Case Number: PC-2021-05116
Filed in Providence/Bristol County Superior Court
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STATE OF RHODE ISLAND, PROVIDENCE, SC.	**SUPERIOR COURT**
NATIONAL EDUCATION ASSOCIATION OF RHODE ISLAND, and NATIONAL EDUCATION ASSOCIATION – SOUTH KINGSTOWN, ***Plaintiffs,*** **vs.** **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.***	**C.A. No. PC21-05116**

DEFENDANT PARENTS' MOTION FOR A MORE DEFINITIVE STATEMENT

Defendants Nicole Solas and Adam Hartman ("Parents") hereby move for a more definite statement pursuant to Rule 12(e), R.I.R.C.P.

FACTUAL AND PROCEDURAL BACKGROUND

Parents previously filed a motion for summary judgment, contending, *inter alia,* that Plaintiffs National Education Association Rhode Island ("NEARI") and National Education Association South Kingstown ("NEASK") (collectively, "Plaintiffs" or "Union") lack standing because they have not identified a "legal hypothesis which will entitle the plaintiff to some relief against the defendant." Parents MSJ Reply at 3 (quoting *Goodyear Loan Co. v. Little*, 269 A.2d 545, 543 (R.I. 1970)). Instead, the Union argued that the Uniform Declaratory Judgment Act ("UDJA") provided an independent legal basis for their claims. Union MSJ Resp. at 12–18.

In ruling on Parents' motion for summary judgment, the Court found that Plaintiffs lack standing to seek injunctive relief, Decision at 7, but have standing to seek declaratory relief because "[a]lthough Plaintiffs' Verified Complaint did not plead a violation of privacy laws, it was averred sufficiently to give fair and adequate notice of the type of claim being asserted." *Id.* at 13. In other words, the Court implicitly found that the Plaintiffs must still plead a violation of *some* law before they can maintain an action under the UDJA.

But rather than identify a "privacy law" or some other legal basis for their Complaint, the Union instead filed a Motion to Voluntarily Dismiss under Rule 41.

ARGUMENT

Because neither the Parents nor the courts should be forced to guess at what the Union contends are the specific legal bases for their Complaint, the Union should be ordered to provide a more definite statement as to the legal basis, if any, for each of their challenges to Parents' requests.

Any "claim for relief" is required to contain "a short and plain statement of the claim showing that the pleader is entitled to relief." Rule 8(a)(1), R.I.R.C.P. The Union has repeatedly asserted that the UDJA, by itself, creates a cause of action, and as far as Parents can determine, the only basis for the Union's claim for relief is the UDJA. Complaint ¶¶ 48–70; Union MSJ Resp. at 12–18.

But the UDJA does not create a cause of action. *Doe v. Brown Univ.*, 166 F. Supp.3d 177, 197 (D.R.I. 2016); *Long v. Dell, Inc.*, 93 A.3d 988, 1004–05 (R.I. 2014). Declaratory judgment is a remedy, not a cause of action. *Id.* at 1004 ("[a] 'cause of

action is a question of whether a particular plaintiff is a member of the class of litigants that may … invoke the power of the court; and relief is a question of the various remedies a … court may make available.'" (quoting *Davis v. Passman*, 442 U.S. 228, 239–40 n.18 (1979)). *See also Buck v. Am. Airlines, Inc.*, 476 F.3d 29, 33 n.3 (1st Cir.2007) (the UDJA "creates a remedy, not a cause of action."). The UDJA, therefore, cannot be the statutory basis for the Union's complaint.

Nor can the Union rely on the Rhode Island Access to Public Records Act ("APRA"). It strongly favors public disclosure and is intended to "open up various state government documents to inspection by private citizens and news-gathering entities in order to enhance the free flow of information." *Hydron Labs., Inc. v. Dep't of Atty. Gen.*, 492 A.2d 135, 137 (R.I. 1985). Although the statute contains a few specific delineated exemptions, it confers nearly unfettered discretion allowing the public agency to waive these exemptions. Moreover the Rhode Island Supreme Court has held that third parties such as the Union have no right to object to another person's public records requests. *See, e.g., R.I. Fed'n of Teachers v. Sundlun*, 595 A.2d 799 (R.I. 1991) (teachers union had no standing to challenge public records requests on "privacy" grounds).

Therefore, unless there is some separate, independent legal basis conferring the right to object to the disclosure of public records, the Union has no standing. But Parents are not aware of any legal basis for the Union's "claim for relief," or any legal basis supporting the Union's claims. Consequently, the Union's contentions are "so vague" and "ambiguous" that no party could reasonably respond. R.I. R. Civ. P. 12(e).

Specifically, the Union must identify a "privacy law," or other legal basis as to each APRA request the Union contends harms its interests. To date, the Union has failed to provide any statutory or common law cause of action. Now that the Court has rejected the Union's assertion that UDJA by itself provides a basis for their claims, Decision at 13, the Union must identify the specific legal basis for each of its challenges to Parents' public records requests.

CONCLUSION

Based on the foregoing, Parents respectfully request that the Court order the Union to identify a "privacy law[]" or other legal basis on which its Complaint for declaratory relief is based.

Defendants,
Nicole Solas and Adam Hartman
By her Attorneys

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CERTIFICATE OF SERVICE

I, Kris Schlott, hereby certify that a true copy of the within was sent this 21st day of July, 2022 by electronic mail and first-class mail, postage prepaid to:

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