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

JOHN DOE, *et al.,* *Plaintiffs* v. GOVERNOR DANIEL McKEE, *et al.* *Defendants*	PC-2022-06877

MEMORANDUM OF FACT AND LAW OF
IN SUPPORT OF PLAINTIFFS' MOTION FOR PRELIMINARY INJUNCTION

Plaintiffs have brought this action against the Governor of the State of Rhode Island and others (collectively "the State") to enjoin the State's announced action to involuntarily and summarily remove Plaintiffs and their personal possessions from the grounds of the Rhode Island State House and subject Plaintiffs to arrest and prosecution. Because Plaintiffs have been present at the State House both to protest the State's failure to provide adequate housing for the housing insecure and because the Plaintiffs have no alternative place to live or maintain their personal possessions while the matter is being litigated, the State's announced and impending action interferes with Plaintiffs' statutory and constitutional rights and will cause irreparable harm, warranting the issuance of the Court's preliminary injunction.

I. Facts

Plaintiffs are a group of homeless individuals and family units who, over a period of several months, have pitched tents and are living on the grounds of the Rhode Island State House both as a form of protest over the lack of adequate housing or shelter for the unhoused and homeless population and because they have no alternative housing to living outdoors.

This is not the first time that individual citizens have set up tents and established overnight outdoor shelter at the State House to graphically convey the housing crisis in Rhode Island. For example, on September 9, 2021, the Boston Globe reported "[a]dvocates erected 32 tents on the State House lawn on Thursday, calling for Governor Daniel J. McKee and the General Assembly to help find hotel rooms and safe shelters for those without homes before winter hits."[1] According to other reports, in December 2021, a group of protesters, led by State Senator Cynthia Mendes, began sleeping in tents in front of the State House "for a total of 16 days, and were joined by candidates and activists," until Governor McKee "announced about 150 new emergency shelter beds and a new quarantine and isolation facility for homeless people."[2] Another tent demonstration began in April 2022 "to bring attention to the lack of beds as winter shelters closed."[3]

This latest protest is no different than past efforts to draw attention to the lack of adequate shelter, except perhaps that it has gone on longer because the State has failed to develop and provide sufficient or adequate shelter to the unhoused and homeless. Now, in early December, as winter is setting in, the State has authorized and directed the protesters to remove their tents and personal belongings on 48 hours' notice or face arrest and prosecution for trespassing. In addition to disrupting with their peaceful protest, many, if not all, of the December 2022 protesters, unlike State Senator Mendes, do not have a home to go to if they are forced to leave the State House grounds. Even if there were sufficient shelter beds for all—which there are not—family units

[1] https://www.bostonglobe.com/2021/09/09/metro/protesters-pitch-tents-state-house-highlight-homelessness-ri/, accessed 12/9/22.
[2] https://www.golocalprov.com/politics/brown-and-mendes-draw-national-attention, accessed 12/9/22. See also https://www.providencejournal.com/story/news/politics/2021/12/02/ri-homeless-protest-lt-gov-candidate-cynthia-mendes-living-in-tent-outside-ri-state-house/8822872002/, accessed 12/9/22; https://www.browndailyherald.com/article/2022/02/exhausting-but-worth-it-advocacy-for-housing-justice-continues-after-ri-allocates-funds, accessed 12/9/22.
[3] https://www.abc6.com/rhode-island-state-houses-tent-city-and-how-did-we-get-here/, accessed 12/9/22.

would be broken up by the restrictions on shelter access, many of which are common spaces with no privacy, are limited by gender and do not support family units.

Plaintiffs are unaware of any rule, practice or policy duly promulgated or adopted by the State of Rhode Island or any agency with jurisdiction over the State House which restricts access to the State House grounds where these protesters have staged their protest, either by restricting access to the location or by limiting the dates or times of access. No limitations on open times or dates are posted. No regulations have been posted on the Secretary of State's website. No other persons are being told to remove themselves or their personal belongings from the State House grounds. As for past practice, each of the previous instances when "tent city" protests have been staged at the State House is further evidence that no such valid and enforceable policy or practice exists.

II. Standard for Issuance of a Preliminary Injunction

"Though variously articulated in our decisions, the criteria a hearing justice should consider in deciding whether to grant a preliminary injunction are well settled. See, *e.g., In re State Employees' Unions*, 587 A.2d 919 (R.I.1991)." *Fund for Community Progress v. United Way of Southeastern New England*, 695 A.2d 517, 521 (R.I. 1997).

