rowley, asserts her intent, and desires her constitutional right, to vote on whether to "fund" a new "right relating to abortion" in the State of Rhode Island.

187. Plaintiff, Jane Doe, asserts her intent, and desires her constitutional right, to vote on whether to "fund" a new "right relating to abortion" in the State of Rhode Island.

188. Plaintiffs assert that, as the Rhode Island Constitution "exists" today, "till changed by an explicit and authentic act of the whole people, is sacredly obligatory upon all," and the Rhode Island General Assembly lacked, and abused, its legislative authority in passing H-5125B.

189. H-5125B, or any similar bill, violates Article I, Section 1, and Article I, Section 2, and Article VI, Section 10, and Article XIV of the Rhode Island Constitution.

Count IV

Violation of Article VI of the Rhode Island Constitution - "Of The Legislative Power "Any law inconsistent [with the Rhode Island Constitution] shall be void" "Unconstitutional use of repealed "plenary powers" or residual powers"

190. Plaintiffs hereby incorporate paragraphs 1-189 of this First Amended Complaint into this Count IV, as if originally and fully set forth herein.

191. Plaintiffs assert that as the Rhode Island Constitution "exists" today, "till changed by an explicit and authentic act of the whole people, is sacredly obligatory upon all," and the

Rhode Island General Assembly lacked and abused its legislative powers, under the Rhode Island Constitution, in passing H-5125B.

Count V

Violation of U.S. Constitution, Amendment XIV

192. Plaintiffs hereby incorporate paragraphs 1-191 of this First Amended Complaint into this Count V, as if originally and fully set forth herein.

193. But for Defendants' passage and signing of H-5125B, Plaintiffs, Baby Roe and Baby Mary Doe, would not have been deprived of their legal rights and privileged status as a "person" under the meaning and language of the fourteenth amendment to the United States Constitution.

194. A determination that H-5125B is unconstitutional will restore Plaintiffs, Baby Roe and Baby Mary Doe, legal rights and privileged status as a "person" under the meaning and language of the fourteenth amendment to the United States Constitution.

Count VI
Declaratory Judgment - RIGL 9-30-1 et seq.

195. Plaintiffs hereby incorporate paragraphs 1-194 of this First Amended Complaint into this Count VI, as if originally and fully set forth herein.

196. Plaintiffs contend that H–5125B violates Article I, Section 1, Article I, Section 2, Article VI, Section 10, and Article XIV of the Rhode Island Constitution, by "granting' a "right relating to abortion."

197. Plaintiffs contend that any attempt of the Rhode Island General Assembly to "grant" "any right relating to abortion" first mandates a proper Article XIV, Constitutional Amendments and Revisions, adherence - - allowing Plaintiffs to vote on the issue of whether to allow the "grant" of a new fundamental "right relating to abortion."

198. Defendants contend they have sufficient constitutional authority to "grant" a "right relating to abortion" without necessity of following the Article XIV, Constitutional Amendments and Revisions procedures.

199. Plaintiffs contend that H–5125B violates Article I, Section 1, Article I, Section 2, Article VI, Section 10, and Article XIV of the Rhode Island Constitution, by "securing' a "right relating to abortion."

200. Plaintiffs contend that any attempt of the Rhode Island General Assembly to "secure" "any right relating to abortion" first mandates a proper Article XIV, Constitutional Amendments and Revisions, adherence - - allowing Plaintiffs to vote on the issue of whether to allow the "secur[ing]" of a new fundamental "right relating to abortion."

201. Defendants contend they have sufficient constitutional authority to "secure" a "right relating to abortion" without necessity of following the Article XIV, Constitutional Amendments and Revisions procedures.

202. Plaintiffs contend that H–5125B, or other similar bill, violates Article I, Section 1, Article I, Section 2, Article VI, Section 10, and Article XIV of the Rhode Island Constitution, by "funding' a "right relating to abortion."

203. Plaintiffs contend that any attempt of the Rhode Island General Assembly to "fund" "any right relating to abortion" first mandates a proper Article XIV, Constitutional

Amendments and Revisions adherence - - allowing Plaintiffs to vote on the issue of whether to allow the "fund" of a new fundamental "right relating to abortion."

