

UNITED STATES DISTRICT COURT  
DISTRICT OF MASSACHUSETTS

LUIS SOUSA,	)	
<i>Plaintiff,</i>	)	
	)	
vs.	)	C.A. NO. 1:22-cv-40120-IT
	)	
SEEKONK SCHOOL COMMITTEE, RICH DROLET,	)	
in his personal and official capacities, and KIMBERLY	)	
SLUTER, in her personal and official capacities,	)	
<i>Defendants.</i>	)	

**DEFENDANTS’ MOTION FOR A PROTECTIVE ORDER  
PURSUANT TO FED. R. CIV. P. 26(c)**

Now come the Defendants, the Seekonk School Committee, Rich Drolet, and Kimberly Sluter, and hereby move this court to enter a protective order in this case pursuant to Fed. R. Civ. P. 26(c), ordering Plaintiff and his spouse, Kanessa Lynn, to immediately cease and desist from harassing, threatening, and/or intimidating the defendants, Superintendent Dr. Rich Drolet, Kimberly Sluter, and the individual members of the Seekonk School Committee for the duration of this litigation.

In support of their motion, the Defendants state the following:

1. Plaintiff filed his initial Complaint in this matter on October 27, 2022. (ECF Doc. No. 1).
2. Plaintiff filed his First Amended Complaint on November 11, 2022, adding Kimberly Sluter as a defendant and alleging violations of his rights to free speech as protected under the First Amendment, for handicap discrimination under the Americans with Disabilities Act (“ADA”), and for the alleged deprivation of his rights to equal protection as guaranteed under the Fourteenth Amendment. (ECF Doc. No. 27).

3. The allegations in plaintiff's First Amended Complaint arise from Superintendent Dr. Rich Drolet's issuance of a No Trespass Order in response to two incidents wherein plaintiff disrupted meetings of the Seekonk School Committee. (ECF Doc. No. 27).
4. Since filing suit, plaintiff, and his spouse, Kanessa Lynn, have engaged in intimidating, threatening, and harassing conduct, the intent of which is to influence this proceeding.
  - a. Plaintiff and Ms. Lynn's conduct during the pendency of this action includes, but is not limited to:
    - i. Monitoring the Hurley Middle School parking lot where Dr. Drolet parks his personal vehicle for work;
    - ii. Following Dr. Drolet from the Hurley Middle School as he departed from the school;
    - iii. Posting a video on Facebook depicting Dr. Drolet and other Seekonk Public School officials departing work, set to vulgar and lewd music, with an accompanying post that the officials "couldn't hide anymore[;]"
    - iv. Affixing a sign to their vehicle stating "Kim Sluter is a F-ing Liar" and driving said vehicle on Seekonk Public School property in view of pupils and Mrs. Sluter's children. Plaintiff and Ms. Lynn later replaced "F-ing" with "Slimy" after defendant's counsel requested they remove the vulgarity.
    - v. Posting a video on Facebook depicting Mrs. Sluter's likeness on a cardboard cutout, and calling Mrs. Sluter a "lying fucking cunt."
5. Plaintiff and Ms. Lynn's conduct has caused Dr. Drolet and Mrs. Sluter to fear for their personal safety and that of their families.

6. Plaintiff and Ms. Lynn's conduct has forced Dr. Drolet to resort to driving a third vehicle to avoid being identified and followed by Plaintiff and Ms. Lynn.
7. Plaintiff and Ms. Lynn's conduct is inimical to the orderly administration of justice and the integrity of the present proceeding.
8. The repetitive and continuing nature of Plaintiff and Ms. Lynn's conduct warrants the imposition of a protective order in this case.

WHEREFORE, the Defendants respectfully request this Court issue a protective order ordering Plaintiff and his spouse, Kanessa Lynn, to immediately cease and desist from harassing, threatening, and/or intimidating the defendants, Superintendent Dr. Rich Drolet, Kimberly Sluter, and the individual members of the Seekonk School Committee for the duration of this litigation.<sup>1</sup>

In further support of this motion, Defendants submit the enclosed Memorandum of Law in Support of Defendants' Motion for a Protective Order.

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<sup>1</sup> For the Court's convenience, a proposed order is attached to the Defendant's Memorandum of Law in support of Plaintiff's Motion for a Protective Order. See Exhibit "H."

Respectfully submitted,

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

By their Attorneys,

**PIERCE DAVIS & PERRITANO LLP**

*/s/ Matthew J. Hamel*

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Dated: January 25, 2023

**CERTIFICATION PURSUANT TO LOCAL RULE 7.1**

Undersigned counsel for the defendants hereby certifies, pursuant to Local Rule 7.1(A)(2), that on January 13, 2023, counsel conferred in good faith with counsel for the plaintiffs in an effort to resolve the issues related to Defendants' Motion for a Protective Order Pursuant To Fed. R. Civ. P. 26(c).

*/s/ Matthew J. Hamel*

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Matthew J. Hamel, Esq.

**CERTIFICATE OF SERVICE**

I hereby certify that the foregoing, filed through the Electronic Case Filing System, will be sent electronically to the registered participants as identified on the Notice of Electronic Filing and that a paper copy shall be served upon those indicated as non-registered participants on January 25, 2023.

*/s/ Matthew J. Hamel*

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Matthew J. Hamel, Esq.

UNITED STATES DISTRICT COURT  
DISTRICT OF MASSACHUSETTS

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<i>Plaintiff,</i>	)	
	)	
vs.	)	C.A. NO. 1:22-cv-40120-IT
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in his personal and official capacities, and KIMBERLY	)	
SLUTER, in her personal and official capacities,	)	
<i>Defendants.</i>	)	

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**MEMORANDUM OF LAW IN SUPPORT OF DEFENDANTS’  
MOTION FOR A PROTECTIVE ORDER**

**I. INTRODUCTION**

During the pendency of this action, plaintiff and his spouse, Kanessa Lynn, have engaged in harassing and intimidating conduct which warrants the issuance of a protective order as to the defendants Superintendent Dr. Rich Drolet and Kimberly Sluter. Plaintiff and Ms. Lynn’s have undertaken such conduct with the intent to intimidate, harass, annoy and embarrass defendant-witnesses, Dr. Drolet and Kimberly Sluter. See Fed. R. Civ. P. 26(c)(1). Such conduct warrants, and indeed necessitates, the imposition of a protective order to ensure the integrity of this proceeding. Defendants now submit this Memorandum of Law in support of their Motion for a Protective Order.

