

STATE OF RHODE ISLAND AND PROVIDENCE PLANTATIONS

PROVIDENCE, SC.

SUPERIOR COURT

(FILED: May 12, 2016)

ALISSA MOULTON; AIDEN ARANGO :  
P.P.A. ALISSA MOULTON, Mother and Next :  
Best Friend; and EDWARD SULLIVAN and :  
DEBORAH SULLIVAN, in their capacity as :  
Co-Trustees of the Alissa L. Moulton 2015 :  
Self-Settled Special Needs Trust :

V. :

C.A. No. PC 12-1477

UTGR, INC., d.b.a. TWIN RIVER; TWIN :  
RIVER MANAGEMENT GROUP, INC., f.k.a. :  
BLB MANAGEMENT SERVICES, INC.; :  
TWIN RIVER WORLDWIDE HOLDINGS, :  
INC., f.k.a. BLB WORLDWIDE HOLDINGS, :  
INC.; BLB INVESTORS, L.L.C.; LME :  
ENTERPRISES, INC., d.b.a. ROYAL :  
LIQUORS, INC.; ALEXANDER ARANGO :

DECISION

CARNES, J. UTGR, Inc., d.b.a. Twin River, Twin River Management Group, Inc., f.k.a. BLB Management Services, Inc., Twin River Worldwide Holdings, Inc., f.k.a. BLB Worldwide Holdings, Inc. and BLB Investors, L.L.C. (collectively, the Twin River Defendants), along with LME Enterprises, Inc., d.b.a. Royal Liquors, Inc., bring this Motion to Dismiss Improperly Joined Parties Edward and Deborah Sullivan, in their capacity as Co-Trustees of the Alissa L. Moulton 2015 Self-Settled Special Needs Trust (the Co-Trustees). For the reasons set forth herein, Defendants’ Motion is denied.

## I

### Facts and Travel

The underlying claim stems from a serious motor vehicle accident which resulted in permanent and debilitating injuries to Plaintiff, Alissa L. Moulton (Ms. Moulton or Plaintiff). On April 24, 2010, Alexander Arango (Mr. Arango) was a customer of Twin River Casino, located in Lincoln, Rhode Island. (Compl. ¶ 17). While Mr. Arango was a patron of Twin River Casino, he was allegedly served alcoholic beverages, despite being under the legal drinking age of twenty-one. Id. at ¶¶ 18-19. Moreover, according to Plaintiffs, Mr. Arango was served despite being visibly intoxicated and was subsequently allowed to leave the premises in such a state. Id. at ¶ 21. Upon leaving Twin River Casino—and allegedly due to his intoxicated state—Mr. Arango drove his car off route 146 southbound in Rhode Island, which resulted in a one-car crash. Id. at ¶ 25. At the time of the crash, Ms. Moulton was a passenger in Mr. Arango’s vehicle. Id. at ¶ 23. As a result of the accident, Ms. Moulton suffered severe and permanent injuries, including being paralyzed from her chest down. Id. at ¶ 27.

On March 20, 2012, Plaintiffs filed a thirty-six count Complaint against a number of Defendants—including the Twin River Defendants—asserting a number of legal theories entitling them to damages. At that time, only Ms. Moulton and Aiden Arango<sup>1</sup> were named as plaintiffs in this action. However, on December 24, 2015, pursuant to Super. R. Civ. P. 7 and 15, Plaintiffs moved to amend their Complaint so as to add Edward and Deborah Sullivan, in their capacity as Co-Trustees of the Alissa L. Moulton

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<sup>1</sup> Aiden Arango is the son of Alissa Moulton and Alexander Arango.

2015 Self-Settled Special Needs Trust (the Trust), as plaintiffs.<sup>2</sup> The basis for this motion to amend the Complaint was the concern that absent the Co-Trustees as parties in the action, the jury would be allowed to unfairly speculate as to whether Mr. Arango would potentially benefit from any proceeds that Ms. Moulton received as a result of this litigation, due to the fact that they maintain a relationship and currently live together.<sup>3</sup> Considering this, on January 25, 2016, the Court granted Plaintiffs' motion to amend their Complaint and allowed the addition of the Co-Trustees as plaintiffs. In granting the motion, the Court found that the Trust has a sufficiently concrete interest in this litigation and sufficient adversity to Defendants to have standing for its Co-Trustees.<sup>4</sup> The Twin River Defendants subsequently filed the instant motion to dismiss the Co-Trustees as improperly joined parties on March 28, 2016, contending that they lack standing to participate in this action.<sup>5</sup>

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<sup>2</sup> Ms. Moulton had previously assigned all future proceeds she may receive as a result of this litigation to the Trust on September 29, 2015. See Assignment, Pl.'s Ex. 2.

