

STATE OF RHODE ISLAND
WASHINGTON, SC.

SUPERIOR COURT

LLOYD ALBERT, JEAN ALBERT,
DALE CORDY, NANCY CORDY,
RAYMOND PARISEAULT,
ROSEMARY PARISEAULT,
GORDON WRIN, KATRINA WRIN,
ROBERT PATTERSON, and
MARY BURKE PATTERSON,
Petitioners

C. A. No. WC-2024-0027

V.

THE BONNET SHORES FIRE DISTRICT,
by and through its Chairperson,
CAROL O'DONNELL, its Vice Chairperson,
MARLENE BELLINI, and its Council Members,
ANTHONY DEANGELIS, BILL DELGIZZO,
CAROLYN DILEO, and STEVEN DANUSZAR,
Respondents

**MEMORANDUM OF PETITIONERS, LOUISE HEALY, ET AL, IN SUPPORT
OF THEIR MOTION TO INTERVENE PURSUANT TO RULE 24(a)**

FACTS AND TRAVEL

The Petitioners, Louise Healy, Paul Healy, Lee Vick, Alexa Boone, Jesse Paoella, Patricia Paoella, Landy Paoella, Jennifer Beaulieu, Thomas Beaulieu, Brian Fleming, Gina Fleming, Lori Pezzullo, Mark Laurito, Kyle Laurito, Donna Jeffrey, Marie Kilduff, Leigh Oliver, Julie Fitzgerald, Jim Fitzgerald, Marijane Hackett, Erin Mernick, Brad Fox, Danielle Fox, Carol DiPaolo, Stefan Regelmann, Janice Regelmann, Michael Shapiro, Angelica Iglionzi, Erik Morse, Jessica Ayvazyan, Josh Ayvazyan, and Robert Strom, are owners of units located at the Bonnet Shores Beach Club Condomium who reside outside of the bounds of the Bonnet Shores Fire District and Town of Narragansett, Rhode Island.¹

¹ As indicated by the attached Exhibit "A".

The Demand for Special Meeting submitted by the Petitioner Robert Patterson to the Respondent Carol O'Donnell on or about November 14, 2023 contains the following provision:

Voting at said **Special Meeting** *shall be limited to* Qualified Voters of the District, as such are defined in Paragraph 1 of the Consent Judgment entered in the Washington County Superior Court on May 26, 2022 in the matter of *Mary Burke Patterson et al v. The Bonnet Shores Fire District, C. A. No. WC-2020-0130* (emphasis added).

See Exhibit "4" to Petition for Issuance of Mandamus.

Paragraph 1 of the aforementioned Consent Judgment states the following:

1. The Court having granted summary judgment in favor of the Plaintiffs on Count I of the Complaint . . . beginning with any Bonnet Shores Fire District Annual Meeting or Special Meeting (each, a "Meeting") held after the date hereof, every citizen of the United States of the age eighteen years or over who has had residence and home in the Bonnet Shores Fire District for thirty days next preceding the time of voting, who has resided thirty days in the Bonnet Shores Fire District, and whose name shall be registered at least thirty days preceding the time of voting as provided by the Bonnet Shores Fire District Charter, shall have the right to vote for all offices to be elected and on all questions submitted to the electors.

Section 5 of the Bonnet Shores Fire District By-Laws states that "Every person irrespective of sex, of the age of eighteen (18) years, who is possessed in his or her right of real estate in said district of the value of four hundred dollars (\$400.00). . . shall thereafter have the right to vote at all meetings of the corporation." See Exhibit "2" to Petition for Issuance of Mandamus. The Consent Judgment did not take away the right to vote from nonresident property owners. The Petition for the Issuance of a Writ of Mandamus was filed with this Court on January 16, 2024.

LEGAL STANDARD

Rule 24(a) of the Superior Court Rules of Civil Procedure states the following:

- (a) Intervention of Right.** Upon timely application anyone shall be permitted to intervene in an action:
- (1) When a statute of this state confers an unconditional right to intervene; or

- (2) When the applicant claims an interest relating to the property or transaction which is the subject of the action and the applicant is so situated that the disposition of the action may as a practical matter impair or impede the applicant's ability to protect that interest, unless the applicant's interest is adequately represented by existing parties.

To establish intervention as a matter of right, a party is required to: (1) file a timely application for intervention, (2) show an interest in the subject matter of that action in that the disposition of the action without intervention would as a practical matter impair or impede their ability to protect that interest, and (3) establish that their interest is not adequately represented by the existing parties. *Marteg Corp. v. Zoning Bd. of Review*, 425 A. 2d 1240 (R. I. 1981).

ARGUMENT

1. THE PETITIONER'S DEMAND FOR SPECIAL MEETING IS A DELIBERATE ATTEMPT TO DISENFRANCHISE NONRESIDENT PROPERTY OWNERS, IN CLEAR VIOLATION OF THE COURT'S DECEMBER 17, 2020 DECISION.

In her December 17, 2020 Decision on the Bonnet Shores Fire District's Motion to Dismiss for Failure to Join Indispensable Parties, the Court, Ms. Justice Taft-Carter presiding, stated the following:

[P]laintiffs requested a declaration that would indeed affect the voting rights of the nonresident property owners by disenfranchising them . . . Furthermore, the interest at stake is the fundamental right to vote . . . Similar to *Flynn*, the nonresident property owners share a common interest with the BFSFD residents in governmental matters . . . For instance, the nonresident property owners are taxpayers who have a financial stake in the outcome of BFSFD's elections because taxation in the district is for many purposes, including the maintenance of streets, as well as the water supply system. Indeed, these interests potentially affect the nonresident property owners as well as residents of the BFSFD.