> The moving party seeking a preliminary injunction must demonstrate that it stands to suffer some irreparable harm that is presently threatened or imminent and for which no adequate legal remedy exists to restore that plaintiff to its rightful position. *See Brown v. Amaral,* 460 A.2d 7, 10 (R.I.1983); *Rhode Island Turnpike & Bridge Authority v. Cohen,* 433 A.2d 179, 182 (R.I.1981); *Coolbeth,* 112 R.I. at 564, 313 A.2d at 659. The moving party must also show that it has a reasonable likelihood of succeeding on the merits of its claim at trial. *See In re State Employees' Unions,* 587 A.2d at 925; *Pawtucket Teachers,* 556 A.2d at 557; *Coolbeth,* 112 R.I. at 566, 313 A.2d at 660. We do not require a certainty of success. *Coolbeth,* 112 R.I. at 566, 313 A.2d at 660. Instead we require only that the moving party make out a prima facie case. *Id.* at 564, 313 A.2d at 660. Having found a likelihood of success and an immediate irreparable injury, the trial justice should next consider the equities of the case by examining the hardship to the moving party if the injunction is denied, the hardship to the opposing party if the injunction is

> granted and the public interest in denying or granting the requested relief. *In re State Employees' Unions,* 587 A.2d at 925.

Id., 695 A.2d at 521. *See also Gianfrancesco v. A.R. Bilodeau, Inc.,* 112 A.3d 703, 711 (R.I. 2015) (quoting *Fund for Community Progress* with approval).

Plaintiffs have satisfied each of these standards.

A. Plaintiffs have a reasonable likelihood of success on the merits of their claims.

Plaintiffs claim that the State's announced actions violate their federal constitutional rights and analogous state constitutional rights under the First and Fourth Amendments[4] as well as their statutory rights conferred by the Rhode Island Homeless Bill of Rights.

1. *Defendants Violated Plaintiffs' Rights under the First Amendment to the U.S. Constitution and Article I, § 21 of the Constitution of the State of Rhode Island to Freedom of Speech, Petition, and Assembly*

Plaintiffs have been encamped on the grounds of the Rhode Island State House engaged in a protest to increase the amount of support, both fiscal and otherwise, that the State invests in them. Among other things, the physical presence of Plaintiffs and others on the grounds of the State House, along with signs and other communications, is designed to express and convey their message to their government and the public, including to educate the public concerning the living conditions of the homeless in the State of Rhode Island, the lack of adequate housing and shelter, and their inability to obtain adequate housing and shelter through the current housing systems operated by the State and non-profit organizations.

As such, Plaintiffs are engaging in express and symbolic speech, protest and assembly and petitioning the government as protected by the First Amendment to the United State Constitution and Article I §21 of the Rhode Island Constitution. That their protest includes overnight vigils does

[4] Due to the time constraints, Plaintiffs will reserve briefing on their Fourth Amendment claim.

not alter or diminish the expression. In *Clark v. Community for Creative Non-Violence*, the Supreme Court accepted without deciding that "overnight sleeping [in a public forum] in connection with [a] demonstration is expressive conduct protected to some extent by the First Amendment." 468 U.S. 288, 293 (1984). Other cases have recognized that overnight vigils may be expressive conduct. *Watters v. Otter*, 854 F. Supp. 2d 823, 828 (D. Idaho 2012) (collecting cases).

The grounds of the Rhode Island State House constitute a "traditional public forum" within the meaning of the First Amendment and Art. I §21 of the Rhode Island Constitution.

Public places, including streets and parks, "have been used for purposes of assembly, communicating thoughts between citizens, and discussing public questions. Such use of the streets and public places has, from ancient times, been a part of the privileges, immunities, rights, and liberties of citizens." *Hague v. Comm. for Indus. Org*., 307 U.S. 496, 515 (1939).

"[T]raditional public fora—have immemorially been held in trust for the use of the public and, time out of mind, have been used for purposes of assembly, communicating thoughts between citizens, and discussing public questions." *McCullen v. Coakley*, 573 U.S. 464, 476 (2014) (internal quotations omitted), quoting *Pleasant Grove City v. Summum,* 555 U.S. 460, 469 (2009), quoting *Perry Ed. Assn. v. Perry Local Educators' Assn.,* 460 U.S. 37, 45 (1983)).