<sup>3</sup> Plaintiffs have also pointed out that Defendants' litigation strategy has been and will be to continuously attack the credibility and veracity of Mr. Arango, and also focus the jury's attention both on his role in causing Ms. Moulton's injuries and on his continued relationship with her. Thus, Plaintiffs argue that the addition of the Co-Trustees was necessary to make the jury fully aware of the nature, terms, and existence of the Trust, and make it clear that all proceeds Ms. Moulton receives from this litigation will be transferred to the Trust, and therefore unavailable to Mr. Arango.

<sup>4</sup> The Court additionally found that the Trust, and by extension its Co-Trustees, were true parties in interest and have a clear and present interest in Ms. Moulton's compensation from this litigation. The Court further noted that it was persuaded that denying the addition of the Co-Trustees would result in unfair prejudice to Plaintiffs, as the jury would be allowed to falsely speculate that Mr. Arango might receive and/or gain control over any compensation Ms. Moulton received from the proceeds of this litigation. See February 16, 2016 Order granting Plaintiffs' motion to amend. Any such speculation would be difficult to detect, and even more difficult to undo.

<sup>5</sup> Defendant LME Enterprises, Inc., d.b.a. Royal Liquors, Inc., filed its own Motion to Dismiss Improperly Joined Parties on April 1, 2016, but did not file an accompanying memorandum, instead relying solely on the memorandum and arguments of the Twin River Defendants.

## II

### Standard of Review

Defendants' motion to dismiss the Co-Trustees as improperly joined parties is akin to a Super. R. Civ. P. 12(b)(6) motion to dismiss. "The sole function of a motion to dismiss is to test the sufficiency of the complaint." Palazzo v. Alves, 944 A.2d 144, 149 (R.I. 2008) (citation omitted). Looking at the four corners of a complaint, this Court examines that pleading and assumes that the allegations contained in the plaintiff's complaint are true, viewing them in a light most favorable to the plaintiff. Barrette v. Yakavonis, 966 A.2d 1231, 1234 (R.I. 2009). Our Supreme Court has noted that there is a policy to interpret the pleading rules liberally so that "...cases in our system are not... disposed of summarily on arcane or technical grounds." Konar v. PFL Life Ins. Co., 840 A.2d 1115, 1118 (R.I. 2004) (citation omitted). While the pleading does not need to include the ultimate facts to be proven or the precise legal theory upon which the claims are based, the complaint is required to provide the opposing party with fair and adequate notice of any claims being asserted. Barrette, 966 A.2d at 1234. The goal is to give defendants sufficient notice of the type of claim being asserted against them. See Konar, 840 A.2d at 1119; see also Berard v. Ryder Student Transp. Servs., Inc., 767 A.2d 81, 85 (R.I. 2001) (noting that the requisite notice under Rule 8 of the Superior Court Rules of Civil Procedure requires plaintiff to allege what acts committed by defendant entitle plaintiff to legal or equitable relief). Accordingly, "[a] motion to dismiss is properly granted 'when it is clear beyond a reasonable doubt that the plaintiff would not be entitled to relief from the defendant under any set of facts that could be proven in support

of the plaintiff's claim.” Woonsocket Sch. Comm. v. Chafee, 89 A.3d 778, 787 (R.I. 2014) (citation omitted).<sup>6</sup>

### **III**

#### **Analysis**

In support of their motion to dismiss, Defendants proffer several arguments. As a threshold issue, Defendants contend that the Co-Trustees lack standing and should therefore not be allowed to remain as parties in this action. Moreover, Defendants point out that standing is a threshold issue, and therefore the Court must resolve this issue first. Additionally, Defendants argue that Plaintiffs’ contention that the Rhode Island Rules of Civil Procedure somehow support granting standing to the Co-Trustees is misguided and mischaracterizes the spirit of those rules. Lastly, Defendants alternatively assert that if the Court were to find that the Trust—and by extension the Co-Trustees—have adequate standing to pursue this claim, then the Court should dismiss Ms. Moulton as a party, and leave it to the Co-Trustees to represent her rights. The Court will consider these arguments in turn.

