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**STATEMENT OF PLAINTIFFS REGARDING SETTLEMENT
IN SOUTHWELL V. MCKEE SCHOOL MASKING LAWSUIT**

Twenty-six months ago, a group of brave and determined parents dared to bring a lawsuit against the Governor and RI Department of Health challenging their decision to forcibly mask public school students for up to 8 hours per day. They faced intense criticism and scorn for demanding openness in government decision making. They challenged not only the legality of such mandates, but the woeful lack of scientific evidence that such masking worked and was not harmful to their children.

With the tireless assistance of our expert, Dr. Andrew Bostom, we amassed irrefutable proof that forced masking is neither safe nor effective. While the Court agreed with us and ruled that children were suffering “irreparable harm” from this mask mandate, it was reluctant to rule against the public health officials who asserted, with the flimsiest of evidence, that “masks work.” The evidence today is incontrovertible, forced masking of school children does not work and is in fact potentially very harmful to children.

The Plaintiffs’ goal in this litigation has been to have RIDOH do what it should have done three years ago: hold public hearings through the normal regulatory process on whether masking in schools is efficacious and safe. After eight months of mediation (delays of which were caused in part by the departure of a number of lawyers assigned to this case from the offices of the AG and RIDOH) we are now happy to report a settlement with the State which commits RIDOH to do just that.

The settlement was agreed to before Superior Court Justice Jeffrey A. Lanphear on December 12, and is in three parts: First, within 30 days of the entry of a dismissal stipulation (which we anticipate will happen by the end of the year), RIDOH will provide Notice of Public Hearing, in accordance with the normal regulatory process under the Administrative Procedures Act. This hearing will consider whether, in the future, forced masking in a public school setting is appropriate. We intend to provide public comment from experts across the country that such mandatory masking does not work, and in fact is often harmful. Parents and any member of the public will also be able to attend and make comments. RIDOH will then conduct and publish a cost-benefit analysis of the forced masking of schoolchildren. Despite numerous requests from the public, this is something that state public health officials have steadfastly refused to do until now.

Second, RIDOH will clarify in a memo to all public schools that there is not now and will not be a “mask mandate” for students, even those who test positive for COVID or otherwise exhibit COVID-like symptoms or have had exposure to COVID. Finally, in exchange for these concessions, the parents have agreed to dismiss their lawsuit.

We believe that this may be the first commitment by a public health agency in this Country to conduct such a hearing and analysis. We are also confident that once the evidence is presented, RIDOH will have to concede that mandatory mask mandates in schools should never happen again.