

UNITED STATES DISTRICT COURT  
DISTRICT OF MASSACHUSETTS

LUIS SOUSA,

Plaintiff,

v.

SEEKONK SCHOOL COMMITTEE;  
RICH DROLET, in his personal and official  
capacities; KIMBERLY SLUTER, in her  
personal and official capacities,

Defendants.

Civil Action No. 1:22-cv-40120-IT

**FIRST AMENDED COMPLAINT  
FOR**

- 1. VIOLATION OF 42 U.S.C. § 1983  
(FIRST AMENDMENT – FREE  
SPEECH)**
- 2. VIOLATION OF 42 U.S.C. § 1983  
(FOURTEENTH AMENDMENT –  
EQUAL PROTECTION)**
- 3. VIOLATION OF 42 U.S.C. § 12132  
(AMERICAN WITH DISABILITIES  
ACT)**

**JURY TRIAL DEMANDED**

This is a Civil Action brought by Plaintiff Luis Sousa against Defendants Seekonk School Committee, Rich Drolet, and Kimberly Sluter. Sousa brings claims under 42 U.S.C. § 1983 for Defendants’ violation of Sousa’s First and Fourteenth Amendment rights, and violation of the Americans with Disabilities Act (“ADA”), and alleges as follows:

**THE PARTIES**

1. Plaintiff Luis Sousa is an individual who resides in Seekonk, Massachusetts.
2. Defendant Seekonk School Committee is a school committee located in Seekonk, Massachusetts, organized pursuant to G.L. c. 41, § 1 and G.L. c. 71, §§ 1 and 37.
3. Defendant Rich Drolet is the Superintendent of Seekonk Public schools and, at all relevant times, worked in Seekonk, Massachusetts.
4. Defendant Kimberly Sluter is a committee member of the Seekonk School Committee and, at all relevant times, served on the Seekonk School Committee in Seekonk, Massachusetts.

**JURISDICTION AND VENUE**

5. 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 and under 42 U.S.C. § 12132.

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

7. 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.

**FACTUAL BACKGROUND**

**Seekonk School Committee Meeting – January 5, 2022**

8. On January 5, 2022, Plaintiff Luis Sousa came to a Seekonk School Committee (“Committee”) meeting. **Exhibit 1**; **Exhibit 2**. Sousa intended to speak at the Committee meeting to petition the government entity holding the meeting.

9. Sousa anticipated the meeting would be open to the public, pursuant to G.L. c. 30A, § 20(a). However, when Sousa arrived, the door was locked and the Committee was meeting behind closed doors in the Superintendent’s office.

10. Sousa walked to the outside of the building and began protesting that the Committee was not hearing his grievances. He recorded his protest. **Exhibit 3**.

**Seekonk Police Department Incident Report – January 5, 2022**

11. Sluter called the Police because she did not wish for Sousa to continue his First Amendment protected protest. Upon information and belief, Sluter knew that if she called the Police and said “a citizen is protesting outside a government building and I want him removed,” nothing would happen, so she instead lied to the Police that Sousa was “banging on the windows” and that he was some kind of physical threat.

12. The police report contains Sluter and the Committee’s provably false narrative. **Exhibit 4**.

13. The police appear to have acted professionally and thoroughly and quickly realized that Sluter’s version of the story was materially false. As set forth in the police report, Sousa’s interaction with the police was calm and respectful. Sousa explained that he wanted to address the Committee about the mask mandate. *Id.*

14. Sousa showed officers the video of his interaction with the Committee. **Exhibit 3.**

15. The video shows Sousa addressing the Committee members calmly, but with sufficient volume to be heard through closed windows, and not banging on the windows. *Id.*

16. Upon information and belief, Sluter, as an agent of the School Committee, lied to the police to create a false narrative so that they would take aggressive action against Sousa. But, fortunately the police officer who investigated did so thoroughly and reported the incident honestly on his police report. *Id.*

**Letter from Drolet – January 10, 2022**

17. On January 10, 2022, Defendant Superintendent Drolet sent a letter to Sousa threatening to issue a permanent no trespass order pursuant to G.L. c. 266, § 120 for disturbing the committee during the January 5, 2022, meeting. **Exhibit 5.**

18. Sousa had done nothing sanctionable — he exercised his First Amendment freedoms of speech and petition, the exercise of which the committee is required to tolerate under the Constitution.

