

STATE OF RHODE ISLAND
PROVIDENCE, SC

SUPERIOR COURT

RICHARD SOUTHWELL, et al.,	:	
<i>Plaintiffs,</i>	:	
	:	
v.	:	C.A. No. PC-2021-05915
	:	
DANIEL J. MCKEE, et al.,	:	
<i>Defendants</i>	:	

**STIPULATION CONTINUING PLAINTIFFS’
MOTION FOR INJUNCTIVE RELIEF**

In the event that the Court denies the motions to dismiss and the objection to the Plaintiffs’ motion to amend the complaint pending in *Richard Southwell, et al. v. Daniel J. McKee, et al.*, C.A. No. PC 2021-05915, the undersigned hereby stipulate and agree that:

- (1) Plaintiffs’ Motion for Temporary Restraining Order and Preliminary Injunction in *Richard Southwell, et al. v. Daniel J. McKee, et al.*, C.A. No. PC 2021-05915, which was scheduled for hearing on Tuesday, May 31, 2022, may, with the Court’s permission, be postponed indefinitely; and
- (2) All subpoenas issued by Plaintiffs that were returnable on May 31, 2022 shall remain in full force and effect, provided, however, that the date for compliance shall be continued to a date to be agreed upon by the parties after consultation with the Judge assigned to the case, without prejudice to any objections to same.

The undersigned also represent and agree that the above stipulation resulted from the fact that:

- (1) The Rhode Island Department of Health (“RIDOH”) reported on May 26, 2022 that COVID-19 community levels in Providence County went from “high” to “medium”;
- (2) In response, Dr. Janvier Montanez, the Superintendent of the Providence Public School District (the “Superintendent” and “PPSD,” respectively), has recommended to Angélica Infante-Green, the Commissioner of Education and delegate of the Council on Elementary and Secondary Education under

The Paul W. Crowley Rhode Island Student Investment Initiative, R.I. Gen. Laws § 16-7.1- 5 (the “Commissioner”), that:

- (a) the face mask mandate presently in effect in the PPSD be rescinded and face masks become optional, effective as of Tuesday, May 31, 2022; and
 - (b) a request be made that the Providence School Board (the “PSB”) meet on an expedited basis to consider what policy should govern any theoretical re-institution of the face mask mandate, to be submitted to the Commissioner for approval;
- (3) The Commissioner agreed with the Superintendent’s recommendations, and therefore:
- (a) as of Tuesday, May 31, 2022, face masks will be optional within the PPSD; and
 - (b) the Superintendent will request that the PSB meet on an expedited basis to consider adopting a policy governing any theoretical re-institution of the face mask mandate, and provide for public comment; and
- (4) The Commissioner has agreed to provide Plaintiffs’ counsel with forty-eight hour advance notice (not including weekends) of any decision to approve the reinstatement of a face mask mandate in the PPSD.

Plaintiffs,
RICHARD SOUTHWELL, et al.

By their attorney,

Gregory P. Piccirilli, Esq. (#4582)
148 Atwood Avenue, # 302
Cranston, R.I. 02920
(401) 578-3340
gregory@splawri.com

Defendant,
DR. JAVIER MONTANEZ,
Superintendent, Providence Public Schools,
By his attorneys,

/s/ Charles A. Ruggiero
Charles A. Ruggiero (#7620)
127 Dorrance Street
Providence, R.I. 02903
crlaw@yahoo.com
(401) 456-9100

/s/ Michael Polak
Michael Polak (# 7719)
Henneous Carroll Lombardo, LLC
155 South Main Street, Suite 406
Providence, RI 02903
401.424.5224
mpolak@hcllawri.com

ANGÉLICA INFANTE GREEN,
in her dual capacities as RIDE's
Commissioner and the Council's
Crowley Act delegate,

By her attorney,

/s/Anthony F. Cottone
Anthony F. Cottone (#3922)
RIDE's Chief Legal Counsel
255 Westminster Street, 4th Floor
Providence, R.I. 02903
Tel: (401) 222-8977
Anthony.Cottone@ride.ri.gov

DATED: May 27, 2022

CERTIFICATION

I hereby certify that on this 27th day of May, 2022, I emailed and served this document through the electronic filing system on the following attorneys of record:

Michael W. Field, Assistant Attorney General
150 South Main Street
Providence, Rhode Island 02903
mfield@riag.ri.gov

Chrisanne Wyrzykowski, Assistant Attorney General
150 South Main Street
Providence, Rhode Island 02903
cwyrzykowski@riag.ri.gov

/s/Gregory P. Piccirilli, Esquire #4582