

United States Court of Appeals For the First Circuit

No. 24-1098

LUTHER C. PARENTE; ERIC L. STEWART,

Plaintiffs, Appellees,

v.

NELSON LEFEBVRE, in the official capacity as Warden of the Department of Corrections Intake Service Center; MICHELLE GARRIEPY, in the official capacity as Registered Nurse for the Rhode Island Department of Corrections; JENNIFER MAGEAU, in the official capacity as Registered Nurse for the Rhode Island Department of Corrections; NANCY RUOTOLO HULL, in the official capacity as Registered Nurse for the Rhode Island Department of Corrections; RHODE ISLAND DEPARTMENT OF CORRECTIONS,

Defendants, Appellants,

ASHBEL T. WALL, individually; MATTHEW KETTLE, individually and in the official capacity as Warden of the Department of Corrections, Anthony P. Travisano Intake Service Center; JENNIFER CLARKE, individually and in the official capacity as Medical Director of the Rhode Island Department of Corrections; SIMON MELNICK, individually and in the official capacity as Corrections Physician of the Department of Corrections; TEJ BANSAL, individually and in the official capacity as Corrections Physician of the Rhode Island Department of Corrections; MARTIN J. BAUERMEISTER, individually and in the official capacity as Psychiatrist of the Rhode Island Department of Corrections; FRED H. VOHR, individually; PATRICIA ANNE COYNE-FAGUE, in the official capacity as Director of the Rhode Island Department of Corrections; WAYNE J. SALISBURY, JR., in the official capacity as Acting Director of the Rhode Island Department of Corrections; NELSON LEFEBVRE, in the individual capacity; MICHELLE GARRIEPY, in the individual capacity; JENNIFER MAGEAU, in the individual capacity; NANCY RUOTOLO HULL, in the individual capacity,

Defendants.

APPEAL FROM THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF RHODE ISLAND

[Hon. Mary S. McElroy, District Judge]

Before

Gelpí and Rikelman, Circuit Judges
Katzmann,* Judge

James J. Arguin, Special Assistant Attorney General, Office
of the Attorney General of Rhode Island, for appellants.

Chloe A. Davis, with whom Richard A. Sinapi and Sinapi Law
Associates, Ltd. were on brief, for appellees.

September 25, 2026

* Of the United States Court of International Trade, sitting
by designation.

KATZMANN, Judge. We return to this appeal, informed by the Rhode Island Supreme Court's answer to our certified question, to decide an issue of federal constitutional law: whether Rhode Island's legislature, through the State Tort Claims Act, waived Eleventh Amendment immunity for discrimination claims brought under the Rhode Island Civil Rights Act of 1990 ("RICRA"). See Parente v. Lefebvre, 122 F.4th 457, 465 (1st Cir. 2024) ("Parente II"); Parente v. Lefebvre, 358 A.3d 933, 934 (R.I. 2026) ("Parente III").

Plaintiffs-Appellees Luther C. Parente ("Parente") and Eric L. Stewart ("Stewart"), individuals incarcerated in a Rhode Island state prison, sued the Rhode Island Department of Corrections and its staff (collectively, "RIDOC") for failing to properly treat their preexisting medical conditions. They allege various federal and state constitutional, statutory, and common law bases for relief, including, as relevant to this appeal, a claim brought under RICRA. RIDOC moved for summary judgment on the RICRA claim on Eleventh Amendment grounds. The district court denied RIDOC's motion, holding that discrimination claims under RICRA are subject to the general waiver of Eleventh Amendment immunity under Rhode Island's State Tort Claims Act. Parente v. Wall, 708 F. Supp. 3d 192, 210-12 (D.R.I. 2023) ("Parente I").

RIDOC appeals that decision,¹ and Parente and Stewart counter that the Rhode Island Supreme Court's ruling in Laird v. Chrysler Corp., 460 A.2d 425 (R.I. 1983), establishes that RICRA claims are subject to this general waiver.

We previously certified to the Rhode Island Supreme Court, as a matter of state law, the question of whether discrimination claims under RICRA are "actions of tort" under the State Tort Claims Act. Parente II, 122 F.4th at 465. The Rhode Island Supreme Court answered in the affirmative. Parente III, 358 A.3d at 934. Turning now to the question of federal law, we hold that Rhode Island waived immunity to suit in federal court for RICRA discrimination claims.