The plaza and grounds of the State House have been open to the general public and used for rallies, demonstrations, and protests, both scheduled and unscheduled, for decades. "[T]here is no more appropriate place for citizens to express their views on issues of social and political significance and to communicate their feelings to their elected representatives than at the State Capitol." *Reilly v. Noel*, 384 F.Supp. 741, 747 (D.R.I. 1974) (Rhode Island State House building is a public forum); *Columbia v. Haley*, 738 F.3d 107, 121 (4th Cir. 2013) ("The South Carolina

State House grounds are the 'site of the State Government' . . . and comprise 'an area of two city blocks open to the general public.' As such, we treat the area outside of the State House as a public forum for First Amendment purposes.").

a. Defendants have failed to establish reasonable time, place, and manner restrictions on Plaintiffs' speech

Expressive speech may be subject to reasonable time, place, or manner restrictions: Any restrictions must be content-neutral and narrowly tailored to serve a significant governmental interest,[5] and they must leave open ample alternative channels for communication of the information. *Id*. The Court in *Clark* found that a validly-promulgated Park Service regulation which limited overnight sleeping in certain parks in the District of Columbia – establishing areas for camping as well as areas where camping was forbidden – was sufficiently narrowly drawn to comply with the First Amendment.

Clark does not stand for the proposition that a broad ban on overnight protest or vigil will automatically be approved. For example, the Southern District of New York in *Metro. Council, Inc. v. Safir,* 99 F. Supp. 2d 438 (S.D.N.Y. 2000), found overbroad a New York City ordinance that banned overnight sleeping on sidewalks, as it pertained to a planned overnight vigil in front of the Mayor's house. In *Clark*, protesters had sought an exemption from a narrowly-tailored regulation because the violation would have been for the purposes of expressive speech. In *Safir*, on the other hand, protesters' conduct fell within the *parameters* of a ban but failed to implicate the *interests* allegedly supporting the ban (protecting sleeping individuals from the dangers of the streets and preventing sleeping individuals from obstructing free passage for pedestrians). The

[5] Regulations are narrowly tailored if they "target[] and eliminate[] no more than the exact source of the 'evil' [they] seek[] to remedy." *Frisby v. Schultz*, 487 U.S. 474, 485 (1988). A regulation that prohibits expressive speech but which does not implicate a state interest is not narrowly tailored.

Safir court noted that it was "particularly troubling [] that the conduct (public sleeping) is especially likely to fall into this subset (unproblematic public sleeping) when it has a primarily expressive function (such as in this protest)." *Id.* at 446-448. *See also Whiting v. Town of Westerly*, 942 F.2d 18, 21 (1st Cir. 1991) (upholding general ban on public sleeping but noting that "plaintiffs do not claim that their sleeping constituted expressive conduct implicating their rights under the first amendment").

Indeed, the protesters at Gracie Mansion "planned to occupy a limited amount of space -- no more than half the width of the sidewalk -- and [would] avoid obstructing any entrances to adjacent buildings." Further, a "police presence [would] protect participants from harm and prevent them from occupying excessive sidewalk space." *Id.* at 445. In other words, because the suppression of protest was unnecessary to further the interests underlying the sleeping ban, it was not narrowly tailored.

In the 2010s, the courts again addressed government reaction to the nationwide "Occupy" movement. Participants in the "Occupy" movement typically identified an important state or municipal open-air landmark and established a continuous, 24-hour-day vigil to protest economic inequity. In South Carolina, for example, "Occupy Columbia" staged its vigil at the State House grounds. In response to the protest, under the direction of the Governor, the protestors were arrested and removed. Thereafter, both a state court and the federal district court enjoined the state's interference with the continued protest, "finding that [the State's] '6:00 p.m. policy' and any unwritten or informal rules prohibiting camping or sleeping on State House grounds were not valid time, place, and manner restrictions on Occupy Columbia's First Amendment rights. The district court explained that although Appellants were permitted to regulated camping and sleeping on State House grounds with reasonable time, place, and manner restrictions, no such restrictions

existed" at the time of the arrests. *Occupy Columbia v. Haley,* 738 F.3d 107, 113-114 (4th Cir. 2013) ("Occupy Columbia has unquestionably alleged that its First Amendment rights were violated when Appellants required its members to remove their camping equipment and vacate the State House grounds by 6:00 p.m. on November 16, 2011.").

b. No policy or regulation restricts public activities at the State House

Rhode Island's Administrative Procedures Act, R.I.G.L. ch. 42-35 ("APA"), § 42-35-1 *et seq.*, requires state agencies to follow specific requirements when creating and amending agency rules and regulations, defined as "the whole or a part of an agency statement of general applicability that implements, interprets, or prescribes law or policy or the organization, procedure, or practice requirements of an agency and has the force of law." § 42-35-1(19). Agency rules which "affect private rights or procedures available to the public" are subject to APA provisions. §42-35-1(19)(i).

