

## 2017 ACLU OF RHODE ISLAND CASE DOCKET

Cases Active January-December 2017

\* indicates case opened in 2017; # indicates case closed in 2017

\* *In Re 38 Studios Grand Jury*. OPEN GOVERNMENT. “Friend of the court” brief supporting a motion filed by the Governor to seek the release of records relating to the grand jury’s 38 Studios investigation. The court rejected the motion, and an appeal is pending. Cooperating Attorney: Jared Goldstein.

\* *ACLU of Maine v. Department of Homeland Security*. OPEN RECORDS. Federal Freedom of Information Act lawsuit challenging the DHS’s failure to timely respond to ACLU Affiliate requests in New England for documents relating to implementation of President Trump’s first Muslim travel ban. ACLU Attorney: Zachary Heiden.

# *Alves v. City of Woonsocket*. FREEDOM OF SPEECH/DISABILITY RIGHTS. Federal lawsuit challenging the constitutionality of the arrest and detention of a deaf teenager for disorderly conduct and the failure to provide him any interpreter assistance while he was held in jail. The City agreed to pay damages, repeal the ordinance, and adopt a comprehensive interpreter policy. Cooperating Attorneys: V. Edward Formisano, Michael D. Pushee, Alyse E. Galoski. RIDLC Attorney: Katherine Bowden.

# *A.S. v. RI Board of Bar Examiners*. DISABILITY RIGHTS. This federal civil rights complaint challenges the legality of broad questions on the state’s Bar application that ask about applicants’ past history of drug or alcohol abuse, mental illness, or other disability. After revisions were made, the matter was closed. Cooperating Attorney: Ellen Saideman. RIDLC Attorneys: Brian Adae, Anne Mulready.

\* *Brady v. Tamburini*. FREEDOM OF SPEECH. Federal lawsuit challenging the two-day suspension of a Johnston detective after he publicly criticized the police department in his role as president of the police union. Cooperating Attorney: John W. Dineen.

\* *Breault v. Gaucher*. DUE PROCESS. Federal lawsuit over the Bristol Police Department’s refusal to return a firearm that had been seized more than a year earlier for investigatory purposes. Cooperating Attorneys: Thomas W. Lyons, Rhiannon Huffman.

*Callaghan v. Darlington Plastics*. MEDICAL MARIJUANA. Lawsuit on behalf of a graduate student denied employment as a paid intern at a fabrics company because of her status as a registered medical marijuana user. The court ruled that the company’s actions violated the state’s medical marijuana law. Cooperating Attorney: Carly Beauvais Iafrate.

*Caniglia v. Strom*. DUE PROCESS. Federal lawsuit challenging a Cranston Police policy of requiring individuals to obtain a court order in order to recover lawfully-owned firearms that were seized and retained without a warrant. Settlement negotiations are proceeding. Cooperating Attorneys: Thomas W. Lyons, Rhiannon Huffman.

\* *City of Cranston v. Morton et al.* FREEDOM OF SPEECH. Defense representation on appeal of a number of protesters who were found guilty of violating a city anti-panhandling ordinance for distributing literature to drivers from a roadway median. Cooperating Attorney: Jason Knight.

\* *Doe v. Providence School District.* STUDENTS' RIGHTS. This is a formal complaint to the Commissioner of Education, filed with R.I. Legal Services, charging the Providence School District with violating various laws and regulations designed to provide appropriate educational services to students who are also English Language Learners. Cooperating Attorney: Ellen Saideman. RI Legal Services Attorney: Veronika Kot.

*Eil v. Drug Enforcement Administration.* OPEN GOVERNMENT. Freedom of Information Act lawsuit on behalf of a journalist denied access to thousands of pages of public evidence from a criminal trial. The appeals court reversed a court order for release of the records in redacted form. Cooperating Attorneys: Neal McNamara, Jessica Jewell.

*Federal Hill Capital, LLC v. City of Providence.* PRIVACY. State court lawsuit against the City of Providence, challenging an ordinance that prohibits more than three "college students" from living together in certain areas of the city. A decision is awaited. Cooperating Attorneys: Jeffrey Levy, Charles Blackman.

*Ferragamo v. Harmony Fire District.* SEX DISCRIMINATION. Federal lawsuit on behalf of an EMT/firefighter who was fired after supporting another female firefighter's claims about discriminatory treatment. Cooperating Attorney: Sonja Deyoe.

\* *Franchina v. City of Providence.* LGBT DISCRIMINATION. "Friend of the court" brief filed with other groups in this federal court appeal, supporting an interpretation of the federal law's ban on sex discrimination to cover discrimination on the basis of sexual orientation. ACLU attorney: Rebecca Tabacco Mar.

*Freitas v. Kilmartin.* CRIMINAL JUSTICE. Federal lawsuit challenging the constitutionality of a state law barring certain sex offenders from residing within 1,000 feet of a school. A temporary restraining order against enforcement of the law was issued. Cooperating Attorneys: Lynette Labinger, John MacDonald.

*Gemmell v. RI Department of Human Services.* DUE PROCESS. Federal class-action lawsuit, filed with the National Center for Law and Economic Justice, over the state's failure to timely provide SNAP benefits, in violation of federal law, to needy families. A special master was appointed to oversee compliance with a court-approved settlement agreement. Cooperating Attorney: Lynette Labinger.