#### **A**

##### **Standing of the Co-Trustees**

The crux of Defendants’ argument asserts that the Co-Trustees have been improperly joined in this action because they lack standing to prosecute the matter. Specifically, Defendants argue that the Co-Trustees are not real parties in interest and

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<sup>6</sup> When considering if a party was improperly joined, the Court also notes the authority granted to it by Super. R. Civ. P. 21, which states, in part: “[m]isjoinder of parties is not ground for dismissal of an action. Parties may be dropped or added by order of the court on motion of any party or of its own initiative at any stage of the action and on such terms as are just.”

have not suffered an injury in fact sufficient to confer standing upon them. To the contrary, Defendants contend that the Trust—and by extension the Co-Trustees—will not ascertain a present interest in this matter until after disposition, as it is only at that time that the rights of the Trust will mature. Only in the event that Ms. Moulton is awarded a monetary sum in this action, which is not then transferred to the Trust, would the Co-Trustees then have suffered a concrete injury in fact. Moreover, Defendants note that the Assignment specifically states that Ms. Moulton will retain the right to control this action. See Assignment, Pl.’s Ex. 2. Thus, the Co-Trustees have no independent, stand-alone cause of action and therefore lack standing to remain parties in this litigation. Allowing them to remain in the action, according to Defendants, would only serve to confuse, mislead, or confound the jury to the prejudice of the Defendants. In opposition to these arguments, Plaintiffs contend that the Co-Trustees have a present interest in the action and a fiduciary duty to protect and secure the Trust’s interest in any future compensation resulting from this litigation. Plaintiffs additionally assert that the addition of the Co-Trustees as plaintiffs has no bearing on the merits of the case—*i.e.*, whether or not Defendants were negligent—and results in no prejudice to Defendants.

When considering a claim for lack of standing, Rhode Island law states that “[s]tanding is a threshold inquiry into whether the party seeking relief is entitled to bring suit.” Narragansett Indian Tribe v. State, 81 A.3d 1106, 1110 (R.I. 2014) (quoting Blackstone Valley Chamber of Commerce v. Pub. Utils. Comm’n, 452 A.2d 931, 932-33 (R.I. 1982)). “When standing is challenged, ‘the focal point shifts to the claimant, not the claim, and a court must determine if the plaintiff whose standing is challenged is a proper party to request an adjudication of a particular issue and not whether the issue itself is

justiciable.” Narragansett Indian Tribe, 81 A.3d at 1110 (internal citation omitted). “[T]he essence of the question of standing is whether the party seeking relief has alleged such a personal stake in the outcome of the controversy as to ensure concrete adverseness that sharpens the presentation of the issues upon which the court depends for an illumination of the questions presented.” Id. (quoting Blackstone Valley Chamber of Commerce, 452 A.2d at 933).

In determining whether a party has standing, the Court must consider whether the party alleges that the challenged action has caused him or her injury in fact. See Narragansett Indian Tribe, 81 A.3d at 1110; Pontbriand v. Sundlun, 699 A.2d 856, 862 (R.I. 1997). The Rhode Island Supreme Court has required that the alleged injury in fact be “an invasion of a legally protected interest which is (a) concrete and particularized . . . and (b) actual or imminent, not ‘conjectural’ or ‘hypothetical.’” Narragansett Indian Tribe, 81 A.3d at 1110; see also Cruz v. Mortg. Elec. Registration Sys., Inc., 108 A.3d 992, 996 (R.I. 2015). “The line is not between a substantial injury and an insubstantial injury. The line is between injury and no injury.” Pontbriand, 699 A.2d at 862.

In the instant matter, in granting Plaintiffs’ earlier motion to amend their Complaint to add the Co-Trustees as parties, this Court determined that the Co-Trustees had adequate standing to be parties to this action. See February 16, 2016 Order granting Plaintiffs’ motion to amend. Now, Defendants once again contend that allowing Plaintiffs to join the Co-Trustees as parties was improper. However, this Court remains unconvinced by Defendants’ arguments. On the contrary, the Court remains persuaded that the Co-Trustees are real parties in interest due to their clear and present interest in securing Ms. Moulton’s compensation from this litigation. Moreover, the Court is not

persuaded that adding the Co-Trustees as parties would serve to confuse or mislead the jury, and conversely believes that denying the addition of the Co-Trustees would result in a danger of unfair prejudice to Plaintiffs, as the jury would be allowed to falsely speculate that Mr. Arango might receive and/or gain control over any compensation Ms. Moulton receives from the proceeds of this litigation. Such a danger of unfair prejudice due to unfounded bias and speculation is enough in this Court's opinion to find that the Co-Trustees possess a sufficient, concrete interest in this litigation so as to allow them to remain parties in this action. See Narragansett Indian Tribe, 81 A.3d at 1110.