**II. BACKGROUND**

Plaintiff filed his original Complaint, naming Superintendent Dr. Rich Drolet and the Seekonk School Committee as defendants, on October 27, 2022. (ECF Doc. No. 1). Plaintiff later filed his First Amended Complaint on November 11, 2022, adding Kimberly Sluter as a defendant and allegations of handicap discrimination under the Americans with Disabilities Act (“ADA”), and deprivation of rights to equal protection as guaranteed under the Fourteenth Amendment. (ECF Doc. No. 27). The original No Trespass Order giving rise to this litigation was issued in response to two incidents wherein plaintiff disrupted meetings of the School Committee. The first occurred on January 5, 2022, when the School Committee was holding a meeting in executive session. Although the meeting was not open to the public, plaintiff nonetheless attempted to enter. When he was unsuccessful, plaintiff approached the meeting room from outside the school building and began to record the proceedings through the windows. As he did so, plaintiff yelled: “Why are we not allowed at the meeting? You cancelled two meetings. Why can’t we go?” (ECF

Doc. No. 16-1, ¶¶ 6 & 7). On September 26, 2022, plaintiff disrupted a second School Committee meeting by yelling and screaming at Committee members from the back of the meeting room. (Id., ¶ 12). He did not approach the podium and had not been recognized by the Chair to speak. When asked to leave, Mr. Sousa refused to do so but, instead, kept yelling from the back of the room. The School Resource Officer eventually escorted plaintiff from the meeting. (Id., ¶ 14).

Since filing suit in this case, plaintiff and his spouse have engaged in a campaign of intimidating and threatening conduct directed at and expressly targeting defendant-witnesses, Superintendent Dr. Rich Drolet and Kimberly Sluter. Moreover, perhaps emboldened by the instant suit, their actions have grown increasingly alarming, causing defendants to suffer fear, distress and alarm.

The intimidating actions of plaintiff and his spouse are numerous and well-documented. What began as plaintiff and his spouse's inappropriate, lewd, and disruptive behavior, has morphed into conduct designed to intimidate and threaten Superintendent Dr. Drolet and Kimberly Sluter as witnesses to this proceeding. Of greatest concern, plaintiff and his spouse have resorted to monitoring the Hurley Middle School parking lot tracking the movements of Superintendent Dr. Drolet and following him in their vehicle. Specifically, on December 9, 2022, at approximately 4:14 p.m., plaintiff and Ms. Lynn were observed Driving on Water Lane adjacent to the Hurley Middle School where Dr. Drolet's office is located. Surveillance cameras captured plaintiff and Ms. Lynn driving on Water Lane. (**Exhibit B1-B5**, 12/9/22 Footage).<sup>1</sup> The vehicle plaintiff and Ms. Lynn were observed operating is believed to be the same white GMC Acadia plaintiff was standing beside on January 5, 2022, when Seekonk Police responded to the Hurley Middle School

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<sup>1</sup> A DVD(s), labeled "**Exhibit B**," will be mailed to the Court in accordance with the Local Rules. The same will be served on Plaintiff's Counsel.

after plaintiff disrupted the School Committee meeting. (ECF Doc. No. 27). The owner of that vehicle is listed on the police report as “Sousa, Luis A.” (ECF Doc. No. 27).

Although a public way, Water Lane is a cul-de-sac accessing only the offices of the Seekonk Water District and a public ballfield. See Affidavit of Superintendent Dr. Rich Drolet (“Drolet Aff.”), ¶ 6. Moreover, Water Lane is directly adjacent to the lot where Dr. Drolet routinely parks his vehicle. Id. Plaintiff and Ms. Lynn have been observed driving on Water Lane three additional times, all after 3:30 p.m., on December 2, 2022, December 5, 2022, and December 6, 2022. See generally, **Exhibit B**, Affidavit of Bridget McNamara (“McNamara Aff.”), ¶ 2. Their conduct has caused Dr. Drolet to twice switch the vehicle he typically drives to work in an effort to thwart plaintiff and his wife’s attempts at following him. Drolet Aff., ¶¶ 9, 13. Their conduct further prompted Dr. Drolet to have a peephole viewer installed on his office door. Drolet Aff., ¶ 13. Ms. Lynn posted a video of Dr. Drolet operating his personal vehicle on social media approximately one month ago, accompanied by a post stating “he couldn’t hide anymore.” See Exhibit C, McNamara Aff., ¶ 3.

The intimidating and harassing purpose of this conduct was confirmed on January 5, 2023. On January 5, 2023, at approximately 4:02 p.m., Dr. Drolet observed plaintiff and Ms. Lynn once again driving down Water Lane, adjacent to where Dr. Drolet routinely parks his vehicle. Drolet Aff., ¶ 10. Dr. Drolet pulled out of the Hurley Middle School parking lot, and observed plaintiff and Ms. Lynn turn around in the Seekonk Water Department parking lot.<sup>2</sup> Id., ¶ 11. Dr. Drolet turned left onto Newman Avenue and observed plaintiff and Ms. Lynn turn left behind him. Id. Plaintiff and Ms. Lynn then followed Dr. Drolet for approximately one mile to the intersection of

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<sup>2</sup> The Seekonk Water District office is open from 7:00 a.m. to 3:30 p.m. Monday through Friday and, therefore, was closed at the time. <http://www.seekonkwaterdistrict.com/contact.html>

Routes 15 and 152 in Seekonk, before plaintiff and Ms. Lynn took a left turn on Route 15 towards Pawtucket, RI. Drolet Aff., ¶ 11.

Director of Student Services George Kelleher also observed the events of January 5, 2023. Affidavit of George Kelleher (“Kelleher Aff.”), ¶¶ 3-7. Mr. Kelleher was walking out of the Hurley Middle School at the same time as Dr. Drolet. Kelleher Aff., ¶ 3. Mr. Kelleher observed Dr. Drolet pull out of the parking lot onto Water Lane, and observed Mr. Sousa and Ms. Lynn, operating a white SUV with signs posted on the side turn around at the Seekonk Water Department. Id., ¶ 6. Plaintiff and Ms. Lynn pulled onto Water Lane right after Dr. Drolet drove past. Id. Kelleher observed as plaintiff and Ms. Lynn followed Dr. Drolet, and called Dr. Drolet on his cell to inform him that he was being followed. Id., ¶ 8. As a result of plaintiff and Ms. Lynn’s threatening and harassing conduct, Dr. Drolet has resorted to operating a *third* vehicle in an effort to prevent plaintiff and Ms. Lynn from following him. Drolet Aff., ¶ 13, 16.

