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## 2000 Survey of Rhode Island Law: Cases: Civil Rights

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**Civil Rights.** *Paul v. City of Woonsocket*, 745 A.2d 169 (R.I. 2000). In an action under 42 U.S.C. § 1983, the court will determine the appropriate statute of limitations by looking to the statute of limitations of the forum state's most analogous cause of action. In this case, where the plaintiffs alleged that a municipality improperly collected a water service fee, the appropriate statute was the three-year limit found in Rhode Island's residual statute for personal injury claims, Rhode Island General Laws section 9-1-14(b).

#### FACTS AND TRAVEL

In April 1986, the Woonsocket City Council enacted an ordinance that levied a tapping fee on the owners of properties that requested connections to the city's water system.<sup>1</sup> The payments were mandatory and the city required that they be paid before it would allow a connection or provide water service.<sup>2</sup> The city did not seek the approval of the Public Utilities Commission (PUC) before amending the ordinance.<sup>3</sup> Between June 1986 and July 1992 the city collected approximately \$177,800 in tapping fees.<sup>4</sup> The plaintiffs paid the required fees without any protest or challenge.<sup>5</sup> Ultimately, the PUC determined that the tapping fee was not permitted and the city repealed the ordinance.<sup>6</sup> Three years later, the appellants brought a class action against the city under 42 U.S.C. § 1983, seeking to recover their fees paid under the improperly enacted ordinance.<sup>7</sup> The superior court conditionally certified a class and the parties filed cross motions for summary judgment.<sup>8</sup> The trial justice noted that the appellant's case might be barred by the statute of limitations.<sup>9</sup> However, the justice granted summary judgment in favor of the defendants on the basis that as a matter of law, the voluntary payment doctrine precluded their recovery of the payments.<sup>10</sup>

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1. See *Paul v. City of Woonsocket*, 745 A.2d 168, 170 (R.I. 2000).

2. See *id.*

3. See *id.*

4. See *id.*

5. See *id.*

6. See *id.*

7. See *id.* at 169; 42 U.S.C. § 1983 (1994 & Supp. IV 1998).

8. See *Paul*, 745 A.2d at 169; R.I. Super. Ct. R. 23(c)(1).

9. See *Paul*, 745 A.2d at 170.

10. See *id.*

## ANALYSIS AND HOLDING

The Rhode Island Supreme Court applied a *de novo* standard of review.<sup>11</sup> The court focused its review on the statute of limitations issue that was noted by the court below. The court rejected plaintiffs' argument that the proper statute of limitations was the provision applicable to appeals of a tax assessment.<sup>12</sup> The court instead noted that since § 1983 does not contain a statute of limitations, the courts are "required to apply the state statute of limitations which governs the forum state's most analogous cause of action."<sup>13</sup> In this case, the court applied the guidance given by the United States Supreme Court in *Owens v. Okure*,<sup>14</sup> and held that the applicable statute of limitations was Rhode Island's residual statute for personal injury claims.<sup>15</sup> The court applied the three-year statute of limitations for "injuries to the person" under Rhode Island General Laws section 9-1-14(b).<sup>16</sup> Applying this statute to the case, the court noted that the appellants claimed that the adoption, implementation and enforcement of the injury caused them to suffer personal injury.<sup>17</sup> To determine the moment at which the statute of limitations began, the court held that the common law general rule applied and that the time began ticking at the point the injury occurred.<sup>18</sup> In this case, it started to accrue when the appellants began paying the fee. Since the appellants' last payment was made three years and seven months before the filing of the action, the court held that the three-year statute of limitations had expired and was time barred.<sup>19</sup> Accordingly, the court affirmed the grant of summary judgment.<sup>20</sup>

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11. *See id.* at 170-71.

12. *See id.* at 171. *See also* R.I. Gen. Laws § 44-5-26 (1956) (1999 Reenactment) (imposing a statute of limitations that expires ninety days after the date the first tax payment is due).

13. *Id.* (quoting *Tang v. State of Rhode Island, Dept. of Elderly Affairs*, 904 F. Supp. 55, 60-61 (D.R.I. 1995)).

14. 488 U.S. 235 (1989).

15. *See Paul*, 745 A.2d at 172.

16. *See id.* at 172 n.4; R.I. Gen. Laws § 9-1-14 (b) (1956) (1997 Reenactment).

17. *See Paul*, 745 A.2d at 172.

18. *See id.*

19. *See id.*

20. *See id.* at 173.

## CONCLUSION

In actions brought under 42 U.S.C. § 1983 the court should apply the statute of limitations most closely analogous to the claims asserted by the plaintiffs. In the case of a claim alleging improper assessment of a water service fee, the appropriate statute of limitations was the three-year time limit imposed by Rhode Island General Laws section 9-1-14(b).

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