04-422 MILLS V. C.H.I.L.D., INC.

QUESTIONS PRESENTED

1. Are Defendants entitled to judgment as a matter of law where: a) genuine issues of material fact exist b) discovery was not complete, in fact not allowed, c) state of mind and intent are in issue

2. Is not Rhode Island law well-established in its allowance of motions to amend pleadings as long as they are timely do not prejudice the other party? Does Bisson v. Joseph 103 R.l.1967 with Rules taking effect April 1, 1970 govern all proceedings and supplant the 1890 Kenyon v. Cameron 17 R.I.l22? Were not the R.I. Rules of Civil Procedure of 1966 denied Mills

3. Does not the Federal Civil Rules Handbook 2001 at 217 218 Baicker-McKee, Janssen & Coor) contain the only permissible exceptions to the "notice" pleading standard of Rule8(a) R.I. Superior Court Rules of Civil Procedure?

4. Is an attack on one's professional competency a "slander per se?”

5. Are not the questions of motivation questions of fact for the jury and therefore NOT susceptible to summary disposition?

6. Were the communications made by employees of CHILD INC and its Director, communicated with "common interest" ie. best interests of third party in mind?

7. Does conditional privilege exist for these Defendants

8. Did these defendants have Justification in their reporting to the parents' of children in Mills' care?

9. Does Karen Stanley Director of CHILD INC day care have immunity when making statements to multiple third parties as Attorney Mills, Dr Mills, day care employees as Vickki Tournquist and Kristen Brooks, and in particular statements that are without factual basis?

10. What if any nexus exists between parties Karen Stanley and Counsel Bruce McIntyre of the Medical Board of Licensure State of R.I.? (State actors, private parties working with state Officials or private parties)?

11. Lower court decision to withhold the case from a jury -does this impinge upon Mills' jury Trial rights?

12. Are there substantial due process questions and is the decision below so wrong and "so totally devoid of evidentiary support as to render it unconstitutional under the Due Process Clause of the Fourteenth Amendment" or on "any evidence at all."

13. Are the Director Stanley and the employees of CHILD INC protected by absolute immunity under the R.I. State laws (RlGL) when the question is of intent to harm and malice?

14. Is the decision of the R.I. lower courts in conflict with the US Supreme Court's decision in the Patrick vs Burgett case wherein it was concluded that there was no immunity because the state did not have the authority to review anti competitive action undertaken by a peer review committee?

15. Does the issue of how active a State's regulators must be before the "active supervision" requirement will be satisfied still result in questions for the Court of Appeals? Do state regulatory programs fail to provide immunity for lack of active supervision under the test adopted by the Court of Appeals citing cases Patrick vs Burgett and California Retail Liquor Dealers Assn vs Midcal Aluminum lnc?