

UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS

STEPHEN MANDILE,
Plaintiff,

v.

UXBRIDGE SCHOOL COMMITTEE;
and MICHAEL BALDASSARRE, in his
personal and official capacities,

Defendants.

Civil Action No. _____

VERIFIED COMPLAINT FOR

- 1. VIOLATION OF 42 U.S.C. § 1983 (FIRST AMENDMENT – FREE SPEECH)**
- 2. VIOLATION OF 42 U.S.C. § 1983 (FOURTEENTH AMENDMENT – PROCEDURAL DUE PROCESS)**
- 3. VIOLATION OF 42 U.S.C. § 12132 (FOURTEENTH AMENDMENT – SUBSTANTIVE DUE PROCESS)**

JURY TRIAL DEMANDED

This is a Civil Action brought by Plaintiff Stephen Mandile against Defendants Uxbridge School Committee and Superintendent Michael Baldassarre. Mandile brings claims under 42 U.S.C. § 1983 for Defendants’ violation of Mandile’s First and Fourteenth Amendment rights. Mandile is an anti-bullying advocate and an advocate for LGBTQ+ youth. However, his views offend Superintendent Baldassarre, and Baldassarre has abused his position and his authority to punish Mandile for exercising his First Amendment rights and has deprived him of rights without due process. In support of these claims, and in greater detail, Mandile alleges as follows:

THE PARTIES

1. Plaintiff Stephen Mandile is an individual and elected official who resides in Uxbridge, Massachusetts.
2. Defendant Uxbridge School Committee is a school committee organized pursuant to G.L. c. 41, § 1 and G.L. c. 71, §§ 1 and 37.

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3. Defendant Michael Baldassarre is the Superintendent of Uxbridge Public Schools and, at all relevant times, worked in Uxbridge, Massachusetts.

JURISDICTION AND VENUE

4. This Court has subject matter jurisdiction over this civil action per 28 U.S.C. § 1331, as this action arises under 42 U.S.C. § 1983 and the First and Fourteenth Amendments to the U.S. Constitution.

5. This Court has personal jurisdiction over all Defendants as they are all citizens of the Commonwealth of Massachusetts, and all acts happened in Massachusetts.

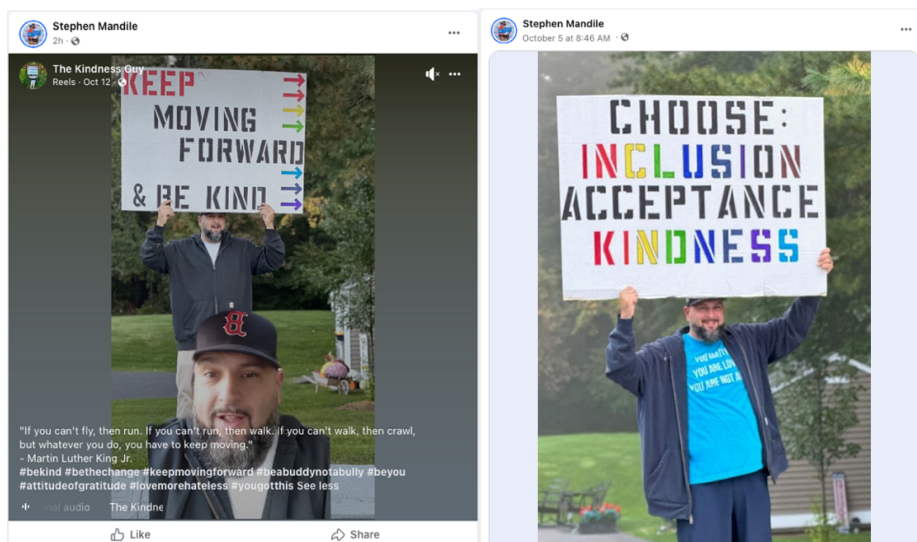
6. Venue is proper in this Court pursuant to 28 U.S.C. § 1391(b)(1) & (2) as all Defendants reside in this District and all events giving rise to the claim occurred in this District.

