

Rhode Island Superior Court Rules for Burrillville Resident Dismissing Town's Counterclaim, Barred by Anti-SLAPP Statute

Court finds resident's opposition to artificial turf project was constitutionally protected petitioning activity

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Marisa Desautel, principal at Desautel Browning Law

Superior Court has granted summary judgment to Burrillville resident Roberta Lacey, dismissing the Town of Burrillville's counterclaim against her on the grounds that it targeted activity protected by Rhode Island's Anti-SLAPP statute, R.I. Gen. Laws § 9-33-1 et seq.

The ruling was issued August 26, 2026 in Roberta Lacey v. Town of Burrillville, et al., C.A. No. PC-2024-04858, consolidated with C.A. No. PC-2024-05161, in Providence County Superior Court. Ms. Lacey is represented by Desautel Browning Law of Newport.

The Court granted the Plaintiff's anti-SLAPP motion, dismissed the Town's counterclaim, awarded reasonable attorneys' fees and costs pursuant to R.I. Gen. Laws § 9-33-2(d), and reserved the determination of compensatory and punitive damages for further proceedings.

Ms. Lacey raised concerns about the Town's plan to install an artificial turf field at Burrillville High School, specifically the potential for per- and polyfluoroalkyl substances (PFAS) — so-called "forever chemicals" — to reach groundwater in the Town's aquifer overlay districts.

She brought those concerns to the government: state environmental and public health agencies, the Burrillville School Committee, the Harrisville Fire District, and the Pascoag Utility District, and to Town officials. She submitted a public petition bearing 727 signatures opposing the field's installation. When the Town proceeded, she filed two civil actions seeking judicial review of the Town's compliance with land use and environmental requirements.

Her concerns were not raised in a vacuum. On August 15, 2024, the Rhode Island Department of Environmental Management and the Rhode Island Department of Health issued a joint letter to

the Burrillville Town Council stating that the agencies were "most concerned about the potential for PFAS from the turf field to contaminate groundwater in the area," and citing sampling data from a comparable field in North Smithfield where a downgradient drinking water well exceeded Rhode Island's PFAS drinking water standard.

In April 2025, the Superior Court found that Ms. Lacey had "more than established a prima facie case" that the project was required to go through Planning Board review before development began - a review the Town had not sought.

Rather than answer her claims alone, the Town filed a counterclaim against Ms. Lacey personally, asserting tortious interference with a contractual relationship and civil conspiracy, and seeking to hold her liable for alleged delay and added cost associated with her opposition.

Why the ruling matters

Rhode Island's Anti-SLAPP statute - SLAPP stands for "[Strategic Lawsuit Against Public Participation](#)" - was enacted in response to what the General Assembly called a "disturbing increase in lawsuits brought primarily to chill the valid exercise of the constitutional rights of freedom of speech and petition for the redress of grievances." It confers conditional immunity on citizens who petition their government on matters of public concern, and it makes an award of attorneys' fees and costs mandatory when that immunity applies.

The Town's counterclaim identified no communication between Ms. Lacey and the Town's turf contractor and no act directed at the contract itself. What it described was her petitioning: her communications with government agencies, her participation in public proceedings, and her filing of litigation. Under the statute, delay and cost that follow from lawful petitioning are protected consequences, not a basis for liability.

"When a resident goes to her town, to state agencies, and finally to court to ask whether a public project complies with the law, the answer cannot be a lawsuit against her personally," said Marisa Desautel, principal at Desautel Browning Law and counsel for Ms. Lacey. "That is precisely the kind of claim the General Assembly wrote the Anti-SLAPP statute to stop. The Court's decision restores the rule that participating in government is not a tort."

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