19. The letter specifically stated that “Upon receipt of this letter and until I make my final decision, you are hereby forbidden to enter upon the premises of Seekonk Public Schools, including the grounds and inside any building. Further you are not allowed to attend any Seekonk Public Schools related functions or events.” *Id.*

20. Drolet and the School Committee had already made their “final decision,” but this was a pretext to create some veneer of deliberation.

21. Further, this action was direct retaliation against Sousa for exercising his Constitutional right to protest, to petition the government, and to speak.

**Meeting between Sousa and Drolet – January 18, 2022**

22. On January 18, 2022, Sousa and Drolet met regarding the January 5, 2022, protest.

23. During the meeting, Drolet confirmed and agreed that Sousa did not bang on the windows or scream during the January 5, 2022, incident. **Exhibit 6** at 3:02.

24. Drolet explicitly stated, “One thing I wanted to clarify, I made sure in the letter that it didn’t say you were banging or screaming.” *Id.*

25. Sousa explained that Sluter lied to the police officers and said Sousa banged on the windows and was screaming. *Id.* at 4:00.

26. Sousa explained that if Drolet issued a no trespass order against him that he could not pick his child up from school. *Id.* at 4:48.

27. Sousa asked that since he was not banging on the windows, what was the point of threatening a no trespass order. *Id.* at 5:00.

28. Drolet went on to explain the difference between executive session and open meetings. *Id.* at 5:12.

29. Drolet did not explain why he retaliated against Sousa for exercising his Constitutional rights, nor did Drolet address the fact that Sluter had made a false police report.

**Seekonk School Committee Meeting – September 26, 2022**

30. On September 26, 2022, Sousa was waiting patiently in line to address the Committee during the public comment period. **Exhibit 7** at 1:17:05-1:19:50; **Exhibit 8** at 2:02:10-2:05:50.<sup>1</sup>

31. Sousa’s wife, Kanessa Lynn, was addressing the committee.

32. The Chair cut Lynn’s time to a strict three minutes. **Exhibit 7** at 1:17:40.

33. The Chair asked, “Is there any additional public comment this evening?” *Id.*

34. Sousa responded, “Yeah, I’ll wait until my wife’s done.” *Id.* at 1:17:41.

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<sup>1</sup> **Exhibit 7** contains the full audio recording of the September 26, 2022, meeting. **Exhibit 8** contains the video recording of the September 26, 2022, meeting, but with audio muted at certain intervals. *See also* meeting minutes at **Exhibit 9**.

35. The Chair said, “Ms. Lynn you need to sit down.” *Id.* at 1:17:48.

36. Sousa, from his chair said, “So you should have had a meeting two weeks ago.” *Id.* at 1:17:50.

37. The meeting was recessed on account of his wife running over her three minutes, and the Chair repeatedly asking his wife to take a seat. *Id.* at 1:17:10, 1:17:20, 1:17:48, 1:17:57.

38. Before the Chair moved to recess, a committee member said, “Cut the camera.” *Id.* at 1:18:03.

39. Sousa objected to the committee taking a recess by saying “No.” *Id.* at 1:18:05.

40. Sousa further said, “Who is checking on that child that is so distraught! ... This meeting is a joke.” *Id.* at 1:18:10.

41. Because Sousa began to speak a little louder so that he could be heard and protest the committee calling a recess, and on account of his bipolar disorder, which causes pressured speech, a symptom of which is loudness, Drolet asked Sousa to leave the premises.

