

**UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF RHODE ISLAND**

**LITTLE COMPTON TAXPAYERS ASSOCIATION, :
and ROBERT J. HAYDEN, JR., ROY F. BONNER, :
ROGER LORD, Individually, and in their Capacities :
as Officers, Directors, and Members of the Little :
Compton Taxpayers Association, and JOSEPH M. :
QUINN, Individually and in his Capacity as an Officer, :
Director, and Member of the Little Compton :
Taxpayers Association and as a Candidate for the :
Little Compton School Committee :
Plaintiffs :**

v. :

C.A. No. 11-251-M

**FRANK J. REGO, in his Official Capacity as :
Chairman of the Rhode Island Board of Elections, and :
RICHARD R. DUBOIS, FLORENCE G. GORMLEY, :
MARTIN E. JOYCE, JR., RICHARD PIERCE, :
WILLIAM E. WEST and SUSAN FARMER in their :
Official Capacities as Commissioners of the :
Rhode Island Board of Elections and :
ROBERT KANDO, in his Official Capacity as :
Executive Director¹ :
Defendants :**

CONSENT ORDER

1. Plaintiffs initiated this civil action, alleging the violation of their constitutional rights under the First and Fourteenth Amendments, as specifically set out in the Complaint.
2. The allegations centered around action taken and the Order issued by the Rhode Island Board of Elections (the "Board") on May 11, 2011, as set forth more specifically in the Complaint and as evidenced by Exhibit 2 to the Complaint.
3. Defendants have admitted that the action was taken; however, in their Answer, they denied any constitutional or statutory violation.
4. After the filing of this civil action, the Board met in Executive Session to consider the allegations of the case and the claims asserted by the Plaintiffs.

¹ Pursuant to Rules 25(d) of the Federal Rules of Civil Procedure, as successors in office, SUSAN FARMER, in her official capacity as a Commissioner of the Rhode Island Board of Elections is substituted for defendant JOHN A. DALUZ, and FRANK J. REGO, in his official capacity as Chairman of the Rhode Island Board of Elections, is substituted for JOHN A. DALUZ, in his capacity as Chairman of the Rhode Island Board of Elections.

5. The Board reconsidered its May 11, 2011 Order, in light of the allegations and claims that had been raised by the Plaintiffs in their Complaint.
6. On November 16, 2011, as reflected in Order and Minutes of said date, attached hereto as Exhibits A and B, respectively, the Board of Elections rescinded and withdrew the Order that was the subject of the instant Complaint.
7. The Board determined that there was an inadequate record of the May 11, 2011 proceedings.
8. Specifically, the Board withdrew the Order because the record of the May 11, 2011 hearing did not support the finding that there was coordinated activity between the Little Compton Taxpayers Association and candidate Joseph M. Quinn as initially alleged.
9. A finding of actual coordinated activity between the Little Compton Taxpayers Association and candidate Joseph M. Quinn was necessary for there to have been a violation of the Rhode Island Campaign Contributions and Expenditures Reporting Act.
10. The November 11, 2011 Order, withdrawing the prior May 11, 2011 Order, is applicable to the Respondents who appeared before the Board and who were the subject of the prior Order; i.e., the instant Plaintiffs, Little Compton Taxpayer Association and Joseph M. Quinn. Any and all parts of the May 11, 2011 Order are hereby rendered null and void as to each Plaintiff collectively and individually.
11. The parties therefore agree that this civil action may be dismissed with prejudice.
12. The parties further agree that the Plaintiffs are "prevailing parties" for purposes of the application of 42 U.S.C. § 1988. The amount of attorneys fees will be determined by the agreement of the parties, or, if no such agreement can be reached, then shall be determined by an Order of the Court.

Entered as an Order of this Honorable Court on the 25th day of January, 2012.

ENTER:



Judge John S. McConnell, Jr.
U.S. District Court for the District of RI

BY ORDER:



Clerk

Presented by:

Plaintiffs,
By Their Attorneys,

/s/ Robert Senville

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Defendants,
By Their Attorneys,

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