Moreover, the Court notes that while a party's injury may not be conjectural or hypothetical in order to confer adequate standing, they are not required to "demonstrate with absolute certainty that they have already suffered an injury." Narragansett Indian Tribe, 81 A.3d at 1111 (citing Haviland v. Simmons, 45 A.3d 1246, 1257 (R.I. 2012)). Considering this, Defendants' argument that the Co-Trustees have not suffered a sufficient injury so as to confer standing on them because the potential value of the Trust remains unknown is mistaken. In Narragansett Indian Tribe, the Rhode Island Supreme Court found that the potential for a reduction in future income as a consequence of the contested action of removing 200 VLT machines provided a sufficient interest when determining that the plaintiff had suffered an injury in fact for the purposes of standing. Narragansett Indian Tribe, 81 A.3d at 1111.

Here, while it is true that the dollar value of the proceeds assigned to the Trust remain speculative until disposition, it is undisputed that the context of the Trust's rights—*i.e.*, its right to receive any such proceeds awarded—has clearly been determined. Consequently, Plaintiffs are not required to demonstrate with absolute certainty at this

time that the Co-Trustees will be injured by a reduction in future proceeds due to unfair jury speculation regarding whether Mr. Arango will benefit from those proceeds. See id. Rather, the Co-Trustees' clearly assigned interest in those proceeds, coupled with the present threat of unfounded jury speculation resulting in unfair prejudice—and a resulting future economic loss as a result of that speculation and unfair prejudice—is enough to confer standing at this time. See id.; see also R.I. Res. Recovery Corp. v. Restivo Monacelli, LLP, 2015 WL 4998015, at \*7, n.9 (R.I. Super. Aug. 18, 2015) (explaining that the plaintiff had suffered a sufficient injury in fact for the purposes of standing based in part on an increased risk of future economic loss).

Accordingly, the Court finds that the Co-Trustees are real parties in interest and have suffered a sufficient injury in fact so as to possess adequate standing to remain parties in this action.<sup>7</sup>

## **B**

### **The Rules of Civil Procedure**

In addition to contesting the standing of the Co-Trustees, the parties have additionally made several arguments as to what effect certain Rhode Island Rules of Civil Procedure should have on the pending litigation. The Defendants generally argue that none of these rules allow Plaintiffs or the Court to abrogate the threshold requirement for standing, while Plaintiffs contend that these rules further support the Court's original

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<sup>7</sup> The Court also notes that such a ruling allows the Co-Trustees the opportunity to protect and secure the Trust's established interest in the future proceeds from this litigation, as is their fiduciary duty. See Restatement (Second) Trusts § 176 (1959) (explaining that “[t]he trustee is under a duty to the beneficiary to use reasonable care and skill to preserve the trust property”).

decision to confer standing on the Co-Trustees. The Court will consider the arguments pertaining to each contested rule in turn.

### **Super. R. Civ. P. 1**

Initially, Plaintiffs contend that the spirit of Super. R. Civ. P. 1 (Rule 1) requires the joining of the Co-Trustees as parties so as to ensure that the case is speedily tried on its actual, truthful merits, and is not subject to speculation, bias and prejudice.<sup>8</sup> Since Ms. Moulton and the Co-Trustees have distinct, yet interrelated, interests in the outcome of this case, the principles of judicial economy warrant the litigation of those interests in a single action and will assist the trier of fact in reaching a just resolution of Ms. Moulton's claims. Conversely, Defendants contend that the prejudice Plaintiffs fear is just as speculative as any alleged jury inference that Mr. Arango may benefit from the proceeds of this action. Additionally, Defendants argue that seeking dismissal of the Co-Trustees is legally defensible and, therefore, does not run afoul of Rule 1, as Plaintiffs imply. Thus, Defendants assert that Plaintiffs' argument that Rule 1 provides support for allowing the Co-Trustees to remain as parties is without merit.

The Court disagrees. Notably, at the January 25, 2016 hearing on Plaintiffs' motion to amend their Complaint, the Court itself raised the possibility of a Rule 1 issue in this case. Consequently, the Court's concerns have not abated since that hearing. As such, the Court finds that the spirit of Rule 1 supports the joining of the Co-Trustees as parties so as to ensure a speedy and just resolution to this matter, and further to avoid what the Court believes is a very real danger of unfair prejudice to the Plaintiffs if the

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<sup>8</sup> Super. R. Civ. P. 1 reads, in part, that the rules of civil procedure "shall be construed and administered to secure the just, speedy, and inexpensive determination of every action."

jury were allowed to improperly speculate as to whether Mr. Arango might benefit from the proceeds of this action.