This was not the first time plaintiff and/or Ms. Lynn<sup>3</sup> have followed or surveilled Dr. Drolet. On December 9, 2022, plaintiff and/or Ms. Lynn recorded Dr. Drolet and the District Leadership Team exiting Aitken Elementary School. See Exhibit B6. The video further shows Dr. Drolet leaving the property of the school operating his personal vehicle. Id. Ms. Lynn subsequently posted an edited version of the video to Facebook accompanied by “music” with profane lyrics, including “fuck you, you’re an asshole” and “your face looks like an asshole.” Id. The video was accompanied by a post by Ms. Lynn stating, in part “[t]oday they had a little ‘Office Christmas Party’ at Aitken Elementary and [Dr. Drolet] couldn’t hide anymore.” See Exhibit D.

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<sup>3</sup> As set forth further below, it is defendants’ position that plaintiff and Ms. Lynn are engaged in a joint enterprise to intimidate witnesses.

Plaintiff and Mr. Lynn’s intimidating conduct in this litigation is not limited to Dr. Drolet. Indeed, plaintiff and Ms. Lynn have engaged in threatening and intimidating conduct towards defendant Kimberly Sluter, as well.<sup>4</sup> Plaintiff and Ms. Lynn’s most recent tactic has been to affix a sign to their vehicle reading “Kim Sluter is a F-ing Liar” and “Fire Superintendent Drolet, He’s Banning Parents!” The sign was affixed to plaintiff’s white GMC Acadia on or about January 2, 2023. See **Exhibit E**; Affidavit of Kim Sluter (“Sluter Aff.”), ¶ 6. Plaintiff has repeatedly operated this vehicle, with the sign attached, on Seekonk Public School property in full view of other parents, staff and students, including Ms. Sluter’s children. Sluter Aff., ¶ 8. On a request from defense counsel that plaintiff and Ms. Lynn voluntarily refrain from using profanity on Seekonk Public Schools property, plaintiff and Ms. Lynn slightly altered the sign, replacing the word “F-ing” with “Slimy.”<sup>5</sup> Sluter Aff., ¶ 7. Plaintiff and Ms. Lynn did not make the alteration until Principal David Graf of Aitken Elementary School issued a Cease and Desist Order requiring plaintiff and Ms. Lynn to refrain from using or posting profane, lewd, or vulgar language on Aitken Elementary School property. See **Exhibit F**. Shortly thereafter, Ms. Lynn posted the Cease and Desist Order to Facebook, accompanied by a threat directed to Principal Graf that she “can make signs with your name on it too if you push me some more.” See **Exhibit G**. Principal Graf is also a percipient witness to plaintiff and Ms. Lynn’s conduct. Plaintiff continues to operate the vehicle,

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<sup>4</sup> Ms. Lynn’s conduct includes an implied threat via email, asking Kim Sluter if she would be at a school-sponsored event and stating “[y]ou know the saying don’t poke the bear.” Sluter Aff., ¶ 12(d).

<sup>5</sup> As further evidence that plaintiff’s and his wife’s behavior is intended to intimidate witnesses, plaintiff’s counsel responded to defense counsel’s email request with a prediction that his client would likely respond with a “counter request” – *i.e.*, “that Sluter retracts her claim that he [Mr. Sousa] was banging on the windows.” If Ms. Sluter agreed to the retraction, plaintiff’s counsel stated he was “reasonably certain” that “I could not only convince *my clients* to stop doing that, but I could convince *them* to settle the claims against her for nothing more than that retraction.” (Emphasis added). See **Exhibit A**.

with the signage affixed, on Seekonk Public School property in view of other parents, staff and students, including Ms. Sluter's school-aged children. Sluter Aff., ¶¶ 7, 8. Additionally, on January 5, 2023, Ms. Lynn posted a vulgar video to Facebook, utilizing a cardboard cutout of Ms. Sluter's face. See Exhibit B7. In the video, Ms. Lynn holds the cardboard cutout of Ms. Sluter over her own face and says: "I'm a lying fucking cunt." Id. Ms. Lynn has made similar videos regarding Dr. Drolet. See Exhibit B8.

This behavior is designed and intended to intimidate Ms. Sluter, a party and percipient witness to plaintiff's disruptive behavior at two meetings of the Seekonk School Committee. This behavior also instilled fear in Ms. Sluter, including fear for the safety of her family. Sluter Aff., ¶¶ 10, 12, 13.

Prior to filing suit, plaintiff and Ms. Lynn engaged in similarly threatening and intimidating conduct. In addition to countless vulgar and intimidating social media posts, including recordings of Dr. Drolet and Ms. Sluter, on October 2, 2022, Ms. Lynn created a Facebook post addressed to the Seekonk School Committee featuring a photo of Ms. Lynn and serial killer and sex offender Jeffrey Dahmer, and stating "I told you we are going to listen to Kanessa and then you can leave." This Facebook posting was intended to harass, intimidate and induce fear in the defendant-witnesses. See Exhibit D; McNamara Aff., ¶ 6. Ms. Lynn has also repeatedly and directly insinuated that Ms. Sluter and Dr. Drolet are engaged in an extramarital affair.

### **III. ARGUMENT**

"The Court has 'broad discretion' to decide 'when a protective order is appropriate and what degree of protection is required.'" Jagex Ltd. v. Impulse Software, 273 F.R.D. 357, 358 (D. Mass. 2011) (quoting Poliquin v. Garden Way, Inc., 989 F.2d 527, 532 (1st Cir. 1993)). In the discovery context, Federal Rule of Civil Procedure 26(c) authorizes a party or any person from

whom discovery is sought to “move for a protective order in the court where the action is pending.” Fed. R. Civ. P. 26(c)(1). “The court may, for good cause, issue an order to protect a party or person from annoyance, embarrassment, oppression, or undue burden or expense. . . .” *Id.* The defendants bear the burden of demonstrating good cause. Kaiser v. Kirchick, 2022 WL 1104585, at \*1 (D. Mass. Apr. 12, 2022). Further, the good cause standard under Rule 26 is “highly flexible, having been designed to accommodate all relevant interests as they arise . . . .” Gill v. Gulfstream Park Racing Ass'n., Inc., 399 F.3d 391, 402 (1st Cir. 2005) (quoting United States v. Microsoft Corp., 165 F.3d 952, 959–60 (D.C.Cir.1999)). Here, those interests weigh heavily in favor of the Court’s issuance of a protective order that the plaintiff and his spouse cease and desist from engaging in harassing, threatening and intimidating conduct towards defendants Superintendent Dr. Drolet and Kimberly Sluter.<sup>6</sup>

