

**STATE OF RHODE ISLAND
PROVIDENCE, SC.**

SUPERIOR COURT

NICOLE SOLAS,

Plaintiff,

v.

C.A. No.: PC-2022-04727

**SOUTH KINGSTOWN SCHOOL
COMMITTEE**

Defendant.

**SOUTH KINGSTOWN SCHOOL COMMITTEE'S
ANSWER TO AMENDED VERIFIED COMPLAINT**

1. Paragraph No. 1 of Plaintiff, Nicole Solas' (hereinafter "Plaintiff") Amended Verified Complaint contains legal conclusions and describes the purported nature of said Complaint and therefore no response is required. To the extent that a response is required, Defendant, South Kingstown School Committee (hereinafter "Defendant"), denies the allegations set forth in Paragraph No. 1.

2. Paragraph No. 2 of Plaintiff's Amended Verified Complaint is introductory in nature and thus no response is required. To the extent that a response is required, Defendant denies the allegations set forth in Paragraph No. 2.

PARTIES AND JURISDICTION

3. Defendant admits the allegation set forth in Paragraph No. 3 of Plaintiff's Amended Verified Complaint.

4. Defendant admits the allegation set forth in Paragraph No. 4 of Plaintiff's Amended Verified Complaint.

5. Paragraph No. 5 of Plaintiff's Amended Verified Complaint sets forth a legal conclusion to which no response is required. To the extent that a response is required, Defendant denies the allegations set forth in Paragraph No. 5.

6. Paragraph No. 6 of Plaintiff's Amended Verified Complaint sets forth a legal conclusion for which no response is required. To the extent that a response is required, Defendant denies the allegations set forth in Paragraph No. 6.

FACTS

7. Defendant admits that on or about June 23, 2020, it held a meeting at which the Committee discussed a “task force;” Defendant denies the remaining allegations set forth in Paragraph No. 7 of Plaintiff’s Amended Verified Complaint.
8. Defendant admits the allegations set forth in Paragraph No. 8 of Plaintiff’s Amended Verified Complaint.
9. Defendant admits the allegations set forth in Paragraph No. 9 of Plaintiff’s Amended Verified Complaint.
10. Defendant admits the allegations set forth in Paragraph No. 10 of Plaintiff’s Amended Verified Complaint.
11. Defendant denies the allegation set forth in Paragraph No. 11 of Plaintiff’s Amended Verified Complaint.
12. Defendant is without sufficient information to either admit or deny the allegations set forth in Paragraph No. 12 of Plaintiff’s Amended Verified Complaint and therefore leaves Plaintiff to her proof thereon.
13. Defendant admits that Ms. Wildman attended the June 23, 2020 School Committee meeting and stated that two School Committee Members, Ms. Canter and Sarah Markey, contacted Nonviolent Schools Rhode Island. Defendant denies the remaining allegations set forth in Paragraph No. 13 of Plaintiff’s Amended Verified Complaint.
14. Defendant denies the allegation set forth in Paragraph No. 14 of Plaintiff’s Amended Verified Complaint.
15. Defendant is without sufficient information to either admit or deny the allegations set forth in Paragraph No. 15 of Plaintiff’s Amended Verified Complaint and therefore leaves Plaintiff to her proof thereon.
16. Defendant is without sufficient information to either admit or deny the allegations set forth in Paragraph No. 16 of Plaintiff’s Amended Verified Complaint and therefore leaves Plaintiff to her proof thereon.
17. Defendant is without sufficient information to either admit or deny the allegations set forth in Paragraph No. 17 of Plaintiff’s Amended Verified Complaint and therefore leaves Plaintiff to her proof thereon.
18. Defendant admits the allegation set forth in Paragraph No. 18 of Plaintiff’s Amended Verified Complaint.
19. Defendant admits that it created the BIPOC Advisory Board to advise on certain issues and denies the remaining allegations set forth in Paragraph No. 19 of Plaintiff’s Amended Verified Complaint.
20. Defendant admits the allegation set forth in Paragraph No. 20 of Plaintiff’s Amended Verified Complaint.