**Super. R. Civ. P. 17**

In further support for their argument against Defendants' motion to dismiss, Plaintiffs point out that the Court has already determined when ruling on Plaintiffs' motion to amend that the Co-Trustees are real parties in interest pursuant to Super. R. Civ. P. 17 (Rule 17).<sup>9</sup> While Ms. Moulton has not assigned her entire cause of action, she has undisputedly assigned the net proceeds from her cause of action to the Trust, giving its Co-Trustees a present interest to protect. See Assignment, Pl.'s Ex. 2. Thus, Plaintiffs contend that both Ms. Moulton and the Co-Trustees hold significant interests in this litigation in accordance with Rule 17. The Defendants, however, maintain that the Co-Trustees have no right to protect any recovery until judgment has been rendered in the instant action.

The Court remains convinced that the Co-Trustees are real parties in interest in accordance with Rule 17, as they possess a clear and present interest in Ms. Moulton's compensation from this litigation. Furthermore, Defendants have not provided adequate argument or case law to persuade the Court that its original finding that the Co-Trustees were real parties in interest when ruling on Plaintiffs' motion to amend was incorrect. Accordingly, Defendants' argument that finding that the Co-Trustees are a real party in interest somehow runs afoul of Rule 17 fails.

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<sup>9</sup> Super. R. Civ. P. 17 reads in part: "Every action shall be prosecuted in the name of the real party in interest. . . ."

### **Super. R. Civ. P. 19**

Plaintiffs next contend that the Co-Trustees were properly joined as feasible parties to this action pursuant to Super. R. Civ. P. 19(a)(2)(A) (Rule 19). Rule 19(a)(2)(A) reads:

“(a) Persons to be Joined if Feasible. A person who is subject to service of process shall be joined as a party in the action if:

“(2) the person claims an interest relating to the subject of the action and is so situated that the disposition of the action in the person’s absence may:

“(A) as a practical matter impair or impede the person’s ability to protect that interest.” Rule 19(a)(2)(A).

Accordingly, Plaintiffs argue that because the Co-Trustees have an interest in protecting the Trust’s right to any future proceeds resulting from this litigation, they are clearly feasible parties under Rule 19.

Conversely, Defendants contend that Rule 19(a)(2)(A) is inapplicable to the instant action because the Co-Trustees do not yet hold a preexisting interest in the matter. According to Defendants, the Co-Trustees have no present interest to protect because their rights to the future proceeds from this litigation have yet to mature. Therefore, they cannot avail themselves to the benefits delineated in Rule 19. Furthermore, Defendants again aver that Rule 19 does not supersede the threshold inquiry of standing, thus the Co-Trustees cannot be joined without suffering a concrete injury, which they have not in this case.

The Court disagrees and notes that it is the duty of the trial justice to determine whether a party is indispensable or necessary under Rule 19. See Manekofsky v. Guide

Realty, Inc., 116 R.I. 668, 671, 360 A.2d 567, 569 (1976). “Rule 19 recognizes the difference between parties whose presence is absolutely essential, if the action is to proceed at all, and those who ought to be joined but without whom the action can continue. The first class has long been referred to, in the federal practice, as ‘indispensable’ and the latter group as ‘necessary.’” Id. (quoting Anderson v. Anderson, 109 R.I. 204, 208, 283 A.2d 265, 267 (1971)). While this litigation could continue absent the joining of the Co-Trustees, they can nevertheless be considered necessary parties to this action with a concrete and present interest in protecting the assigned future proceeds from this litigation, and avoiding unfair prejudice resulting from unwarranted jury speculation. As such, Defendants’ argument that the Co-Trustees cannot be joined pursuant to Rule 19 fails.<sup>10</sup>

### **Super. R. Civ. P. 25**

Plaintiffs’ final argument in support of their contention that the Co-Trustees have adequate standing to remain parties to this action involves Super. R. Civ. P. 25(c) (Rule 25), which states:

“(c) In case of any transfer of interest, the action may be continued by or against the original party, unless the court upon motion directs the person to whom the interest is transferred to be substituted in the action or joined with the original party. Service of the motion shall be made as provided in subdivision (a) of this rule.” Rule 25(c).