204. Defendants contend they have sufficient constitutional authority to "fund" a "right relating to abortion" without necessity of following the Article XIV, Constitutional Amendments and Revisions procedures.

205. Plaintiffs contend that the Rhode Island General Assembly has no "residual powers" or "plenary powers" upon which to rely as a basis of authority to pass and sign H-5125B.

206. Defendants contend they have sufficient constitutional authority to grant and/or secure any right relating to abortion and the funding thereof, claiming "plenary powers" or "residual powers."

207. Plaintiffs contend that H-5125B violates the Rhode Island Constitution and the United States Constitution.

208. Defendants contend that H-5125B does not violate the Rhode Island Constitution or the United States Constitution.

209. A dispute now exists between Plaintiffs and Defendants as to the constitutionality of H-5125B, pursuant to the Rhode Island Constitution and the United States Constitution.

210. As such, a real and actual controversy exists under R.I. Gen. Laws §9-30-1 et seq., to allow this Honorable Court to decide whether the legal position of Plaintiffs or Defendants is correct.

WHEREFORE, Plaintiffs request the following relief:

1. A grant of an emergency temporary restraining order, restraining and prohibiting Ruggerio, Mattiello, McCabe, Ricci, John Doe #1, and John Doe #2, from transmitting H-

5125B, or any similar bill, to Governor Raimondo for her signature - the transmittal and signing is imminent and this is one of the only ways this Honorable Court can preserve the status quo.

2. A grant of a preliminary injunction, enjoining and prohibiting Ruggerio, Mattiello, McCabe, Ricci, John Doe #1, and John Doe #2, from transmitting H-5125B, or any similar bill, to Governor Raimondo for her signature - the transmittal and signing is imminent and this is one of the only ways this Honorable Court can preserve the status quo.

3. A grant of a permanent injunction, enjoining and prohibiting Ruggerio, Mattiello, McCabe, Ricci, John Doe #1, and John Doe #2, from transmitting H-5125B, or any similar bill, to Governor Raimondo for her signature - the transmittal and signing is imminent and this is one of the only ways this Honorable Court can preserve the status quo.

4. A grant of a preliminary injunction, enjoining and prohibiting Defendants from enforcing H-5125B.

5. A grant of a permanent injunction, enjoining and prohibiting Defendants from enforcing H-5125B.

6. A declaration that H-5125B is unconstitutional pursuant to the Rhode Island Constitution.

7. A declaration that H-5125B is unconstitutional pursuant to the United States Constitution, Amendment XIV.

8. A declaration that H-5125B is "void" pursuant to the Rhode Island Constitution.

9. A declaration that Ruggerio, Mattiello, and the Rhode Island General Assembly (both

House and Senate) lacked the legislative power, under Article VI of the Rhode island Constitution, to pass H-5125B.

10. A declaration that the "codification," "grant" or "securing" of "any right relating to abortion or the funding thereof" in Rhode Island must go through the Article XIV Constitutional amendments and Revisions process - - including a vote by the citizens of the State of Rhode Island.

11. A declaration that Plaintiffs, and all the citizens of Rhode Island, have a right to vote, for or against, the establishment of a new fundamental "right" to abortion (and the funding thereof) in the State of Rhode Island.

12. A grant of an emergency restraining order, preliminary injunction, and permanent injunction prohibiting Governor Raimondo from signing H-5125B, or any similar law, if the General Assembly has already transmitted it to her for signing.

13. An award of attorneys fees and court costs to Plaintiffs, particularly in light of the "amicus brief" (See, Exhibit 1), that was provided to Ruggerio, Mattiello, and Governor Raimondo, three (3) months ago, wherein the above issues were raised; and, wherein these fees and costs could have been avoided.

14. Any and all other relief that this Honorable Court deems just and proper.

Plaintiffs,
By Their Attorney,

/s/ Diane Messere Magee
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Dated: June 25, 2019

CERTIFICATION

I hereby certify that on this 25th day of June, 2019, I have e-served the within document via the ECF filing system and that it is available for viewing and downloading, and email delivered to the following below:

State of Rhode Island and Providence Plantations
Office of Attorney General
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/s/ Diane Messere Magee