

JEFFREY DANA
City Solicitor



BRETT P. SMILEY
Mayor

April 4, 2025

The Honorable Rachel M. Miller
Providence City Council President
Providence City Hall
25 Dorrance Street
Providence, Rhode Island 02903

Dear Council President Miller:

Enclosed please find my annual report on civil suits and legal proceedings, which I submit pursuant to Sec. 2-98 of the Code of Ordinances.

Very truly yours,

A handwritten signature in blue ink, appearing to read "Jeffrey Dana".

Jeffrey Dana
City Solicitor

Enclosure

IN CITY COUNCIL

APR 17 2025

READ
WHEREUPON IT IS ORDERED THAT
THE SAME BE RECEIVED.

Jina L. Mastrocarni CLERK

JEFFREY DANA
City Solicitor



BRETT P. SMILEY
Mayor

**ANNUAL REPORT OF CIVIL SUITS AND LEGAL PROCEEDINGS
FROM THE CITY SOLICITOR TO THE CITY COUNCIL
IN ACCORDANCE WITH SEC. 2-98 OF THE PROVIDENCE CODE OF ORDINANCES
- APRIL 2025 -**

Pursuant to Sec. 2-98 of the Code of Ordinances, the City Solicitor submits the following. Currently, there are 780 open civil cases in either state or federal court. Of these, 97 are cases for relief from tax assessment. In 29 cases, the City is the suing entity. In the rest of the matters, the City is a defendant in a (non-tax related) civil action. Below is a list of significant civil actions in which the City is either a plaintiff or a defendant.

In re Actos End Payor Antitrust Litigation – This action, brought in the United States District Court for the Southern District of New York, involves the City’s attempt to recover damages as a result of unfair trade practices and anti-competitive conduct of the prescription drug maker of Actos and Actosplus, prescription drugs that treat diabetes. The action has survived two dismissal attempts and two appeals to the Second Circuit.

In re Baker Hughes Incorporated Merger Litigation – This shareholder derivative suit brought by the City of Providence seeks compensation to the Providence pension system and other relief related to the defendants’ breach of fiduciary duties.

De La Cruz et al. v. City – This action involves an elderly pedestrian and two very young minor pedestrians who were struck by a car while crossing in a crosswalk on Potters Avenue near its intersection with Dexter Street. There are seven Plaintiffs including the elderly pedestrian, two minor children, and the four parents of the two minor children. Plaintiffs allege substantial bodily injury and permanent disability, as well as loss of consortium and infliction of emotional distress.

15 Park Row West Holdings v. Tax Assessor – This is an appeal for relief from tax assessment for tax years 2022 and 2023.

Franchina v. City – This matter stems from Ms. Franchina’s successful discrimination lawsuit against the City that occurred in the Federal District Court in 2016. On the basis of the verdict, which was upheld by the First Circuit Court of Appeals, Ms. Franchina filed suit against the City again, claiming the classification of her current pension as ordinary disability, as opposed to accidental disability, was a discriminatory decision. This matter is scheduled for trial in April 2025.

In re Generic Pharmaceuticals Pricing Antitrust Litigation – The City has filed several lawsuits under this umbrella litigation in the United States District Court for the Eastern District of Pennsylvania which involve the City’s attempt to recover damages as a result of anticompetitive collusion among pharmaceutical manufacturers of various generic drugs, including Albuterol, Baclofen, Benazepril HCTZ, Clomipramine, Digoxin, Econazole, Fluocinonide, Lidocaine-Prilocaine, Pravastatin, Propranolol, and Ursodiol.

Lola’s Rendezvous, Inc. v. Providence Police Department – In this action, pending in the Federal District Court, the Plaintiff alleges that the police department has engaged in practices that violate the First Amendment and Fourteenth Amendment that said alleged practices have resulted in business losses.

In re Niaspan Antitrust Litigation – This action is pending in the United States District Court for the Eastern District of Pennsylvania and involves the City’s attempt to recover damages as a result of unfair trade practices and anti-competitive conduct by the prescription drug maker of Niaspan.

100 Westminster Prts. LLC v. Tax Assessor – This is an appeal for relief from tax assessment for tax years 2022-2024.

Peasley v. PPSD and City – Plaintiff sued and sought compensation for a three and a half year suspension without pay following the 48A dismissal of pending criminal charges against him. Summary Judgment was granted in favor of PPSD/City. The Plaintiff appealed and the matter is currently pending in the Rhode Island Supreme Court.