**1. To The Extent Plaintiff’s Conduct Constitutes “Speech,” it is Not Protected Under the First Amendment.**

Undoubtedly, plaintiff will assert that his conduct is protected by the First Amendment. This argument fails. There are certain well-defined and narrowly limited classes of speech, the restriction of which does not raise Constitutional issues. See Chaplinsky v. State of New Hampshire, 315 U.S. 568, 571-72 (1942) (fighting words – calling city marshal “damned racketeer” and “damned Fascist” – held not protected under First Amendment). Among those classes of unprotected speech are “the lewd and obscene, the profane, the libelous, and the insulting or ‘fighting’ words—those which by their very utterance inflict injury or tend to incite an immediate breach of the peace.” *Id.* Such speech is not entitled to First Amendment protection because “such utterances are no essential part of any exposition of ideas, and are of such slight

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<sup>6</sup> Defendants further note that the federal courts have inherent authority to take some actions not expressly authorized by rule or statute when such actions are needed to facilitate or safeguard legal proceedings. In re Petition for Ord. Directing Release of Recs., 27 F.4th 84, 88–89 (1st Cir. 2022).

social value as a step to truth that any benefit that may be derived from them is clearly outweighed by the social interest in order and morality.” Id.

Likewise, “true threats” are not protected by the First Amendment. United States v. Nishnianidze, 342 F.3d 6, 16 (1st Cir. 2003) (quoting United States v. Fulmer, 108 F.3d 1486, 1492–93 (1st Cir. 1997)). A defendant may be convicted for making a threat if “he should have reasonably foreseen that the statement he uttered would be taken as a threat by those to whom it is made.” Fulmer, 108 F.3d at 1491. The standard for analyzing a “true threat” is an objective one – whether a reasonable person would understand the statement(s) to be threatening. See id. To the extent plaintiff’s conduct can be considered speech, such speech is not protected under the First Amendment.

A. *Plaintiff and Ms. Lynn’s Conduct is not “Speech” Entitled to First Amendment Protection.*

Defendants do not dispute that an individual’s expression conduct may enjoy First Amendment protection if it is “sufficiently imbued with elements of communication.” Texas v. Johnson, 491 U.S. 397, 404 (1989). However, it is also “uncontroversial that, insofar as that course of conduct involved speech, that speech would fall outside of the First Amendment’s protections as a true threat and/or speech integral to criminal conduct.” United States v. Ackell, 907 F.3d 67, 75–76 (1st Cir. 2018) (rejecting First Amendment challenge to charge of criminal stalking under 18 U.S.C. § 2261A). “Speech ‘integral to criminal conduct’ is precisely what it sounds like, and it is not protected on First Amendment grounds ‘merely because the conduct was in part initiated, evidenced, or carried out by means of language, either spoken, written, or printed.’” Id., quoting Giboney v. Empire Storage & Ice Co., 336 U.S. 490, 502 (1949).

In the present case, plaintiff and Ms. Lynn’s conduct warrants the imposition of a protective order to ensure that the defendants, percipient witnesses in this matter, are not subjected to witness



intimidation and/or witness tampering under the applicable state and federal statutes. See M.G.L. c. 268, § 13B; 18 U.S.C. § 1512. Under the “highly flexible” Rule 26 standard, a protective order is clearly appropriate in this case.

B. *Plaintiff and Ms. Lynn’s Conduct is Intended to Intimidate Defendants.*

The purpose of the Massachusetts Witness Intimidation Statute is “to protect witnesses from being bullied or harried so that they do not become reluctant to testify or to give truthful evidence in investigatory or judicial proceedings. The larger purpose is to prevent interference with the administration of justice.”<sup>7</sup> Commonwealth v. McCreary, 45 Mass. App. Ct. 797, 799 (1998). Plaintiff and Ms. Lynn’s conduct falls within the ambit of the Massachusetts Witness Intimidation Statute. Notwithstanding plaintiff’s and Ms. Lynn’s likely contention that their conduct is not a “true threat” or conduct which is integral to criminal conduct, in considering the First Amendment’s protective reach, context is critical. See Commonwealth v. Frazier, 99 Mass. App. Ct. 1120, 167 N.E.3d 909, *review denied*, 487 Mass. 1107, 171 N.E.3d 713 (2021) (citing Commonwealth v. Bigelow, 475 Mass. 554, 561, 59 N.E.3d 1105, 1112 (2016) (rejecting First Amendment challenge to defendant’s conviction for intimidation of a witness under M.G.L. c. 268,

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<sup>7</sup> General Laws Chapter 268, Section 13B states, in relevant part,

Whoever willfully, either directly or indirectly: (i) threatens, attempts or causes physical, emotional or economic injury or property damage to; (ii) conveys a gift, offer or promise of anything of value to; or (iii) misleads, intimidates or harasses another person who is a: (A) witness or potential witness . . . with the intent to or with reckless disregard for the fact that it may; (1) impede, obstruct, delay, prevent or otherwise interfere with . . . any other civil proceeding of any type . . . shall be punished by imprisonment in the state prison for not more than 10 years or by imprisonment in the house of correction for not more than 2 ½ years or by a fine of not less than \$1,000 or more than \$5,000 or by both such fine and imprisonment.

M.G.L. c. 268, § 13B.

§ 13B). In Commonwealth v. Frazier, the Appeals Court denied defendant's motion to dismiss a criminal complaint charging him with witness intimidation under M.G.L. c. 268, § 13B. Frazier, 99 Mass. App. Ct. 1120 at \*1. The conduct forming the basis of the charge was a Facebook message in which defendant stated "U fuck my bro life up u lied in court what kind of peace [sic] of shit are you stop spread ing [sic] your legs" to the victim in a sexual assault case. Id. Notwithstanding the absence of an *explicit* threat in the message, the Appeals Court held that the record was inadequate to conclude that the defendant's conduct was not a true threat. Id. at 2. The Appeals Court further noted that other jurisdictions have rejected First Amendment challenges to statutes similar to M.G.L. c. 268, § 13B, and in doing so, have "emphasized the compelling State interest in protecting witnesses from intimidation, harassment, and threats of physical violence." Id. See e.g. State v. Crescenzi, 224 N.J. Super. 142, 148 (1988) ("[T]he statute furthers the important governmental interest of preventing intimidation of, and interference with, potential witnesses or informers in criminal matters and easily meets the test of weighing the importance of this exercise of speech against the gravity and probability of harm therefrom"); State v. Kilgus, 125 N.H. 739, 745 (1984), citing Coulten v. Kentucky, 407 U.S. 104, 111 (1972) (analyzing New Hampshire Witness Tampering Statute and stating "[t]he United States Supreme Court has held that when an individual's interest in expression is 'minuscule' compared to the public interest protected by a statute prohibiting the expression, then that expression or conduct is not immune under the first amendment").

