

**U.S. District Court  
District of Rhode Island (Providence)  
CIVIL DOCKET FOR CASE #: 1:04-cv-00487-T**

RI Affiliate, et al v. Begin, et al  
Assigned to: Ernest C. Torres  
Demand: \$0

Date Filed: 11/18/2004  
Jury Demand: None  
Nature of Suit: 440 Civil Rights: Other  
Jurisdiction: Federal Question

Case in other court:  
Cause: 28:1331 Fed. Question: Civil Rights Violation

**Plaintiff**

**Rhode Island Affiliate American Civil  
Liberties Union, Inc.**

represented by **Howard A. Merten**  
Partridge, Snow & Hahn LLP  
180 South Main Street  
Providence, RI 02903  
861-8200  
Fax: 861-8210  
*LEAD ATTORNEY*  
*ATTORNEY TO BE NOTICED*

**Plaintiff**

**Steven Brown**  
*Individually and in his Capacity as  
Executive Director of Rhode Island  
Affiliate, American Civil Liberties Union,  
Inc./*

represented by **Howard A. Merten**  
(See above for address)  
*LEAD ATTORNEY*  
*ATTORNEY TO BE NOTICED*

**Plaintiff**

**Greater Providence Chamber of  
Commerce**

represented by **James W. Ryan**  
Partridge, Snow & Hahn LLP  
180 South Main Street  
Providence, RI 02903  
861-8200  
Fax: 861-8210  
*LEAD ATTORNEY*  
*ATTORNEY TO BE NOTICED*

V.

**Intervenor Plaintiff**

**State of Rhode Island**

represented by **Thomas A. Palombo**  
Attorney General's Office  
150 South Main Street  
Providence, RI 02903  
274-4400  
Fax: 222-2995  
*LEAD ATTORNEY*  
*ATTORNEY TO BE NOTICED*

V.

**Defendant**

**Roger Begin**

*in his official capacity as Chairman of the  
Rhode Island Board of Elections*

represented by **Christine M. Curley**  
275 Beacon Drive  
North Kingstown, RI 02852  
294-0847  
*LEAD ATTORNEY*  
*ATTORNEY TO BE NOTICED*

**Raymond A. Marcaccio**

55 Dorrance Street  
Suite 400  
Providence, RI 02903  
861-2900  
Fax: 861-2922  
*LEAD ATTORNEY*  
*ATTORNEY TO BE NOTICED*

**Defendant**

**Thomas V. Iannitti**

*in his capacity as Commissioner of the  
Rhode Island Board of Elections*

represented by **Christine M. Curley**  
(See above for address)  
*LEAD ATTORNEY*  
*ATTORNEY TO BE NOTICED*

**Raymond A. Marcaccio**

(See above for address)  
*LEAD ATTORNEY*  
*ATTORNEY TO BE NOTICED*

**Defendant**

**Judith H. Bailey**

*in her capacity as a Commissioner of the  
Rhode Island Board of Elections*

represented by **Christine M. Curley**  
(See above for address)  
*LEAD ATTORNEY*  
*ATTORNEY TO BE NOTICED*

**Raymond A. Marcaccio**  
(See above for address)  
*LEAD ATTORNEY*  
*ATTORNEY TO BE NOTICED*

**Defendant**

**John A. Daluz**  
*in his capacity as a Commissioner of the  
Rhode Island Board of Elections*

represented by **Christine M. Curley**  
(See above for address)  
*LEAD ATTORNEY*  
*ATTORNEY TO BE NOTICED*

**Raymond A. Marcaccio**  
(See above for address)  
*LEAD ATTORNEY*  
*ATTORNEY TO BE NOTICED*

**Defendant**

**Frank J. Rego**  
*in his capacity as a Commissioner of the  
Rhode Island Board of Elections*

represented by **Christine M. Curley**  
(See above for address)  
*LEAD ATTORNEY*  
*ATTORNEY TO BE NOTICED*

**Raymond A. Marcaccio**  
(See above for address)  
*LEAD ATTORNEY*  
*ATTORNEY TO BE NOTICED*

**Defendant**

**Raymond A. Xavier**  
*in his capacity as a Commissioner of the  
Rhode Island Board of Elections*

represented by **Christine M. Curley**  
(See above for address)  
*LEAD ATTORNEY*  
*ATTORNEY TO BE NOTICED*

**Raymond A. Marcaccio**  
(See above for address)  
*LEAD ATTORNEY*  
*ATTORNEY TO BE NOTICED*

**Defendant**

**George Bowen**  
*in his official capacity as Acting Executive  
Director*

represented by **Christine M. Curley**  
(See above for address)  
*LEAD ATTORNEY*  
*ATTORNEY TO BE NOTICED*

