

UNITED STATES DISTRICT COURT
DISTRICT OF RHODE ISLAND

EDWARD A. CANIGLIA,
Plaintiff,

v.

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

ROBERT F. STROM, as the Finance
Director of the CITY OF CRANSTON, the
CITY OF CRANSTON, et al
Defendants.

CONSENTED-TO-MOTION TO SUPPLEMENT

Pursuant to F.R.Civ.P. 10(c), the parties hereby move to supplement their summary judgment motions and responses, as necessary, to incorporate by reference arguments they made in Richer v. Parmelee, C.A. 15-162, respecting Plaintiff's due process claim. See F.R.Civ.P. 10(c) ("A statement in a pleading may be adopted by reference elsewhere in the same pleading or in any other pleading or motion.").

The parties have filed their cross motions in support of summary judgment and the applicable objections to the motion are due January 30, 2019. As the court is aware, this matter involves similar facts and legal issues as Richer. In Richer, the Court granted the plaintiff's first motion for summary judgment with respect to the plaintiff's procedural due process claim concerning post-deprivation procedures. See Richer v. Parmelee, 189 F. Supp. 3d 334, 339-342 (D.R.I. 2016). Plaintiff's counsel inadvertently failed to include a similar due process argument in his motion for summary judgment in this matter. As a result, Defendants have agreed to allow Plaintiff to submit a short supplement to his motion for summary judgment addressing the due process issue. With the Court's permission, Plaintiff intends to file a brief supplement attaching Richer's memorandum in support of the summary judgment motion in C.A. 15-162.

Wherefore, the parties request that on or before February 2, 2019, Plaintiff be permitted to submit a short supplement to his motion for summary judgment addressing the due process claim, and, on or before February 9, 2019, Defendants be permitted to respond to Plaintiff's supplement.

Plaintiff,
By his Attorneys,

Defendants,
By their Attorneys,

/s/Thomas W. Lyons

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CERTIFICATION OF SERVICE

I hereby certify that the within document has been electronically filed with the Court on this 28th day of January 2019, 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:

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/s/ Marc DeSisto
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