The Department of Administration (DOA) and its Division of Capital Asset Management and Maintenance (DCAMM) are an "agency" within the meaning of the Administrative Procedures Act, § 42-35-1(1), and are not exempt from the rule-making obligations of the APA. §§ 42-35-1.1, 42-35-18.

All rule-making applicable to the public must follow explicit procedural requirements under the APA, which include, among other things, advance publication of a proposed rule on the agency's website, notice to the public, a minimum period of time for public comment, hearing and formal adoption, followed by filing with the Secretary of State. §§ 42-35-2.7, 42-35-2.8, 42-35-4. Emergency rules can be adopted for a limited period of time under specific circumstances but must also be published and filed with the Secretary of State. §42-35-2.10.

Whether adopted in the ordinary course or as an emergency rule, no agency rule is "effective or enforceable until properly submitted and accepted by the secretary of state." § 42-35-4(e)(4). In the January/February 2019 issue of the Rhode Island Bar Journal (vol. 67, n. 4), Mary-Rose W. Pellegrino, attorney at the Department of Administration, emphasized that the "2016 amendments to the APA required that agencies review, reformat, and publish all State regulations in a comprehensive and uniform administrative code," known as the Rhode Island Code of Regulations (RICR), "by December 31, 2018." The goal of these changes was to promote "fairness, efficiency, and ensure public access to agency information" by, among other things, putting all state agency rules in a single, easily-searchable online location.

As such, since December 31, 2018, all agency rules, including guidance documents, must be maintained and submitted in a "comprehensive system of codification" called the Rhode Island Code of State Regulations, maintained by the Secretary of State. § 42-35-5. "Any rule that [wa]s not resubmitted by December 31, 2018, and [wa]s not published in the code of state regulations, shall not be enforceable until the rule appears in the code of state regulations." § 42-35-5(b).

Upon information and belief, neither the DOA nor DCAMM, nor any other state agency, has purported to adopt or promulgate any rule, policy or guidance governing public access to the State House grounds in accordance with the requirements of the APA. No rules governing public access to the State House or its grounds appear in the RICR.

Defendants rely upon a document entitled "Policies and Procedures for use of State House, State House Grounds…" which states that its purpose "is to provide standards relating to special events scheduled in the State House, on the State House grounds…" The policies and procedures set forth in this document are unenforceable, expressly invalid and of no effect as a matter of State under the APA. This purported policy "affect[s] private rights or procedures available to the

public" and is subject to APA rulemaking and publishing requirements, but there is no evidence that this policy was ever published or subject to rulemaking or any other APA requirement. Such a policy does not appear in the RICR.

Even if the DOA had validly promulgated such a policy, it would not represent a valid time, place, and manner restriction. In regulating "[scheduled] special events," "scheduled events," "approved activities," and "scheduled activities" such a policy would not restrict *all* speech on the State House grounds. *See* 738 F.3d at 123-24 ("On its face, Condition 8 is simply a mechanism for groups to obtain reservations to utilize the State House grounds in ways that 'will not conflict with any other scheduled activities.' It does not, as Appellants contend, close the State House grounds to the public at 6:00 p.m., nor does it authorize the arrest of individuals for their presence on State House grounds after 6:00 p.m.").

As such, in the instant case, unlike in *Clark* and *Safir*, there is no validly promulgated, enforceable policy at all restricting protesters' speech -- let alone a narrowly-tailored one.

2. *Defendants Violated Plaintiffs' Rights Under Rhode Island's Homeless Bill of Rights*

The Homeless Bill of Rights of the State of Rhode Island ("HBOR"), R.I.G.L. chapter 34-37.1, was enacted into law in 2012 so that "no person should suffer unnecessarily or be subject to unfair discrimination based on his or her homeless status." § 34-37.1-2. The HBOR is grounded in traditional principles of fairness and equal protection.

The HBOR provides, among other things, that a person experiencing homelessness "has the right to use and move freely in public spaces, including, but not limited to, public sidewalks, public parks, public transportation and public buildings, in the same manner as any other person, and without discrimination on the basis of his or her housing status," § 34-37.1-3(1), "[h]as the right to equal treatment by all state and municipal agencies, without discrimination on the basis of

housing status," 34-37.1-3(2), and "[h]as the right to a reasonable expectation of privacy in his or her personal property to the same extent as personal property in a permanent residence." 34-37.1-3(7).

