

STATE OF RHODE ISLAND  
PROVIDENCE, SC.

SUPERIOR COURT

NATIONAL EDUCATION ASSOCIATION  
OF RHODE ISLAND and NATIONAL  
EDUCATION ASSOCIATION- SOUTH  
KINGSTOWN,

*Plaintiffs,*

vs.

C.A. No. PC 21-05116

SOUTH KINGSTOWN SCHOOL  
COMMITTEE, by and through its  
members, Christie Fish, Kate McMahon  
Macinanti, Melissa Boyd, Michelle  
Brousseau and Paula Whitford, SOUTH  
KINGSTOWN SCHOOL DEPARTMENT,  
by and through its Acting Interim  
Superintendent Ginamarie Massiello,  
NICOLE SOLAS, and JOHN DOE  
HARTMAN,

*Defendants.*

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

1. Paragraph 1 of the Verified Complaint sets forth a statement as to the Plaintiffs' intent to which no answer is required.

**JURISDICTION**

2. Paragraph 2 of the Verified Complaint sets forth a statement of jurisdiction to which no answer is required.

**PARTIES**

3. The Defendants admit the allegations as set forth in Paragraph 3 of the Complaint.

4. The Defendants admit the allegations as set forth in Paragraph 4 of the Complaint.

5. Paragraph 5 of the Complaint sets forth a statement concerning who the Plaintiffs sued and, as such, no response is required. To the extent an answer is required, the Defendants admit that Christie Fish, Kate McMahon Macinanti, Melissa Boyd, Michelle Brousseau and Paula Whitford are members of the South Kingstown School Committee.

6. Paragraph 6 of the Complaint sets forth a statement concerning who the Plaintiffs sued and, as such, no response is required. To the extent an answer is required, the Defendants admit that Ginamarie Massiello is the Interim Superintendent and Assistant Superintendent.

7. The Defendants admit the allegations as set forth in Paragraph 7 of the Complaint.

8. The Defendants admit the allegations as set forth in Paragraph 8 of the Complaint.

9. Paragraph 9 of the Complaint sets forth legal conclusions and questions of law to which no response is required.

#### **STATEMENT OF FACTS**

10. The Defendants admit the allegations as set forth in Paragraph 10 of the Complaint.

11. The Defendants admit the allegations as set forth in Paragraph 11 of the Complaint.

12. Paragraph 12 of the Complaint sets forth legal conclusions and questions of law to which no response is required.

13. The Defendants admit the allegations as set forth in Paragraph 13 of the Complaint.

14. The Defendants admit the allegations as set forth in Paragraph 14 of the Complaint.

15. The Defendants admit the allegations as set forth in Paragraph 15 of the Complaint.
16. The Defendants admit the allegations as set forth in Paragraph 16 of the Complaint.
17. The Defendants lack sufficient information to admit the allegations set forth in Paragraph 17 of the Complaint.
18. The Defendants admit the allegations as set forth in Paragraph 18 of the Complaint.
19. The Defendants admit the allegations as set forth in Paragraph 19 of the Complaint.
20. The Defendants admit the allegations as set forth in Paragraph 20 of the Complaint.
21. The Defendants admit the allegations as set forth in Paragraph 21 of the Complaint.
22. The Defendants admit the allegations as set forth in Paragraph 22 of the Complaint.
23. The Defendants admit the allegations as set forth in Paragraph 23 of the Complaint.
24. The Defendants admit the allegations as set forth in Paragraph 24 of the Complaint.
25. The Defendants lack sufficient information to admit the allegations set forth in Paragraph 25 of the Complaint.
26. The Defendants admit the allegations as set forth in Paragraph 26 of the Complaint.
27. The Defendants deny the allegations as set forth in Paragraph 27 of the Complaint.
28. The Defendants admit the allegations as set forth in Paragraph 28 of the Complaint.