Here, plaintiff and Ms. Lynn's joint conduct in surveilling and following Dr. Drolet, to the extent it can be considered speech (which defendants deny), is not protected under the First Amendment as it is intended to intimidate witnesses in this case and therefore is integral to criminal activity. Further, Ms. Lynn, though not a party to this action, is, effectively, a coventurer. See

Commonwealth v. Irving, 51 Mass. App. Ct. 285, 289 (2001) (holding no error in admission of coventurer’s statement in prosecution for witness intimidation where “[i]t is well settled in Massachusetts that the extrajudicial statements of joint venturers may be admissible against the others involved if the existence of the joint venture has been proven by other evidence independent of the questioned statements”). Alternatively, their conduct constitutes a true threat. There is no expressive purpose in plaintiff and Ms. Lynn following Dr. Drolet. Plaintiff and Ms. Lynn are no doubt aware of the litigation *they* brought as against Dr. Drolet and Ms. Sluter. Such conduct is objectively threatening, willful, and is clearly directed at Dr. Drolet and Ms. Sluter for the purpose of influencing the current litigation. The repeated nature of Plaintiff and Ms. Lynn’s driving on Water Lane, for no other apparent purpose, is intended to be threatening. Similarly, Ms. Lynn’s Facebook post, set to vulgar music, and accompanied by a Facebook post referencing Mr. Drolet “hiding” is not protected speech, and is further designed to intimidate the defendants and percipient witnesses in this matter. Nor is Ms. Lynn’s video, calling Kimberly Sluter a “fucking cunt” protected speech. Additionally, Mr. Sousa and Ms. Lynn’s use of profanity on school grounds is not protected under the First Amendment. Cf. Pyle By & Through Pyle v. S. Hadley Sch. Comm., 861 F. Supp. 157, 160 (D. Mass. 1994) (concluding that where it is not disruptive or vulgar, the school officials may not censor a student’s expression, but noting that the “First Amendment limits minimally, if at all, the discretion of secondary school officials to restrict so called “vulgar” speech . . .”).

C. *Plaintiff’s Conduct is Intended to Influence an Official Proceeding.*

The Federal Witness Tampering Statute criminalizes the knowing use of threats or intimidation with the intent to “influence, delay, or prevent the testimony of any person in an

official proceeding[.]” 18 U.S.C. § 1512(b)(1).<sup>8</sup> “By its terms, § 1512 does not purport to reach all forms of tampering with a witness, but only tampering by specified means, *i.e.*, by use or attempted use of ‘intimidation’ or ‘physical force’ or ‘threat[ ]’ or by engaging in ‘misleading conduct toward another person.’” United States v. King, 762 F.2d 232, 237 (2d Cir. 1985). See United States v. Baldyga, 233 F.3d 674, 678 n.1 (1st Cir. 2000). There must be a nexus between the obstructive act and proceeding wherein the alleged violator has “in contemplation” the “particular official proceeding he intends to obstruct.” See Grassick v. Holder, No. 09-CV-587-PB, 2012 WL 1066691, at \*8 (D.R.I. Mar. 28, 2012) (quoting Arthur Andersen LLP v. United States, 544 U.S. 696, 708 (2005)). Moreover, there must be sufficient evidence that the alleged violator knew that an official proceeding had begun. See United States v. Mislá-Aldarondo, 478 F.3d 52, 69 (1st Cir. 2007).

Here, it is beyond dispute that the plaintiff, who filed this lawsuit, as well as his spouse, are aware of the present civil proceeding. See Mislá-Aldarondo, 478 F.3d at 70 (concluding it was clear that defendant knew of the likelihood of an official proceeding). Indeed, plaintiff and Ms. Lynn’s conduct prior to the formal initial of legal proceedings is also relevant to the Court’s inquiry. Id. Furthermore, plaintiff and Ms. Lynn’s conduct in following Dr. Drolet, in recording Dr. Drolet driving his personal vehicle, Ms. Lynn’s calling Ms. Sluter a “fucking cunt” in a video posted to Facebook, and by affixing a vulgar sign to their vehicle disparaging Ms. Sluter – in clear view of Ms. Sluter’s children and other school-aged children – is intended to influence this official

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<sup>8</sup> To be clear, defendants do not assert a private right of action of witness tampering as against the plaintiff and Ms. Lynn. Trivedi v. Gen. Elec. Co., 2020 WL 9744754, at \*13 (D. Mass. Aug. 13, 2020), report and recommendation adopted, 2021 WL 2229088 (D. Mass. May 27, 2021), aff’d, 2022 WL 1769136 (1st Cir. May 3, 2022) (there is no explicit private right of action under Federal criminal statutes for witness tampering and/or retaliation). Rather, defendants seek a protective order precluding plaintiff and Ms. Lynn from engaging in further harassing or intimidating behavior.

proceeding by intimidating the witnesses. Indeed, there can be no other purpose for such conduct. Furthermore, Dr. Drolet and Ms. Sluter are both witnesses in this case. See id., (citing United States v. Risken, 788 F.2d 1361, 1369 (8th Cir.1986) (“witness status is expressly not required under § 1512, which specifically refers to ‘persons’ and not ‘witnesses’”)).

Nor is plaintiff and Ms. Lynn’s conduct protected under the First Amendment. See United States v. Gavin, 583 F.3d 542, 548 (8th Cir. 2009) (rejecting defendant’s argument that witness tampering is protected under the First Amendment). As an initial matter, plaintiff and Ms. Lynn’s conduct in following Dr. Drolet is not “speech.” Further, witness tampering statutes, like 18 U.S.C. § 1512, are focused on defendant’s intent, and are intended to “protect the public interest in discovering the truth in official proceedings and investigations.” Kilgus v. Cunningham, 602 F. Supp. 735, 740 (D.N.H.), *aff’d*, 782 F.2d 1025 (1st Cir. 1985) (analyzing New Hampshire witness tampering statute). When the government’s interest is balanced against the plaintiff’s right to intimidate a potential witness “with the intent of tampering with that witness, the plaintiff’s right is ‘miniscule.’” Kilgus, 602 F. Supp. 735, 740 (D.N.H.), *aff’d*, 782 F.2d 1025 (1st Cir. 1985). The same analysis applies here. To the extent plaintiff and Ms. Lynn’s conduct can be considered speech, the compelling governmental interest in proceedings free from undue influence greatly outweighs plaintiff’s right to engage in inappropriate conduct in the course of litigation he initiated.

