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LIABILITY - RHODE ISLAND

Lombardi v. City of Providence

Supreme Court of Rhode Island - July 2, 2013 - A.3d - 2013 WL 3337000

Plaintiff tripped over a portion of a sidewalk adjacent to 180 South Main Street, Providence, Rhode Island. After serving notice upon the Providence City Council, plaintiff filed suit against the city, alleging that it negligently failed to maintain or repair the portion of the sidewalk where she fell and that she had suffered serious injuries as a result. The plaintiff later amended her complaint to add the state as a defendant.

The state answered plaintiff's complaint but, significantly, did not assert a cross-claim for contribution or indemnification against the city.

The city moved for summary judgment, arguing that it did not owe a duty to plaintiff because the state, and not the city, was responsible for the maintenance and repair of the sidewalk. The city contended that the state may assume full legal responsibility for designated roadways within a municipality and had done just that with respect to the sidewalks on South Main Street by virtue of P.L.1985, ch. 364, §§ 1-2.4.

Final judgment on plaintiff's claim was entered in favor of the city. The state filed a motion for reconsideration of the grant of summary judgment in favor of the city. The Supreme Court of Rhode Island held that the state was not entitled to this motion, as it was not a "party aggrieved by" the final judgment under G.L.1956 § 9-24-1, having chosen not to file a cross-claim against the city.