7. Uxbridge is in the Worcester division of this District.

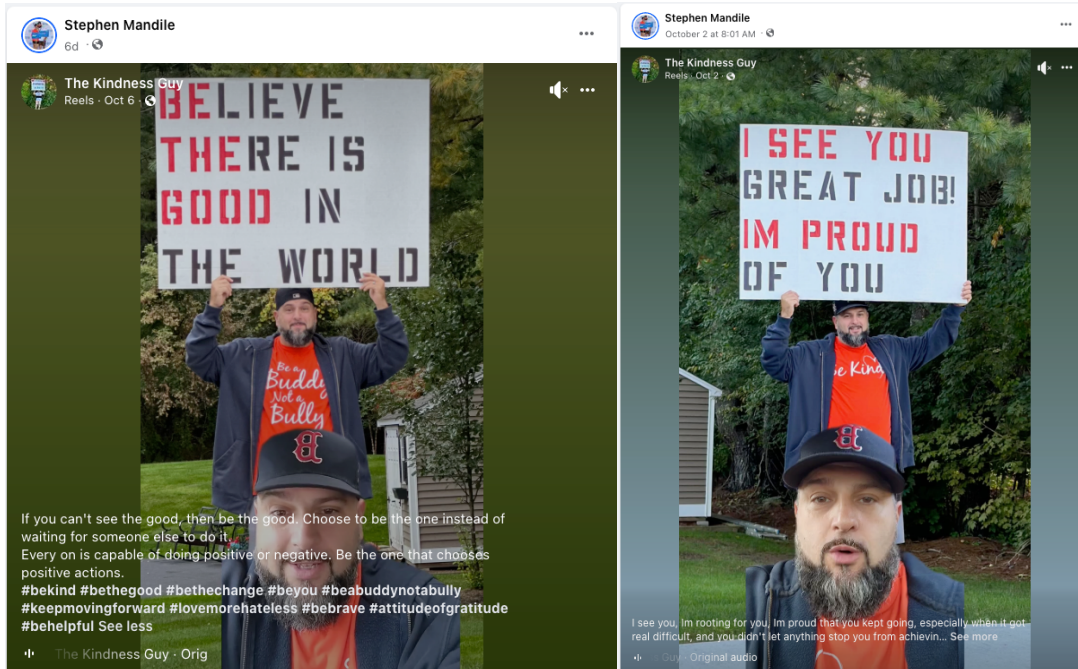
FACTUAL BACKGROUND

8. Plaintiff Stephen Mandile is a veteran, local community activist, and elected official serving on the Uxbridge Board of Selectmen.

9. Mandile is known locally as “the **Kindness Guy**” because he makes positive signs in a form of protest against hate – to be a bright light, uplifting his community.



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10. Defendant Michael Baldassarre has been Superintendent of Uxbridge Public Schools since June 23, 2022.

11. Baldassarre writes a blog where he has publicly criticized Mandile for engaging in these activities, including supporting children, being against bullying, and in support of marginalized youth including LGBTQ+ youth.

Boston Globe Article – May 9, 2023

12. On May 9, 2023, the Boston Globe reported that Defendant Uxbridge School Committee had six school committee members resign in rapid succession.¹

13. Mandile spoke with reporters for the article.

14. As an Uxbridge Board of Selectmen member, Mandile is heavily involved in the Uxbridge community and its politics.

¹ Daniel Kool and Tonya Alanez, *Uxbridge taps Ed Davis to investigate slew of resignations that left school board with one member*, BOSTON GLOBE (May 9, 2023), <https://archive.ph/eLxdV>.

15. Mandile regularly contributes to news reports and has provided information and quotes for use in multiple unrelated articles.

16. In the article, Mandile linked the resignations to what he described as a “pattern of unprofessional behavior by [Defendant] Baldassarre in public meetings.”

17. Mandile provided, as an example of this unprofessional behavior, that Baldassarre threw “*his feet up on the table, and instead of listening to everybody in the room that had something to say, he just told us his personal story that kind of didn’t seem relevant.*”

18. Mandile also stated that Baldassarre answered policy questions with personal stories multiple times and was “very dismissive” when others expressed concerns about his behavior.

19. Multiple community members provided quotes for the article concerning their negative opinions of Baldassarre’s performance as Superintendent.

20. On May 16, 2023, a campaign was launched on change.org for Baldassarre to resign as the Superintendent of Uxbridge Public Schools.²

Baldassarre Harasses Mandile – May 28, 2023

21. On May 28, 2023, Mandile was volunteering at VFW Post 1385 with his family when he was approached and harassed by Baldassarre.

22. At around 5:00 p.m., Baldassarre came to the raffle table where Mandile was volunteering and extended his hand to say hello.

23. Baldassarre was visibly intoxicated.

² Uxbridge Parents, *Put Dr. Michael Baldassarre On Leave from his position as Uxbridge Schools Superintendent*, CHANGE.ORG, (May 16, 2023), <https://www.change.org/p/put-michael-baldassarre-on-leave-from-his-position-as-uxbridge-superintendent>.

24. Immediately after shaking hands, Baldassarre aggressively and threateningly yelled at Mandile, yelling at him: “It’s none of your business what’s going on with me and the school, why are you trying to ruin my career?”

25. Mandile responded that his conduct and his tone was inappropriate. It was neither the time nor the place to discuss this matter during a fundraiser for a friend, but invited him to speak outside.

26. Outside, Baldassarre got more aggressive continued to raise his voice, saying, “You have no idea what’s going,” and that Mandile made slanderous allegations to the Boston Globe.

27. Baldassarre got threateningly close to Mandile and stated, “You’re supposed to be the Kindness Guy, you’re supposed to help people.”

28. Mandile told him that he was not going to waste his time listening to Baldassarre when he should be volunteering with his family.

29. As Mandile headed inside, Baldassarre exclaimed to Mandile, “I have lost all fucking respect for you, Steve.”

30. Mandile returned to the raffle table, where his wife and two daughters were distressed, and asked if we should leave.

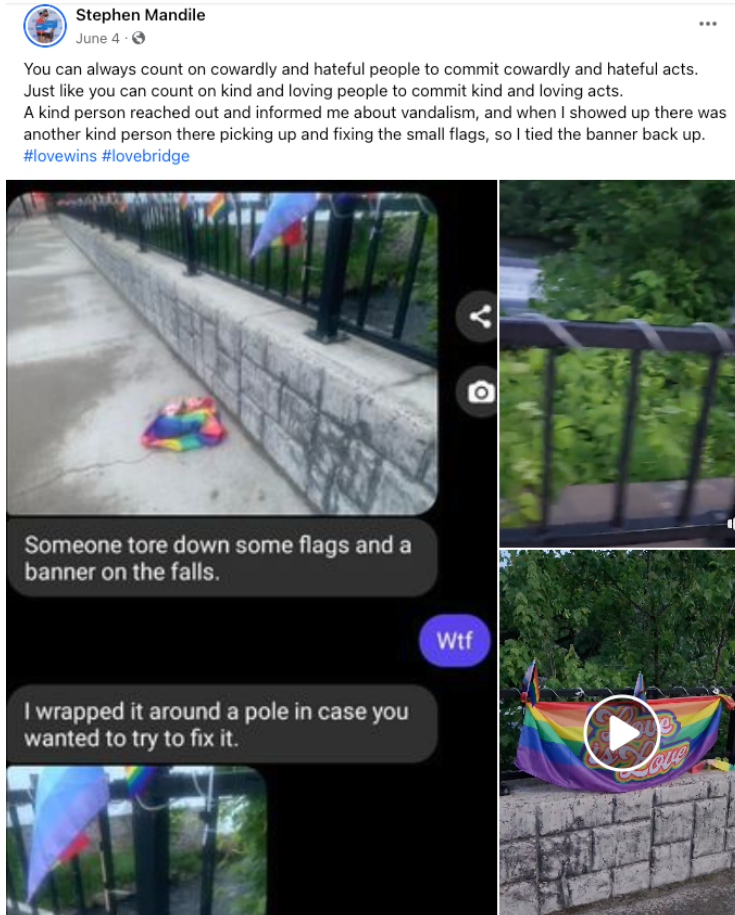
31. Mandile told them, “No, we don’t let people intimidate us into doing what we don’t want to do.”