The State's actions–specifically, their Notice threatening Plaintiffs with involuntary removal from a public place open to other persons, criminal prosecution, and seizure of their person and personal property if they do not vacate the grounds of the State House–violates the rights of the Plaintiffs under the HBOR.

In November-December 2021, a group of protesters ("2021 protesters") encamped on the north side of the State House to bring attention to the lack of shelter beds available to unhoused Rhode Islanders. Affidavit of Cynthia Mendes at 1-3. The 2021 protesters spent 16 nights sleeping in tents on the same entrance plaza that has been the site of Plaintiffs' protest. *Id.* Uniformed law enforcement told protesters that they had a right to remain overnight on the State House grounds. *Id.* at 8-9. The 2021 protesters were never served with notices to vacate the premises. *Id*. at 10.

When asked why the Plaintiffs in this instant action would be served notices to vacate when the 2021 protesters were not, a representative from the Governor's office responded that "It's different because last year those people were not homeless." Affidavit of Laura Jaworski Razza at 8.

As alleged, this discriminatory treatment on the basis of perceived housing status represents a violation of the HBOR.

The Notice provided to certain individuals at the State House on December 7, 2022 also threatened them with destruction of personal property if they did not remove their possessions from the State House grounds within 48 hours ("Possessions can be stored for up to 30 days if they are properly boxed and labeled. Possessions not boxed and labeled will be disposed."). This

Notice's threatened destruction of property with only two days' notice is in contravention of the HBOR's declaration that unhoused individuals have a "right to a reasonable expectation of privacy in his or her personal property." § 34-37.1-3(7).

In 2016, a Cook County judge denied the City of Chicago's motion to dismiss a case filed under the Illinois Bill of Rights for the Homeless Act, which was modeled after Rhode Island's HBOR. In 2015, City officials threw Robert Henderson's possessions into a garbage truck; at the time, he was homeless and living under a viaduct. Officials also told Mr. Henderson that he had to leave due to complaints from a nearby business. Mr. Henderson's lawsuit maintained that City workers violated his right to equal treatment, and his right to reasonable expectation of privacy– the same rights enshrined in the HBOR–by discarding his possessions without legal due process. The case was settled in 2018. *Henderson v. City of Chicago*, 2016 WL 002448.

B. Plaintiffs will suffer irreparable harm without the requested injunctive relief.

If Plaintiffs are forcibly removed from the State House grounds, upon threat of prosecution and destruction of property, then they would be irreparably harmed in two ways: First, the loss of First Amendment freedoms constitutes irreparable injury. Second, Plaintiffs who cannot be housed at the time of removal risk relocation to homeless encampments that are less safe by virtue of being hidden from public view.

"'Irreparable injury' in the preliminary injunction context means an injury that cannot adequately be compensated for either by a later-issued permanent injunction, after a full adjudication on the merits, or by a later-issued damages remedy." *Rio-Grande Cmty. Health Ctr., v. Rullan*, 397 F.3d 56, 76 (1st Cir. 2005) (citations omitted). Here, Plaintiffs will suffer irreparable harm if a preliminary injunction is not issued. "The loss of First Amendment freedoms, for even minimal periods of time, unquestionably constitutes irreparable injury." *Elrod v. Burns*, 427 U.S.

347, 373 (1976) (plurality opinion). Plaintiffs' very presence staying at the State House is their statement of the emergency situation created by a lack of adequate shelter resources for themselves and other unhoused people.

Because Plaintiffs have demonstrated a likelihood of success on their First Amendment claim, they have also demonstrated that they are suffering irreparable injury. *Sindicato Puertorriqueño De Trabajadores v. Fortuño*, 699 F.3d 1, 11 (1st Cir. 2012) ("irreparable injury is presumed upon a determination that the movants are likely to prevail on their First Amendment claim").

Plaintiffs are housing insecure and have no alternative housing that would preserve their personal safety, privacy, and the reasonable expectation of protection of personal possessions. The December 7, 2022 notice provided to certain individuals at the State House alleged that those staying there would be "provided with a bed in an emergency shelter and transportation to this location. Transportation will be on site and available to you." That offer of assistance is illusory. At all times this year, the need for shelter beds has far outstripped the number of shelter beds available. Affidavit of Dr. Eric Hirsch.

