

UNITED STATES DISTRICT COURT  
DISTRICT OF RHODE ISLAND

EDWARD A. CANIGLIA

VS

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

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

D-E-P-O-S-I-T-I-O-N

DEPOSITION of Kim Caniglia, taken in the above-entitled  
cause on behalf of the Defendants, pursuant to notice,  
before Brenda A. Scharver, Notary Public in and for the  
State of Rhode Island, at the offices of DeSisto Law, 60  
Ship Street, Providence, Rhode Island on June 27, 2018  
scheduled for 10:00 a.m.

APPEARANCES:

FOR THE DEFENDANT:  
DeSISTO LAW

BY: PATRICK K. CUNNINGHAM, ESQ.

FOR THE PLAINTIFF:  
THOMAS W. LYONS, III, ESQ.

1 A Yes.

2 Q If I could ask you to turn to Page 3 of the document  
3 which is the narrative of the incident that occurred on  
4 8/20 and 8/21 of 2015.

5 A Yes.

6 Q If I could ask if you could just please review that for  
7 me and it goes onto the next page.

8 MR. LYONS: Take your time and read this page  
9 and the next page, then he is going to ask you some  
10 questions about it.

11 Q Is there anything in that incident report that you  
12 believe is false and/or inaccurate?

13 A Yes.

14 Q Could you point out the instance or instances in the  
15 police report which you believe are false or inaccurate?

16 A We were not going through a divorce.

17 Q If you could point out where that is in the report,  
18 Mrs. Caniglia, the paragraph.

19 A She stated that they are currently going through a  
20 divorce.

21 Q That's the second paragraph, last sentence?

22 A Second paragraph last sentence. Also it is stated  
23 here -- It says in here that Ed said the same thing,  
24 that's not true either, but I don't see it.

1 Q Are you referring to--

2 A The fifth paragraph.

3 Q Where in the fifth paragraph?

4 A Fourth line, "he stated that he is going through a  
5 divorce and just got sick of the arguments".

6 Q How do you know that's not true?

7 A We didn't talk about divorce. We weren't going through a  
8 divorce.

9 Q But you don't know if Ed told the police officer that?  
10 Do you have specific knowledge?

11 A No.

12 Q Is there anything else in the report that you believe is  
13 false or inaccurate?

14 A In the third paragraph, mid paragraph, "Kim stated Edward  
15 came back to the house and asked why they can't work  
16 things out and what was going on with their marriage".

17 Q You didn't say that?

18 A No. He came in, he said it was all my fault, that I  
19 changed since my mom had died, and that's when I left.

20 I was always -- On the second page third paragraph, I  
21 don't know, it says, "Kim arrived on the scene shortly  
22 after". I was there all the time.

23 Q Okay. Is that it?

24 A As pertaining to me, yes.

1 Q Can I have you look at the third paragraph on the first  
2 page. The first full sentence states, "Kim stated that  
3 when they argued over the coffee mug, he went to the  
4 bedroom and grabbed the firearm which was unloaded and  
5 had the magazine in the other hand and stated to Kim to  
6 end his life"; does that refresh your recollection about  
7 the magazine?

8 A No.

9 Q It does not?

10 A I remember the gun.

11 Q You don't remember the magazine?

12 A I do not.

13 MR. CUNNINGHAM: Can we go off the record.

14 (off the record conversation had)

15 MR. CUNNINGHAM: I'm going to introduce this.

16 Brenda could you mark that.

17 (WHEREUPON; medical records from Kent County Hospital marked  
18 Defendant's Exhibit B for Identification)

19 Q Mrs. Caniglia, I'm going to hand you what has been marked  
20 as Defendant's Exhibit B, and I will represent to you  
21 that is what Mr. Lyons turned over to us as the medical  
22 records from Kent Hospital with regard to the incident on  
23 August 20th and 21st.

24 A Yes.

1       you angry at the Cranston police?

2                   MR. CUNNINGHAM: Objection.

3   A   Yes, you know, for blowing it out of proportion, for  
4       making it overwhelming. I felt overwhelmed.

5   Q   What was it you thought would happen when you wanted this  
6       well check done?

7                   MR. CUNNINGHAM: Objection.

8   A   I thought that I would have an officer go with me to the  
9       house, he would knock on the door, Ed would answer the  
10      door, I would know that he was okay, that we would talk,  
11      and if things were fine, the officer would leave.

12   Q   And you have said a couple of times that you were  
13      concerned that there was something terribly wrong with  
14      your husband. Did you ever find out what was terribly  
15      wrong with your husband?

16   A   Yes.

17   Q   What?

18   A   Because he had gone to Kent County Hospital, our doctor,  
19      Dr. Wilson, knew about it, and called Ed, asked him to  
20      come in. Ed was complaining about pain in his shoulder.  
21      Dr. Wilson had known about his depression, in fact, the  
22      year prior had given him a name for a therapist to go to  
23      because of the stress with his dad. And when Ed started  
24      complaining about this, Dr. Wilson said, well, it's soft

1 tissue, let's look at it, and got a scan, and found out  
2 in that scan they caught the upper portion of a tumor in  
3 his lung and it was cancer. It was small cell cancer  
4 which is inoperable, it is the worst that you can have.  
5 90 percent of cancers are not small cell cancers. Only  
6 10 percent are small cell cancer. The good news is that  
7 it's the most receptive to chemotherapy and radiation.  
8 It had invaded his bronchial tube, but it had not invaded  
9 his lymph nodes so it was considered Stage 3. With that  
10 diagnosis, he immediately undertook chemotherapy and  
11 radiation, very aggressive, very strong. Normally they  
12 do the two separate. For him they did them at the same  
13 time. It was very hard. And we found out going through  
14 all of this that one of the signs of this cancer, of  
15 having cancer, is depression. Your body is trying to  
16 tell you something's wrong and we didn't know that, but  
17 there was something terribly wrong with my husband.

18 MR. LYONS: Those were all my questions.

19 Thank you.

20 MR. CUNNINGHAM: I have a couple follow ups.

21 REDIRECT EXAMINATION BY MR. CUNNINGHAM:

22 Q Do you remember in the initial call to the Cranston  
23 Police Department you made the day after the incident if  
24 you informed the police officer that your husband took