# *Giannini v. Cumberland School District.* RIGHTS OF THE POOR. The ACLU filed a brief opposing a school district's attempt to seek reconsideration of a court decision barring the charging of fees for a student to attend summer school. The motion to reconsider was denied. Cooperating Attorney: Ellen Saideman.

\*# *Gooding v. Ocean Community YMCA*. SEX DISCRIMINATION. Lawsuit, favorably settled, on behalf of a woman who was barred by her employer from breastfeeding her baby in public areas of the workplace. Cooperating Attorney: H. Jefferson Melish.

\* *Hunter v. City of Cranston*. FREEDOM OF SPEECH. Federal lawsuit challenging the selective enforcement of a city ordinance banning signs on public property. Cooperating Attorney: Richard A. Sinapi.

# *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 state Training School. After years of oversight, the state reached compliance with a comprehensive consent decree. Cooperating Attorney: John W. Dineen. ACLU National Prison Project Attorney: Amy Fettig.

# *J.A. v. Town of Tiverton*. RIGHTS OF STUDENTS. Federal lawsuit challenging school and police actions that resulted in the search and arrest of an eight-year-old child without cause. The defendants agreed to pay damages and adopt a policy governing police searches of students. Cooperating Attorneys: Amato DeLuca, Miriam Weizenbaum.

*Kurland v. City of Providence*. FREEDOM OF SPEECH. Federal lawsuit on behalf of two protesters, one of whom was arrested for disorderly conduct, for being forced to move from the site of a political fundraiser where they were picketing. Discovery is proceeding. Cooperating Attorney: Richard A. Sinapi.

\* *Lacoste v. RI State Police*. DUE PROCESS. Federal lawsuit challenging state police actions resulting in the plaintiff's loss of employment at Twin River Casino after she refused to serve as an informant for the agency in a criminal investigation. Cooperating Attorney: James Musgrave.

\* *Lyssikatos v. King*. OPEN RECORDS. Lawsuit against the Pawtucket Police Department over its refusal to release any reports of alleged police officer misconduct generated by its Internal Affairs Division. Cooperating Attorneys: James Cullen, R. Kelly Sheridan.

# *Mancini v. City of Providence*. EMPLOYMENT DISCRIMINATION. "Friend of the court" brief in the state Supreme Court arguing that state law allows employees to be held liable for discriminatory acts committed against other employees. The court ruled otherwise. Cooperating Attorney: Richard A. Sinapi.

# *Morales v. Chadbourne*. RIGHTS OF IMMIGRANTS. Federal lawsuit on behalf of a U.S. citizen who was wrongfully detained and jailed by Immigration and Customs Enforcement officials as a deportable alien. After the court ruled that the defendants' conduct was unconstitutional, a settlement agreement was reached, awarding the plaintiff damages and other forms of relief. Cooperating Attorney: Mark W. Freel. National ACLU Attorney: Omar Jadwat.

\* *Town of Narragansett v. Green Acres et al.* PRIVACY. Defense representation of more than two dozen homeowners charged under a town ordinance barring more than three unrelated individuals from living together. The Municipal Court dismissed the charges on constitutional grounds. Cooperating Attorney: H. Jefferson Melish.

\*# *Paiva v. Aceto.* RIGHTS OF PRISONERS. Representation of an inmate challenging the state's invocation of the "civil death" law to bar his civil rights lawsuit against the Department of Corrections from proceeding. The state withdrew its motion. Cooperating Attorney: Sonja Deyoe.

*Perreault v. Harmony Fire District.* SEX DISCRIMINATION. Federal lawsuit on behalf of an EMT/firefighter terminated after complaining at a public meeting that women employees were subject to discrimination. Cooperating Attorney: Sonja Deyoe.

*Phoenix-Times Publishing Company v. Hasenfus.* OPEN MEETINGS. Open meetings lawsuit challenging the adequacy of school committee agenda notices and the discussion in executive session of a proposed breathalyzer policy for school dances. The court ruled that the agendas violated the Open Meetings Act, but upheld the executive session discussion. An appeal is pending. Cooperating Attorney: Howard Merten.

\*# *City of Providence v. Lillie.* Defense representation of a person who was cited under an irrelevant ordinance while panhandling in front of the Providence Place Mall. The charge was dismissed. Cooperating Attorney: James Kelleher.

\* *In re R.I. Department of Labor and Training.* LANGUAGE DISCRIMINATION. Federal complaint challenging the state DLT's failure to provide adequate language interpreter services. Cooperating Attorney: Jennifer Doucleff RILS Attorney: Veronika Kot.

\* *R.I. Housing Advocacy Project v. City of Cranston.* FREEDOM OF SPEECH/RIGHTS OF THE POOR. Federal lawsuit challenging an anti-panhandling ordinance that bars standing on a roadway to receive or distribute anything from a motor vehicle occupant. A temporary restraining order was issued. Cooperating Attorney: Lynette Labinger.

\* *R.I. Patient Advocacy Coalition v. Town of Smithfield.* MEDICAL MARIJUANA. Lawsuit challenging an ordinance imposing numerous restrictions on the growing of medical marijuana by patients and caregivers. The court ruled that the ordinance violated the state medical marijuana law. Cooperating Attorneys: Alexander Chiulli, John Meara.

*Richer v. Parmalee.* DUE PROCESS. Federal lawsuit challenging a police department's refusal over the course of six years to return to the plaintiff lawfully owned firearms that were seized from him without a warrant. A court ruled the practice unconstitutional. Cooperating Attorneys: Thomas W. Lyons, Rhiannon Huffman.

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