42. Sousa promptly returned to his seat and retrieved his belongings to leave the premises. As Sousa was collecting his belongings, a resource officer entered the room and followed Sousa out of the building.

43. After Sousa left the premises, the Committee reconvened and continued the meeting, in violation of G.L. c. 30A, § 20(a).

**Letter from Drolet – September 27, 2022**

44. On September 27, 2022, Defendant Superintendent Drolet sent a letter to Sousa putatively admonishing him for his “highly inappropriate and disruptive behavior that required the School Committee to temporarily enter into a recess” on September 26, 2022. **Exhibit 10**. Drolet falsely alleged that Sousa “caused a disturbance during the September 26, 2022, School Committee Meeting, yelling and screaming and disrupting . . . .” *Id.*

45. Drolet’s letter also addressed the January 5, 2022, incident and stated “you approached the windows where the School Committee meeting was taking place and yelled at the individuals present. You started recording the executive session.” *Id.* Sousa had not been informed

there was an “executive session”; none of the bases for an executive session under G.L. c. 30A, § 21(a) have yet been disclosed to Sousa. Further, any such recording was open, visible, and completely legal.

**Meeting between Sousa and Drolet – October 3, 2022**

46. On October 3, 2022, Defendant Drolet held a meeting with Sousa for the ostensible purpose of determining whether to issue a permanent no trespass order, and Sousa recorded the meeting with permission. **Exhibit 11**.

47. At the meeting, Drolet changed his story about the January 5 incident and falsely accused Sousa of screaming. *Id.* at 1:47-4:00.

a. Drolet, referring to the January 5 incident, stated “where you [Sousa] were screaming and recording through the window.” *Id.* at 1:47.

b. Drolet further stated, “I was there and I saw you and there was screaming.” *Id.* at 2:22.

48. During the exchange, Sousa informed Drolet that he is a disabled individual who suffers from bipolar disorder and that is why he is loud. *Id.* at 2:08, 9:40, & 12:37.<sup>2</sup>

49. Upon information and belief, Drolet’s decision was predetermined.

50. Drolet’s decision was based on fabrications – fabrications that Drolet came up with because he wished to retaliate against Sousa. They were far from mere honest mistakes, as Drolet even contradicted himself in his shifting narratives.

51. Defendant Drolet falsely stated that Sousa violated the following three BEDH Public Participation Policy, **Exhibit 12**:

a. Rule 2 states the following: “All speakers are encouraged to present their remarks in a respectful manner.”

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<sup>2</sup> A symptom of bipolar disorder is pressured speech. J. Fletcher, medically reviewed by J. Ditzell, DO, *What is pressured speech in bipolar disorder?*, Medical News Today, (March 9, 2022), <https://www.medicalnewstoday.com/articles/319186>, (accessed on Nov. 10, 2022). A person with pressured speech may speak suddenly or erratically. *Id.* Pressured speech manifests in loud speech. *Id.*

b. Rule 7 states, in relevant part, the following: “Speakers may not assign their time to another speaker, and in general, extensions of time will not be permitted unless the Chair determines there is a good reason to afford an extension.”

c. Rule 9 states the following:

Disclaimer: Public Speak is not a time for debate or response to comments by the School Committee. Comments made at Public Speak do not reflect the views or the positions of the School Committee. Because of constitutional free speech principles, the School Committee does not have the authority to prevent all speech that may be upsetting and/or offensive at Public Speak

52. During the meeting, Defendant Drolet purported to explain how he believed that Sousa violated the BEDH Public Participation policies:

a. Defendant Drolet alleged that Sousa violated rule number 2 by yelling. **Exhibit 11** at 4:00. Rule 2 states that “[a]ll speakers are encouraged to present their remarks in a respectful manner.” Sousa explained that he is Portuguese,<sup>3</sup> has bipolar disorder, and by his nature is loud. *See Id.* 2:08, 9:40, & 12:37. Merely being loud enough to be heard is not “disrespectful.” Neither was Sousa officially a “speaker” for purposes of that rule. Rule 2 is unconstitutionally vague.