I. BACKGROUND

We recount only the facts and procedural history necessary to understand the court's disposition of this appeal. For greater detail, consult Parente I, 708 F. Supp. 3d at 197-99.

A. Parente and Stewart's Allegations

Parente and Stewart entered RIDOC's custody with preexisting foot and ankle injuries, which required ongoing treatment.² Parente injured his ankles after jumping from a

¹ Individual-capacity defendants are not parties to this appeal.

² In addition to their physical injuries, Parente and Stewart had long histories of psychiatric conditions.

building during his arrest, and Stewart sprained his ankle about a month before his arrest. Both received treatment at non-RIDOC hospitals. Medical staff diagnosed Parente with a fracture of his right heel and additional fractures in his left heel and ankle. Parente alleges that he could not walk on his own, and his hospital discharge papers recommended use of crutches or a wheelchair, ice, elevation of his foot, and medication for pain. Stewart's hospital discharge papers instructed him to ice, elevate, and not put weight on his injured foot, and he alleges that he was using crutches and an air cast in the weeks before his arrest.

Parente and Stewart sued RIDOC in the U.S. District Court for the District of Rhode Island on February 10, 2016, and twice amended their complaint. In the operative Second Amended Complaint, they allege that RIDOC's medical and correctional staff failed to meet their medical needs and denied them access to a wheelchair, crutches, cold packs, elevation pillows, supportive footwear, bottom bunks, lower-tier cells, and use of an elevator. As relevant to this appeal, Parente and Stewart brought a claim under RICRA, R.I. Gen. Laws §§ 42-112-1, 42-112-2,³ alleging that

³ RICRA provides, in relevant part, that "[a]ll persons within the state, regardless of race, color, religion, sex, disability, age, or country of ancestral origin, have . . . the same rights . . . to the full and equal benefit of all laws and proceedings for the security of persons and property." R.I. Gen. Laws § 42-112-1(a) (2026). The statute does not expressly state whether Rhode Island is immune from suit.

RIDOC's corrections and medical staff "discriminated against" them and caused them to "suffer harm" by "depriv[ing] them of their rights under the RICRA," including their "rights to reasonable accommodations." In its answer, RIDOC denied Parente and Stewart's allegations and asserted that it was immune from liability under RICRA pursuant to the Eleventh Amendment to the United States Constitution.

B. District Court Proceedings

On February 23, 2023, the parties filed cross motions for summary judgment. With respect to Parente and Stewart's RICRA claim, RIDOC sought summary judgment on sovereign immunity grounds. See Parente I, 708 F. Supp. 3d at 210-11. The district court denied in part RIDOC's motion, holding that Rhode Island's general waiver of sovereign immunity for "all actions of tort" in the State Tort Claims Act applies to RICRA claims. Id. at 211-12 (quoting Laird, 460 A.2d at 427 (referencing R.I. Gen. Laws § 9-31-1(a))). The State Tort Claims Act provides that:

The state of Rhode Island and any political subdivision thereof, including all cities and towns, shall . . . hereby be liable in all actions of tort in the same manner as a private individual or corporation; provided, however, that any recovery in any such action shall not exceed the monetary limitations thereof set forth in this chapter.

R.I. Gen. Laws § 9-31-1(a) (2026).⁴

⁴ The statute caps damages at \$100,000. R.I. Gen. Laws § 9-31-2 (2026).

The district court compared an action under RICRA to an action for damages under the since-amended Civil Rights Act of 1968, which "sound[ed] basically in tort." Parente I, 708 F. Supp. 3d at 211 (quoting Curtis v. Loether, 415 U.S. 189, 195 (1974)); see also 42 U.S.C. § 3612 (1974), repealed and amended by Fair Housing Amendments Act of 1988, Pub. L. No. 100-430, § 8(2), 102 Stat. 1619, 1625. The district court concluded that "Rhode Island's general waiver of sovereign immunity statute requires us to find that immunity has been waived" because "an action brought under RICRA sounds in tort." Parente I, 708 F. Supp. 3d at 212.

C. Appellate Proceedings and Certified Question

RIDOC timely appealed the district court's decision. As mentioned, we certified the question of whether RICRA discrimination claims are "actions of tort" under the State Tort Claims Act to the Rhode Island Supreme Court, which answered in the affirmative. Parente II, 122 F.4th at 465; Parente III, 358 A.3d at 934. At our direction, the parties submitted supplemental briefs regarding the effect of Parente III on our resolution of this appeal.