21. Defendant admits the allegation set forth in Paragraph No. 21 of Plaintiff's Amended Verified Complaint.
22. Defendant denies the allegation set forth in Paragraph No. 22 of Plaintiff's Amended Verified Complaint.
23. Defendant is without sufficient information to either admit or deny the allegations set forth in Paragraph No. 23 of Plaintiff's Amended Verified Complaint and therefore leaves Plaintiff to her proof thereon.
24. Defendant is without sufficient information to either admit or deny the allegations set forth in Paragraph No. 24 of Plaintiff's Amended Verified Complaint and therefore leaves Plaintiff to her proof thereon.
25. Defendant is without sufficient information to either admit or deny the allegations set forth in Paragraph No. 25 of Plaintiff's Amended Verified Complaint and therefore leaves Plaintiff to her proof thereon.
26. Defendant is without sufficient information to either admit or deny the allegations set forth in Paragraph No. 26 of Plaintiff's Amended Verified Complaint and therefore leaves Plaintiff to her proof thereon.
27. Defendant is without sufficient information to either admit or deny the allegations set forth in Paragraph No. 27 of Plaintiff's Amended Verified Complaint and therefore leaves Plaintiff to her proof thereon.
28. Defendant admits that Mwangi Gitahi was a voting member of the subcommittee that is responsible for reviewing and updating school policies.
29. Defendant admits that Mr. Gitahi was a member of the BIPOC Advisory Board.
30. Defendant is without sufficient information to either admit or deny the allegations set forth in Paragraph No. 30 of Plaintiff's Amended Verified Complaint and therefore leaves Plaintiff to her proof thereon.
31. Defendant is without sufficient information to either admit or deny the allegations set forth in Paragraph No. 31 of Plaintiff's Amended Verified Complaint and therefore leaves Plaintiff to her proof thereon.
32. Defendant denies the allegations set forth in Paragraph No. 32 of Plaintiff's Amended Verified Complaint.
33. Defendant is without sufficient information to either admit or deny that Plaintiff "attempted to send communications to School Committee personnel requesting that the Advisory Committee open its meetings to the public on or about May 20, 2021, but she received no response," and therefore leaves Plaintiff to her proof thereon. Any communications sent from Plaintiff to School Committee personnel speak for themselves.
34. Defendant admits that on or about May 20, 2021, the School Committee considered an Appointment & Hiring Policy and denies the remaining allegations set forth in Paragraph No. 34 of Plaintiff's Amended Verified Complaint.

35. Defendant is without sufficient information to either admit or deny the allegations set forth in Paragraph No. 35 of Plaintiff's Amended Verified Complaint and therefore leaves Plaintiff to her proof thereon.

36. Defendant admits the allegations set forth in Paragraph No. 36 of Plaintiff's Amended Verified Complaint.

37. Defendant is without sufficient information to either admit or deny the allegations set forth in Paragraph No. 37 of Plaintiff's Amended Verified Complaint therefore leaves Plaintiff to her proof thereon.

38. Defendant is without sufficient information to either admit or deny the allegations set forth in Paragraph No. 38 of Plaintiff's Amended Verified Complaint therefore leaves Plaintiff to her proof thereon.

39. Defendant is without sufficient information to either admit or deny the allegations set forth in Paragraph No. 39 of Plaintiff's Amended Verified Complaint therefore leaves Plaintiff to her proof thereon.

40. Defendant admits that at least two members that were on the Advisory Committee were also voting members of the School Committee's Policy Subcommittee.

41. Defendant admits the allegation set forth in Paragraph No. 41 of Plaintiff's Amended Verified Complaint.

42. Defendant admits the allegation set forth in Paragraph No. 42 of Plaintiff's Amended Verified Complaint.

43. Defendant admits the allegation set forth in Paragraph No. 43 of Plaintiff's Amended Verified Complaint.

44. Defendant denies the allegation set forth in Paragraph No. 44 of Plaintiff's Amended Verified Complaint.

45. Defendant is without sufficient information to either admit or deny the allegations set forth in Paragraph No. 45 of Plaintiff's Amended Verified Complaint therefore leaves Plaintiff to her proof thereon.

46. Paragraph No. 46 contains legal conclusions to which no response is required. To the extent that a response is required, Defendant denies Paragraph No. 46 of Plaintiff's Amended Verified Complaint.

47. The School Committee By-laws speak for themselves. Paragraph No. 47 of Plaintiff's Amended Verified Complaint contains a legal conclusion to which no response is required. To the extent that a response is required, Defendant denies the remaining allegations contained in Paragraph No. 47.

48. Defendant is without sufficient information to either admit or deny the allegations set forth in Paragraph No. 48 of Plaintiff's Amended Verified Complaint and therefore leaves Plaintiff to her proof thereon.

49. R.I. Gen. Laws § 42-26-1, *et seq.* speak for themselves. Defendant admits that meetings of School Committee sub-committees are open to the public.