b. Defendant Drolet explained that during Committee meetings, the public has three minutes to address the Committee. *Id.* at 4:30. Sousa explained that he was upset that the Committee cut his wife off from speaking because the three minutes is arbitrary and other speakers get more time. *Id.* at 4:42. The Committee regularly allows speakers to speak longer than three minutes when they are providing comments of which the Committee approves, but when there are viewpoint differences, the Committee holds the speaker to a strict time limit. Nevertheless, Sousa had not violated this rule—he did not assign his own time nor exceed any allotted time, and the audio and video of the event makes this clear. **Exhibit 7** at 1:17:05-1:19:50; **Exhibit 8** at 2:02:10-2:05:50.

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<sup>3</sup> One would expect an educator to have enough cross-cultural competency to be familiar with high context cultures and communication styles.

c. Defendant Drolet alleged that Sousa violated Rule 9 by being “argumentative.” *Id.* at 6:50. Rule 9 addresses the Committee and puts them on notice that it is not a time for the Committee to debate or respond to comments. To the extent there is any argumentativeness during Public Speak, it is the Committee not adhering to its own rules. Moreover, Rule 9 is an unconstitutional content-based restriction on speech and petition which lacks sufficient precision to be valid.

53. Sousa pointed out that even a registered sex offender can pick their child up from school, but Drolet is preventing him from picking up his children with this *permanent* no trespass ban. *Id.* at 10:18.

54. Sousa put Drolet on notice that his First Amendment right to freedom of speech is violated by a permanent no trespass order and that Drolet was discriminating against him for his bipolar disorder. *Id.* at 11:20, 12:29, & 12:40.

55. Sousa never “put his hands on anybody or threatened anybody,” swore at anyone, or refused to leave a meeting when asked. *Id.* at 11:56-12:12.

#### **Letter from Drolet – October 4, 2022**

56. On October 4, 2022, Defendant Drolet issued a permanent no trespass order pursuant to G.L. c. 266, § 210 against Sousa. **Exhibit 13**. The letter stated “I have considered the information that you provided to me yesterday, but it has not changed my view that your behavior has been inappropriate and disruptive.” Clearly, Drolet presumed guilt and had a pretextual meeting.

57. The letter further states:

Please be advised that you are forbidden from entering upon the premises of Seekonk Public Schools, including the grounds and inside any building. Further, you are not allowed to attend any Seekonk Public Schools related functions or events. The only exceptions to this Order are that you may attend a parent-teacher conference for one of your children or a back-to-school night for one of your children if you provide my office with at least forty-eight hours written notice so that proper security can be arranged. If there is another event that you wish to attend, please provide my office with at least forty-eight hours’ written notice of your request, and I will give it due consideration. You



should also be aware that if you chose to ignore this Permanent No Trespass Order, the Seekonk Police Department will be notified immediately, you may be subject to criminal trespass and other offenses as provided for by law, and you may be subject to arrest. A copy of this Permanent No Trespass Order will be provided to the Seekonk Police Department.

## EVIDENCE OF DISCRIMINATORY MOTIVE AND UNEQUAL TREATMENT

### Seekonk School Committee Meeting – January 24, 2022

58. On January 24, 2022, Sousa attended a School Committee meeting where he played his recording of the January 5 incident to demonstrate that Sluter lied to the police, and he questioned her about it. **Exhibit 14** at 52:00; *see also* **Exhibit 15** (meeting minutes).

59. Drolet began to address Sousa, stating “I will say this based on your behavior that day that there were people scared.” **Exhibit 14** at 54:43.

60. Being scared of having your views challenged is not a valid complaint from a government official.

61. Sluter, seeking to cover her lies to the police, interjected, banged the gavel and prevented Drolet and Sousa from continuing to speak to each other, “That’s enough. The comments need to come through the Chair and you have twenty seconds left.” *Id.* at 54:52.

