

2011 RHODE ISLAND ACLU CASE DOCKET

Cases Active January-December 2011

* indicates case opened in 2011; # indicates case closed in 2011

*Ahlquist v. City of Cranston. SEPARATION OF CHURCH AND STATE. Federal lawsuit challenging the constitutionality of a prayer mural addressed to "Our Heavenly Father" that is displayed in the auditorium of a public high school. A decision is awaited. Cooperating Attorney: Lynette Labinger

Alves v. Cintas Corporation No. 2. PRIVACY. Lawsuit on behalf of numerous employees of a private company who, in the absence of any cause, were ordered to submit to drug testing in violation of state law. Discovery is proceeding. Cooperating Attorneys: Carolyn Mannis, Robert Senville, Catherine Sammartino

Boyer v. Jeremiah. DUE PROCESS/STUDENT RIGHTS. Class-action lawsuit charging that the state's truancy court system is devoid of basic due process protections, and that school districts unlawfully refer students to the court. Defendants have filed an appeal after their motion to dismiss the lawsuit was denied. Cooperating Attorneys: Thomas W. Lyons, Amy R. Tabor. National ACLU Attorney: Courtney Bowie

Brown v. Providence Police Department. OPEN RECORDS/POLICE PRACTICES. Open records lawsuit seeking police department policies governing the use of video surveillance cameras in police cars. A court ordered their release. Settlement negotiations on plaintiff's request for attorneys' fees are pending. Cooperating Attorney: Staci Kolb

#Brown v. R.I. State Police. OPEN RECORDS/POLICE PRACTICES. Open records lawsuit seeking access to a State Police cruiser camera videotape of a controversial traffic stop, and copies of the agency's traffic enforcement policies and procedures. The information was obtained through an underlying lawsuit challenging the stop itself, and this suit has been voluntarily dismissed. Cooperating Attorney: Thomas W. Lyons

Cook v. Wall. FREEDOM OF SPEECH/RIGHTS OF PRISONERS. Federal lawsuit against the Department of Corrections alleging that correctional officials engaged in a pattern of retaliation against an inmate after he publicly criticized Department of Corrections' mail policies and sought legal assistance from the ACLU. Discovery is proceeding. Cooperating Attorneys: Amato DeLuca, Miriam Weizenbaum

#Fontes v. City of Central Falls. RIGHTS OF VOTERS. Federal lawsuit challenging the disqualification of a Mayoral candidate based on a city charter provision barring voters from signing more than one nomination paper for the same political office. The court ruled the provision unconstitutional, and the General Assembly enacted a law overriding similar requirements in other municipalities. Cooperating Attorneys: Armando Batastini, Timothy Baldwin

Gianfrocco v. Cranston School Department. RIGHTS OF EX-OFFENDERS. Lawsuit challenging a school district policy barring parents with any felony drug offenses from serving as school volunteers. Administrative complaints with the Department of Education and the Human Rights Commission have also been filed. Settlement negotiations are proceeding. Cooperating Attorney: Carly Beauvais Iafrate

#Gomez v. Pawtucket School District. DISABILITY RIGHTS. This is a class-action administrative civil rights complaint, jointly filed with R.I. Legal Services, challenging a school district practice of routinely destroying evaluation and test protocols used to determine a child's eligibility for special education services, preventing parents from challenging the evaluations. Under a settlement agreement, the school district agreed to revise its practices. Cooperating Attorney: Amy R. Tabor

Inmates of the Rhode Island Training School for Youth v. Lindgren. RIGHTS OF JUVENILES. This long-running class-action lawsuit challenges the constitutionality of conditions at the Training School. A comprehensive revised consent decree was approved by the court, and ongoing monitoring of the decree continues. Cooperating Attorney: John W. Dineen. ACLU National Prison Project: Amy Fettig

*Lavik v. RI Department of Motor Vehicles. DUE PROCESS. Lawsuit challenging the Division of Motor Vehicle's reliance on an unwritten "policy" to withhold reinstatement of plaintiff's driving license after he paid the tax obligations that had initially prompted the license suspension. Cooperating Attorneys: Albin Moser, Melissa Braatz