II. JURISDICTION AND STANDARD OF REVIEW

We have jurisdiction under the collateral order doctrine to review the district court's denial of immunity under the Eleventh Amendment. Nieves-Marquez v. Puerto Rico, 353 F.3d 108,

123 (1st Cir. 2003) (citing P.R. Aqueduct & Sewer Auth. v. Metcalf & Eddy, Inc., 506 U.S. 139, 147 (1993)).⁵

The denial of Eleventh Amendment immunity is a question of federal constitutional law, which we review de novo. See Redondo Constr. Corp. v. P.R. Highway & Transp. Auth., 357 F.3d 124, 126 (1st Cir. 2004); Parente II, 122 F.4th at 462-63. As a general matter, "whether federal rights are waived is a federal question on which a state court determination does not bind a federal court." Della Grotta v. Rhode Island, 781 F.2d 343, 347 (1st Cir. 1986), abrogated on other grounds by Will v. Mich. Dep't of State Police, 491 U.S. 58 (1989). However, to the extent that answering a federal question requires federal courts to interpret state law, federal courts are "bound by the [state] Supreme Court's interpretation of state law." Johnson v. United States, 559 U.S. 133, 138 (2010); see also GGNSC Admin. Servs., LLC v. Schrader, 958 F.3d 93, 95 (1st Cir. 2020) ("[A] federal court is 'duty-bound

⁵ While a district court decision generally must be "final" to be appealed, 28 U.S.C. § 1291, certain non-final orders are immediately appealable because such orders "finally determine claims of right separable from, and collateral to, rights asserted in the action, too important to be denied review and too independent of the cause itself to require that appellate consideration be deferred until the whole case is adjudicated." Metcalf & Eddy, 506 U.S. at 142-43 (quoting Cohen v. Beneficial Indus. Loan Corp., 337 U.S. 541, 546 (1949)). Orders denying Eleventh Amendment immunity "purport to be conclusive determinations that [a state] ha[s] no right not to be sued in federal court," and thus are subject to collateral review. Id. at 145-47.

to accept controlling state law' as set forth by a state's highest court" (quoting Sanders v. Phoenix Ins. Co., 843 F.3d 37, 47 (1st Cir. 2016))). "The question of waiver is one of state legislative intent," and "legislative intent is a matter of state law, on which the highest court of a state speaks with finality." Della Grotta, 781 F.2d at 347.

III. DISCUSSION

With the benefit of the Rhode Island Supreme Court's answer to the certified question before us, we return to the question of federal constitutional law that we previously reserved: whether the State Tort Claims Act, as interpreted by the Rhode Island Supreme Court, waives Eleventh Amendment immunity for RICRA discrimination claims "by the most express language or by such overwhelming implications from the text as [will] leave no room for any other reasonable construction." Edelman v. Jordan, 415 U.S. 651, 673 (1974) (alteration in original) (quoting Murray v. Wilson Distilling Co., 213 U.S. 151, 171 (1909)); see also Parente II, 122 F.4th at 463 (reserving question). For the reasons that follow, we hold that it does.

"The Eleventh Amendment generally bars suits against states and state officials" in federal court. Doe v. Shibinette, 16 F.4th 894, 903 (1st Cir. 2021). Passed in response to the U.S. Supreme Court's "short-lived decision in Chisholm v. Georgia" holding a state liable to suit by a citizen of another state,

Edelman, 415 U.S. at 662 (citing Chisholm v. Georgia, 2 U.S. (2 Dall.) 419 (1793)), the Eleventh Amendment provides that: "[t]he judicial power of the United States shall not be construed to extend to any suit in law or equity, commenced or prosecuted against one of the United States by Citizens of another State, or by Citizens or Subjects of any Foreign State." U.S. Const. amend. XI. Although not explicitly stated in the text, the Amendment has consistently been interpreted to bar suits brought by a state's own citizens. See Lapides v. Bd. of Regents of Univ. Sys. of Georgia, 535 U.S. 613, 618 (2002) (citing Hans v. Louisiana, 134 U.S. 1 (1890)). This interpretation stems from an understanding that states, as sovereign entities, enjoyed immunity from suit before ratification of the U.S. Constitution and retain immunity under our current constitutional structure, subject to certain limitations. See PennEast Pipeline Co. v. New Jersey, 594 U.S. 482, 499 (2021). In other words, the principle that states are immune from private suit in federal court "enforce[s] an important constitutional limitation on the power of the federal courts." Sossamon v. Texas, 563 U.S. 277, 284 (2011) (citing Pennhurst State Sch. & Hosp. v. Halderman, 465 U.S. 89, 98 (1984), superseded on other grounds by statute, 28 U.S.C. § 1367).