32. Soon thereafter, Mandile went to the Uxbridge Police Department to report the incident.

33. On May 30, 2023, Mandile posted his Uxbridge Police Report Voluntary Statement on his Facebook. See Exhibit 1 and Exhibit 2.

Pride Month – June 2023

- 34. Mandile celebrates Pride Month.
- 35. Pride flags were placed on the Alice Bridges Bridge in Uxbridge this year.
- 36. On or about June 4, 2023, Mandile discovered that the Pride display on the bridge was vandalized.



- 37. On June 5, 2023, Mandile posted a Facebook video from the bridge about the vandalism. Mandile stated, in relevant part, the following:

I'm here at the Alice Bridges Bridge, which has been dubbed the Love Bridge during the month of June as it gets decorated to celebrate National Pride Awareness Month, which is a national holiday. It's unfortunate that we still have a small group of cowards that get so triggered by seeing a rainbow that they have to get out and cause problems and destroy everything, but, **you know, come and take my flag. I'm here. I'll be here every day now, umm, making sure that the people in this**

town that identify as LGBTQ+ always feel welcome and always feel safe. Umm, and you can come and try to stop me from doing that. Umm, but it's not gonna work. We're gonna keep coming back, we're gonna keep doing bigger and better. Making sure those people always feel like they fit in[.]

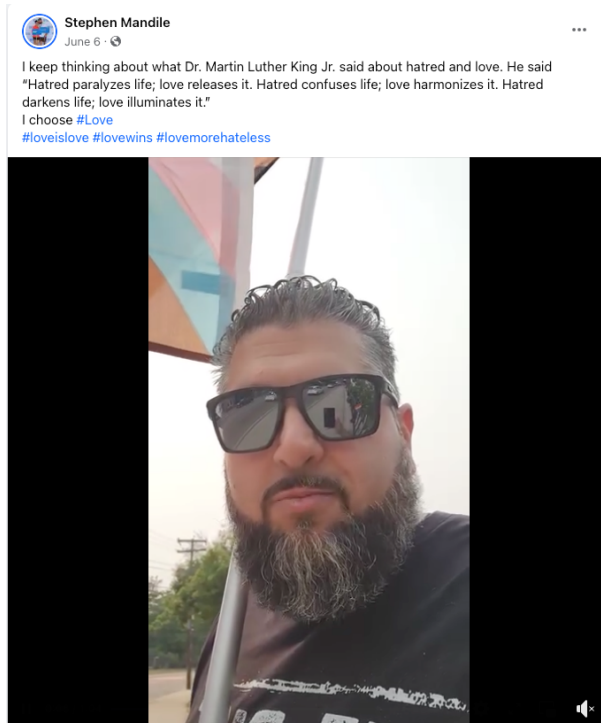
Exhibit 3 (June 5, 2023, Mandile Facebook Video).

38. On June 6, 2023, Mandile posted a Facebook video from the bridge updating the community about the vandalism. Mandile stated the following:

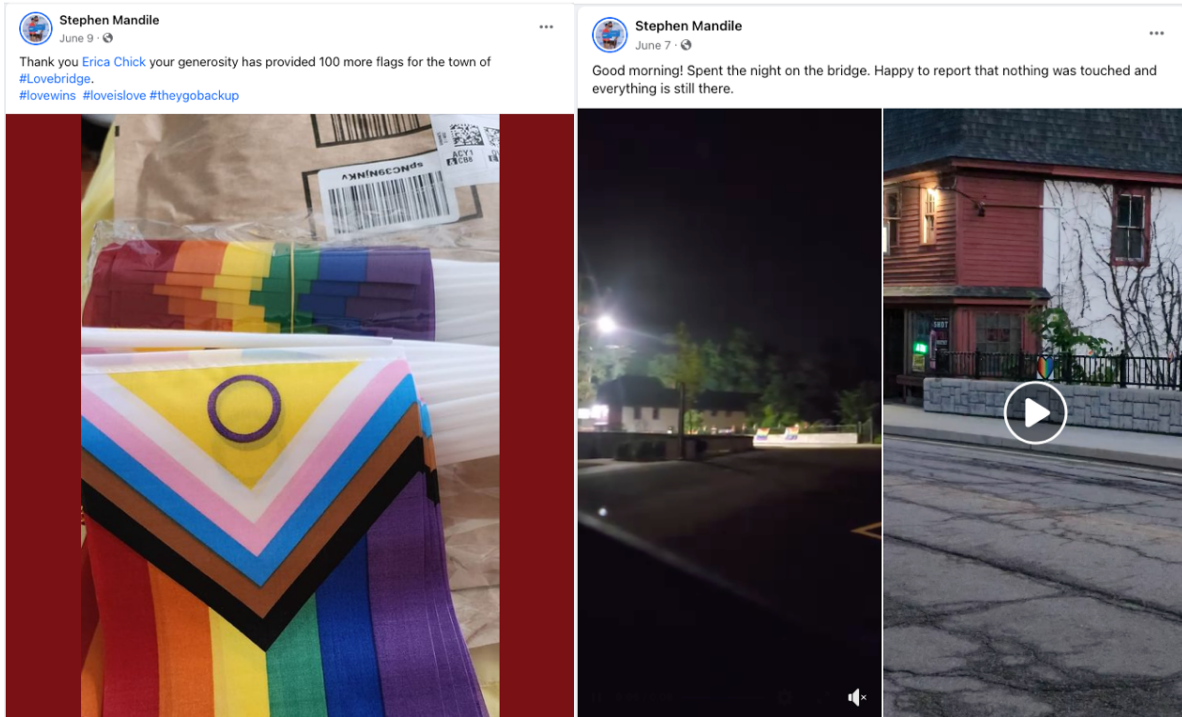
Back here at the Alice Bridges Bridge, a.k.a. the Love Bridge. The cowardly vandals came back overnight and took the displays down. Umm, but, you know, it's not gonna stop us. More flags already up, I'm already out here as well. And yesterday, while I was out here all day, you know, I had probably about 300 cars that either honked, waved, gave a thumbs up, yelled out thank you some, some acknowledgement of appreciation. And I would say only two derogatory experiences where people yelling out, you know, dumb stuff out the window. . . . [I]f you want flags, you know, just ask, I'll give you a couple, come by and talk to me. Have a great day everybody.

Exhibit 4 (June 6, 2023, Mandile Facebook Video).

39. The caption on the June 6, 2023, Facebook video quotes Dr. Martin Luther King Jr., whom Mandile greatly reveres.

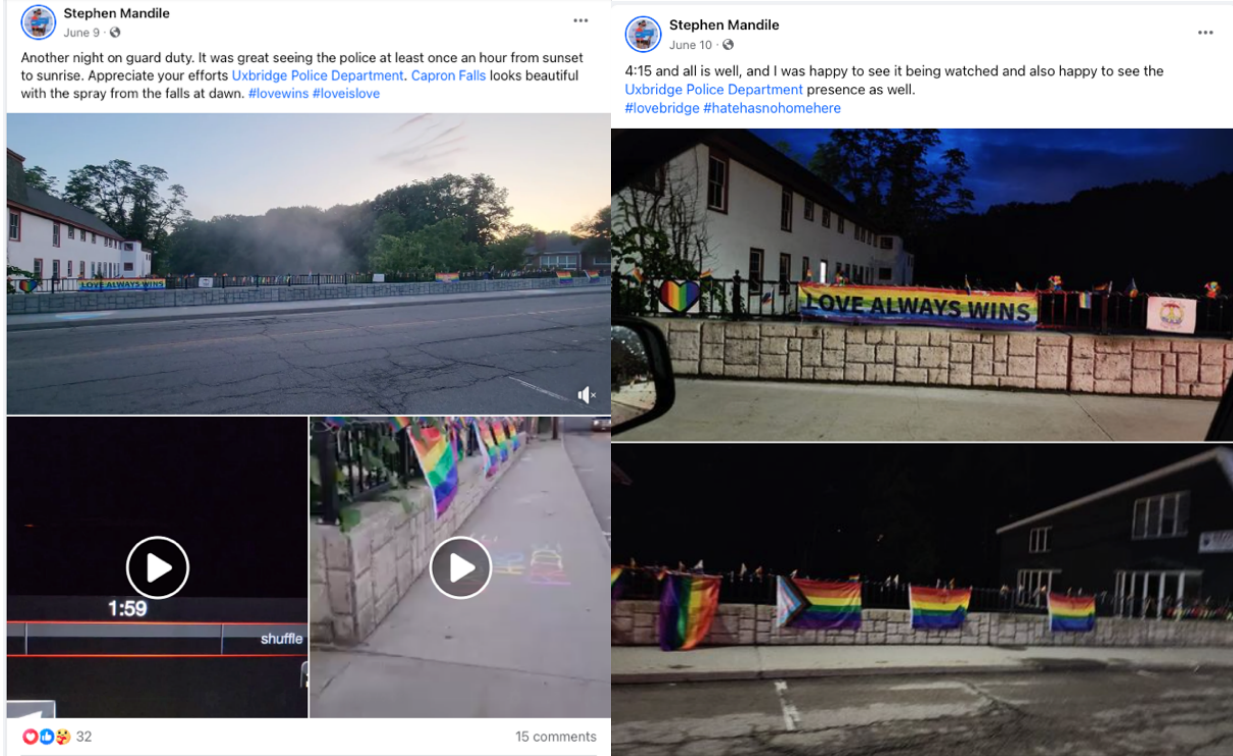


40. For the next several nights, Mandile, a veteran, protected his town by hanging up new flags and spending the night on the bridge.