62. Sousa addressed his questions to Sluter who refused to respond. *Id.* at 54:55.

63. Sluter stated, “Your time is up, if you don’t leave we will ask the officer to remove you.” *Id.* at 55:19.

64. Sousa began leaving the podium and responded, “Of course you will. It’s not the first time you called them.” *Id.* at 55:24.

65. Sluter, in retaliation for Sousa’s exercise of his rights, immediately ordered the officer to remove Sousa. *Id.* at 55:30.

66. Plaintiff is aware of no other instances where a public speaker was given a countdown, where all communications were routed directly through the chair, or where immediately upon the expiration of 3 minutes police were called to remove the speaker.

**Seekonk School Committee Meeting – May 23, 2022**

67. On May 23, 2022, a member of the public participated in Public Speak.
68. The speaker discussed the issue of pickle ball. Exhibit 16 at 52:38-59:10.
69. The Chair, Drolet, and the speaker engaged in discussion for more than 6 minutes.
70. Nobody provided a countdown nor a limit on discussion nor did they cut them off after only three minutes.

**Seekonk School Committee Meeting – June 27, 2022**

71. On June 27, 2022, a person was permitted to address the school committee twice.
72. In the first instance, there was a discussion between the speaker, a committee member, and Drolet for more than 5 minutes. Exhibit 17 at 27:45-33:08.
73. In the second instance, there was a discussion between the speaker, the Chair, and Drolet for more than 6 minutes. *Id.* at 56:45-1:03:15.
74. Nobody provided a countdown nor a limit on discussion nor did they cut them off after only three minutes.

**Seekonk School Committee Meeting – August 22, 2022**

75. On August 22, 2022, Sousa attended the school committee meeting and attempted to donate a book to the school library and address school safety. Exhibit 18 at 37:27-40:08 & 1:33:10-1:36:36.
76. During Public Speak, in both instances, Drolet and Sousa engaged in spirited debate; however, Sousa was not ejected. *Id.*

**Activities that the No Trespass Order Affect**

77. The “no trespass” order is an unconstitutional prior restraint. Before Sousa can attend a government meeting, he must get permission from Drolet. In fact, Sousa was not even permitted to come to the school to vote in the midterm elections without Drolet’s permission. In short, Drolet has appointed himself as an individual with complete unfettered control over Sousa’s ability to petition the government, to see his children, and to participate in community events.

78. Sousa is prohibited from picking up his children from school. His children are 5 and 6 years old.

79. On October 7, 2022, Sousa sent an email to Defendant Drolet requesting the ability to attend upcoming school events and was denied the ability to attend the following four events:

- a. October 11, 2022, PTO meeting;
- b. October 21, 2022, Fall of Flames event; (an event for children at the school)
- c. October 23, 2022, Trunk or Treat event (an event for children at the school); and
- d. November 14, 2022, Seekonk School Committee meeting. **Exhibit 19**.

80. Defendant Drolet agreed to allow Sousa to attend parent-teacher conferences for his two children scheduled October 26, 2022, and October 27, 2022. *Id.*

81. Defendant Drolet also agreed to allow Sousa to attend Seekonk's Fall Town Meeting taking place on Seekonk school grounds on the condition that Sousa provide "at least forty-eight hours' written advance notice so that plans can be made." *Id.*

82. On November 4, 2022, Sousa sent an email to Defendant Drolet requesting the ability to attend upcoming school events and was denied the ability to attend the following two events:

- a. November 8, 2022, PTO meeting;
- b. November 14, 2022, Seekonk School committee meeting. **Exhibit 20**.

83. In the same email, on November 4, 2022, Sousa requested the ability attend upcoming non-school events and was permitted the ability to attend the following events:

- a. November 8, 2022, Voting at Seekonk High School
- b. November 14, 2022 Town Hall Meeting

84. Drolet absurdly wields the power to determine whether Sousa can vote.

85. Sluter retaliated against Plaintiff on January 5, 2022, on account of his protest to the School Committee, by calling in law enforcement.

