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February 26, 2015

Via E-Mail Only

Rosemary Booth Gallogly, Director of Revenue  
State of Rhode Island  
Department of Revenue  
One Capitol Hill  
Providence, RI 02908-5800

RE: Woonsocket Litigation Summary

Dear Rosemary:

I enclose a revised litigation summary concerning the Donoyan suit. I have revised the paragraph which addresses the Commission's answer to make it clear that all counts of the complaint have been denied.

Thank you.

Yours truly,



Edmund L. Alves, Jr.

ELA:vm  
encl.

cc: Dina Dutremble, Chair  
Woonsocket Budget Commission/via e-mail w/encl.

**MEMORANDUM**  
**LITIGATION SUMMARY**

**TO:** Woonsocket Budget Commission

**FROM:** Edmund L. Alves, Jr., Legal Counsel 

**DATE:** February 26, 2015

**RE:** GIOVANNA M. DONOYAN V. WOONSOCKET BUDGET COMMISSION  
C.A. NO. 14-3281

This case is pending in the Providence County Superior Court. Plaintiff, Giovanna M. Donoyan, the former Woonsocket Superintendent of Schools, filed suit against the Budget Commission (Commission) on July 1, 2014. Service of process was completed on July 21, 2014. The suit challenges the Commission's June 4, 2014 resolution which rejected and rescinded the April 9, 2014 vote of the Woonsocket School Committee which purported to extend the Plaintiff's employment agreement beyond its termination date of August 31, 2014. The resolution also placed the Plaintiff on paid administrative leave until her employment agreement expired on August 31, 2014.

The Complaint contains the following three counts:

1. Count I alleges that the Commission violated Article I, Section 2 of the Rhode Island Constitution when it adopted the June 4, 2014 resolution without first providing Plaintiff with notice and an opportunity to be heard.
2. Count II alleges that the Commission exceeded its authority under the Fiscal Stability Act when it adopted the June 4, 2014 resolution. Plaintiff maintains that the resolution was unrelated to the fiscal stability of the City of Woonsocket.
3. Count III alleges that the June 4, 2014 resolution was unauthorized by R.I.G.L. § 45-9-6(d)(17) since it was adopted more than fourteen (14) days after the Commission had notice of the School Committee vote.

The complaint seeks a declaratory judgment that the termination of Plaintiff's employment was invalid, as well as unspecified legal damages and equitable relief.

The Commission filed an answer on August 8, 2014 which denied the validity of all three (3) counts of the complaint and raised the following affirmative defenses:

1. In accordance with R.I.G.L. § 45-9-6(d)(8), only the Commission had the authority to extend the Plaintiff's employment agreement.
2. The School Committee had no independent authority to extend the Plaintiff's employment agreement without the consent of the Commission.
3. The Plaintiff and the School Committee ignored the written directive of the Commission that no Woonsocket employment agreement was to be extended without the express written consent of the Commission.
4. The Plaintiff had no constitutionally-protected right to the renewal of her employment agreement, so prior notice and a hearing were not required.
5. R.I.G.L. § 45-9-6(d)(17), which authorizes the Commission to rescind the action of a City board within 14 days of notice of the action, is not applicable to this case since the School Committee had no authority to extend Plaintiff's employment agreement.

On August 14, 2014, the Plaintiff filed a motion for a preliminary injunction seeking a court order reinstating her to the position of Woonsocket Superintendent of Schools. The Commission filed a formal objection to this motion with a supporting memorandum of law on September 12, 2014. The motion was scheduled to be heard on September 18, 2014, but was allowed to pass off the Court calendar and has not been rescheduled.

Plaintiff filed a notice of deposition to be held on November 9, 2014 by which Plaintiff's attorney sought to depose the Commission official with the most knowledge concerning the matters alleged in the complaint. The deposition was rescheduled several times and has not been conducted. If the Plaintiff does pursue this discovery request, the Commission will initiate discovery requests of its own.