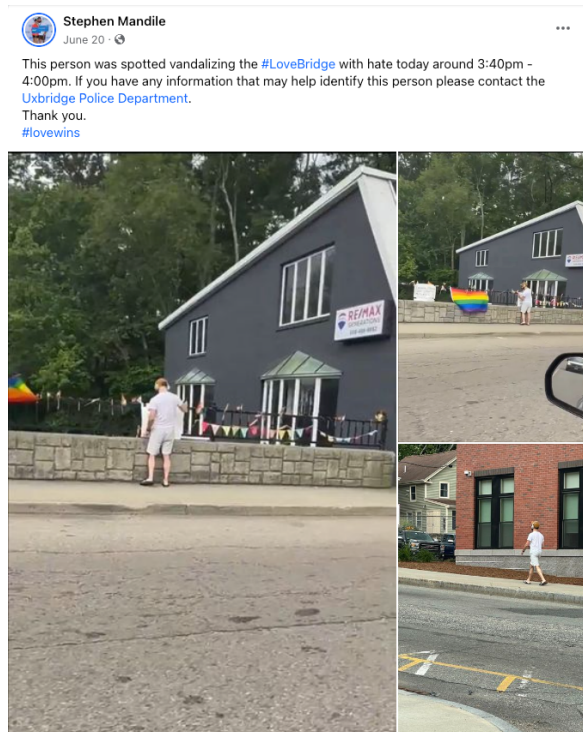


41. Mandile's actions also garnered the attention of news outlets³ and the Uxbridge Police Department, who investigated and monitored the bridge.

³ Brea Douglas, 'It is sad and ignorant': Police investigating the disappearance of pride flags in Uxbridge, BOSTON 25 NEWS, (June 6, 2023), https://www.boston25news.com/news/local/it-is-sad-ignorant-police-investigating-disappearance-pride-flags-uxbridge/TH6XR7EIE5AOTHUH56VGTSPUO4/?fbclid=IwAR1EhGxJJRu2_FCLwqhw83Vv6o-wtJwuNJ2jBUhcEqbSeEBBQLkXOXbOtt4; Devin Bates, 'We put them back up:' Uxbridge Pride display organizers undeterred by stolen flags, SPECTRUM NEWS 1, (June 7, 2023), <https://spectrumnews1.com/ma/worcester/news/2023/06/07/-they-take-them-down--we-put-them-back-up---missing-pride-flags-in-uxbridge-investigated>.



42. On June 20, 2023, Mandile captured a picture of a vandal and posted it on Facebook with a request to forward any identifying information to the police.



43. Mandile did not confront the vandal and has never displayed a scintilla of violent behavior.

Baldassarre’s Blog Post – August 27, 2023

44. On August 27, 2023, Defendant Baldassarre posted an article on his blog titled “Beware of Clandestine Hate – What’s Happening on Social Media When Parents Aren’t Looking.”⁴

45. In the article, Baldassarre lied about Mandile’s protection of the Love Bridge during Pride Month and accused Mandile of hate.

46. In relevant part, the article states the following:

I saw an angry person on a bridge waving the Pride Flag in June. This individual had taken the time and resources to adorn the bridge with additional flags. I can’t help but think how uplifting this could be for many people. Then, I saw the same person on Facebook, having made a video, yelling into the camera, **“If you want this flag, I dare you to come and take it from me!”** In my mind, I could hear Charlton Heston telling Al Gore to take his guns from his “Cold Dead Hands” I had to find my internal Control + Alt + Delete buttons because I could not make sense of this. The only thing I could think of were the words “Clandestine Hate.”

In total stealth, this angry, hateful person used the Pride Flag to incite potential violence. What would have happened if someone who felt strongly showed up on the bridge to take the flag, as it was challenged on Facebook? Would there have been a fight? Weapons? Would the police have to be put in danger to protect this dude? I’ve started writing about some extreme things I’ve witnessed in my work and life. My cautious mind looked at this post and thought, Wow. People started liking the post and affirming the challenge of confrontation. Then, this individual decided to get a sleeping bag and snooze on the bridge's sidewalk at night to “protect” the flags. This was about the poorest example of what our kids should be seeing. All to get a few extra Facebook likes! Terrible, terrifying stuff. Hate cloaked in a flag developed for support, unity, serenity, and peace.

47. Mandile never said, “If you want this flag, I dare you to come and take it from me!”

⁴ Mike Baldassarre, *Beware of Clandestine Hate – What’s Happening on Social Media When Parents Aren’t Looking?*, (Aug. 27, 2023), <https://www.mikebaldassarre.com/blog/beware-of-clandestine-hate-whats-happening-on-social-media-when-parents-arent-looking>

48. Mandile never incited violence or displayed anger and hate.
49. Mandile is the Kindness Guy.
50. Baldassarre lied about Mandile and cast him in a false light.

Uxbridge School Committee Meeting – September 5, 2023

51. On September 5, 2023, Mandile attended the Uxbridge School Committee meeting.
52. Mandile petitioned the government entity during the public comments portion of

the meeting, focusing on Baldassarre’s unprofessional conduct, including harassing Mandile on May 28, 2023, and casting Mandile in a false light on his blog pertaining to Pride Month.

I would prefer not to be here speaking to you tonight, but I am far too concerned with the absence of professionalism, decorum and leadership from our current superintendent, which is having a negative effect within the schools.

Exhibit 5 (Sept. 5, 2023, School Committee Video at 0:06 – 0:16).

53. During public comment, Mandile addressed concerns about teachers leaving due to poor leadership.

As a parent who has volunteered upwards of 500 hours of my time at the Taft-Whitin schools over the last 14 months, I’ve had the privilege of meeting and getting to know most of the dedicated and kind staff and faculty within those schools. They are wonderful people and they are the heart and soul of our schools. We have had many leave our district over the summer. I’m still hearing from so many of them being so concerned with the lack of leadership and professional [sic] professionalism being displayed by our superintendent that they’re actively searching for jobs in other districts. Some have stated [sic] started the school year, still waiting for the supplies from the district that they [sic] they’re used to receiving before the school year starts. This scares me because they are, they are the ones that spend the most time with the students. The ones the student trusts to rely on for all their needs for six hours a day for half of the [sic] each year.

