

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MASSACHUSETTS

_____)	
SCOTT PITTA,)	
)	
Plaintiff,)	
)	
v.)	Civ. No _____
)	
DINA MEDEIROS, Individually and in her)	
Official Capacity as Administrator of Special)	
Education for the Bridgewater Raynham Regional)	
School District, and BRIDGEWATER RAYNHAM)	
REGIONAL SCHOOL DISTRICT.)	
)	
Defendants.)	
_____)	

**COMPLAINT FOR INJUNCTIVE RELIEF, DECLARATORY
JUDGMENT, AND DAMAGES**

Introduction

1. Plaintiff is the parent of a child with special needs who brings this suit to enforce his well-established First Amendment right to record government officials in the performance of their duties during meetings with public school officials to discuss their child’s needs for reasonable accommodations and special education related services required for a free and appropriate public-school education (FAPE). This Court and the First Circuit Court of Appeals have consistently upheld the public’s right to video record government officials in the performance of their duties, from a vantage point where the person conducting the recording is lawfully present, “is a basic, vital, and well-established liberty safeguarded by the First Amendment” that is subject only to a reasonable time, place, and manner restriction. Martin v. Gross, 340 F. Supp. 3d 87, 109 (D. Mass. 2018), quoting Glik v. Cunniffe, 655 F.3d 78, 85 (1st Cir. 2011). The Glik court further clarified that a peaceful recording of public officials that does not interfere with the performance of their

duties is not reasonably subject to limitation. 655 F. 3d at 85.

Plaintiff Scott Pitta believes that, because of the Defendants' prior acts of omitting facts and statements from the official minutes of prior meetings, video recording interactions and meetings with school officials to be the only means to form an accurate record of statements made by those in attendance at said meetings. But he has been unlawfully prevented from engaging in this constitutionally protected activity due the Defendants' actions.

On the morning of September 20th, 2022, the parties had a scheduled "Google Meet" meeting to discuss the Individualized Education Plan (IEP) of the Plaintiff's child. Citing the Defendants' failure to produce accurate minutes of prior meetings and refusal to correct those errors despite obligations to maintain accurate records under 603 CMR 23.03, the Plaintiff requested the Defendants' video record the meeting using the Google Meet record function. The Defendants' refused the Plaintiff's request and stated that the only recording they would permit would be an external audio recording operated and controlled by the Defendants'. The Defendants' stated that the reason for their decision was that a video recording was "invasive" and their policy would not permit such a recording. The Plaintiff informed the meeting chair, Dina Medeiros, that since school policy prevented her from making a video recording of the meeting, the Plaintiff would then make his own recording. At the commencement of the meeting, the Defendants announced that they were audio recording the meeting and the Plaintiff announced that they were video recording the meeting. The meeting chair stated that if the Plaintiff did not terminate their video recording, she would end the meeting. The Plaintiff refused to stop the video recording, and the chair terminated the meeting on the Google Meet platform.

Plaintiff therefore challenge the constitutionality of the Defendants' actions and Bridgewater

Raynham Regional School District's policy of only permitting the Defendants to record (audio only) and prohibiting parents from making their own independent video recording of their meetings with school officials performing their duties, and seek declaratory judgment, injunctive relief, and monetary damages under 42 U.S.C. § 1983 and the First and Fourteenth Amendments to the United States Constitution.

2. The First Amendment protects the right of the people to record government officials' performance of their jobs. This constitutional safeguard preserves two core free speech interests: promoting an informed discussion of government affairs and uncovering government misconduct, such as falsifying official records.

3. Consistent with the profound impact that recordings of public officials interactions with the people can have on the public, the First Circuit has held that the right to record government officials performing their duties in public "is a basic, vital, and well-established liberty safeguarded by the First Amendment." Glik v. Cunniffe, 655 F.3d 78, 85 (1st Cir. 2011). The First Circuit and this Court has *not* limited this holding to open recording in traditional public forums, but rather, this court declined to define the term "public space" and "public official" to prevent narrowing the scope beyond constitutional limits and preventing the public from holding government officials accountable. Project Veritas Action v. Rachael Rollins, No. 16-10462-PBS, (D. Mass. filed May 22, 2019). Thus, this constitutional protection extends to all interactions between members of the public and government officials where, as in this case, the citizen is lawfully present while recording public officials performing their duties in public.

