

**Supreme Court**

No. 2020-255-Appeal.  
(KC 20-506)

Maria Rosa :  
v. :  
Wakefern Food Corporation a.k.a. :  
Price Rite of Cranston.

**O R D E R**

The plaintiff in this case, Maria Rosa, appeals from an April 2, 2021 judgment of the Kent County Superior Court dismissing on statute of limitations grounds her complaint, in which she sought damages for personal injuries allegedly sustained during a slip-and-fall incident at a grocery store owned by the defendant, Wakefern Food Corporation a.k.a. Price Rite of Cranston, located in Cranston, Rhode Island. This case came before the Supreme Court pursuant to an order directing the parties to show cause why the issues raised in this appeal should not be summarily decided. After carefully considering the parties' arguments (both written and oral) and after reviewing the record, we are of the opinion that cause has not been shown and that the appeal may be resolved without further briefing or argument. For the reasons set forth in this order, we vacate the judgment of the Superior Court.

At the time when the events giving rise to this appeal were taking place, the nation and this state were in the midst of a pandemic of fearsome proportions. It was represented to us at oral argument by Ms. Rosa's counsel that, while the pandemic was raging with particular severity, he was confronted with a series of logistical and computer-related issues that resulted in his failing to file the complaint in this action in strict accordance with the terms of the pertinent statute of limitations.

Given the totality of the rather unique circumstances presented by this case, coupled with the fact that the complaint was in fact electronically filed in the Superior Court within days after the pertinent deadline, it is our opinion that it would be preferable for this case to proceed in the usual manner rather than being dismissed on the basis of the belated filing of the complaint. *See generally Rivera v. Employees' Retirement System of Rhode Island*, 70 A.3d 905 (R.I. 2013). In so ruling, we specifically decline to base this decision on "abuse of discretion" or "excusable neglect" grounds; rather, this decision is based solely on our appreciation of the uniqueness of the particular attendant circumstances relative to this case that transpired in the midst of an unprecedented public health crisis.

Accordingly, we vacate the judgment of the Superior Court. The record may be returned to that tribunal.

Entered as an Order of this Court this 16th day of March 2022.

By Order,

/s/ Debra A. Saunders, Clerk  
Clerk



**STATE OF RHODE ISLAND**  
**SUPREME COURT – CLERK’S OFFICE**  
 Licht Judicial Complex  
 250 Benefit Street  
 Providence, RI 02903

**ORDER COVER SHEET**

<b>Title of Case</b>	Maria Rosa v. Wakefern Food Corporation a.k.a. Price Rite of Cranston.
<b>Case Number</b>	No. 2020-255-Appeal. (KC 20-506)
<b>Date Order Filed</b>	March 16, 2022
<b>Justices</b>	Suttell, C.J., Goldberg, Robinson, Lynch Prata, and Long, JJ.
<b>Source of Appeal</b>	Kent County Superior Court
<b>Judicial Officer from Lower Court</b>	Associate Justice Jeffrey A. Lanphear
<b>Attorney(s) on Appeal</b>	For Plaintiff:  Christopher J. Petrarca, Esq.
	For Defendant:  Amanda R. Prosek, Esq. Douglas L. Price, Esq.