

STATE OF RHODE ISLAND AND PROVIDENCE PLANTATIONS

(FILED: December 10, 2019)

PROVIDENCE, SC.

SUPERIOR COURT

MICHAEL J. SALVATORE,  
Plaintiff,

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v.

C.A. No. PC-2014-0174

THOMAS A. PALANGIO,  
Defendant.

DECISION

**STERN, J.** On October 31, 2019, the above-captioned matter was remanded to this Court for findings as to whether the Court had jurisdiction to enter a Consent Decree, which was entered by Order on April 8, 2019, at a time during which the matter was on remand to this Court. Upon due consideration, this Court finds that entry of the Consent Decree exceeded the February 20, 2019, remand order, which gave this Court the limited jurisdiction to enter an order denying the Defendant’s post-judgment motions. Inadvertently, this Court exceeded the scope of the remand order by entering the Consent Decree. *See Butterfly Realty v. James Romanella & Sons, Inc.*, 93 A.3d 1022, 1031–32 (R.I. 2014) (quoting *Pleasant Management LLC v. Carrasco*, 960 A.2d 216, 223 (R.I. 2008)) (noting that this Court “may not exceed the scope of the remand or open up the proceeding to legal issues beyond the remand”). Accordingly, this Court’s entry of the Consent Decree is void. *See Thompson v. Thompson*, 973 A.2d 499, 513–14 (R.I. 2009).<sup>1</sup>

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<sup>1</sup> Although this Court has found it was without jurisdiction to enter the Consent Decree, the Court is not opining on the validity or enforceability of the Consent Decree as between the parties. *See Lorain NAACP v. Lorain Board of Education*, 979 F.2d 1141, 1148 (6th Cir. 1992) (quoting *Williams v. Vukovich*, 720 F.2d 909, 920 (6th Cir. 1983)) (finding that a consent decree “is at once ‘a voluntary settlement agreement which could be fully effective without judicial intervention’ and ‘a final judicial order ... plac[ing] the power and prestige of the court behind the compromise struck by the parties.’”).



**RHODE ISLAND SUPERIOR COURT**  
*Decision Addendum Sheet*

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**TITLE OF CASE:** Michael J. Salvatore v. Thomas A. Palangio

**CASE NO:** PC-2014-0174

**COURT:** Providence County Superior Court

**DATE DECISION FILED:** December 10, 2019

**JUSTICE/MAGISTRATE:** Stern, J.

**ATTORNEYS:**

**For Plaintiff:** Joelle C. Rocha, Esq.

**For Defendant:** John J. DeSimone, Esq.

**For Interested Party:** Matthew R. Cate, Esq.