(*Id.* at 0:17-1:01).

54. Mandile explained how he saw the lack of professionalism first-hand when Baldassarre harassed him during a fundraiser on May 28, 2023. (*Id.* at 1:16-1:28).

55. Mandile addressed Baldassarre's blog, where he lied about Mandile and cast him as a hateful person. (*Id.* at 1:29-1:39).

56. Mandile closed his public comment by invoking Dr. Martin Luther King Jr.

Years ago, I would have reacted to lies written about me and who I am by matching that anger and toxicity and most likely doubling it. After years of practice, before reacting internally, I recite a part of one of Doctor Martin Luther King Jr.'s most famous sermons, "Loving Your Enemies." Where Doctor King preaches returning hate for hate multiplies hate, adding deeper darkness to a night already devoid of stars. Darkness cannot drive out darkness. Only light can do that. Hate cannot drive out hate, only love can do that. So while I do not see a path forward for Uxbridge Public Schools and Michael Baldassarre that leads to an improved district and success together. I still hope Mike Baldassarre experiences the future of personal and professional growth and success. And I will continue my efforts volunteering to help the Children and the families of Uxbridge.

(*Id.* at 2:17-3:03).

Uxbridge High School Parking Lot Incident – September 5, 2023

57. On September 5, 2023, after the conclusion of the Uxbridge School Committee meeting, Baldassarre exited the school with a school committee member.

58. After Baldassarre exited, Mandile exited with another member of the school committee, about 15-20 yards behind them.

59. Everyone walked to their cars.

60. Mandile stopped by his truck for a second and then walked slowly towards Baldassarre's car.

61. Mandile walked slowly toward the car and did not raise his voice because he did not want to appear hostile or aggressive.

62. There was a security camera covering the area that captured the interaction.

63. Baldassarre has refused to provide the security camera footage to Mandile, denying a public records request made on September 14, 2023. **Exhibit 6.**

64. Mandile stopped about ten to fifteen feet from the driver's side rear fender of Baldassarre's car.

65. Mandile asked, "Why are you writing lies about me on your blog?"

66. Baldassarre slammed his trunk, reached into his rear passenger door, and answered his phone.

67. Baldassarre quickly walked back towards the school, and Mandile heard him say, "You couldn't have called at a better time."

68. At that point, Mandile walked back to his truck and left.

No Trespass Order – September 6, 2023

69. The next day, on September 6, 2023, Baldassarre issued a No Trespass Order ("NTO") against Mandile that prohibited him from entering the grounds of Uxbridge Public Schools and attending school-related off-campus events. **Exhibit 7.**

70. Under the NTO, Mandile may only enter the Uxbridge Public School grounds by "invitation with a specific time, specific place, and specific purpose that relates to the education of [his] children."

71. Baldassarre alleged that the NTO was based on Mandile's behavior in the parking lot after the September 5, 2023, Committee meeting and "one other" unspecified occasion.

72. Baldassarre alleged that Mandile "jeopardized the feeling of safety and well-being our school community by your behavior in the parking lot of Uxbridge High School[.]"

73. In reality, Baldassarre retaliated against Plaintiff by issuing the NTO on September 6, 2023, on account of his protest during the public comments portion of the September 5, 2023, Uxbridge School Committee Meeting and for his calls for Baldassarre to resign as Superintendent.

Appeal of The No Trespass Order – September 13, 2023

74. Upon receiving the NTO, Mandile spent one week researching what steps he could take to remedy this unconstitutional restraint.

75. On September 13, 2023, Mandile emailed Defendant Uxbridge School Committee requesting to start the appeals process for the NTO and requesting information on how to proceed. See **Exhibit 8**.

76. On September 18, 2023, Barry Desruisseaux, Chair of the Uxbridge School Committee, responded to Mandile by email, stating that there is no appeal process and that “entities are free to exclude anyone from their premises they wish.” *See id.*

77. On September 20, 2023, Chair Desruisseaux sent a public records request response to Mandile confirming there was no appeal process for the NTO.

Harassment Prevention Order – September 14, 2023

78. The day after Mandile requested an appeal of the NTO, Baldassarre went to court, seeking a harassment prevention order.⁵

79. Baldassarre’s Harassment Prevention Order Affidavit alleged that in the parking lot after the Uxbridge School Committee meeting on September 5, 2023, Mandile screamed at him. **Exhibit 9**.

80. The affidavit also alleged that Mandile caused Baldassarre harm by speaking to the Boston Globe for the May 9, 2023, article and demanding his resignation.

⁵ Filed in the District Court of the Commonwealth of Massachusetts in and for the District of Concord, entitled *Baldassarre v. Mandile*, Civil Action No. 2357RO000175 (Concord Dist. Ct.).

81. The affidavit continued the false and malicious narrative from his blog that Mandile acted with hate during Pride Month and “posted a video of himself on a bridge waving flag [sic] challenging anyone who viewed to come and take the flag from him.”

82. The affidavit claimed that Mandile “launched a campaign against [Baldassarre] with every intent of causing physical, emotional harm and **a detriment to the future employment of the Plaintiff.**” (emphasis added).

83. *That is the heart of this matter: Baldassarre does not like Mandile criticizing his job performance and seeks to silence him for his viewpoint.*

84. On September 28, 2023, a hearing on the request for a harassment prevention order was held.

85. During the hearing, the district court viewed the video of the interaction between Mandile and Baldassarre in the parking lot after the September 5, 2023, school committee meeting.

