

STATE OF RHODE ISLAND AND PROVIDENCE PLANTATIONS

PROVIDENCE, SC

SUPERIOR COURT

JOHN E. LANGLEY, JR.
as administrator of the
Estate of JOHN D. LANGLEY

V.

PROVIDENCE COLLEGE

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C.A. NO. PC 2005-5702

AMENDED DECISION

HURST, J. This Court amends its Decision, filed July 1, 2009, in the above-entitled case, to include the following footnotes which were omitted from the Decision.

On page 103, after the sentence—“To the contrary, Dyer’s handwritten notes appearing on the Providence College’s transcripts submitted to the Court make it plain that her review of their contents was as thorough and detailed as her interviews.”— this footnote, numbered 23, is herein added:

²³ Specifically with respect to the College’s Tape #1 transcript submitted to this Court on January 14, 2008, a handwritten vertical line appears in the left margin of page 11, thus highlighting statements made by Kevin Hillery. Similarly, a handwritten vertical line and star (⊛) appear in the left margin of page 12, also highlighting statements made by Kevin Hillery. For the College’s Tape #3, Side A interview of David Petit—transcribed several weeks after Tape #1 was transcribed— a handwritten word and arrow appear at the top of page 3, indicating where a word had been omitted by the transcriber. Similarly, handwritten interlineations of two words that had been omitted by the transcriber appear in the right margin of page 4. Two words with arrows appear in the left margin of page 7, again

indicating words omitted by the transcriber. Two words and an arrow, correcting an error in transcription, appear in the left margin of page 10. One word and an arrow appear in the right margin of page 11, indicating words omitted by the transcriber.

On page 104, after the sentence—“Yet, that part of the dialog was completely omitted from the College’s proffered transcript and thereafter, his statements were attributed merely to ‘?’.”—this footnote, numbered 24, is herein added:

²⁴ The use of “?” was both direct and indirect. In addition to being directly attributed to “?”, some of McNair’s statements were attributed to Edmund St. John. St. John’s statements, in turn, were attributed to “?”. Due to the differences in the two men’s voices and manner of speaking, the full value of using “?” throughout this dialog is best discerned by reading the College’s version of the transcripts while listening to the audio-cassette recordings.

On page 105, after the sentence—“Regardless, questions about what should be done about Providence College’s conduct in failing to respond to the Plaintiff’s legitimate discovery requests is beyond the scope of this Decision.”—this footnote, numbered 25, is herein added:

²⁵ In addition to the Court’s inherent authority to impose sanctions for conduct amounting to fraud on the Court and for contempt, at issue are Rules 11, 26, and 37 of the Superior Court Rules of Civil Procedure. See Lett v. Providence Journal Co., 798 A.2d 355 (R.I. 2002). Providence College and its attorneys are entitled to show-cause hearings with respect to this Court’s discretion to impose sanctions, including that of default on liability, on account of their conduct. See Woloohojian v. Bogosian, 828 A.2d 522 (R.I. 2003) (mem.); Roberti v. F. Ronci Co., Inc., 486 A.2d 1087 (R.I. 1985); Vitale v. Elliott, 120 R.I. 328, 387 A.2d 1379 (1978).

This Amended Decision modifies the Decision which was filed on July 1, 2009.
The Decision, filed on July 1, 2009, remains the same in all other respects.

Hurst, J.

September 17, 2009