**Raymond A. Marcaccio**  
(See above for address)

*LEAD ATTORNEY*  
*ATTORNEY TO BE NOTICED*

**Defendant**

**Florence Individually & in official  
capacity as member of the R.I. Board of  
Elections**

represented by **Christine M. Curley**  
(See above for address)  
*LEAD ATTORNEY*  
*ATTORNEY TO BE NOTICED*

**Raymond A. Marcaccio**  
(See above for address)  
*LEAD ATTORNEY*  
*ATTORNEY TO BE NOTICED*

**Defendant**

**Florence G. Johnson**  
*in her capacity as a Commissioner of the  
Rhode Island Board of Elections*

represented by **Raymond A. Marcaccio**  
(See above for address)  
*LEAD ATTORNEY*  
*ATTORNEY TO BE NOTICED*

V.

**Intervenor Defendant**

**Roger Begin**

represented by **Christine M. Curley**  
(See above for address)  
*LEAD ATTORNEY*  
*ATTORNEY TO BE NOTICED*

**Raymond A. Marcaccio**  
(See above for address)  
*LEAD ATTORNEY*  
*ATTORNEY TO BE NOTICED*

**Intervenor Defendant**

**Thomas V. Iannitti**

represented by **Christine M. Curley**  
(See above for address)  
*LEAD ATTORNEY*  
*ATTORNEY TO BE NOTICED*

**Raymond A. Marcaccio**  
(See above for address)  
*LEAD ATTORNEY*  
*ATTORNEY TO BE NOTICED*



**Intervenor Defendant**

**Judith H. Bailey**

represented by **Christine M. Curley**  
(See above for address)  
*LEAD ATTORNEY*  
*ATTORNEY TO BE NOTICED*

**Raymond A. Marcaccio**  
(See above for address)  
*LEAD ATTORNEY*  
*ATTORNEY TO BE NOTICED*

**Intervenor Defendant**

**John A. Daluz**

represented by **Christine M. Curley**  
(See above for address)  
*LEAD ATTORNEY*  
*ATTORNEY TO BE NOTICED*

**Raymond A. Marcaccio**  
(See above for address)  
*LEAD ATTORNEY*  
*ATTORNEY TO BE NOTICED*

**Intervenor Defendant**

**Frank J. Rego**

represented by **Christine M. Curley**  
(See above for address)  
*LEAD ATTORNEY*  
*ATTORNEY TO BE NOTICED*

**Raymond A. Marcaccio**  
(See above for address)  
*LEAD ATTORNEY*  
*ATTORNEY TO BE NOTICED*

**Intervenor Defendant**

**Raymond A. Xavier**

represented by **Christine M. Curley**  
(See above for address)  
*LEAD ATTORNEY*  
*ATTORNEY TO BE NOTICED*

**Raymond A. Marcaccio**  
(See above for address)  
*LEAD ATTORNEY*  
*ATTORNEY TO BE NOTICED*

**Intervenor Defendant**

**George Bowen**

represented by **Christine M. Curley**  
 (See above for address)  
*LEAD ATTORNEY*  
*ATTORNEY TO BE NOTICED*

**Raymond A. Marcaccio**  
 (See above for address)  
*LEAD ATTORNEY*  
*ATTORNEY TO BE NOTICED*

**Intervenor Defendant**

**Florence Individually & in official  
 capacity as member of the R.I. Board of  
 Elections**

represented by **Christine M. Curley**  
 (See above for address)  
*LEAD ATTORNEY*  
*ATTORNEY TO BE NOTICED*

**Raymond A. Marcaccio**  
 (See above for address)  
*LEAD ATTORNEY*  
*ATTORNEY TO BE NOTICED*

**Intervenor Defendant****Florence G. Johnson**

represented by **Raymond A. Marcaccio**  
 (See above for address)  
*LEAD ATTORNEY*  
*ATTORNEY TO BE NOTICED*

**Movant**

**Greater Providence Deposit Corporation**  
*Greater Providence Chamber of  
 Commerce, The*

represented by **James W. Ryan**  
 (See above for address)  
*LEAD ATTORNEY*  
*ATTORNEY TO BE NOTICED*