4. The Defendants' policy and actions have directly violated Plaintiffs' exercise of this First Amendment right by preventing the recording of public officials in the performance of their duties.

5. Plaintiff therefore seeks a declaration, under 42 U.S.C. § 1983 and 28 U.S.C. § 2201, that

the Defendants' actions are unconstitutional as applied to the video recording of public-school employees performing their duties while meeting with members of the public. Plaintiff also seek a permanent injunction in the form of an order enjoining the defendants from applying or enforcing any policy prohibiting such conduct.

JURISDICTION AND VENUE

6. This action is brought under 42 U.S.C. §§ 1983 and 1988, and the First and Fourteenth Amendments to the United States Constitution. Jurisdiction is conferred on this Court by 28 U.S.C. §§ 1331, 1343 and 2201 *et seq.* Venue in the District of Massachusetts is proper under 28 U.S.C. § 1391(b).

PARTIES

7. Plaintiffs Scott Pitta is a citizen of the United States and a resident of Bridgewater, MA.

8. Defendant Dina Medeiros is the Administrator of Special Education for the Bridgewater Raynham Regional School District. She is being sued individually and in her official capacity as Administrator of Special Education. Her usual place of employment is located at 166 Mt. Prospect St. Bridgewater, MA 02324.

9. Defendant Bridgewater Raynham Regional School District is a Massachusetts school district formed and operated under the authority of MGL c. 71 sec. 14B. Its usual place of business and central office is located at 166 Mt. Prospect St. Bridgewater, MA 02324.

ALLEGATIONS

I. The Constitutional Right to Record the Public Officials Performing Their Duties Encompasses Interactions and Meetings Between Public School Officials and Parents of School Children.

10. The right to record public officials is essential to promoting the free discussion of governmental affairs, protecting the democratic process, and uncovering governmental

misconduct.

11. The First Circuit has held that the First Amendment “unambiguously” protects the right to record government employees carrying out their duties. Glik, 655 F.3d at 82. The court explained that this right “fits comfortably” within basic First Amendment principles both because “gathering information about government officials in a form that can readily be disseminated to others serves a cardinal First Amendment interest in protecting and promoting the free discussion of governmental affairs,” and because it aids in the uncovering of official abuses. *Id.* at 82–83.

12. This right and its underlying principles fully extend to parents of school children recording public school officials performing their duties while conducting official meetings with the parents.

13. Recording is necessary to create an accurate record of all statements made during an IEP team meeting and to identify the statements declarant because the official records of these meetings may be admitted as evidence in subsequent administrative and legal appeals. In the instant case, the Defendants’ prior history of omitting, falsifying, and / or altering meeting minutes demonstrate a clear need for a more robust and accurate record of the meetings.

II. Plaintiff’s Desire for an Accurate Record of Statements is Reasonable Given the Defendants’ Prior Acts of Omitting, Falsifying, or Altering Meeting Minutes.

14. Plaintiff’s concerns are reasonable because the Defendants’ have previously produced meeting minutes that glaringly omitted statements made by the Defendants’ employees that were harmful to the Defendants’ position.

15. On February 15th 2022 and March 8th 2022, the parties conducted virtual IEP team meetings to in order to discuss and develop a new IEP for the Plaintiff’s child.

16. During these meetings, several school district employees made statements of facts that

were harmful to the Defendants' argument to remove the Plaintiff's child from IEP based special education services. These statements included, but are not limited to, an admission that the Defendants had no data upon which to base their opinion, an admission that teachers who performed evaluations on the child that resulted in findings contrary to the Defendants position were later asked by the Defendants to "double check" their evaluation, but teachers whose evaluation results supported the Defendants' position were not asked to do the same.

17. Despite lengthy discussions regarding the statements mention in paragraph 17 above, these discussions were not included in the Defendants' official meeting minutes that were emailed to the Plaintiffs on March 10th, 2022. After having time to review the meeting minutes, the Plaintiffs alerted the Defendants to the omissions and inaccuracies and objected to the Defendants' minutes as an official record of the meetings and requested that the minutes be amended to include the omitted portions of the meeting.

18. Despite their duty to maintain accurate records, the Defendants refused to amend the meeting minutes as requested by the Plaintiffs.