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<sup>10</sup> The Court additionally finds persuasive Plaintiffs’ assertion that Super. R. Civ. P. 20 supports the permissive joinder of the Co-Trustees because the interests in this litigation of both the Co-Trustees and Ms. Moulton arise out of the same transaction or occurrence, i.e., the injuries suffered by Ms. Moulton in the underlying motor vehicle accident.

Where, as here, there has been a transfer of an interest in a case, Plaintiffs contend that Rule 25(c) clearly permits the party in receipt of that interest to be joined with the original party at the Court's direction.

The Court agrees that Rule 25(c) provides further support for the contention that the Co-Trustees were properly joined as parties, and again notes that at the January 25, 2016 hearing on Plaintiffs' motion to amend their Complaint, the Court itself raised the appropriateness of Rule 25(c) in this action. The Court remains convinced, as it did on January 25, 2016, that Rule 25(c) at least implicitly grants the Court the authority to join a party in an action where there has been a transfer of interest, as there clearly has been here. Furthermore, nothing has been argued or presented by Defendants to convince the Court that Rule 25(c) is somehow inapplicable to the current action. As such, the Court finds that Rule 25(c) provides additional support for its conclusion that the Co-Trustees have been properly joined as real parties in interest in the present litigation.

## C

### **Dismissal of Ms. Moulton**

Defendants contend in the alternative that if the Court finds that the Co-Trustees have adequate standing and are proper parties in this litigation, then the Court should dismiss Ms. Moulton from the case, as both Ms. Moulton and the Co-Trustees cannot be parties to the action while representing the same interests, and instead must have suffered independent injuries. Conversely, Plaintiffs argue that Ms. Moulton remains a proper party in interest despite the joining of the Co-Trustees because she has not assigned her cause of action to the Trust, but rather has merely assigned her interests in any future

proceeds resulting from this litigation.<sup>11</sup> Further, Ms. Moulton expressly preserved her right to pursue her personal injury cause of action when assigning those proceeds. See Assignment, Pl.’s Ex. 2. As such, Plaintiffs contend that Defendants’ argument that Ms. Moulton should be dismissed from the action is without merit.

Plaintiffs’ argument is persuasive. The Court has found that both Ms. Moulton and the Co-Trustees possess sufficient adverseness to Defendants, and furthermore, that both have a concrete interest in the pending litigation. As such, the Court is not convinced that it would be improper to allow this litigation to move forward with both parties remaining as plaintiffs. Accordingly, the Court declines to dismiss Ms. Moulton from the current action—despite allowing the Co-Trustees to be joined as plaintiffs—as Defendants request.<sup>12</sup>

#### IV

#### Conclusion

Upon consideration of the parties’ arguments, this Court finds that the Trust—and by extension the Co-Trustees, Edward and Deborah Sullivan—are real parties in interest and hold a clear and present interest in securing Ms. Moulton’s future compensation that

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<sup>11</sup> The Court takes note of the foreign case law cited by Plaintiffs which demonstrates a general acceptance of the assignment of proceeds in an action. Such an action is contrasted with the assignment of an entire claim, which is generally considered against public policy as promoting champerty. See Mutual of Omaha Bank v. Kassebaum, 814 N.W.2d 731, 737 (Neb. 2012); Achrem v. Expressway Plaza Ltd. P’ship, 917 P.2d 447, 449 (Nev. 1996). Considering this, the Court is persuaded that Ms. Moulton’s assignment of any proceeds from the instant action to the Trust is not against public policy, and further is not akin to an assignment of her cause of action to the Trust.

<sup>12</sup> The Court additionally remains unconvinced that there is any real prejudice to Defendants by allowing the Co-Trustees to be joined as plaintiffs in this matter. Despite Defendants’ contentions at the April 29, 2016 hearing that having the Co-Trustees on the jury slip could somehow cause the jury to award more damages than is warranted, the Court believes such concerns can easily be remedied by proper jury instruction.

could result from this litigation. The Court additionally finds that the danger of unfair prejudice to the Plaintiffs, due to unfounded jury speculation and bias, as well as the danger of future economic loss that could result from such speculation, is an adequate injury in fact so as to confer standing on the Co-Trustees at this time. Accordingly, Defendants' Motion to Dismiss Improperly Joined Parties is denied.



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

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**TITLE OF CASE:** Moulton v. UTGR, Inc., d.b.a. Twin River, et al.

**CASE NO:** PC 12-1477

**COURT:** Providence County Superior Court

**DATE DECISION FILED:** May 12, 2016

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

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