Even if some shelter arrangements could be hurriedly arranged for some of the people staying at the State House, there is no evidence that all of the people who are staying at the State House can be provided meaningful shelter that meets their actual needs before they are forcibly removed from the State House with the threat of prosecution if they remain, including the diverse needs of couples and families who cannot necessarily be provided shelter in a generic congregate emergency shelter setting, individuals with wheelchairs, and those with service dogs. These individuals will predictably remain unhoused and on a waiting list through the Coordinated Entry

System for shelter from the weather after being removed from the State House grounds. Affidavit of Dr. Eric Hirsch.

C. Balance of the harm favors issuance of injunctive relief.

The balance of harm also weighs in favor of Plaintiffs. The harm to the state is speculative and unestablished; the risk of harm to the Plaintiffs includes arrest and destruction of property, if they remain on the State House grounds, or a forcible end to a visible and time-sensitive protest about an urgent housing crisis. Plaintiffs risk ongoing denial of their First Amendment rights and their urgent need to escalate their lack of adequate shelter and press for an immediate resolution to the dangerous and acceptable situation that they are suffering.

"[T]he threatened injury to Plaintiffs' constitutionally protected speech outweighs whatever damage the preliminary injunction may cause Defendants' inability to enforce what appears to be an unconstitutional statute." *ACLU v. Johnson*, 194 F.3d 1149, 1163 (10th Cir. 1999) (internal quotation, citation omitted). The State retains the ability to provide receptacles for garbage; access to sanitary facilities, including access to restrooms inside the State House building; and signage and clear pathways for access to the State House for other members of the public. All of these would be far less restrictive alternatives than forcibly displacing Plaintiffs and dispossessing them of their property.

The State's expressed concerns about keeping the walkways to the State House clean and clear are unpersuasive. Access to the State House continues unimpeded. Affidavits of Mendes and Hirsch.

D. The issuance of interim injunctive relief will serve the public's interest.

The final prong of the test requires Plaintiffs to establish that granting the preliminary injunction will not adversely affect the public interest. *See, e.g.*, *Fortuño*, *supra*, 699 F.3d at 10.

Here, the public interest will be served by granting interim relief. Following *Citizens United v. Federal Election Commission*, 558 U.S. 310 (2010), the First Circuit in *Fortuño* observed "that the suppression of political speech harms not only the speaker, but also the public to whom the speech would be directed". 699 F.3d at 15. The public has "the right and privilege to determine for itself what speech and speakers are worthy of consideration." *Citizens United*, 558 U.S. at 341.

Plaintiffs' request for interim injunctive relief vindicates the public interest by ensuring that Plaintiffs can continue bringing urgent attention to the plight of homeless individuals in Rhode Island as temperatures drop. Their demonstration at the State House has brought much-needed attention to the serious harms being suffered by the almost 600 Rhode Islanders who are living in places not fit for human habitation and waiting on shelter beds. Affidavit of Dr. Eric Hirsch at 8. Denying Plaintiffs' request for temporary injunctive relief would immediately extinguish the right of those who are staying at the State House to elevate the awareness of the public to these concerns.

A grant of temporary injunctive relief would leave the State with time and means to address the actual harm visited on the Plaintiffs by the continuing denial of adequate shelter to them. The State can and should continue to undertake the efforts they have described to provide every person staying outdoors at the State House with appropriate shelter.

III. Conclusion

Defendants issued notices to Plaintiffs—unhoused individuals who have been sleeping at the State House—that they must vacate the premises or risk arrest and destruction of their property. Removal of Plaintiffs and destruction of their property would be unlawful and would cause irreparable harm. These factors warrant the Court's issuance of a preliminary injunction.

Respectfully submitted,

/s/ _ Richard K. Corley_____
Richard K. Corley # 2965
469 Centerville Rd., Suite 206
Warwick, RI 02886
(401)739-2900, x. 301
(401) 481-5436, cell
rkcorley@corleyassociates.com

/s/ Lynette Labinger_____
Lynette Labinger #1645
128 Dorrance Street, Box 710
Providence, RI 02903
(401) 465-9565
LL@labingerlaw.com

AND

/s/ Jennifer L. Wood
Jennifer L. Wood #3582
Natalia Friedlander #10003
R.I. Center for Justice
1 Empire Plaza, Suite 410
Providence, RI 02903
Phone: (401) 491-1101
jwood@centerforjustice.org

Cooperating counsel,
AMERICAN CIVIL LIBERTIES UNION
FOUNDATION OF RHODE ISLAND

CERTIFICATE OF SERVICE

I hereby certify that, on December 13, 2022:

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/s/ Lynette Labinger