#Lopera v. Town of Coventry. STUDENT RIGHTS/PRIVACY. "Friend of the court" brief challenging the constitutionality of a police search conducted on student athletes leaving a soccer match, based solely on the coach's consent. In a 2-1 decision, a federal appeals court upheld the search. Cooperating Attorney: Thomas R. Bender

#Matson v. Town of North Kingstown. FREEDOM OF SPEECH. Federal lawsuit challenging a town ordinance that severely limits the posting of political signs. After a temporary restraining order was issued against enforcement of the ordinance, a consent agreement voiding various provisions and awarding attorneys' fees was entered. Cooperating Attorney: Richard A. Sinapi

#Moderate Party of Rhode Island v. Lynch. RIGHTS OF CANDIDATES. Federal lawsuit challenging a state law that allows residents to make a donation on their tax return to political parties through a "nonpartisan account," but excludes newly-formed parties from the disbursement. The court upheld the statute. Cooperating Attorney: Mark W. Freel

*Nelson v. Durfee. SLAPP SUITS. "Friend of the court" brief supporting a person sued for defamation by two Town Council members for making public comments alleging that they had submitted "false" municipal budget documentation to the state. Cooperating Attorney: Karen Davidson

Phoenix-Times Publishing Company v. Hasenfus. OPEN MEETINGS. Open meetings lawsuit challenging the adequacy of school committee agenda notices and the committee's discussion in executive session of a proposed breathalyzer policy for school dances. The court found the agendas were deficient and violated the Open Meetings Act, but upheld the executive session discussion. An appeal has been filed. Cooperating Attorney: Howard Merten

Qu v. Central Falls Detention Facility Corporation (II). RIGHTS OF IMMIGRANTS/RIGHTS OF PRISONERS. Federal lawsuit on behalf of the family of a 34-year-old Chinese detainee who died while in the custody of immigration officials at the Wyatt Detention Facility in Central Falls. Discovery is proceeding. Cooperating Attorneys: Robert McConnell, Fidelma Fitzpatrick

Reilly v. City of Providence. FREEDOM OF SPEECH. Federal lawsuit charging Providence police with violating the free speech rights of a local resident when she was threatened with arrest for leafleting on a public sidewalk. Discovery is proceeding. Cooperating Attorney: Richard A. Sinapi

#R.I. ACLU v. CVS Caremark Corporation. PRIVACY/DISCRIMINATION. Administrative complaint challenging questions on an employer's on-line application form that could have a discriminatory impact on applicants with certain mental impairments. After a "probable cause" finding of discrimination was issued, the employer agreed to eliminate the questions and pay attorneys' fees. Cooperating Attorneys: Christopher Corbett, Michael Feldhuhn

R.I. ACLU v. Gifford. PRIVACY. Lawsuit challenging the adequacy of privacy and confidentiality protections in regulations the Department of Health has adopted to implement a centralized database of patient health care records in the state. Settlement negotiations are proceeding. Cooperating Attorney: Frederic Marzilli

R.I. ACLU v. Rhode Island Department of Human Services. RIGHTS OF IMMIGRANTS. This is an administrative complaint filed with the U.S. Department of Health and Human Services' Office of Civil Rights, claiming that DHS has failed to provide adequate interpreter services to clients with limited English proficiency. A detailed resolution agreement has been entered, the implementation of which is being monitored for compliance.