**2. Even Assuming Plaintiff and Ms. Lynn’s Conduct Does not Rise to the Level of Criminal Activity, Such Conduct is Inimical to the Court’s Interest in the Orderly Administration of Justice.**

The Court undoubtedly has the authority to enter a protective order in this case, and the circumstances warrant the issuance of such an order. See United States v. Lewis, 411 F.3d 838, 846 (7th Cir. 2005), *as amended on denial of reh’g and reh’g en banc* (Aug. 11, 2005) (holding district court was authorized to enter protective order where filing of multiple state court actions was not done for a legitimate purpose, and instead was “more likely than not was a tactical decision

to intimidate and harass [the] prospective witness”). Plaintiffs here are unable to assert a legitimate purpose, protected under the First Amendment, for their harassing conduct in the course of this litigation.

In short, initiation of the present lawsuit is not a license for plaintiff and Ms. Lynn to engage in intimidating, threatening, and harassing conduct directed at the defendants and percipient witnesses in this case. Nor does the First Amendment afford plaintiff and Ms. Lynn an excuse for engaging in behavior designed to intimidate, threaten or harass those who may testify against them. Under the circumstances presented here, a protective order is necessary to preserve the integrity of this proceeding and to ensure that all parties and witnesses are safeguarded from an environment of fear. Plaintiff and Ms. Lynn’s conduct in this case warrants the issuance of a protective order.

#### **IV. CONCLUSION**

For the reasons outlined above, defendants respectfully request that this Court issue a protective order in the form attached hereto as Exhibit “H.”

Respectfully submitted,

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

By their Attorneys,

**PIERCE DAVIS & PERRITANO LLP**

*/s/ Matthew J. Hamel*

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Dated: January 25, 2023

**CERTIFICATE OF SERVICE**

I hereby certify that the foregoing, filed through the Electronic Case Filing System, will be sent electronically to the registered participants as identified on the Notice of Electronic Filing and that a paper copy shall be served upon those indicated as non-registered participants on January 25, 2023.

*/s/ Matthew J. Hamel*

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Matthew J. Hamel, Esq.

AFFIDAVIT OF RICHARD DROLET IN SUPPORT OF DEFENDANTS' MOTION FOR A PROTECTIVE ORDER



UNITED STATES DISTRICT COURT  
DISTRICT OF MASSACHUSETTS

LUIS SOUSA,	)	
<i>Plaintiff,</i>	)	
	)	
vs.	)	C.A. NO. 1:22-cv-40120-IT
	)	
SEEKONK SCHOOL COMMITTEE, RICH DROLET,	)	
in his personal and official capacities, and KIMBERLY	)	
SLUTER, in her personal and official capacities,	)	
<i>Defendants.</i>	)	

**AFFIDAVIT OF RICHARD DROLET IN SUPPORT OF DEFENDANTS’  
MOTION FOR A PROTECTIVE ORDER**

I, Richard Drolet, hereby depose and aver as follows:

1. I am the Superintendent of Seekonk Public Schools (“SPS”) and have served in this capacity since September 1, 2018. As Superintendent, I am responsible for managing the SPS system in a manner consistent with state law and the policy determinations of the Seekonk School Committee.
2. On or about October 27, 2022, plaintiff Luis Sousa filed a lawsuit in the District Court for the District Court of Massachusetts, naming me as a party in my personal and official capacities as Superintendent of SPS.
3. On or about November 11, 2022, Mr. Sousa filed his First Amended Complaint in this matter. In his First Amended Complaint, Mr. Sousa alleges violations of his rights to free speech as protected under the First Amendment, for handicap discrimination under the Americans with Disabilities Act (“ADA”), and for the alleged deprivation of his rights to equal protection as guaranteed under the Fourteenth Amendment.

4. Mr. Sousa disrupted meetings of the Seekonk School Committee on two occasions – January 5, 2022 and September 26, 2022. As a result of Mr. Sousa’s disruptive behavior, I issued a No Trespass Order to Mr. Sousa. This lawsuit followed.

5. Since filing this lawsuit, Mr. Sousa and his spouse, Kanessa Lynn, have engaged in intimidating and harassing conduct directed toward me which has caused me to fear for my safety and for the safety of my family.

6. Specifically, on December 9, 2022, I was informed that Mr. Sousa and Ms. Lynn were observed operating a White GMC Acadia on Water Lane in Seekonk. Water Lane is adjacent to where I park my personal vehicle at the Hurley Middle School. Further, Water Lane is a cul-de-sac accessing only the offices of the Seekonk Water District and a public ballfield. Plaintiff and Ms. Lynn drove down Water Lane before departing the area. This incident was captured on SPS surveillance cameras.

7. Mr. Sousa is known to operate a white GMC Acadia.

8. I have observed Mr. Sousa and Ms. Lynn engaging in similar conduct approximately 4-5 times within the last month and since the initiation of this action. This conduct caused me to feel alarmed, intimidated and threatened.

9. As a result of Mr. Sousa and Ms. Lynn’s actions, I was forced to switch the personal vehicle I typically operate in an effort to prevent Mr. Sousa and Ms. Lynn from tracking my whereabouts and following me.

10. On January 5, 2023, at approximately 4:02 p.m., I observed Mr. Sousa and Ms. Lynn once again driving up and down Water Lane.

11. As I pulled out of the Hurley Middle School parking lot onto Water Lane while, I observed Mr. Sousa and Ms. Lynn turn around in the Seekonk Water District parking lot. The

Seekonk Water District's office closes at 3:30 p.m. Monday through Friday. I believe the sole purpose of Mr. Sousa and Ms. Lynn's presence on Water Lane was to monitor my movements for the purpose of intimidating me. Mr. Sousa and Ms. Lynn then followed me as I turned left onto Newman Avenue and drove approximately one mile.

12. Director of Student Services George Kelleher observed Mr. Sousa and Ms. Lynn turn around in the Seekonk Water District parking lot. Mr. Kelleher further observed Mr. Sousa and Ms. Lynn following my vehicle, and called me on my cell to inform me that they were following me. Mr. Kelleher was behind my vehicle and the vehicle Mr. Sousa and Ms. Lynn were operating.

13. As a result of Mr. Sousa and Ms. Lynn following me and/or attempting to follow me on numerous occasions, I have resorted to borrowing a family member's vehicle to get to and from work. I did this in an effort to prevent Mr. Sousa and Ms. Lynn from following me. As a result of Mr. Sousa and Ms. Lynn following me and/or attempting to follow me, I feel intimidated, threatened, and fear for my safety and that of my family. Furthermore, I had a peephole viewer installed on my office door as a result of Mr. Sousa and Ms. Lynn's conduct.