19. The Plaintiff has suffered ongoing irreparable injury due to the Defendants refusal to conduct IEP team meetings while the Plaintiff exercises his well-established, constitutionally protected right to record government officials in the performance of their duties directly interferes with the Plaintiff's rights as a parent to participate in the IEP process for their child.

20. The Plaintiff has suffered ongoing irreparable injury because the Plaintiff has been forced to take extra time off from his job in order to attend additional IEP team meetings due to the Defendants' refusal to continue meetings while the Plaintiff exercised his right to record the meeting.

**Claim for Relief:
Violation of the First and Fourteenth Amendments (42 U.S.C. §
1983)**

21. Plaintiff repeats and incorporate by reference the foregoing paragraphs of this Complaint as if fully set forth herein.

22. The First Amendment to the United States Constitution, as applicable to the states through the Fourteenth Amendment, prohibits the making of any law that “abridg[es] the freedom of speech.” The Fourteenth Amendment also guarantees due process and prohibits states from denying to any person “the equal protection of the laws.”

23. Under the First Amendment, Plaintiff has a right to gather information about the conduct of public officials, and is secure in this right against interference by the government of the Commonwealth.

24. The Defendants’ stated policy to prohibit parents from making an independent video recording of an IEP team meeting violates the First Amendment by causing Plaintiffs to refrain from constitutionally protected information gathering.

25. By acting and threatening to act under the color of state law to deprive Plaintiffs of rights guaranteed by the First Amendment and the Fourteenth Amendment, Defendants have violated and continue to violate Plaintiff’s First and Fourteenth Amendment rights, actionable under 42 U.S.C. § 1983.

26. Plaintiff has no adequate remedy available at law.

PRAYER FOR RELIEF

WHEREFORE, Plaintiff seeks an order and judgment:

1. declaring that the Defendant’s prohibition on parents’ video recording IEP team

meetings is unconstitutional because it violates the First Amendment to the United States Constitution;

2. permanently enjoining Defendants from preventing or interfering with Plaintiffs or others who are lawfully present, from video recording government officials engaged in their official duties;
3. awarding to Plaintiff costs and attorneys' fees under 42 U.S.C. §§ 1983 and 1988; and
4. providing such other and further relief as the Court may deem just and proper.

Respectfully submitted,
Plaintiff, SCOTT D. PITTA
/s/ Scott D. Pitta
Scott D. Pitta, BBO #707615
118 Pine St.
Raynham, MA 02767
508-468-6180
Scott.Pitta@ScottPittaLaw.com

Dated: September 28, 2022

JS 44 (Rev. 10/20)

The JS 44 civil cover sheet and the information contained herein neither replace nor supplement the filing and service of pleadings or other papers as required by law, except as provided by local rules of court. This form, approved by the Judicial Conference of the United States in September 1974, is required for the use of the Clerk of Court for the purpose of initiating the civil docket sheet. (SEE INSTRUCTIONS ON NEXT PAGE OF THIS FORM.)

<p>I. (a) PLAINTIFFS SCOTT PITTA</p> <p>(b) County of Residence of First Listed Plaintiff <u>PLYMOUTH</u> (EXCEPT IN U.S. PLAINTIFF CASES)</p> <p>(c) Attorneys (Firm Name, Address, and Telephone Number) PRO SE</p>	<p>DEFENDANTS DINA MEDEIROS & BRIDGEWATER RAYNHAM REGIONAL SCHOOL DISTRICT County of Residence of First Listed Defendant <u>PLYMOUTH</u> (IN U.S. PLAINTIFF CASES ONLY)</p> <p>NOTE: IN LAND CONDEMNATION CASES, USE THE LOCATION OF THE TRACT OF LAND INVOLVED. Attorneys (If Known)</p>
---	---

