

JEFFREY DANA
City Solicitor



BRETT P. SMILEY
Mayor

April 4, 2024

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 18 2024

READ
WHEREUPON IT IS ORDERED THAT
THE SAME BE RECEIVED.

A handwritten signature in blue ink, appearing to read "Tina L. Martineau".
CLERK

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

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.

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.

Jackson County Employees’ Retirement System et al v. Carlos Ghosn (Securities Litigation) – This action, pending in the United States District Court for the Middle District of Tennessee, Nashville Division, seeks recovery to the Providence pension system for violations of the securities laws related to Nissan Motor Company’s concealment of executive compensation paid to its former CEO and Chairman of the Board, Carlos Ghosn, a current international fugitive from related criminal proceedings in Japan.

Lola’s Rendezvous, Inc. v. Providence Police Department – In this action, pending in the United States District Court for the District of Rhode Island, the Plaintiff alleges that discriminatory practices by the police department involving the First Amendment and Fourteenth Amendment have resulted in business losses.

Metals Recycling, LLC v. v. Tax Assessor – This is an appeal for relief from tax assessment for tax years 2015-2022.

Narragansett Electric v. Tax Assessor – This is an appeal for relief from tax assessment for tax years 2014-2021.

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 year 2021.

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 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.

In re Suboxone (City of Providence v. Reckitt Benckiser Pharmaceutical, Inc., *et al.*) – This matter 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 and deceptive trade practices by Reckitt Benckiser in its sale of Suboxone, an opioid dependence prescription drug.

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.

In re Zetia (Ezetimibe) Antitrust Litigation – This action is pending in the United States District Court for the Eastern District of Virginia, Norfolk Division, 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 Zetia.