Accordingly, the issuance of such a declaration in requests D, E and F² by this Court

² D. A finding and declaration that the distribution of voting rights to nonresidents of BFSFD is unconstitutional under the Fourteenth Amendment of the United States Constitution.

E. A finding and declaration that the distribution of voting rights to nonresidents of BFSFD is unconstitutional under Article, I, §2 and Article II, §1 of the Rhode Island Constitution.

F. A finding and declaration that subsequent elections for BFSFD must be open only to all residents of BFSFD who are over eighteen years of age, consistent with Article II, §1 of the Rhode Island Constitution.

would directly affect the BSFD's nonresident voters by stripping them of their right to vote under the BSFD Charter. Therefore, the nonresident owners are indispensable parties as to requests for relief D, E and F pursuant to §9-30-11, and, thus, *failure to join them is fatal*. (emphasis added).

In spite of the Court's decision denying the attempt of the *Patterson* plaintiffs to prohibit non-resident property owners from voting on BSFD matters, the Petitioners in the instant action are attempting to circumvent the Court's ruling by limiting voting at the Special Meeting to those parties described in Paragraph 1 of the Consent Judgment, which does not include non-resident property owners. Although the Respondents have replied to the Petition, the Non-Resident Owners do not know what steps, if any, that the BSFD will take to protect their voting rights. Given the Petitioners' antipathy towards non-resident owners located in the Fire District, the Non-Resident Owners contend that their Motion to Intervene should be granted in order for their interests to be protected when the Special Meeting is held.

WHEREFORE, the Petitioners, Louise Healy, et al, pray that their Motion to Intervene be GRANTED, and that in the event the Petitioners' Writ of Mandamus is granted, that the Court order voting at the Special Meeting to include both residents and non-resident owners in the Bonnet Shores Fire District.

LOUISE HEALY, PAUL HEALY, LEE VICK,
ALEXA BOONE, JESSE PAOLELLA, PATRICIA
PAOLELLA, LANDY PAOLELLA, JENNIFER
BEAULIEU, THOMAS BEAULIEU, BRIAN
FLEMING, GINA FLEMING, LORI PEZZULLO,
MARK LAURITO, KYLE LAURITO, DONNA
JEFFREY, MARIE KILDUF, LEIGH OLIVER,
JULIE FITZGERALD, JIM FITZGERALD,
MARIJANE HACKETT, ERIN MERNICK,
BRAD FOX, DANIELLE FOX, CAROL
DIPAULO, STEFAN REGELMANN, JANICE
REGELMANN, MICHAEL SHAPIRO,
ANGELICA IGLIOZZI, ERIK MORSE,
JESSICA AYVAZYAN, JOSE AYVAZYAN,
and ROBERT STROM

By their Attorney,

/s/ Michael W. Garland
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CERTIFICATE OF SERVICE

I, Michael W. Garland, hereby certify that on the 7th day of March, 2024, I filed the within document through Odyssey EFile and Serve with service to counsel of record.

/s/ Michael W. Garland
Michael W. Garland

EXHIBIT "A"

NON-RESIDENT BSBCC UNIT OWNERS

OWNER	BSBCCA UNIT	RESIDENCE
Louise Healy	2	100 Hoffman Avenue Unit 3, Cranston, RI
Paul Healy	2	100 Hoffman Avenue Unit 3, Cranston, RI
Lee Vick	326	30 Sweet Meadows Court Unit 14, Narragansett, RI
Alexa Boone	F-33	107 Orchard Woods Drive, Saunderstown, RI
Jesse Paoella	F-33	39 Norwood Avenue, Cranston, RI
Patricia Paoella	395	179 East Matunuck Farm, Wakefield, RI
Landy Paoella	395	179 East Matunuck Farm, Wakefield, RI
Jennifer Beaulieu	F-28	60 Beagle Club Road, Attleboro, MA
Thomas Beaulieu	F-28	60 Beagle Club Road, Attleboro, MA
Brian Fleming	336	4 Winika Court, Johnston, RI
Gina Fleming	336	4 Winika Court, Johnston, RI
Lori Pezzullo	336	175 Downing Drive, Johnston, RI
Mark Laurito	392	33 Clark Road, Smithfield, RI
Kyle Laurito	392	29 Betony Road, Saunderstown, RI
Donna Jeffrey	B-24	7 Albert Drive, Johnston, RI
Marie Kilduff	B-24	14 Freedom Court, Johnston, RI
Leigh Oliver	365	188 Beacon Avenue, Jamestown, RI
Julie Fitzgerald	394	4 Ashbrook Run, East Greenwich, RI
Jim Fitzgerald	394	4 Ashbrook Run, East Greenwich, RI
Marijane Hackett	2	547 Spring Street, Newport, RI
Erin Mernick	G-10	31 Rockland Road, North Scituate, RI
Brad Fox	431	500 Chestnut Hill Road, South Kingstown, RI
Danielle Fox	431	500 Chestnut Hill Road, South Kingstown, RI
Carol DiPaolo	N-6	6 Christopher Drive, Johnston, RI
Stefan Regelmann	K-36	39 Woodlawn Drive, North Kingstown, RI
Janice Regelmann	K-36	44 Wild Berry Drive, Cranston, RI
Michael Shapiro	362	200 Hunters Crossing, East Greenwich, RI
Angelica Igliazzi	PN-24	25 Legion Memorial Drive, Providence, RI
Erick Morse	N-20	177 Glen Hills Drive, Cranston, RI
Jessica Ayvazyan	321	175 Summit Drive, Cranston, RI
Josh Ayvazyan	321	175 Summit Drive, Cranston, RI
Robert Strom	V-05	107 Surcrest, 425 Dean Parkway, Cranston, RI