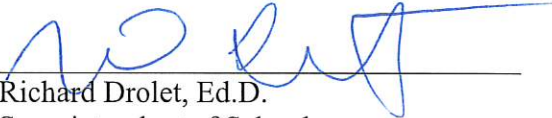
14. Mr. Sousa and/or Ms. Lynn have engaged in similar conduct on previous occasions. In early December, 2022, Mr. Sousa and/or Ms. Lynn recorded me as I left the Aitken Elementary School. I later learned that Ms. Lynn posted a video of me leaving the Aitken Elementary School on Facebook, set to music with profane and vulgar lyrics, including "fuck you, you're an asshole" and "your face looks like an asshole."

15. On or about January 2, 2023, I became aware that Mr. Sousa and/or Ms. Lynn affixed signs to their vehicle stating "Kim Sluter is a F-ing LIAR["] An additional sign was affixed to the vehicle stating "FIRE Superintendent DROLET he's banning parents["] I later became

aware that the vehicle with posted signs was operated on Seekonk Public School property in full view of parents, staff and students on the Aitken Elementary School campus. In response to the profanity, and to ensure a safe and comfortable environment for SPS students, Principal David Graf issued a Cease and Desist letter to Mr. Sousa and Ms. Lynn on or about January 5, 2023. A true and correct copy of the letter is attached to Defendants' Memorandum of Law in Support of their Motion for a Protective Order as **Exhibit F**.

16. Mr. Sousa and Ms. Lynn's conduct as set forth above has caused me to feel intimidated and threatened, and has caused me to feel concern for my safety. As a result of Mr. Sousa and Ms. Lynn's conduct, I have been forced to change my personal routine, including the vehicle I drive, in an effort to avoid harassment and intimidation and to effectively serve the Seekonk Public Schools.

Signed under the pains and penalties of perjury this 13<sup>th</sup> day of January, 2023.

  
Richard Drolet, Ed.D.  
Superintendent of Schools  
Seekonk Public Schools

AFFIDAVIT OF GEORGE KELLEHER IN SUPPORT OF DEFENDANTS' MOTION FOR A  
PROTECTIVE ORDER

UNITED STATES DISTRICT COURT  
DISTRICT OF MASSACHUSETTS

LUIS SOUSA,	)	
<i>Plaintiff,</i>	)	
	)	
vs.	)	C.A. NO. 1:22-cv-40120-IT
	)	
SEEKONK SCHOOL COMMITTEE, RICH DROLET,	)	
in his personal and official capacities, and KIMBERLY	)	
SLUTER, in her personal and official capacities,	)	
<i>Defendants.</i>	)	

**AFFIDAVIT OF GEORGE KELLEHER IN SUPPORT OF DEFENDANTS’  
MOTION FOR A PROTECTIVE ORDER**

1. I am the Director of Student Services of Seekonk Public Schools (“SPS”). I have served in this capacity since July 1, 2021.
2. I am aware of the litigation filed by the plaintiff, Luis Sousa, against Superintendent Dr. Rich Drolet, Kimberly Sluter, and the Seekonk School Committee.
3. On January 5, 2023, I left the administrative office building at the Hurley Middle School at approximately 4:00 p.m. I walked out of the building at the same time as Assistant Superintendent Zachery Waddicor and Dr. Drolet.
4. Water Lane is a cul-de-sac which accesses the Hurley Middle School parking lot, the offices of the Seekonk Water District, and a public ballfield.
5. I walked to and entered my vehicle. Upon heading out of the parking lot, Dr. Drolet was operating his vehicle in front of mine as we approached Water Lane.
6. Upon approaching Water Lane, I observed a white SUV with signs posted on the outside turn around in the Seekonk Water District parking lot, and pull onto Water Lane right after Dr. Drolet drove past.

7. At the end of Water Lane, I observed Dr. Drolet turn left onto Newman Avenue. I observed the White SUV also turn left onto Newman Avenue behind Dr. Drolet. I was a few cars behind Mr. Sousa and Ms. Lynn.

8. While driving, I called Dr. Drolet to inform him that he was being followed by Mr. Sousa and Ms. Lynn.

Signed under the pains and penalties of perjury this 13th day of January, 2023.



George Kelleher-Bianchi  
Director of Student Services  
Seekonk Public Schools

AFFIDAVIT OF BRIDGET MCNAMARA IN SUPPORT OF DEFENDANTS' MOTION FOR A PROTECTIVE ORDER



UNITED STATES DISTRICT COURT  
DISTRICT OF MASSACHUSETTS

LUIS SOUSA, <i>Plaintiff,</i>	)	
	)	
vs.	)	C.A. NO. 1:22-cv-40120-IT
	)	
SEEKONK SCHOOL COMMITTEE, RICH DROLET, in his personal and official capacities, and KIMBERLY SLUTER, in her personal and official capacities, <i>Defendants.</i>	)	

**AFFIDAVIT OF BRIDGET MCNAMARA IN SUPPORT OF DEFENDANTS’  
MOTION FOR A PROTECTIVE ORDER**

I, Bridget McNamara, hereby depose and aver as follows:

1. I am the Confidential Secretary to the Superintendent of Seekonk Public Schools (“SPS”).
2. On or about December 9, 2022, I was informed that Mr. Sousa and Ms. Lynn were observed operating their vehicle on Water Lane. Mr. Sousa and Ms. Lynn have been observed engaging in similar activity on December 2, 2022; December 5, 2022; and December 6, 2022. On or about December 13, 2022, I was provided with surveillance footage by Seekonk Public Schools’ Information Specialist, David Brown, from surveillance cameras at the Hurley Middle School. The footage was downloaded and preserved by the SPS Information specialist using the SPS Security System. True and correct copies of the surveillance footage will be provided to the Court on a DVD as **Exhibit B**.
3. On or about December 6, 2022, I became aware of a Facebook post made by Mr. Sousa’s spouse, Ms. Lynn to her publicly accessible Facebook page, which includes an edited video of Superintendent Dr. Drolet and other members of the SPS leadership team exiting the Aitken Elementary School, set to profanity laced music, and depicting Superintendent Dr. Drolet as he

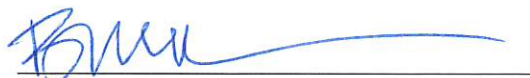
departed in his personal vehicle. The edited video was accompanied by a written post. The footage was provided to Dr. Drolet by a school committee member, who then provided it to me via text message. True and correct copies of the video will be provided to the Court on a DVD as **Exhibit B**. A true and correct copy of the post itself is attached to Defendant's Memorandum in Support of Defendant's Motion for a Protective Order as **Exhibit C**.