A state "may choose to waive its immunity in federal court," although the test for finding such a waiver "'is a stringent one.'" Id. (quoting Coll. Sav. Bank v. Fla. Prepaid

Postsecondary Ed. Expense Bd., 527 U.S. 666, 675 (1999)). When evaluating whether a state's legislature has waived Eleventh Amendment immunity by statute, "we will find waiver only where stated 'by the most express language or by such overwhelming implications from the text as [will] leave no room for any other reasonable construction.'" Edelman, 415 U.S. at 673 (alteration in original) (quoting Murray, 213 U.S. at 171). We can also find waiver of Eleventh Amendment immunity as a matter of federal law if a state's highest court has expressly held that the state statute at issue includes such a waiver. See Della Grotta, 781 F.2d at 347 ("Where the highest court of a state has construed a state statute as intending to waive the state's immunity to suit in federal court, the state's intent is just as clear as if the waiver were made explicit in the state statute.").

The Rhode Island Supreme Court in Laird interpreted the State Tort Claims Act, which includes the waiver of immunity at issue, to abrogate sovereign immunity in both state and federal court for the State and its political subdivisions based on the statute's "sweeping language." 460 A.2d at 428-29. In Della Grotta, we held as a matter of federal law that Rhode Island had waived Eleventh Amendment immunity to suit in federal court because "the determination by the Rhode Island Supreme Court in Laird . . . is dispositive of this issue." 781 F.2d at 347.

In resolving the reserved question of whether Rhode Island waived Eleventh Amendment immunity for Parente and Stewart's RICRA claim, we are guided by the Rhode Island Supreme Court's holding that discrimination "claims brought under RICRA sound in tort and thus fall within the waiver of immunity contained in the [State Tort Claims Act]." Parente III, 358 A.3d at 939 (emphasis added). The court reiterated that the State Tort Claims Act is "a blanket waiver of sovereign immunity" that applies "unambiguously and without restriction" to all actions of tort, id. at 937 (quoting Laird, 460 A.2d at 429-430), and explained that Parente and Stewart's RICRA claim "is analogous to a negligence or medical malpractice claim, both of which traditionally sound in tort," id. at 938.⁶

In sum, Rhode Island's highest court construed the State Tort Claims Act to (1) manifest the state legislature's intention to broadly and "without restriction" waive sovereign immunity in federal courts for "all actions of tort," Laird, 460 A.2d at 430, and (2) include RICRA discrimination claims as "actions of tort" within the waiver of immunity, Parente III, 358 A.3d at 939. Reading in tandem the Rhode Island Supreme Court's interpretation

⁶ The Rhode Island Supreme Court explained that "whether a RICRA claim is tortious is a claim-specific determination, subject to the definition outlined in Preserve." Parente III, 358 A.3d at 939 (referencing Pres. at Boulder Hills, LLC v. Kenyon, 312 A.3d 475 (R.I. 2024)).

of state law in Laird and Parente III, we determine that there is "no room for any other reasonable construction" than the conclusion that Rhode Island has waived immunity against suit in federal court for Parente and Stewart's RICRA claim. Edelman, 415 U.S. at 673 (quoting Murray, 213 U.S. at 171).

RIDOC's arguments to the contrary are unpersuasive.

First, RIDOC argues that the State Supreme Court has not "authoritatively declared the legislature's true intent" with respect to the State's waiver of Eleventh Amendment immunity from RICRA claims in particular. See Della Grotta, 781 F.2d at 347. That argument is premised on the fact that the Rhode Island Supreme Court in Parente III noted that we had not certified the question of legislative intent. See 358 A.3d at 939 n.5.

