

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF RHODE ISLAND

LOCAL 1703 OF THE INTERNATIONAL :
ASSOCIATION OF FIREFIGHTERS, AFL-CIO, :
Plaintiff, :

vs. : C.A. No. 23-0423

THE TOWN OF TIVERTON and THE :
TIVERTON FIRE DEPARTMENT, :
Defendants. :

PLAINTIFF’S SUPPLEMENTAL
MEMORANDUM OF LAW IN SUPPORT OF
MOTION FOR TEMPORARY RESTRAINING ORDER

The plaintiff, Local 1703 of the International Association of Firefighters, AFL-CIO, has moved, pursuant to Rule 65 of the Federal Rules of Civil Procedure, for a temporary restraining order, as prayed in paragraphs four and seven of the prayers for relief in Plaintiff’s Verified Complaint for Injunctive and Declaratory Relief. This memorandum will serve to supplement the initial memorandum filed on October 16, 2023.

1. The Tiverton Fire Department has withdrawn the October 12, 2023 Social Media policy.

Effective approximately 1 p.m. on October 16, 2023, approximately five (5) hours after the Town received notice of the instant complaint, the Town’s Fire Chief rescinded the October 12, 2023 Social Media policy.

2. **Two issues remain for the Honorable Court's consideration.**

Despite the rescission of the October 12, 2023, two issues remain for the Court's consideration.

First, in the plaintiff's complaint, the plaintiff seeks restraint of the enforcement of paragraphs 17 and 18 of Chapter 4 of the 2007 Rules and Regulations. See prayer for relief paragraph 7; See Exhibit 2 to Plaintiff's Complaint. The Union, for the reason that will be addressed *infra*, is concerned about the possibility of enforcement of this set of first amendment-infringing rules.

Secondly, the Town has agreed to briefly postpone the internal investigative interview that was scheduled for October 19, 2023. The Town has, however, indicated that the Fire Department will conduct interviews of three (3) members of the Executive Board of Local 1703. The three interviews are tentatively scheduled for October 25, 2023. The Union remains concerned that these interviews, and the underlying investigation, revolve around the Union's Facebook social media postings. If the Town intends to question the Union's executive board concerning the Town's Facebook social media postings, the Union vehemently objects to any such discussions. Questioning the members of the Union about concerted activities inevitably chills free expression, and infringes the first amendment rights of the Union's members.

LOCAL 1703 OF THE INTERNATIONAL
ASSOCIATION OF FIREFIGHTERS,
AFL-CIO,

By its attorney,

/s/Edward C. Roy, Jr., Esquire #3029

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CERTIFICATION

I hereby certify that I served a copy of the within upon Timothy Cavazza,
Esq., counsel for the defendants on October 17, 2023 via electronic mail.

/s/Edward C. Roy, Jr., Esq.