<b>Date Filed</b>	<b>#</b>	<b>Docket Text</b>
11/18/2004	<u>1</u>	COMPLAINT filed; FILING FEE \$ 150.00 RECEIPT # 58712 (Barletta, B) (Entered: 11/18/2004)
11/18/2004		CASE assigned to Judge Ernest C. Torres . Assigned to Magistrate Judge Lincoln D. Almond (Barletta, B) (Entered: 11/18/2004)
11/24/2004		SUMMONS(ES) issued (1) (McCabe, F) (Entered: 11/24/2004)
11/26/2004	2	ACKNOWLEDGEMENT OF SERVICE as to Roger Begin, Thomas V. Iannitti, Judith H. Bailey, John A. Daluz, Frank J. Rego, Raymond A. Xavier, George Bowen, Florence Johnson, Florence G. Johnson 11/22/04 Answer due on 12/13/04



		for Florence G. Johnson, for Florence Johnson, for George Bowen, for Raymond A. Xavier, for Frank J. Rego, for John A. Daluz, for Judith H. Bailey, for Thomas V. Iannitti, for Roger Begin (Jackson, R) (Entered: 12/02/2004)
12/08/2004	<u>3</u>	RETURN OF SERVICE executed as to Roger Begin, Thomas V. Iannitti, Judith H. Bailey, John A. Daluz, Frank J. Rego, Raymond A. Xavier, George Bowen, Florence Johnson, Florence G. Johnson 11/29/04 Answer due on 12/20/04 for Roger Begin, for Thomas V. Iannitti, for Judith H. Bailey, for John A. Daluz, for Frank J. Rego, for Raymond A. Xavier, for George Bowen, for Florence Johnson, for Florence G. Johnson (Fernandes, D) (Entered: 12/08/2004)
01/20/2005	<u>4</u>	MOTION and Memo to Intervene by Greater Providence (Fernandes, D) (Entered: 01/20/2005)
01/26/2005	<u>5</u>	Stipulation allowing Defendants to and through 2/4/05 to answer or otherwise respond to Plaintiff's Complaint (signed by Judge Ernest C. Torres) [faxed to all counsel of record] (Jackson, R) (Entered: 01/26/2005)
01/26/2005		**Added for Roger Begin, Thomas V. Iannitti, Judith H. Bailey, John A. Daluz, Frank J. Rego, Raymond A. Xavier, George Bowen, Florence Johnson, Florence G. Johnson attorney Raymond A. Marcaccio (Jackson, R) (Entered: 01/26/2005)
01/26/2005		Deadline updated; reset Answer deadline to 2/4/05 for Florence G. Johnson, for Florence Johnson, for George Bowen, for Raymond A. Xavier, for Frank J. Rego, for John A. Daluz, for Judith H. Bailey, for Thomas V. Iannitti, for Roger Begin (Jackson, R) (Entered: 01/26/2005)
01/28/2005		Motion(s) referred to Judge Torres: [4-1] motion to Intervene by Greater Providence with Response of the Defendants (Jackson, R) (Entered: 01/28/2005)
01/28/2005	<u>6</u>	RESPONSE by Roger Begin, Thomas V. Iannitti, Judith H. Bailey, John A. Daluz, Frank J. Rego, Raymond A. Xavier, George Bowen, Florence Johnson, Florence G. Johnson to [4-1] motion to Intervene by Greater Providence. Defendants have no opposition to the Motion to Intervene. (Fernandes, D) (Entered: 02/01/2005)
02/01/2005	<u>7</u>	ORDER granting [4-1] motion to Intervene by Greater Providence in the absence of an objection (signed by Judge Ernest C. Torres) [faxed to all counsel of record] (Jackson, R) (Entered: 02/01/2005)
02/07/2005	<u>8</u>	ANSWER to Complaint by Roger Begin, Thomas V. Iannitti, Judith H. Bailey, John A. Daluz, Frank J. Rego, Raymond A. Xavier, George Bowen, Florence Johnson (Attorney Raymond A. Marcaccio and Christine M. Curley) (Fernandes, D) (Entered: 02/07/2005)
03/08/2005	<u>9</u>	Intervenor's COMPLAINT by Greater Prov. Chamb. against Roger Begin, Thomas V. Iannitti, Judith H. Bailey, John A. Daluz, Frank J. Rego, Raymond A. Xavier, George Bowen, Florence Johnson, Florence G. Johnson (Jackson, R) (Entered: 03/10/2005)
03/09/2005		Pre-Trial Conference set at 9:30 4/5/05 Before Judge Ernest C. Torres (Jackson, R) (Entered: 03/09/2005)
03/09/2005		8 SUMMONS(ES) issued (McCabe, F) (Entered: 03/09/2005)
04/14/2005	<u>10</u>	ANSWER by Roger Begin, Thomas V. Iannitti, Judith H. Bailey, John A. Daluz, Frank J. Rego, Raymond A. Xavier, George Bowen, Florence Johnson, Florence G.