50. Defendant denies the allegations contained in Paragraph No. 50 of Plaintiff's Amended Verified Complaint.

The OMA Complaint and Attorney General Review

51. Defendant admits that Plaintiff submitted a Complaint to the Office of the Attorney General on or about May 20, 2021. Plaintiff's Complaint speaks for itself.

52. Defendant admits the allegation set forth in Paragraph No. 52 of Plaintiff's Amended Verified Complaint.

53. Defendant admits the allegation set forth in Paragraph No. 53 of Plaintiff's Amended Verified Complaint.

54. Defendant admits the allegation set forth in Paragraph No. 54 of Plaintiff's Amended Verified Complaint.

55. Defendant admits the allegation set forth in Paragraph No. 55 of Plaintiff's Amended Verified Complaint.

56. Paragraph No. 56 of Plaintiff's Amended Verified Complaint sets forth a legal conclusion to which no response is required. To the extent that a response is required, Defendant denies the allegation set forth in Paragraph No. 56. R.I. Gen. Laws § 42-46-8 speaks for itself.

COUNT I

57. Defendant realleges and incorporates herein its answers to Paragraph Nos. 1 through 56 as if fully restated herein.

58. R.I. Gen. Laws § 42-46-1, *et seq.* speak for themselves; as such, no response is required. To the extent that a response is required, Defendant denies the allegation set forth in Paragraph No. 58.

59. *Solas v. Emergency Hiring Council*, 774 A.2d 820, 824 (R.I. 2001) speaks for itself. Paragraph No. 59 of Plaintiff's Amended Verified Complaint sets forth a legal conclusion to which no response is required. To the extent that a response is required, Defendant denies the allegation set forth in Paragraph No. 59.

60. Paragraph No. 60 of Plaintiff's Amended Verified Complaint sets forth a legal conclusion to which no response is required. To the extent that a response is required, Defendant denies the allegation set forth in Paragraph No. 60.

61. Paragraph No. 61 of Plaintiff's Amended Verified Complaint sets forth a legal conclusion to which no response is required. To the extent that a response is required, Defendant denies the allegation set forth in Paragraph No. 61.

62. Paragraph No. 62 of Plaintiff's Amended Verified Complaint sets forth a legal conclusion to which no response is required. To the extent that a response is required, Defendant denies the allegation set forth in Paragraph No. 62.

63. Paragraph No. 63 of Plaintiff's Amended Verified Complaint sets forth a legal conclusion to which no response is required. To the extent that a response is required, Defendant denies the allegation set forth in Paragraph No. 63.

64. Defendant denies the allegations set forth in Paragraph No. 64 of Plaintiff's Amended Verified Complaint.

65. Defendant denies the allegations set forth in Paragraph No. 65 of Plaintiff's Amended Verified Complaint.

66. Defendant admits the allegations set forth in Paragraph No. 66 of Plaintiff's Amended Verified Complaint.

67. Defendant denies the allegations set forth in Paragraph No. 67 of Plaintiff's Amended Verified Complaint.

WHEREFORE, Defendant, South Kingstown School Committee, respectfully requests that this Honorable Court dismiss Plaintiff's Amended Verified Complaint in its entirety, enter judgment in favor of the South Kingstown School Committee, award costs and reasonable attorney's fees associated with the defense of this action, and award such other relief as this Court deems just and proper.

AFFIRMATIVE DEFENSES

First Affirmative Defense

Plaintiff has failed to state a claim upon which relief may be granted.

Second Affirmative Defense

Plaintiff's claims are moot.

Third Affirmative Defense

Plaintiff has failed to join all interested parties in accordance with the Uniform Declaratory Judgments Act.

Respectfully submitted,

DEFENDANT,

SOUTH KINGSTOWN SCHOOL
COMMITTEE,

By Its Attorneys,

/s/ Deidre E. Carreno

Andrew D. Henneous (#5935)
Deidre E. Carreno (#7810)
Henneous Carroll Lombardo LLC
155 South Main Street, Suite 406
Providence, RI 02903
401.424.5224
ahenneous@hcllawri.com

Dated: August 31, 2022

CERTIFICATION

I hereby certify that on this **31st day of August, 2022**, I served this document through the electronic filing system to the following:

Giovanni D. Cicione, Esq.
g@cicione.law

The document is available for viewing and/or downloading from the Rhode Island Judiciary's Electronic Filing System.

/s/ Deidre E. Carreno