<p>II. BASIS OF JURISDICTION (Place an "X" in One Box Only)</p> <p><input type="checkbox"/> 1 U.S. Government Plaintiff</p> <p><input checked="" type="checkbox"/> 3 Federal Question (U.S. Government Not a Party)</p> <p><input type="checkbox"/> 2 U.S. Government Defendant</p> <p><input type="checkbox"/> 4 Diversity (Indicate Citizenship of Parties in Item III)</p>	<p>III. CITIZENSHIP OF PRINCIPAL PARTIES (Place an "X" in One Box for Plaintiff and One Box for Defendant)</p> <table border="1" style="width:100%; border-collapse: collapse;"> <tr> <th></th> <th>PTF</th> <th>DEF</th> <th></th> <th>PTF</th> <th>DEF</th> </tr> <tr> <td>Citizen of This State</td> <td><input checked="" type="checkbox"/> 1</td> <td><input checked="" type="checkbox"/> 1</td> <td>Incorporated or Principal Place of Business In This State</td> <td><input type="checkbox"/> 4</td> <td><input checked="" type="checkbox"/> 4</td> </tr> <tr> <td>Citizen of Another State</td> <td><input type="checkbox"/> 2</td> <td><input type="checkbox"/> 2</td> <td>Incorporated and Principal Place of Business In Another State</td> <td><input type="checkbox"/> 5</td> <td><input type="checkbox"/> 5</td> </tr> <tr> <td>Citizen or Subject of a Foreign Country</td> <td><input type="checkbox"/> 3</td> <td><input type="checkbox"/> 3</td> <td>Foreign Nation</td> <td><input type="checkbox"/> 6</td> <td><input type="checkbox"/> 6</td> </tr> </table>		PTF	DEF		PTF	DEF	Citizen of This State	<input checked="" type="checkbox"/> 1	<input checked="" type="checkbox"/> 1	Incorporated or Principal Place of Business In This State	<input type="checkbox"/> 4	<input checked="" type="checkbox"/> 4	Citizen of Another State	<input type="checkbox"/> 2	<input type="checkbox"/> 2	Incorporated and Principal Place of Business In Another State	<input type="checkbox"/> 5	<input type="checkbox"/> 5	Citizen or Subject of a Foreign Country	<input type="checkbox"/> 3	<input type="checkbox"/> 3	Foreign Nation	<input type="checkbox"/> 6	<input type="checkbox"/> 6
	PTF	DEF		PTF	DEF																				
Citizen of This State	<input checked="" type="checkbox"/> 1	<input checked="" type="checkbox"/> 1	Incorporated or Principal Place of Business In This State	<input type="checkbox"/> 4	<input checked="" type="checkbox"/> 4																				
Citizen of Another State	<input type="checkbox"/> 2	<input type="checkbox"/> 2	Incorporated and Principal Place of Business In Another State	<input type="checkbox"/> 5	<input type="checkbox"/> 5																				
Citizen or Subject of a Foreign Country	<input type="checkbox"/> 3	<input type="checkbox"/> 3	Foreign Nation	<input type="checkbox"/> 6	<input type="checkbox"/> 6																				

