

**UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW HAMPSHIRE**

ARLENE QUARATIELLO,)	
)	
Plaintiff,)	
)	
vs.)	Civil Action No.: 1:23-cv-00482-AJ
)	
TOWN OF RAYMOND, DUDLEY TUCKER)	
LIBRARY, VALERIE MOORE, trustee of Dudley)	
Tucker Library, in her individual capacity as trustee)	
and in her individual capacity, JILL GALUS,)	
trustee of Dudley Tucker Library, in her)	
official capacity and in her individual capacity,)	
SABRINA MALTBY, former trustee of Dudley)	
Tucker Library, in her individual capacity,)	
KIRSTEN A. RUNDQUIST CORBETT, director)	
of the Dudley Tucker Library, in her)	
official and individual capacities,)	
)	
Defendants.)	
)	

CONSENT ORDER

Stipulation of Agreed Facts

The Town of Raymond, Dudley-Tucker Library and Arlene Quaratiello hereby stipulate to the following agreed facts:

1. Arlene Quaratiello is a member of the New Hampshire House of Representatives, representing the district Rockingham 18, and serves on the House Education Committee. On December 12, 2022, she began a full-time position of employment as the Assistant Library Director of the Dudley-Tucker Library.

2. On January 16, 2023, Quaratiello sent an email to the Atkinson/Plaistow branch of the Republican Party urging Republicans to run for elected positions as library trustees in Plaistow or Atkinson and to present conservative positions on such issues. This email was

sent from Quaratiello's personal email account and was not sent during work hours or in her official capacity.

3. On February 27, 2023, Quaratiello sent a letter to the local newspaper, the Carriage Towne News, a paper published in Kingston, New Hampshire. That letter endorsed two conservative candidates for the trustee role at the Kimball Library in Atkinson, where Quaratiello serves as a New Hampshire Representative, and was not sent during work hours or in her official capacity.
4. On the morning of Wednesday, April 5, 2023, Quaratiello was called to meet with then Library Trustee Valerie Moore, Library Director Kirsten Rundquist Corbett, and then Town Manager Ernest Creveling. They informed her that she was being terminated from employment.
5. Quaratiello was immediately provided a termination letter at the meeting, dated April 4, 2023, stating, in part, that she was terminated "because of [her] lack of separation of personal/political values and agendas from DTL policies, procedures, and occurrences" and because she was "not able to maintain the separation between personal and Library tenets."
6. The basis set forth in the letter for Quaratiello's termination was because she engaged in off duty, public, expressive, political activity, outside the scope of her employment with the Library.
7. After her termination, Quaratiello was subsequently restored to her employment, effective April 25, 2023, and paid for the time between her termination and reinstatement, but without any concession or admission of wrongdoing.

8. The Dudley-Tucker Library regrets its conduct toward Quaratiello and the violation of Plaintiff Quaratiello's constitutional rights, and will remind, in writing, all personnel to refrain from engaging in disciplinary activity that punishes the First Amendment activities of employees. The Dudley-Tucker Library and Town of Raymond will take any other actions reasonably necessary to ensure this type of constitutional violation does not occur again.
9. The parties agree that public employees have the right to support and campaign for parties of their choice and to support and campaign for the candidates and issues of their choice, when acting outside the scope of their employment and without using public resources.

Consent Injunction

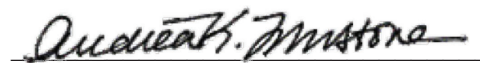
The Dudley-Tucker Library, Town of Raymond, and Quaratiello consent to the following as part of the parties' agreement to settle and dismiss this case. Accordingly, IT IS HEREBY ORDERED THAT:

- (A) Pursuant to the declaratory judgment statute, 28 U.S.C. § 2201, it is DECLARED that the actions of the Dudley-Tucker Library, and Town of Raymond, their officers, employees, and agents, in terminating Plaintiff Quaratiello for her political activity constituted a violation of her First Amendment rights.
- (B) Pursuant to Federal Rule of Civil Procedure ("Rule") 65(d), the Dudley-Tucker Library, and Town of Raymond, their officers, successors in office, employees, and agents are ORDERED to expunge any documents related to Quaratiello's termination, reinstatement, or otherwise related the incidents described in the Complainant.
- (C) Pursuant to Rule 65(d), the Dudley-Tucker Library, and Town of Raymond, their officers, successors in office, employees, and agents are ENJOINED from disciplining Plaintiff

Quaratiello or other similarly situated employees for off-duty political speech and activity that does not occur using Library resources or time. Specifically, Plaintiff Quaratiello and other such employees will not be punished in the future for off-duty political activity, so long as it does not occur during Library time, using Library resources, or specifically relying on their identity as an employee of Dudley Tucker Library.

- (D) The Dudley-Tucker Library shall reiterate to all employees that Library policy cannot and does not prohibit employees from engaging in off-duty, constitutionally-protected political activity.
- (E) An additional section shall be added to the employee handbook or training documents, in a location or section appropriate, that briefly acknowledges the constitutional right of employees to engage in off-duty political activity that occurs outside the scope of their employment.
- (F) Quaratiello will file a stipulation of dismissal of this litigation against all Defendants.
- (G) ~~This Court retains jurisdiction to enforce the terms of this Consent Order.~~

SO ORDERED, this 10th day of June, 2024.



Andrea K. Johnstone
United States Magistrate Judge