86. While, fortunately, law enforcement acted reasonably, any time they are called, a citizen runs the risk of being killed should they unintentionally make a furtive movement or exercise their rights in a manner that unintentionally happens to make an officer fearful.

87. When Sluter called the police, she purposely put Sousa in danger of injury or death, a practice commonly known as “swatting”. Even federal judges, like Hon. Emmet Sullivan, are not immune from the potential tragedies of swatting.<sup>4</sup>

88. Drolet has taken control over whether Plaintiff is permitted to vote and participate in town hall meetings.

89. Drolet has prevented Plaintiff from being involved in his children’s lives by banishing him from the school and prohibiting him from participating in school-related activities with his children.

90. Sousa is prohibited by Drolet from picking up his children from school, even while convicted sex offenders are afforded the right to pick up their children.

91. Drolet and Sluter targeted Plaintiff for his bipolar disorder.

92. All of the foregoing acts are extreme and outrageous. Armed law enforcement officers should only be called when there is a real danger, and no one should be threatened with potential criminal trespass merely for exercising their rights.

93. The foregoing acts were all intentional and Drolet and Sluter knew that doing so to any citizen, and especially Sousa, was likely to cause severe and debilitating emotional distress.

94. Drolet and Sluter’s actions were the cause of Sousa’s emotional distress.

95. Sousa sustained severe distress as a result of Drolet & Sluter’s calling of law enforcement and issuance of a permanent no trespass order including upset stomach, loss of sleep, missed days of work, and mental anguish.

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<sup>4</sup> See, e.g., Barber, C. Ryan, “*Inside the threats federal judges are facing across the country: suspicious packages, white powdery substances, and a ‘swatting’*”, BUSINESS INSIDER (Oct. 24, 2022) available at < <https://www.businessinsider.com/threats-federal-judges-swatting-suspicious-packages-powder-marshals-court-security-2022-10> >.

**CAUSE OF ACTION**

**Count I**

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

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

97. Defendants' conduct of issuing a Permanent No Trespass Order forbidding him from entering upon the premises of Seekonk Public Schools, including the grounds and inside any building, or attending any school related functions or events due to his constitutionally protected petitioning activity is unconstitutional and violates his First Amendment rights to freedom of speech and expression, and freedom of petition.

98. Defendants' conduct of enforcing the unconstitutional Permanent No Trespass Order is unconstitutional and violates his First Amendment rights to freedom of speech and expression, and freedom of petition.

99. Defendants retaliated against Sousa for exercising his First Amendment right to freedom of speech and expression, and freedom of petition.

100. It is clearly established that there is a First Amendment right to petition the government.

101. Defendants' restriction on and retaliation against Plaintiff's speech is content-based and viewpoint discriminatory and is in violation of the Free Speech Clause of the First Amendment and the Right to Petition the Government Clause of the First Amendment, actionable per 42 U.S.C. § 1983 against the Committee and Drolet & Sluter in their official and individual capacities.

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

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

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

**Count II**

**Violation of the First Amendment to the United States Constitution  
Declaratory Judgment & Injunctive Relief  
(42 U.S.C. 1983 – First Amendment)**

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

106. As set forth above, Rule 2 states the following: “All speakers are encouraged to present their remarks in a respectful manner.”

107. Rule 2 is unconstitutionally vague and void on its face. “Respectful” appears to mean anything the Committee may happen to approve of at the moment. It can and has been used pretextually and inconsistently.

108. Rule 2 was unconstitutionally applied to Sousa as people on school property are routinely as loud as he was, or louder, but only Sousa was singled out because of the content of his speech — his questioning of why the committee was in seeming violation of the Open Meetings Law.