*R.I. ACLU v. Rhode Island Department of Public Safety. OPEN GOVERNMENT. Lawsuit challenging a police agency's failure to provide the public an appropriate opportunity to comment on controversial regulations establishing policies for public access to agency records. After suit was filed, the agency withdrew the regulations for redrafting. Cooperating Attorney: Jennifer Azevedo

#R.I. ACLU v. R.I. State Board of Elections. RIGHTS OF VOTERS. Lawsuit challenging a state regulation allowing municipalities to conduct same-day registration and voting for President in places instead of city or town hall, despite a statutory mandate to the contrary. Orders were entered requiring restoration of statutorily-appropriate voting arrangements, and legislation to further address the issue was also enacted. Cooperating Attorney: Angel Taveras, Albin Moser

R.I. ACLU v. Rhode Island State Police. RIGHTS OF IMMIGRANTS. This is a formal complaint filed with the U.S. Department of Justice, claiming that the State Police have failed to provide adequate language interpreter services as required by federal law. Cooperating Attorney: Jennifer Doucleff

R.I. ACLU v. State of Rhode Island [Court Interpreters]. ACCESS TO THE COURTS. This is a formal administrative complaint filed with the U.S. Department of Justice, claiming that the state courts have failed to provide adequate language interpreter services to criminal defendants. An investigation is proceeding.

#R.I. Coalition Against Domestic Violence v. Carcieri. DUE PROCESS/OPEN GOVERNMENT. Lawsuit challenging a Gubernatorial executive order requiring all vendors and contractors doing business with the state to register with the federal government's E-Verify work authorization program. A temporary restraining order was denied, but the executive order was subsequently rescinded and the suit was voluntarily dismissed as moot. Cooperating Attorney: Randy Olen

#Richard v. Woonsocket School Committee. STUDENT RIGHTS. Administrative complaint challenging a school district's adoption of a mandatory uniform policy. The complaint was dismissed after the complainant was allowed to wear other clothing. Cooperating Attorney: John W. Dineen

Rogers v. Mulholland. CHURCH-STATE SEPARATION. Federal lawsuit challenging a city's preferential treatment of parochial schools over public schools in granting permits for the use of city athletics fields. Discovery has been completed and briefs have been filed. Cooperating Attorney: Sandra A. Lanni

Sam M. v. Carcieri. RIGHTS OF CHILDREN. "Friend of the court" brief challenging a lower court's dismissal of a case seeking remedial action against DCYF for the mistreatment of foster children in its care. The appellate court held the case could proceed. Cooperating Attorneys: Andrew Prescott, Steven Richard

#Spruill v. Alexander. DUE PROCESS/RIGHTS OF THE POOR. Federal lawsuit, filed with a national welfare rights group, challenging the state's failure to process food stamp applications in a timely manner. A detailed settlement agreement was entered and monitored, and attorneys' fees were awarded. Cooperating Attorney: Lynette Labinger

*In re: Town of Little Compton v. Little Compton Firefighters Local 3957. ACCESS TO THE COURTS. "Friend of the court" brief challenging a decision that representation of unions in grievance proceedings by non-attorney union officials constitutes the unauthorized practice of law. Cooperating Attorney: Peter Margulies

#University of Rhode Island Student Senate v. Town of Narragansett. DUE PROCESS. This lawsuit challenges a town ordinance that authorizes police to charge tenants and landlords with allowing "unruly gatherings," and to post orange stickers on houses that have allegedly been the site of such gatherings. A lower court upheld the ordinance, and an appeals court, after narrowing its reach, affirmed that ruling. Cooperating Attorney: H. Jefferson Melish

#Watchtower Bible and Tract Society v. Segardia de Jesus. FREEDOM OF SPEECH. "Friend of the court" brief, filed with the National ACLU and other New England affiliates, challenging a Puerto Rico law that gives certain neighborhoods the right to close themselves off from political and religious canvassers. The federal appeals court found various applications of the law unconstitutional and ordered further proceedings. Cooperating Attorney: John W. Dineen

#Young v. Wall. RIGHTS OF PRISONERS. The ACLU took over this *pro se* inmate's lawsuit challenging, as an unlawful taking of property without just compensation, a prison policy eliminating the right of inmates to obtain interest on their inmate accounts. A federal court upheld the policy, and the appeals court affirmed. Cooperating Attorney: Andrew Prescott

American Civil Liberties Union Foundation of Rhode Island
128 Dorrance Street, Suite 220 - Providence, RI 02903
401-831-7171 www.riaclu.org