IV. NATURE OF SUIT (Place an "X" in One Box Only) Click here for: [Nature of Suit Code Descriptions.](#)

CONTRACT	TORTS	FORFEITURE/PENALTY	BANKRUPTCY	OTHER STATUTES	
<input type="checkbox"/> 110 Insurance <input type="checkbox"/> 120 Marine <input type="checkbox"/> 130 Miller Act <input type="checkbox"/> 140 Negotiable Instrument <input type="checkbox"/> 150 Recovery of Overpayment & Enforcement of Judgment <input type="checkbox"/> 151 Medicare Act <input type="checkbox"/> 152 Recovery of Defaulted Student Loans (Excludes Veterans) <input type="checkbox"/> 153 Recovery of Overpayment of Veteran's Benefits <input type="checkbox"/> 160 Stockholders' Suits <input type="checkbox"/> 190 Other Contract <input type="checkbox"/> 195 Contract Product Liability <input type="checkbox"/> 196 Franchise	<p>PERSONAL INJURY</p> <input type="checkbox"/> 310 Airplane <input type="checkbox"/> 315 Airplane Product Liability <input type="checkbox"/> 320 Assault, Libel & Slander <input type="checkbox"/> 330 Federal Employers' Liability <input type="checkbox"/> 340 Marine <input type="checkbox"/> 345 Marine Product Liability <input type="checkbox"/> 350 Motor Vehicle <input type="checkbox"/> 355 Motor Vehicle Product Liability <input type="checkbox"/> 360 Other Personal Injury <input type="checkbox"/> 362 Personal Injury - Medical Malpractice	<p>PERSONAL INJURY</p> <input type="checkbox"/> 365 Personal Injury - Product Liability <input type="checkbox"/> 367 Health Care/Pharmaceutical Personal Injury Product Liability <input type="checkbox"/> 368 Asbestos Personal Injury Product Liability <p>PERSONAL PROPERTY</p> <input type="checkbox"/> 370 Other Fraud <input type="checkbox"/> 371 Truth in Lending <input type="checkbox"/> 380 Other Personal Property Damage <input type="checkbox"/> 385 Property Damage Product Liability	<input type="checkbox"/> 625 Drug Related Seizure of Property 21 USC 881 <input type="checkbox"/> 690 Other	<input type="checkbox"/> 422 Appeal 28 USC 158 <input type="checkbox"/> 423 Withdrawal 28 USC 157 <p>PROPERTY RIGHTS</p> <input type="checkbox"/> 820 Copyrights <input type="checkbox"/> 830 Patent <input type="checkbox"/> 835 Patent - Abbreviated New Drug Application <input type="checkbox"/> 840 Trademark <input type="checkbox"/> 880 Defend Trade Secrets Act of 2016 <p>SOCIAL SECURITY</p> <input type="checkbox"/> 861 HIA (1395ff) <input type="checkbox"/> 862 Black Lung (923) <input type="checkbox"/> 863 DIWC/DIWW (405(g)) <input type="checkbox"/> 864 SSID Title XVI <input type="checkbox"/> 865 RSI (405(g)) <p>FEDERAL TAX SUITS</p> <input type="checkbox"/> 870 Taxes (U.S. Plaintiff or Defendant) <input type="checkbox"/> 871 IRS—Third Party 26 USC 7609	<input type="checkbox"/> 375 False Claims Act <input type="checkbox"/> 376 Qui Tam (31 USC 3729(a)) <input type="checkbox"/> 400 State Reapportionment <input type="checkbox"/> 410 Arbitration <input type="checkbox"/> 430 Banks and Banking <input type="checkbox"/> 450 Commerce <input type="checkbox"/> 460 Deportation <input type="checkbox"/> 470 Racketeer Influenced and Corrupt Organizations <input type="checkbox"/> 480 Consumer Credit (15 USC 1681 or 1692) <input type="checkbox"/> 485 Telephone Consumer Protection Act <input type="checkbox"/> 490 Cable/Sat TV <input type="checkbox"/> 850 Securities/Commodities/Exchange <input type="checkbox"/> 890 Other Statutory Actions <input type="checkbox"/> 891 Agricultural Acts <input type="checkbox"/> 893 Environmental Matters <input type="checkbox"/> 895 Freedom of Information Act <input type="checkbox"/> 896 Arbitration <input type="checkbox"/> 899 Administrative Procedure Act/Review or Appeal of Agency Decision <input type="checkbox"/> 950 Constitutionality of State Statutes
<p>REAL PROPERTY</p> <input type="checkbox"/> 210 Land Condemnation <input type="checkbox"/> 220 Foreclosure <input type="checkbox"/> 230 Rent Lease & Ejectment <input type="checkbox"/> 240 Torts to Land <input type="checkbox"/> 245 Tort Product Liability <input type="checkbox"/> 290 All Other Real Property	<p>CIVIL RIGHTS</p> <input checked="" type="checkbox"/> 440 Other Civil Rights <input type="checkbox"/> 441 Voting <input type="checkbox"/> 442 Employment <input type="checkbox"/> 443 Housing/Accommodations <input type="checkbox"/> 445 Amer. w/Disabilities - Employment <input type="checkbox"/> 446 Amer. w/Disabilities - Other <input type="checkbox"/> 448 Education	<p>PRISONER PETITIONS</p> <p>Habeas Corpus:</p> <input type="checkbox"/> 463 Alien Detainee <input type="checkbox"/> 510 Motions to Vacate Sentence <input type="checkbox"/> 530 General <input type="checkbox"/> 535 Death Penalty <p>Other:</p> <input type="checkbox"/> 540 Mandamus & Other <input type="checkbox"/> 550 Civil Rights <input type="checkbox"/> 555 Prison Condition <input type="checkbox"/> 560 Civil Detainee - Conditions of Confinement	<input type="checkbox"/> 710 Fair Labor Standards Act <input type="checkbox"/> 720 Labor/Management Relations <input type="checkbox"/> 740 Railway Labor Act <input type="checkbox"/> 751 Family and Medical Leave Act <input type="checkbox"/> 790 Other Labor Litigation <input type="checkbox"/> 791 Employee Retirement Income Security Act	<input type="checkbox"/> 790 Other Labor Litigation <input type="checkbox"/> 791 Employee Retirement Income Security Act	

