

Justin Katz
189 Cottrell Rd.
Tiverton, RI 02878

Wednesday, October 18, 2017

Hon. James A. Donnelly, Jr.
Tiverton Municipal Court
Tiverton Town Hall
343 Highland Rd.
Tiverton, RI 02878

Dear Judge Donnelly,

The first purpose of this letter is to express my consent to continuing the hearing in your court of the charter complaint that I filed against the Tiverton School Committee and several of its members individually. November 9th at 7:00 p.m. is agreeable to me, but another date of mutual convenience would suffice.

The second purpose of this letter is to object to the *ex parte* communication of School Committee attorney Stephen M. Robinson with your court, dated October 16. I note that Mr. Robinson listed in copy the Tiverton Town Council, Town Clerk Nancy Mello, Town Administrator Paul McGreavy, the Tiverton School Committee, and Superintendent William J. Rearick. Had Mrs. Mello not forwarded his letter to me, I would have not been apprised of his arguments, several of which are germane to the controversy before your court.

The third purpose of this letter is to address the substance of one such argument, in which Mr. Robinson contests the jurisdiction of your court over this matter. I would direct Mr. Robinson's attention to the video, available on YouTube, of the Tiverton Town Council's meeting of October 10. During the solicitor's comment period, the council was advised of his assessment that the entire council should recuse from hearing the matter, given prior discussion of the complaint's content. In such cases, Section 1211(a)(2) of the Home Rule Charter calls for the complaint to advance in the process to the Municipal Court.

In principle, I have no objection to presenting this matter before the council. Indeed, my complaint requests such a hearing with the caveat that three of the seven members should recuse. However, rather than incurring the cost and disruption of challenging the solicitor's advice to the council, I ask Mr. Robinson and his clients to affirm in writing that this matter is properly before the Municipal Court at this time.

Sincerely,



Justin Katz

c: Stephen M. Robinson