4. On or about January 5, 2023 I became aware of a Facebook post and video made by Mr. Sousa's spouse, Ms. Lynn to her publicly accessible Facebook page, which features Ms. Lynn utilizing a cardboard cutout of Mrs. Sluter's face. In the video, Ms. Lynn accuses Mrs. Sluter of filing a false police report, and further calls Mrs. Sluter a "fucking cunt." Upon being so informed, I recorded the posted video utilizing the screen record feature on my desktop work computer. True and correct copies of the video will be provided to the Court on a DVD as **Exhibit B**.

5. On or about January 5, 2023, I became aware of a Facebook post and video made by Mr. Sousa's spouse, Ms. Lynn to her publicly accessible Facebook page, which features Ms. Lynn utilizing a cardboard cutout of Superintendent Dr. Drolet's face. In the video, Ms. Lynn states that Superintendent Dr. Drolet "fucked up" and is "getting fucking sued." True and correct copies of the video will be provided to the Court on a DVD as **Exhibit B**.

6. On or about October 3, 2022, I became aware of a Facebook post and video made by Mr. Sousa's spouse, Ms. Lynn to her publicly accessible Facebook page, directed to the Seekonk School Committee, which features an edited photograph featuring the likeness of Jeffrey Dahmer, and an incorporated photo of Ms. Lynn. Upon being so informed, I saved the Facebook post, a true and accurate copy of which is attached hereto as **Exhibit D**.

Signed under the pains and penalties of perjury this 23<sup>rd</sup> day of January, 2023.



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Bridget McNamara  
Confidential Secretary to the Superintendent  
Seekonk Public Schools

AFFIDAVIT OF KIMBERLY SLUTER IN SUPPORT OF DEFENDANTS' MOTION FOR A  
PROTECTIVE ORDER

UNITED STATES DISTRICT COURT  
DISTRICT OF MASSACHUSETTS

LUIS SOUSA,	)
<i>Plaintiff,</i>	)
	)
vs.	)
	)
SEEKONK SCHOOL COMMITTEE, RICH DROLET,	)
in his personal and official capacities, and KIMBERLY	)
SLUTER, in her personal and official capacities,	)
<i>Defendants.</i>	)

C.A. NO. 1:22-cv-40120-IT

**AFFIDAVIT OF KIMBERLY SLUTER IN SUPPORT OF DEFENDANTS’  
MOTION FOR A PROTECTIVE ORDER**

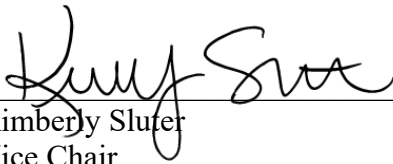
I, Kimberly Sluter, hereby depose and aver as follows:

1. I am the Vice-Chair of the Seekonk School Committee. I have served in this capacity since April 2022.
2. I am a Seekonk, Massachusetts resident.
3. My children attend the Seekonk Public Schools.
4. On or about October 27, 2022, plaintiff Luis Sousa filed a lawsuit in the District Court for the District Court of Massachusetts, naming Superintendent Dr. Rich Drolet and the Seekonk School Committee as defendants.
5. On or about November 11, 2022, Mr. Sousa filed his First Amended Complaint in this matter, naming me as a defendant, in my personal and official capacities. In his First Amended Complaint, Mr. Sousa alleges violations of his rights to free speech as protected under the First Amendment, for handicap discrimination under the Americans with Disabilities Act (“ADA”), and for the alleged deprivation of his rights to equal protection as guaranteed under the Fourteenth Amendment.

6. On January 2, 2023, I was informed via text message that Mr. Sousa's spouse, Kanessa Lynn posted a photograph and video to Facebook. The Facebook post included a photograph of a White SUV with a sign affixed to it, stating "Kim Sluter is a F-ing LIAR[".] An additional sign was affixed to the vehicle stating "FIRE Superintendent DROLET he's banning parents[".] The accompanying Facebook post stated "[j]ust wait til you see the huge cardboard cutouts of your faces I ordered." Upon receiving the text messages depicting the Facebook post, I forwarded them to my attorneys true and accurate copies of which are attached to Defendants' Memorandum of Law in Support of Defendants' Motion for a Protective Order as **Exhibit E**.
7. Mr. Sousa and Ms. Lynn later replaced "F-ing" with "Slimy" after the Principal of the Aitken Elementary School issued a cease and desist to Mr. Sousa and Ms. Lynn, directing Mr. Sousa and Ms. Lynn to refrain from using or posting profane, lewd, or vulgar language on Aitken Elementary School property. The word "Slimy" has since been replaced with the word "Scum." My understanding is that Mr. Sousa and Ms. Lynn alter the specific language used on the signs.
8. I later learned that the vehicle was observed on Seekonk Public School property, in full view of students, with the signage attached.
9. Both of my sons have observed the signage on school property. The signage upset my sons.
10. As a result of this text message, and the signage, I felt intimidated, unsettled, and threatened.
11. I later learned that the vehicle was observed on Seekonk Public School property, in full view of students, with the signage attached.

12. Mr. Sousa and Ms. Lynn have engaged in additional harassing conduct, both prior to and after Mr. Sousa initiated this lawsuit, which has caused me to feel intimidated and concerned for my safety and for the safety of my family, including, but not limited to:
- a. Ms. Lynn's creation of a Facebook Post addressed to the Seekonk School Committee featuring a photo of Ms. Lynn and serial killer and sex offender Jeffrey Dahmer, stating "I told you we are going to listen to Kanessa and then you can leave[;]"
  - b. Ms. Lynn's repeated suggestions and insinuations in emails sent to SPS officials that I am having an extramarital affair with Dr. Drolet;
  - c. Ms. Lynn's creation and posting of a video to Facebook which features a cardboard cutout of my face held over her own, accuses me of filing a false police report, and calls me a "lying fucking cunt!"
  - d. Ms. Lynn's email communication to me, inquiring as to whether I would be at "Pumpkin something" at Aitken and stating "You know the saying don't poke the bear. Well you've done just that. I'm tired of your BS."
13. This conduct, both prior to and in the course of Mr. Sousa's lawsuit, has alarmed and deeply troubled me, and has caused me to fear for my safety and the safety of my children.

Signed under the pains and penalties of perjury this 13<sup>th</sup> day of January, 2023.

  
\_\_\_\_\_  
Kimberly Slufer  
Vice Chair  
Seekonk School Committee