

**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

PARENTS' ANSWER TO COMPLAINT

1. Deny, and affirmatively allege that this action is brought without a legal and factual basis, as the Access to Public Records Act (APRA) does not authorize a “reverse-FOIA” case where a stranger to the public records request seeks to prevent disclosure of public records.
2. Defendants Nicole Solas and Adam Hartman (“the Parents”) deny that this Court has jurisdiction. APRA does not authorize a third party to file a lawsuit seeking to prevent disclosure of government records. The Uniform Declaratory Judgments Act is procedural only, and does not confer substantive rights.
3. Admit.
4. Admit.

5. The Parents admit that the “School Committee” defendants are named as parties, and affirmatively allege upon information and belief that the School Committee defendants and the Plaintiffs are not truly adverse parties in this matter.
6. The Parents admit that the “School Department” defendants are named as parties, and affirmatively allege upon information and belief that the School Department defendants and the Plaintiffs are not truly adverse parties in this matter.
7. Deny.
8. Deny.
9. Deny, and affirmatively allege upon information and belief that Plaintiffs brought this action against the Parents for improper purposes.
10. The Parents are without knowledge or information sufficient to form a belief as to the truth of this paragraph, and deny it on that basis.
11. The Parents are without knowledge or information sufficient to form a belief as to the truth of this paragraph, and deny it on that basis.
12. The Parents are without knowledge or information sufficient to form a belief as to the truth of this paragraph, and deny it on that basis.
13. Affirmatively allege that the e-mail speaks for itself.
14. Admit
15. Deny.
16. Admit that the School Committee and the School Department considered filing an unauthorized and legally baseless complaint against the Parents under APRA, but otherwise deny this paragraph.

17. Admit that Nicole Solas has given interviews and communicated about the issues giving rise to this lawsuit, but otherwise deny this paragraph.

18. Admit that Nicole Solas submitted requests under the APRA to the School Committee and the School Department, but otherwise deny this paragraph.

19. The Parents are without knowledge or information sufficient to form a belief as to the truth of this paragraph, and deny it on that basis.

20. Admit that Adam Hartman submitted requests under the APRA to the School Committee and the School Department, but otherwise deny this paragraph.

21. The Parents are without knowledge or information sufficient to form a belief as to the truth of this paragraph, and deny it on that basis.

22. Admit that Nicole Solas submitted requests under the APRA to the School Committee and the School Department, but otherwise deny this paragraph.

23. Admit.

24. Admit that Nicole Solas submitted requests under the APRA to the School Committee and the School Department, but otherwise deny this paragraph.

25. The Parents are without knowledge or information sufficient to form a belief as to the truth of this paragraph, and deny it on that basis.

26. Deny, and affirmatively allege that the requests speak for themselves.

27. Admit that Adam Hartman submitted requests under the APRA to the School Committee and the School Department, but otherwise deny this paragraph.

28. The Parents are without knowledge or information sufficient to form a belief as to the truth of this paragraph, and deny it on that basis.

29. Deny, and affirmatively allege that the requests speak for themselves.
30. Deny, and affirmatively allege that the requests speak for themselves.
31. The Parents are without knowledge or information sufficient to form a belief as to the truth of this paragraph, and deny it on that basis.
32. Deny, and affirmatively allege that the requests speak for themselves.
33. Deny, and affirmatively allege that the requests speak for themselves.
34. Deny.
35. Deny, and affirmatively allege that the requests speak for themselves.
36. Deny, and affirmatively allege that the requests speak for themselves.
37. The Parents are without knowledge or information sufficient to form a belief as to the truth of this paragraph, and deny it on that basis.
38. Deny, and affirmatively allege that the requests speak for themselves.
39. The Parents are without knowledge or information sufficient to form a belief as to the truth of this paragraph, and deny it on that basis.
40. The Parents are without knowledge or information sufficient to form a belief as to the truth of this paragraph, and deny it on that basis.
41. Deny, and affirmatively allege that the requests speak for themselves.
42. Deny, and affirmatively allege that the requests speak for themselves.
43. Deny, and affirmatively allege that the requests speak for themselves.
44. The Parents admit that Linda Savastano is the former Superintendent of South Kingstown and resigned following several scandals. The resignation also coincided with

Ms. Solas records requests. Parents are without knowledge or information sufficient to form a belief as to the truth of the remaining allegations in this paragraph.

45. Deny.

46. Deny.

47. Deny.

48. No response required.

49. Admit.

50. Deny, and affirmatively allege that APRA expressly precludes “reverse-FOIA” lawsuits such as the one brought by Plaintiffs.

51. Deny.

52. Deny.

53. Deny.

54. Deny.

55. Deny, and affirmatively allege that APRA expressly precludes “reverse-FOIA” lawsuits such as the one brought by Plaintiffs.

56. Deny.

57. Deny, the statute is improperly quoted and speaks for itself.

58. The statute speaks for itself.

59. Deny.

60. The statute speaks for itself.

61. Deny, and affirmatively allege that APRA expressly precludes “reverse-FOIA” lawsuits such as the one brought by Plaintiffs.

62. Deny, and affirmatively allege that APRA expressly precludes “reverse-FOIA” lawsuits such as the one brought by Plaintiffs.

63. Deny.

64. Deny.

65. Deny.

66. Deny.

67. Deny.

70. Deny.

AFFIRMATIVE DEFENSES

Affirmative Defense No. 1: Plaintiffs’ Complaint should be dismissed because it fails to state a claim upon which relief can be granted.

Affirmative Defense No. 2: Plaintiffs lack standing to bring this action under APRA.

Affirmative Defense No. 3: Plaintiffs’ complaint should be dismissed because they have unclean hands.

Affirmative Defense No. 4: Plaintiffs’ complaint should be dismissed because there is no causation between any alleged act of the Parents and the harm alleged by Plaintiffs.

Affirmative Defense No. 5: Plaintiffs complaint should be dismissed because they have not suffered legally cognizable damages.

Affirmative Defense No 6: Plaintiffs complaint should be dismissed because any harm they allegedly suffer would be caused by parties other than the Parents.

Affirmative Defense No. 7: Plaintiffs complaint violates Rhode Island’s anti-SLAPP (strategic lawsuit against public participation) statute, § 9-33-1 et seq.

Affirmative Defense No. 8: The Parents' actions are privileged and constitutionally protected.

WHEREFORE, Nicole Solas and Adam Hartman respectfully request that the Court:

1. Dismiss the Complaint.
2. Award them their reasonable attorneys' fees and costs, pursuant to § 9-33-2(d).
3. Award them compensatory and punitive damages pursuant to § 9-33-2(d).
4. Grant other such relief as the court deems just and proper.

Respectfully submitted this 18th day of August 2021 by:

Defendants,
Nicole Solas and Adam Hartman
By their Attorneys



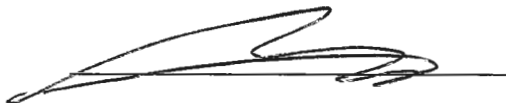
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CERTIFICATE OF SERVICE

I, Giovanni D. Cicone, hereby certify that a true copy of the within Parents' Answer to Complaint was sent postage prepaid to attorney Carly Beauvais Iafrate on this 18th day of August 2021.

A handwritten signature in black ink, appearing to read "G. Cicone", written over a horizontal line.