



CITY OF PROVIDENCE

Angel Taveras, Mayor

May 16, 2012

Ms. Anna Stetson
City Clerk
Providence City Hall
25 Dorrance Street
Providence, RI 02903

RE: Annual Report of Civil Suits and Legal Proceedings

Dear Ms. Stetson;

In accordance with the Providence Code of Ordinances Sec.2-98, I hereby submit to the City Council, the Annual Report of Civil Suits and Legal Proceedings that are currently pending against the City.

Very Truly Yours,

PROVIDENCE CITY SOLICITOR

Jeffrey M. Padwa

IN CITY COUNCIL

JUN 07 2012

READ
WHEREUPON IT IS ORDERED THAT
THIS SAME BE RECEIVED.

Anna Stetson CLERK

CITY SOLICITOR'S OFFICE

444 Westminster Street, Suite 220, Providence, Rhode Island 02903

(401) 680-5333 | (401) 680-5520 (fax)

www.providenceri.com

JEFFREY M. PADWA
City Solicitor



ANGEL TAVERAS
Mayor

Office of the City Solicitor

**ANNUAL REPORT OF CIVIL SUITS AND LEGAL PROCEEDINGS
IN ACCORDANCE WITH PROVIDENCE CODE OF ORDINANCES SEC. 2-98
APRIL 2012**

1. **Estate of Jameson Auciell and Kathleen Auciell v. City** – wrongful death and damages action involving the death by drowning of one minor child and the injury of another at a City swimming pool. If proven, damages against the City could exceed \$4 million.
2. **Ceprano v. City** – wrongful termination and libel suit commenced by the City's former Tax Collector. If proven, damages against the City could exceed \$350,000.
3. **Fleet National Bank v. City** – actions challenging property tax valuations for several years. Damages against the City could exceed \$1,000,000 if proven.
4. **Estate of Juana Contreras v. City** – wrongful death action alleging gross negligence on the part of the City and two emergency medical technicians. Damages against the City could exceed \$750,000 if proven.
5. **Machado v. City** – wrongful death suit resulting from police chase. A verdict against the city could be in excess of \$500,000.00
6. **Medeiros v. City (School Board)** – action for negligent supervision during Special Olympics involving alleged sexual assault upon developmentally disabled student. If plaintiff prevails, damages against the City could be in excess of \$750,000.
7. **Mendonca v. City** – personal injury suit in connection with an alleged incident of police brutality on October 20, 2009. Although the extent of the personal injury to the claimant is not yet clear, available information suggests that if liability is found, damages against the City could be in excess of \$250,000.
8. **Mentor v. City (School Board)** – action for breach of contract, violation of civil rights and defamation arising from plaintiff's failure to be awarded continuation of a contract for provision of adult education services. If plaintiff prevails damages could be in excess of \$800,000.

9. **National Association of Tobacco Outlets, Inc., et al. v. City** – federal court challenge to constitutionality of two ordinances regulating the sale of various discounted-price and flavored tobacco products in the City.
10. **Park Row Properties, Ltd v. City** – action claiming damages for breach of alleged contract for needed repairs to Amtrak station parking garage. If the City were to be found liable, damages could exceed \$2.35 million.
11. **Providence Journal v. City** – action challenging property tax valuations for multiple years and properties which, taken together, may involve tax credits of more than \$100,000 for each year of assessment.
12. **Providence Retired Police and Firefighters Association v. City** – action challenging an ordinance requiring Medicare eligible retired employees of the City to enroll in Medicare as a condition of receiving or continuing to receive retirement payments and health benefits. The plaintiffs obtained a temporary restraining order in Superior Court enjoining enforcement of the ordinance pending trial, which is scheduled for May, 2012. If plaintiffs are successful, the City would be precluded from realizing savings estimated at \$6 million per year.
13. **Retirement Board v. Frank E. Corrente** – Superior Court action by Retirement Board to confirm its award of a reduced pension pursuant to the City's honorable service ordinance. The Mayor has retained separate counsel and has intervened in the action, challenging the propriety of any award under the circumstances.
14. **Venturini v. City of Providence et al.** – an action arising out of a motor vehicle accident with a police officer. Plaintiff sustained significant injuries, though it is disputed how much of Plaintiff's present condition and how many of Plaintiff's surgeries were caused by the accident and how much/many were the result of Plaintiff's previously existing significant medical history. If plaintiff were successful, significant interest would be awarded. Damages and interest could be in excess of \$250,000.
15. **Yangambi v. City (School Board)** – discrimination claim alleging failure to promote. If the City were to be found liable, damages could exceed \$350,000.
16. **Young v. City of Providence** – civil suit for damages relating to a rape allegedly committed by a City police officer. If the City were to be found liable, damages could exceed \$750,000.

Revised: April 30, 2012