But to do so was not necessary. We certified only the question of whether RICRA discrimination claims are actions of tort because the Rhode Island Supreme Court in Laird already "declared the [state] legislature's true intent" to waive Eleventh Amendment immunity for all actions of tort in enacting the State Tort Claims Act. Della Grotta, 781 F.2d at 347; see also Laird, 460 A.2d at 430 (holding that the "broad language" of the State Tort Claims Act "manifests, by 'overwhelming implication,' a legislative intent to place the State in the same position as any other private litigant and thus amenable to suit in either state or federal court"). Because the Rhode Island Supreme Court has

now held that these claims sound in tort as a matter of state law, Parente III, 358 A.3d at 939, they fall within the scope of the waiver of sovereign immunity identified in Laird.⁷ See Della Grotta, 781 F.2d at 347. RIDOC provides no persuasive case law to support its position that the legislature's intent to waive sovereign immunity, established in Laird, is legally insufficient to waive Eleventh Amendment immunity for discrimination claims under RICRA.⁸

⁷ The Rhode Island Supreme Court's decisions in Parente III and Laird thus distinguish our case from Minotti v. Lensink, 798 F.2d 607 (2d Cir. 1986). There, the U.S. Court of Appeals for the Second Circuit concluded that a state statute construed by the Connecticut Supreme Court as waiving immunity "'in the civil actions specified'" did not waive immunity to suit in federal court because the state court had discussed only "what types of suit could be brought rather than stating where they may be brought" Id. at 611 (emphasis in original) (quoting Duguay v. Hopkins, 464 A.2d 45, 50 (1983)). In contrast, the Rhode Island Supreme Court here has addressed both the type of suit covered by the waiver, see Parente III, 358 A.3d at 939, and where they may be brought, see Laird, 460 A.2d at 430.

⁸ RIDOC initially argued that the State Tort Claims Act's waiver of immunity did not apply to RICRA discrimination claims because RICRA requires proof of intentional discrimination, such that it is analogous to an intentional tort rather than a negligence-based tort, and the Rhode Island Supreme Court has not interpreted the waiver to render the State vicariously liable for intentional torts committed by state employees. See Pride Chrysler Plymouth, Inc. v. R.I. Motor Vehicle Dealer's License Comm'n, 721 F. Supp. 17, 23 (D.R.I. 1989). As previously noted, the Rhode Island Supreme Court held Parente and Stewart's RICRA claim to be "analogous to a negligence or medical malpractice claim," not to an intentional tort. Parente III, 358 A.3d at 938. Following the decision in Parente III, RIDOC does not pursue its argument that RICRA is analogous to an intentional tort.

Second, RIDOC makes a timing-based argument that the State Tort Claims Act should not be read as intending to waive tort claims created by a subsequent statute. This argument fails to persuade because Laird does not suggest that the state legislature's intent was limited to then-existing torts. 460 A.2d at 430.⁹

RIDOC's timing argument is premised in part on the Rhode Island Supreme Court's citation in Parente III to a definition of "tort" adopted in Preserve, 312 A.3d at 475, a case decided several decades after RICRA's enactment in 1990. See Parente III, 358 A.3d at 938. However, far from establishing a novel interpretation of the meaning of a tort, Preserve reiterated the well-established common law principle that "[a] tort encompasses injury to the person and to property--it is 'a civil wrong . . . for which the law will provide a remedy in the form of an action for damages.'" Preserve, 312 A.3d at 483 (quoting 74 Am. Jur. 2d Torts § 1 (February 2024 Update)).

Moreover, the Rhode Island Supreme Court explained that "by the time that the [Rhode Island legislature] enacted RICRA,

⁹ In an analogous context, the Fourth Circuit held that a 1974 Maryland statute, construed by the Maryland Supreme Court in 2009 as a waiver of immunity to suit in federal court, authorized the plaintiff to proceed on her claim under the later-enacted Americans with Disabilities Act of 1990. Lee-Thomas v. Prince George's Cnty. Pub. Schs., 666 F.3d 244, 252-53 (4th Cir. 2012) (citing Bd. of Educ. of Balt. Cnty. v. Zimmer-Rubert, 973 A.2d 233, 242 (Md. 2009) (discussing legislative history of waiver provision)).

federal caselaw interpreted discrimination as a tort." Parente III, 358 A.3d at 937 (first citing Goodman v. Lukens Steel Co., 482 U.S. 656, 661-62 (1987); and then citing Perez-Serrano v. DeLeon-Velez, 868 F.2d 30, 32 (1st Cir. 1989)). The court further "endorse[d] the reasoning of the late Judge Selya who wrote, 'it is reasonable to presume that the RICRA's drafters, who modeled the statute after [42 U.S.C. §] 1981, must have been aware of the precedents interpreting the federal statute'" Id. (quoting Rathbun v. Autozone, Inc., 361 F.3d 62, 67 (1st Cir. 2004)). Thus, the Rhode Island Supreme Court's interpretation of RICRA was based on "the backdrop of existing law" at the time of the statute's enactment. Parker Drilling Mgmt. Servs., Ltd. v. Newton, 587 U.S. 601, 611 (2019) (quoting McQuiggin v. Perkins, 569 U.S. 383, 398 n.3 (2013)). Its citation to a recent definition of "tort" in Preserve does not imply that its interpretation fails to reflect the legislature's intent in enacting RICRA.¹⁰