V. ORIGIN (Place an "X" in One Box Only)

1 Original Proceeding 2 Removed from State Court 3 Remanded from Appellate Court 4 Reinstated or Reopened 5 Transferred from Another District (specify) 6 Multidistrict Litigation - Transfer 8 Multidistrict Litigation - Direct File

VI. CAUSE OF ACTION

Cite the U.S. Civil Statute under which you are filing (Do not cite jurisdictional statutes unless diversity):
 42 U.S.C. § 1983 DEPRIVATION OF RIGHTS


Brief description of cause:
 DEPRIVATION OF RIGHT TO RECORD PUBLIC OFFICIALS IN THE PERFORMANCE OF THEIR DUTIES

VII. REQUESTED IN COMPLAINT:

CHECK IF THIS IS A CLASS ACTION UNDER RULE 23, F.R.Cv.P. **DEMANDS** CHECK YES only if demanded in complaint:
JURY DEMAND: Yes No

VIII. RELATED CASE(S) IF ANY (See instructions):

JUDGE _____ DOCKET NUMBER _____

DATE: SEPTEMBER 27, 2022 SIGNATURE OF ATTORNEY OF RECORD: 

FOR OFFICE USE ONLY

RECEIPT # _____ AMOUNT _____ APPLYING IFP _____ JUDGE _____ MAG. JUDGE _____

UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS

1. Title of case (name of first party on each side only) SCOTT PITTA v. DINA MEDEIROS

2. Category in which the case belongs based upon the numbered nature of suit code listed on the civil cover sheet. (See local rule 40.1(a)(1)).

- I. 160, 400, 410, 441, 535, 830*, 835*, 850, 880, 891, 893, R.23, REGARDLESS OF NATURE OF SUIT.
- II. 110, 130, 190, 196, 370, 375, 376, 440, 442, 443, 445, 446, 448, 470, 751, 820*, 840*, 895, 896, 899.
- III. 120, 140, 150, 151, 152, 153, 195, 210, 220, 230, 240, 245, 290, 310, 315, 320, 330, 340, 345, 350, 355, 360, 362, 365, 367, 368, 371, 380, 385, 422, 423, 430, 450, 460, 462, 463, 465, 480, 485, 490, 510, 530, 540, 550, 555, 560, 625, 690, 710, 720, 740, 790, 791, 861-865, 870, 871, 890, 950.

*Also complete AO 120 or AO 121. for patent, trademark or copyright cases.

3. Title and number, if any, of related cases. (See local rule 40.1(g)). If more than one prior related case has been filed in this district please indicate the title and number of the first filed case in this court.

N/A

4. Has a prior action between the same parties and based on the same claim ever been filed in this court?

YES NO

5. Does the complaint in this case question the constitutionality of an act of congress affecting the public interest? (See 28 USC §2403)

YES NO

If so, is the U.S.A. or an officer, agent or employee of the U.S. a party?

YES NO

6. Is this case required to be heard and determined by a district court of three judges pursuant to title 28 USC §2284?

YES NO

7. Do all of the parties in this action, excluding governmental agencies of the United States and the Commonwealth of Massachusetts ("governmental agencies"), residing in Massachusetts reside in the same division? - (See Local Rule 40.1(d)).

YES NO

A. If yes, in which division do all of the non-governmental parties reside?

Eastern Division Central Division Western Division

B. If no, in which division do the majority of the plaintiffs or the only parties, excluding governmental agencies, residing in Massachusetts reside?

Eastern Division Central Division Western Division

8. If filing a Notice of Removal - are there any motions pending in the state court requiring the attention of this Court? (If yes, submit a separate sheet identifying the motions)

YES NO

(PLEASE TYPE OR PRINT)

ATTORNEY'S NAME SCOTT PITTA, PRO SE

ADDRESS 118 PINE ST. RAYNHAM, MA 02767

TELEPHONE NO. 508-462-9617