86. During the hearing, Mandile presented letters in support of his character, including a bullying prevention expert and author of the guide *Direct from the Field: A guide to bullying prevention*, which was sent to every school in Massachusetts when the new anti-bullying laws were put in place by the Governor’s Task Force on Hate Crimes. All agree that Mandile’s presence on campus and his volunteering at Uxbridge public schools benefit everyone. **Exhibit 10.**

87. The district court denied the request for a harassment prevention order.

88. Baldassarre still refuses to provide a copy of the video to Mandile.

Mandile’s Kindness Example to Uxbridge Public Schools

89. Since May 2021, Mandile has stood outside Uxbridge Public Schools holding signs.

90. There have been zero accidents in the three school years that Mandile has been standing outside.

91. Uxbridge police officers have told Mandile that he is seen as an asset for standing in front of the school.

92. Every morning, between 7:05 a.m. and 7:40 a.m., Mandile stands across the street from Whitin Intermediate School, holding signs.

93. Then, between 8:05 a.m. and 8:35 a.m., Mandile stands next to the Taft Early Learning Center, holding signs.



Modification to the NTO – October 6, 2023

94. On October 6, 2023, Baldassarre sent a letter to Mandile that modified the NTO (“Modified NTO”). **Exhibit 11.**

95. Under the Modified NTO, Mandile was ordered to no longer stand by the school, on the public sidewalk, holding his positivity signs near the schools. Baldassarre ordered him to “relocate to an area far from the school entrance to ensure no one is hurt.”

96. The Modified NTO permits Mandile to access Uxbridge Public Schools property for events typically open to the public. However, during these events open to the public, Mandile

must remain 100 feet away from Baldassarre, which would be a *de facto* ban from attending Uxbridge School Committee meetings.

97. Otherwise, Mandile can only access school property related to his children's education through a prior invitation from the school.

98. Mandile also remains banned from attending school-related off-campus events.

99. On October 10, 2023, Mandile sent an email requesting clarification on the Modified NTO. **Exhibit 12**.

100. On October 10, 2023, Baldassarre confirmed that Mandile is prohibited from accessing the Uxbridge School Public property for non-public events related to his children's education without express invitation and that he is also now prohibited from volunteering in the Uxbridge school system. *See id.*

Activities that the Modified NTO Affects

101. The Modified NTO is an unconstitutional prior restraint.

102. Mandile is only permitted to enter Uxbridge Public School facilities or be present on school grounds if he receives a prior invitation.

103. When he gets an invitation, Mandile must remain 100 feet away from Baldassarre.

104. Mandile was not permitted to come to the school to attend his children's parent-teacher conferences, as he did not receive an express invitation, and is entitled to damages for this deprivation of rights.

105. Baldassarre has appointed himself as an individual with complete unfettered control over Mandile's ability to petition the government, to see his children, and to participate in community events.

106. Mandile is prohibited from picking up his children from school, something he used to do regularly. His children are 10 and 12 years old.

107. Mandile is prohibited from attending parent-teacher conferences and events for his children. This included the September 21, 2023, “Meet the Teacher” event that Mandile was not permitted to attend, and any and all future parent-teacher conferences and events if there is no express invitation or if Baldassarre is present. Mandile is entitled to damages for the events he has missed, and injunctive relief preventing the unconstitutional NTO from continuing to prohibit his free conduct, like any other member of the community.

108. Mandile was prohibited from attending and volunteering at the Touch-A-Truck event on September 22, 2023. This is a community event that the public is allowed to attend, but the NTO barred him from participating.

109. Mandile was prohibited from attending and volunteering at the World Smile Day event on October 6, 2023. This is a community event that the public is allowed to attend, but the NTO barred him from participating.

110. Mandile is prohibited from attending and volunteering at all upcoming school events, including the upcoming field-day event, Whitin Warrior 404, on October 16, 2023. This is an event that Mandile volunteered at last year and enjoys attending to spend time with his children and the community. These are community events that the public is allowed to attend, but the NTO bars him from attending.

111. Mandile is prohibited from attending and volunteering at the upcoming Halloween event, Trunk-or-Treat, on October 21, 2023.

112. Mandile is prohibited from attending and volunteering at the upcoming Whitin School Band field trip to University of Massachusetts on November 2, 2023.

113. Mandile is prohibited from attending and participating in any Uxbridge School Committee Meetings, including the meetings on September 20, 2023, September 26, 2023, and any future meetings.

114. Mandile is prohibited from attending and participating at any other Uxbridge Public School meetings or activities, including the Playground Visioning Meeting on September 7, 2023, in which Baldassarre removed Mandile from the Zoom, and the Joint Workshop at Taft Early Learning Center (“ELC”) on September 20, 2023, and any future meetings where Baldassarre might be in attendance.

CAUSE OF ACTION

Count I

**Violation of the First Amendment to the United States Constitution: Retaliation
(42 U.S.C. 1983 – First Amendment)**

115. Plaintiff hereby repeats and realleges each and every allegation in the preceding paragraphs as if set forth fully herein.

116. Defendants’ conduct of issuing and enforcing the original and a Modified No Trespass Order forbidding him from entering upon the premises of Uxbridge Public Schools for events that are not open to the public without an express invitation from the school, prohibiting him from going within 100 feet of Baldassarre, a *de facto* ban from Uxbridge School Committee meetings, prohibiting him from holding signs on public property outside of the schools, and banning his attendance at off-campus, school-related events that are not open to the public due to his constitutionally protected petitioning activity is unconstitutional and violates his rights to due process of law under the Fourteenth Amendment.

117. Defendants retaliated against Mandile for exercising his First Amendment right to freedom of speech and expression, and freedom of petition. In fact, Baldassarre explicitly admitted

it was because Mandile spoke to the press, and it was further because Mandile petitioned the government at open meetings.

118. It is clearly established that there is a First Amendment right to petition the government and to speak to the press.