		Johnson to [9-1] intervenor complaint (Jackson, R) (Entered: 04/14/2005)
04/19/2005		Pre-Trial Conference reset at 9:30 4/25/05 Before Judge Ernest C. Torres (Jackson, R) (Entered: 04/19/2005)
04/25/2005		Pre-Trial Conference held before Chief Judge Torres. Atty for pla. ACLU Howard Mertins, Atty. for Chamber James Ryan. Attys for dft. Christine Curley, Raymond Marcaccio. Discovery Closure June 30, 2005. Atty James Lee will be contacted regarding interest in this matter. (Webb, J) (Entered: 04/25/2005)
04/25/2005	11	SCHEDULING ORDER setting Discovery cutoff 6/30/05 ; Pretrial Memorandum Deadline 8/30/05 ; ( signed by Judge Ernest C. Torres ) (Webb, J) (Entered: 04/26/2005)
04/25/2005		Set/Reset Deadlines: Motions due by 6/30/2005. (Jackson, Ryan) (Entered: 06/28/2005)
06/24/2005	12	Joint MOTION to Amend the Pretrial Order [11] as follows: Discovery be completed by August 12, 2005 and that the parties be allowed up to and including September 12, 2005 to file cross motion for Summary Judgement by George Bowen, Florence Individually & in official capacity as member of the R.I. Board of Elections, Florence G. Johnson, Greater Providence Chamber of Commerce, Roger Begin, Thomas V. Iannitti, Judith H. Bailey, John A. Daluz, Frank J. Rego, Rhode Island Affiliate American Civil Liberties Union, Inc., Raymond A. Xavier, George Bowen, Florence Individually & in official capacity as member of the R.I. Board of Elections, Florence G. Johnson, Steven Brown, Roger Begin, Thomas V. Iannitti, Judith H. Bailey, John A. Daluz, Frank J. Rego, Raymond A. Xavier.(Leyva, Lucia) (Entered: 06/28/2005)
06/28/2005		12 MOTION to Amend/Correct [11] Set Scheduling Order Deadlines REFERRED to Judge Torres. (Jackson, Ryan) (Entered: 06/28/2005)
07/15/2005	13	ORDER granting in part 12 Motion to Amend/Correct; discovery closure is extended to 8/12/05. Signed by Judge Ernest C Torres on 7/14/05. (Barletta, Barbara) (Entered: 07/15/2005)
07/15/2005		Set/Reset Deadlines: Discovery due by 8/12/2005. (Barletta, Barbara) (Entered: 07/15/2005)
07/21/2005	14	STIPULATION by George Bowen, Florence Individually & in official capacity as member of the R.I. Board of Elections, Florence G. Johnson, Greater Providence Chamber of Commerce, Rhode Island Affiliate American Civil Liberties Union, Inc., Steven Brown, Roger Begin, Thomas V. Iannitti, Judith H. Bailey, John A. Daluz, Frank J. Rego, Raymond A. Xavier. (Jackson, Ryan) (Entered: 07/21/2005)
09/12/2005		NOTICE of Hearing: Status Conference set for 10/18/2005 09:30 AM in Chambers 214 before Chief Judge Ernest C. Torres. (Jackson, Ryan) (Entered: 09/12/2005)
10/21/2005		Minute Entry for proceedings held before Judge Ernest C. Torres : Status Conference held on 10/21/2005; Plaintiff: Howard Merten, James Ryan, Michael Sweeney; Defendants: Raymond Marcaccio; Parties discuss the fact record in the case to be presented to the Court and the way in which the case should proceed - either through trial or the filing of motions; Court directs parties to submit a statement of agreed facts for review with their cross-motions and to submit memoranda on the issues of the burden suffered by the plaintiffs under the statute



