

Bond Case Briefs

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IMMUNITY - RHODE ISLAND

Diorio v. Hines Road, LLC

Supreme Court of Rhode Island - March 30, 2020 - A.3d - 2020 WL 1501920

Landowners brought action against town, town solicitor, and town's building and zoning official for declaratory judgment and injunctive relief, negligence, private nuisance, trespass, and intentional infliction of emotional distress arising from dispute with neighbor about a retaining wall that was subject of settlement agreement with town.

The Superior Court granted summary judgment for defendants. Landowners appealed.

The Supreme Court held that:

- Solicitor had prosecutorial immunity;
- Building official did not have prosecutorial immunity; and
- Monetary claims against town were subject to abatement and dismissal due to failure to name town treasurer as defendant.