119. Defendants' restriction on and retaliation against Plaintiff's speech is content-based and viewpoint discriminatory and is in violation of the First Amendment.

120. The deprivation of First Amendment rights, even briefly, is an irreparable injury.

121. Plaintiff has sustained emotional distress as a result of Defendants' unlawful discrimination, including loss of sleep, emotional distress, and inability to meaningfully engage in his children's education.

122. The violations of Mandile's First Amendment rights have caused him damage, including mental and emotional injury, and have injured his reputation.

123. Plaintiff has been injured, or reasonably fears imminent injury, by these constitutional violations, and Plaintiff is entitled to relief.

124. Plaintiff is entitled to damages for the events he has been and will be barred from and injunctive relief putting an end to the unconstitutional NTO.

Count II

**Violation of the Fourteenth Amendment to the United States Constitution
(42 U.S.C. 1983 – Procedural Due Process)**

125. Plaintiff hereby repeats and realleges each and every allegation in the preceding paragraphs as if set forth fully herein.

126. Defendants' conduct of issuing and enforcing the original and a Modified No Trespass Order forbidding him from entering upon the premises of Uxbridge Public Schools for events that are not open to the public without an express invitation from the school, prohibiting

him from going within 100 feet of Baldassarre, a *de facto* ban from Uxbridge School Committee meetings, prohibiting him from holding signs on public property outside of the schools, and banning his attendance at off-campus, school-related events that are not open to the public due to his constitutionally protected petitioning activity is unconstitutional and violates his rights to due process of law under the Fourteenth Amendment.

127. Prior to being deprived of the rights to speak freely and to assemble and attend school events, Plaintiff was entitled to due process.

128. There was no hearing, no opportunity to be heard, nor was there any due process whatsoever. There was merely an arbitrary, capricious, and malicious action designed to harm Mandile, issued by one person with an axe to grind, as retaliation for Mandile's First Amendment protected activity.

129. The lack of an administrative review process cannot provide any possible meaningful relief.

130. The School Committee has explicitly stated that there is no review nor appeal process. Therefore, when they are served with this lawsuit and they miraculously find that they do, indeed, have a hearing process, they should not be credited – and in fact, at best, they should be subject to the voluntary cessation doctrine and still held accountable.

131. Plaintiff has sustained severe emotional distress as a result of Defendants' unlawful discrimination, including loss of sleep, emotional distress, and inability to meaningfully engage in his children's education.

132. Plaintiff has been injured, or reasonably fears imminent injury, by these constitutional violations, and Plaintiff is entitled to relief.

133. Plaintiff is entitled to damages for the past events he has been and will be barred from and injunctive relief putting an end to the unconstitutional NTO.

Count III

**Violation of the Fourteenth Amendment to the United States Constitution
(42 U.S.C. § 1983 – Substantive Due Process)**

134. Plaintiff hereby repeats and realleges each and every allegation in the preceding paragraphs as if set forth fully herein.

135. Defendants' conduct of issuing and enforcing the original and a Modified No Trespass Order forbidding him from entering upon the premises of Uxbridge Public Schools for events that are not open to the public without an express invitation from the school, prohibiting him from going within 100 feet of Baldassarre, a *de facto* ban from Uxbridge School Committee meetings, prohibiting him from holding signs on public property outside of the schools, and banning his attendance at off-campus, school-related events that are not open to the public due to his constitutionally protected petitioning activity is unconstitutional and violates his rights to due process of law under the Fourteenth Amendment.

136. Plaintiff has sustained severe emotional distress as a result of Defendants' unlawful discrimination, including loss of sleep, emotional distress, and inability to meaningfully engage in his children's education.

137. Defendants' conduct was arbitrary and capricious, running counter to the concept of ordered liberty and was violative of universal standards of decency.

138. Plaintiff has been injured, or reasonably fears imminent injury, by these constitutional violations, and Plaintiff is entitled to relief.

139. Plaintiff is entitled to damages for the events he has been and will be barred from and injunctive relief putting an end to the unconstitutional NTO.

DEMAND FOR TRIAL BY JURY

Plaintiff hereby demands a trial by jury on each claim asserted or hereafter asserted in the Complaint, and on each defense asserted or hereafter asserted by the Defendants.

PRAYER FOR RELIEF

WHEREFORE, Plaintiff asks this Court for:

A. A declaration that the original and Modified No Trespass Order issued by Defendants is unconstitutional under the First and Fourteenth Amendments of the United States Constitution;

B. A declaration that Defendants' actions in issuing and enforcing the original and Modified No Trespass Order are unconstitutional under the First and Fourteenth Amendments of the United States Constitution;

C. A preliminary and permanent injunction enjoining each Defendant from interfering with Plaintiff's right to lawfully engage in constitutionally protected expression and activity within Uxbridge, Massachusetts;

D. A preliminary and permanent injunction enjoining the enforcement of the Modified No Trespass Order;

E. An award to Plaintiff of damages for the violation of his constitutional rights;

F. An award to Plaintiff for his reasonable attorneys' fees, costs, and expenses pursuant to 42 U.S.C. § 1988 and any other applicable law; and

G. An award of such other relief as this Honorable Court may deem just and proper.

Dated: October 17, 2023.

Respectfully Submitted,

/s/ Marc J. Randazza

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VERIFICATION OF COMPLAINT

I, Stephen Mandile, am the Plaintiff in the above-captioned matter. I have reviewed the foregoing allegations in this Verified Complaint, and I hereby declare under the penalty of perjury that the foregoing allegations are true and correct to the best of my knowledge and understanding.

Dated: 10/16/2023

By: 
Stephen Mandile

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