Penaloza, Rodriguez and Rosa on behalf of their children, NC, JP and JR, and a class of Similarly Situated Children in the Providence School District v. PPSD – Purported class action suit filed by RI Legal Services and the ACLU challenging the Providence School Department’s use of the Consultation Model for non-English speaking students in the district. Plaintiffs contend that the model was in violation of Department of Education regulations by failing to provide instruction by certified ELL teachers for the requisite service hours. PSD prevailed on Summary Judgment at the Commissioner’s level regarding the propriety of the model. The ACLU and RILS appealed to the Council for Elementary and Secondary Education.

Providence Teachers Union v. PPSD / RIDE – This action stems from an administrative appeal by the Union. The Union challenged the 2024 non-renewal of 54 non-tenured teachers who were non-renewed due to fiscal exigency—in an effort to cut \$5 million from the PPSD budget. There was an administrative decision in favor of PPSD, which was appealed to the Rhode Island Superior Court.

Retirement System of the City of Providence v. Urs Rohner et al. – This action, pending in the United States District Court for Southern District of New York, involves allegations of breach of fiduciary duty owed by the board and executive management of Credit Suisse related to the multibillion-dollar collapse of the Archegos Fund, in which the City’s pension fund had been invested.

Santos v. City – This is a civil rights action for the alleged use of excessive force. Plaintiffs claim that on June 2, 2020, a Providence Police Officer fired a rubber bullet at them as they sat in their vehicle at a red light in Kennedy Plaza during a public protest. The rubber bullet allegedly struck one of the Plaintiffs in the eye and caused substantial and permanent injury.

School Housing Aid Litigation – This is an action challenging the state’s attempt to recoup an alleged overpayment in aid to the City.

In re: Social Media Adolescent Addition/Personal Injury Products Liability Litigation – This action was brought by the City in the United States District Court for the District of Rhode Island, and later transferred to the Northern District of California by the federal courts, against various social media companies, including Facebook, Instagram, Snapchat, TikTok, and YouTube, seeking to hold them accountable for the unlawful conduct, which has caused a mental health crisis among America’s youth, including minors in the City of Providence and its school system, and which has resulted in increased costs associated with dealing with the crisis, including but not limited to the provision of youth mental health services and other education and community services related expenses.

Starnino v. City – This action was brought by a former firefighter who claims that, despite his termination for cause, he is entitled to a disability income stream or pension of some type based on his interpretation of the City’s collective bargaining agreement with the firefighters’ union, after he suffered a work-related injury but was denied an accidental disability retirement pension.

Thibeault as Guardian of Jhamal Gonsalves et al. v. City of Providence et al. – Plaintiffs sued in Federal District Court, alleging that Jhamal Gonsalves was operating a moped scooter on Elmwood Avenue when he lost control of his moped and crashed into a stone wall. At about the same time that Mr. Gonsalves crashed his scooter, a Providence Police Officer crashed into a stop sign on the sidewalk of Bissell Street, near where Mr. Gonsalves crashed. Plaintiffs allege that the Providence Police Department caused Gonsalves to crash his moped during an illegal pursuit, and that this resulted in serious bodily injury to Gonsalves. They allege negligence, assault, excessive force, and constitutional violations. This matter has settled, and half of the settlement has been paid, with the remaining half to be paid by July 31, 2025.

261 LLC/Capital Cove Development v. Tax Assessor – This is an appeal for relief from tax assessment for tax years 2020-2023.

Vargas v. City – This action was brought by a former Municipal Court Clerk who claims that, despite his termination for cause, the City failed to follow the process of removal as set forth in the Providence Home Rule Charter.

Xiong, Individually, As Administratrix of the Estate of Justynian W. Missiuro v. City – Mr. Missiuro passed away while being detained in a cell at the Providence Public Safety Complex. Plaintiffs filed suit in Rhode Island Superior Court, alleging wrongful death and loss of consortium on behalf of Mr. Missiuro’s wife and minor children.

In re Xyrem (Sodium Oxybate) Antitrust Litigation – This action was brought by the City in the United States District Court for the Northern District of California against the prescription drug maker of Xyrem to recover damages for unfair trade practices and anti-competitive conduct.