

UNITED STATES DISTRICT COURT
DISTRICT OF RHODE ISLAND

EDWARD A. CANIGLIA,
Plaintiff

v.

ROBERT F. STROM, as the Finance Director
of the CITY OF CRANSTON, the CITY OF
CRANSTON, and COL. MICHAEL J.
WINQUIST, in his official capacity as Chief of
the CRANSTON POLICE DEPARTMENT
Defendants

C.A. No. 15-525-M-LDA

ANSWER ON BEHALF OF DEFENDANTS

Now come the Defendants, Robert F. Strom, as the Finance Director for the City of Cranston, the City of Cranston and Col. Michael J. Winkvist, in his official capacity as Chief of the Cranston Police Department and, answer the plaintiff's verified complaint as follows:

1. Defendants admit the allegations contained in Paragraph Nos. 1 and 4 of that portion of the plaintiff's complaint entitled "Parties".
2. Defendants are unable to admit or deny the allegations contained in Paragraph No. 2 of that portion of the plaintiff's complaint entitled "The Parties", for lack of knowledge, and leave plaintiff to his proof of same.
3. Defendants deny the allegations contained in Paragraph No. 3 of that portion of the plaintiff's complaint entitled "The Parties".
4. Defendants admit the allegations contained in Paragraph Nos. 5 and 6 of that portion of the plaintiff's complaint entitled "Jurisdiction and Venue".
5. Defendants admit the allegations contained in Paragraph Nos. 7, 9, 12, 13, 18, 19, 25, 26 and 30 of that portion of the plaintiff's complaint entitled "Statement of Facts – Background".

6. Defendants deny the allegations contained in Paragraph Nos. 8, 14, 15, 16, 17, 20, 21, 22, 23, 27, 28, 29, 31, 32, 33, 34, 35, 36, 37, 38, 39 and 40 of that portion of the plaintiff's complaint entitled "Facts – *Background*".
7. Defendants are unable to admit or deny the allegations contained in Paragraph Nos. 10 and 24 that portion of the plaintiff's complaint entitled "Facts – *Background*" for lack of knowledge, and leave plaintiff to his proof of same.
8. Defendants admit the allegations, except for the last sentence, contained in Paragraph No. 11 of that portion of the plaintiff's complaint entitled "Facts – *Background*".
9. As alleged in Paragraph No. 41, defendants reassert their responses to Paragraph Nos. 1 through 40.
10. Defendants deny the allegations contained in Paragraph Nos. 42 and 47 of Count I of the plaintiff's complaint.
11. Defendants admit the allegations contained in Paragraph Nos. 43, 45 and 46 of Count I of the plaintiff's complaint.
12. Defendants are unable to admit or deny the allegations contained in Paragraph No. 44 of the plaintiff's complaint, for lack of knowledge, and leave plaintiff to his proof of same.
13. Defendants deny the allegations contained in Paragraph Nos. 48 and 49, as to their context, of Count I of the plaintiff's complaint.
14. As alleged in Paragraph No. 50, defendants reassert their responses to Paragraph Nos. 1 through 48.
15. Defendants are unable to admit or deny the allegations contained in Paragraph No. 51 of Count II of the plaintiff's complaint, for lack of knowledge, and leave plaintiff to his proof of same.

16. Defendants deny the allegations contained in Paragraph No. 52 of Count II of the plaintiff's complaint.

17. As alleged in Paragraph No. 53, defendants reassert their responses to Paragraph Nos. 1 through 51.

18. Defendants admit the allegations contained in Paragraph Nos. 54 and 55 of Count III of the plaintiff's complaint.

19. Defendants deny the allegations contained in Paragraph No.56 of Count III of the plaintiff's complaint.

20. As alleged in Paragraph No. 57, defendants reassert their responses to Paragraph Nos. 1 through 56.

21. Defendants deny the allegations contained in Paragraph No. 58 of Count IV of the plaintiff's complaint.

22. As alleged in Paragraph No. 59, defendants reassert their responses to Paragraph Nos. 1 through 57.

23. Defendants deny the allegations contained in Paragraph No. 60 of Count V of the plaintiff's complaint.

AFFIRMATIVE DEFENSES

FIRST AFFIRMATIVE DEFENSE

These defendants plead absolute and qualified immunity as a bar to the within amended verified complaint.

SECOND AFFIRMATIVE DEFENSE

These defendants plead all forms of statutory and common law immunity as a bar to the within amended verified complaint.

THIRD AFFIRMATIVE DEFENSE

These defendants plead the statutory cap on damages as a bar and restriction on the amount of damages recoverable in this matter.

These defendants hereby request a jury trial.

Defendants,
By their attorneys,

/s/Marc DeSisto

Marc DeSisto, Esq. (#2757)

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CERTIFICATION OF SERVICE

I hereby certify that the within document has been electronically filed with the Court on this 29th day of December, 2015, and is available for viewing and downloading from the ECF system. Service on the counsel of record, as listed below, will be effectuated by electronic means:

Thomas W. Lyons, Esq.
tlyons@straussfactor.com

/s/Marc DeSisto

Marc DeSisto