		in question and whether or not the application of the statute by the Board of Elections is constitutionally sound; Both the memoranda and the fact submission are to be exempt from the General Order on page limits. (Court Reporter Angela Reynolds; not on record.) (Jackson, Ryan) (Entered: 10/21/2005)
10/28/2005	<u>15</u>	ORDER DIRECTING CERTIFICATION OF CONSTITUTIONAL CHALLENGE to the Attorney General of the State of RI. Signed by Judge Ernest C. Torres on 10/28/05; faxed to all counsel of record; mailed to Attorney General, RI(Jackson, Ryan) (Entered: 10/28/2005)
10/31/2005	<u>16</u>	Trial Memorandum by Intervenor, The Greater Providence Chamber of Commerce. Exhibits may be viewed in Clerk's Office. File exceeds system capacity. (Leyva, Lucia) (Entered: 11/07/2005)
10/31/2005	<u>17</u>	Trial Memorandum by Rhode Island Affiliate ACLU, Inc., and Steven Brown. Exhibits may be viewed in Clerk's Office. File exceeds system capacity. (Leyva, Lucia) (Entered: 11/07/2005)
10/31/2005	<u>18</u>	STATEMENT OF FACTS in support of <u>17</u> Trial Memorandum by Rhode Island Affiliate American Civil Liberties Union, Inc. and Steven Brown. (Leyva, Lucia) (Entered: 11/07/2005)
11/07/2005		TRIAL MEMORANDA AND STATEMENT OF FACTS of ACLU-RI Affiliate and The Greater Providence Chamber of Commerce forwarded to Chambers (Jackson, Ryan) (Entered: 11/07/2005)
11/29/2005	<u>19</u>	TRIAL BRIEF by George Bowen, Florence Individually & in official capacity as member of the R.I. Board of Elections, Florence G. Johnson, Roger Begin, Thomas V. Iannitti, Judith H. Bailey, John A. Daluz, Frank J. Rego, Raymond A. Xavier. Exhibits may be viewed in Clerk's Office. File exceeds system capacity. (Jackson, Ryan) (Entered: 11/29/2005)
11/29/2005		TRIAL BRIEF OF DEFENDANTS forwarded to Chambers (Jackson, Ryan) (Entered: 11/29/2005)
12/07/2005	<u>20</u>	DEFENDANTS' TRIAL MEMORANDUM in opposition to <u>16</u> Trial Memorandum of Intervenor (Attachments: # <u>1</u> Exhibit C-1# <u>2</u> Exhibit C-2)(Leyva, Lucia) (Entered: 12/08/2005)
12/09/2005		DEFENDANTS' TRIAL MEMORANDUM IN OPPOSITION TO THE INTERVENOR'S TRIAL MEMORANDUM forwarded to Chambers (Jackson, Ryan) (Entered: 12/09/2005)
12/09/2005	<u>21</u>	Reply Memorandum by Rhode Island Affiliate, American Civil Liberties Union, Inc. and Steven Brown (Leyva, Lucia) (Entered: 12/16/2005)
12/16/2005	<u>22</u>	ORDER Setting Deadline for Answer. Signed by Judge Ernest C. Torres on December 16, 2005. State of Rhode Island to file a response on or before January 11, 2006. Faxed to counsel of record and Thomas Palumbo, Special Asst. Attorney General.(Leyva, Lucia) (Entered: 12/16/2005)
12/16/2005	<u>23</u>	MOTION to Intervene as Amicus Curiae WITH SUPPORTING MEMO by State of Rhode Island. Responses due by 12/30/2005 (Leyva, Lucia) (Entered: 12/21/2005)

12/16/2005	24	Entry of Appearance as Amicus Curiae by Thomas A. Palombo, AAG on behalf of State of Rhode Island. (Leyva, Lucia) (Entered: 12/21/2005)
12/16/2005	<u>25</u>	Brief of the Attorney General. (Leyva, Lucia) (Entered: 12/21/2005)
12/19/2005	26	Joint RESPONSE to Motion re 23 MOTION to Intervene filed by Rhode Island Affiliate American Civil Liberties Union, Inc. and Steven Brown. (Leyva, Lucia) (Entered: 12/21/2005)
12/23/2005		Motion Forwarded to Chambers 23 MOTION to Intervene FORWARDED to Chambers of Judge Ernest C. Torres. (Jackson, Ryan) (Entered: 12/23/2005)
01/03/2006	27	ORDER granting 23 Motion to Intervene . Signed by Judge Ernest C. Torres on 1/03/2006; faxed to all counsel of record (Jackson, Ryan) (Entered: 01/03/2006)
01/05/2006		NOTICE of Hearing: Teleconference set for 1/6/2006 10:00 AM in Chambers 214 before Judge Ernest C. Torres; notice faxed to all counsel of record(Jackson, Ryan) (Entered: 01/05/2006)
01/06/2006		Minute Entry for proceedings held before Judge Ernest C. Torres : Telephone Conference held on 1/6/2006; Plaintiff: Howard Merten, James Ryan; Defendants: Raymond Marcaccio; Intervenor: Thomas Palumbo (Jackson, Ryan) (Entered: 01/06/2006)
01/06/2006		***Deadlines terminated. (Jackson, Ryan) (Entered: 01/06/2006)