¹⁰ Laird itself was decided prior to the enactment of RICRA and therefore may also be considered part of the "backdrop of existing law" that guides interpretation of the statute. Parker Drilling, 587 U.S. at 611 (quoting Perkins, 569 U.S. at 398 n.3). While Laird recognized "two limitations on the breadth of the State Tort Claims Act," these limitations did not relate to the scope of the word "tort." Laird, 460 A.2d at 429-30 (first citing Calhoun v. City of Providence, 390 A.2d 350, 356-57 (R.I. 1978) (recognizing state immunity for tortious acts of judges and prosecutors); and then citing Andrade v. Rhode Island, 448 A.2d 1293, 1295 (R.I. 1982) (excluding prejudgment interest from the amount that could be recovered from the State)).

Third, RIDOC unpersuasively contends that another "reasonable construction" of the State Tort Claims Act is that it only waives the State's sovereign immunity for RICRA claims filed in state court. See Edelman, 415 U.S. at 673; see also R.I. Dep't of Env't Mgmt. v. United States, 304 F.3d 31, 47 (1st Cir. 2002) (explaining that "the existence of a provision merely allowing Rhode Island to sue or be sued in its own courts . . . [is] insufficient to waive the state's immunity from suit in a federal forum" (emphasis in original)). In doing so, RIDOC analogizes to other statutorily-created causes of action, including claims brought under the Rhode Island Privacy Act and Fair Employment Practices Act ("RIFEPA") and the Rhode Island Right to Privacy Act ("Privacy Act"), both of which contain venue selection clauses that specify particular state court forums for suits under the acts. See R.I. Gen. Laws § 28-5-29 (2026) (RIFEPA) ("Judicial proceeding shall be initiated by the filing of a petition in the superior court"); § 9-1-28.1(b) (2026) (Privacy Act) (describing "proceedings for redress in either the superior court or district court of this state"). Neither RICRA nor the State Tort Claims Act contains such a venue selection clause.¹¹ Indeed,

¹¹ RIDOC further argues that RIFEPA's venue selection provision applies to RICRA because the two statutes should be construed together. See Horn v. S. Union Co., 927 A.2d 292, 295 (R.I. 2007), abrogated by statute, 2009 R.I. Pub. Laws Ch. 388 § 1. This argument is unpersuasive because any relation between

the Rhode Island Supreme Court has already held that the waiver of sovereign immunity in the State Tort Claims Act extends to suits against the State in federal court. See Laird, 460 A.2d at 430.

IV. CONCLUSION

The Rhode Island Supreme Court has now made clear that RICRA discrimination claims are "actions of tort" under the State Tort Claims Act "and thus fall within the waiver of immunity contained in the [State Tort Claims Act]." Parente III, 358 A.3d at 939. We therefore conclude that the only "reasonable construction" of state law, as interpreted by the Rhode Island Supreme Court, is that Rhode Island's legislature intended RICRA discrimination claims to fall within the existing waiver of Eleventh Amendment immunity contained in the State Tort Claims Act.¹² Edelman, 415 U.S. at 673. Accordingly, we hold that Rhode Island may be sued in federal court for discrimination claims under RICRA and affirm the district court's denial of RIDOC's motion for summary judgment on Parente and Stewart's RICRA claim.

It is so ordered.

the two statutes is limited to the context of employment discrimination, and the RICRA claims at issue here are not employment discrimination claims. See id. There is therefore no basis for applying RIFEPA's venue selection clause to interpretation of the waiver of sovereign immunity here.

¹² The remedies Parente and Stewart seek for their RICRA claim include compensatory and punitive damages, a declaratory judgment, preliminary and permanent injunctions, and attorney's fees and costs. Whether the State Tort Claims Act waives immunity for that relief has not been raised before us and we do not consider it. See United States v. Sineneng-Smith, 590 U.S. 371, 375 (2020) (describing the principle of party presentation).