29. The Defendants admit the allegations as set forth in Paragraph 29 of the Complaint.

30. The Defendants admit the allegations as set forth in Paragraph 30 of the Complaint.

31. The Defendants admit the allegations as set forth in Paragraph 31 of the Complaint.

32. The Defendants admit the allegations as set forth in Paragraph 32 of the Complaint.

33. The Defendants admit the allegations as set forth in Paragraph 33 of the Complaint.

34. The Defendants deny the allegations as set forth in Paragraph 34 of the Complaint.

35. The Defendants admit the allegations as set forth in Paragraph 35 of the Complaint.

36. The Defendants admit the allegations as set forth in Paragraph 36 of the Complaint.

37. The Defendants admit the allegations as set forth in Paragraph 37 of the Complaint.

38. The Defendants admit the allegations as set forth in Paragraph 38 of the Complaint.

39. The Defendants admit the allegations as set forth in Paragraph 39 of the Complaint.

40. The Defendants deny the allegations as set forth in Paragraph 40 of the Complaint.

41. The Defendants admit the allegations as set forth in Paragraph 41 of the Complaint.

42. The Defendants admit the allegations as set forth in Paragraph 42 of the Complaint.

43. The Defendants admit the allegations as set forth in Paragraph 43 of the Complaint.

44. The Defendants deny the allegations as set forth in Paragraph 44 of the Complaint.

45. The Defendants deny the allegations as set forth in Paragraph 45 of the Complaint.

46. The Defendants admit the allegations as set forth in Paragraph 46 of the Complaint.

47. The Defendants admit the allegations as set forth in Paragraph 47 of the Complaint.

### **COUNT I**

#### **Declaratory Judgment G.L. 1956 § 9-30-1**

48. The Defendants reassert and incorporate by reference their responses to Paragraph Nos. 1 through 47 of the Complaint as if fully set forth herein.

49. Paragraph 49 of the Complaint sets forth information about Rhode Island's APRA law to which no response is required.

50. Paragraph 50 of the Complaint recites Section 38-2-1 of Rhode Island General Laws, and, as such, no response is required as the language speaks for itself.

51. Paragraph 51 of the Complaint sets forth legal conclusions and questions of law to which no response is required.

52. Paragraph 52 of the Complaint recites Section 38-2-2(4) of the Rhode Island General Laws, and, as such, no response is required as the language speaks for itself.

53. Paragraph 53 of the Complaint sets forth legal conclusions and questions of law to which no response is required.

54. Paragraph 54 of the Complaint sets forth legal conclusions and questions of law to which no response is required.

55. Paragraph 55 of the Complaint sets forth legal conclusions and questions of law to which no response is required.

56. Paragraph 56 of the Complaint sets forth legal conclusions and questions of law to which no response is required.

57. Paragraph 57 of the Complaint recites Section 38-2-2(Z) of Rhode Island General Laws, and, as such, no response is required as the language speaks for itself.

58. Paragraph 58 of the Complaint recites Section 38-2-2(H) of the Rhode Island General Laws, and, as such, no response is required as the language speaks for itself.

59. Paragraph 59 of the Complaint sets forth legal conclusions and questions of law to which no response is required.

60. Paragraph 60 of the Complaint recites Section 38-2-2(4)(A)(I)(b) of Rhode Island General Laws, and, as such, no response is required as the language speaks for itself.

61. Paragraph 61 of the Complaint sets forth legal conclusions and questions of law to which no response is required.

62. Paragraph 62 of the Complaint sets forth legal conclusions and questions of law to which no response is required.

63. Paragraph 63 of the Complaint sets forth legal conclusions and questions of law to which no response is required.

64. The Defendants admit the allegations as set forth in Paragraph 64 of the Complaint in part, as to those requests which do not have outstanding bills.

65. The Defendants deny the allegations as set forth in Paragraph 65 of the Complaint.

66. The Defendants deny the allegations as set forth in Paragraph 66 of the Complaint.

67. The Defendants admit the allegations as set forth in Paragraph 67 of the Complaint.

70. Paragraph 70 is vague and its allegations cannot be substantiated, therefore, the defendants deny the allegations as set forth in the Complaint.

## COUNT II

### **Injunctive Relief**

71. The Defendants reassert and incorporate by reference their responses to Paragraph Nos. 1 through 71 of the Complaint as if fully set forth herein.

### **AFFIRMATIVE DEFENSES**

#### **First Affirmative Defense**

1. The Defendants hereby state that the Plaintiffs' Complaint must be dismissed for failure to state a claim.

WHEREFORE, the School Committee and School Department pray that this Complaint be dismissed forthwith.

SOUTH KINGSTOWN SCHOOL  
COMMITTEE, SOUTH KINGSTOWN  
SCHOOL DEPARTMENT, By its attorney,

/s/ Aubrey L. Lombardo  
Aubrey L. Lombardo (7546)  
Henneous Carroll Lombardo LLC  
1240 Pawtucket Avenue, Suite 308  
East Providence, RI 02916  
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### **CERTIFICATE OF SERVICE**

I hereby certify that, on August 16, 2021:

[X] I filed and served this document through the electronic filing system on the following:

Carly B. Iafrate      [ciafrate@verizon.net](mailto:ciafrate@verizon.net)  
Giovanni Cicone    [g@cicone.law](mailto:g@cicone.law)

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/s/ Aubrey L. Lombardo  
Aubrey L. Lombardo