109. As set forth above, Rule 9 states the following:

Disclaimer: Public Speak is not a time for debate or response to comments by the School Committee. Comments made at Public Speak do not reflect the views or the positions of the School Committee. Because of constitutional free speech principles, the School Committee does not have the authority to prevent all speech that may be upsetting and/or offensive at Public Speak

110. Rule 9 is an unconstitutional content-based restriction on the freedom of speech and petition. Debate and response to comments are about the content of the speech and petition. If a Committee member broaches a subject first, it can foreclose a member of the public from speaking on that subject, irrespective of whether they knew the Committee would address it. This means that any committee member can stifle public speaking on any subject merely by mentioning it first.

111. Rule 9 was unconstitutionally applied to Sousa. People routinely debate and respond to the Committee at public speak. Sousa was punished for the content of his speech.

112. Therefore, Plaintiff is entitled to a declaration that the rules are void and an injunction on their enforcement.

**Count III**  
**Violation of Americans With Disability Act**  
**(42 U.S.C. § 12132)**

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

114. Plaintiff is a qualified disabled individual with bipolar disorder, which causes Pressured Speech, a symptom of which is loud speaking.

115. Defendants have been made aware of his disability.

116. Defendants are a public entity and public officials controlling that entity and/or its public properties and events.

117. By reason of Plaintiff's disability, Defendants have excluded him and, indeed, potentially anyone with bipolar disorder, from participation in attending activities on Seekonk school grounds, including attending committee meetings, events with his children, and picking his children up from school.

118. Drolet has required Sousa to request approval to vote as a direct and proximate result of discriminating against Plaintiff for his disability in violation of 42 U.S.C. § 12132.

119. Defendants have not provided reasonable accommodations, which proximately caused him damage.

120. Plaintiff has been injured by the loss of his constitutional rights to petition the government.

121. Plaintiff has sustained severe emotional distress as a result of Defendants' unlawful discrimination, including upset stomach, loss of sleep, missed days of work, and the aforementioned emotional distress.

**Count IV**

**Violation of the Fourteenth Amendment to the United States Constitution  
(42 U.S.C. § 1983 – Equal Protection Clause)**

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

123. A prudent person would think that the other individuals who ran over their time or engaged in back-and-forth discussions, but who agreed with the Government, were roughly equivalent and similarly situated.

124. Plaintiff is similarly situated to other members of the public that participated in Public Speak.

125. Defendants singled out Plaintiff for unfair treatment and punishment of his constitutional rights and to otherwise maliciously injure him, in violation of the Equal Protection Clause of the 14<sup>th</sup> Amendment, actionable per 42 U.S.C. § 1983 against the Committee and Drolet & Sluter in their official and individual capacities.

126. No other speaker was given a 20 second countdown.

127. No other speaker was immediately ejected with the use of law enforcement at three minutes and one second.

128. No other speaker was given a lifetime ban from school property.

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

**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 Permanent 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 enforcing the Permanent No Trespass Order is 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 Seekonk, Massachusetts;

D. A declaration that Rules 2 & 9 are unconstitutional;

E. A declaration that Rules 2 & 9 were unconstitutionally applied to Sousa;

F. A preliminary and permanent injunction enjoining the enforcement of Rules 2 & 9;

G. An award to Plaintiff of damages for the violation of his constitutional rights and for disability discrimination;

H. 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

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

Dated: November 11, 2022.

Respectfully Submitted,

/s/ Marc J. Randazza

Marc J. Randazza, BBO# 651477

mjr@randazza.com, ecf@randazza.com

Jay M. Wolman, BBO# 666053

jmw@randazza.com

RANDAZZA LEGAL GROUP, PLLC

30 Western Avenue

Gloucester, MA 01930

Tel: (978) 801-1776

*Attorneys for Plaintiff,*

*Luis Sousa*

**CERTIFICATE OF SERVICE**

I hereby certify that on November 11, 2022, the foregoing document was served on all parties or their counsel of record through the CM/ECF system.

/s/ Marc J. Randazza  
Marc J. Randazza

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