

STATE OF RHODE ISLAND

PROVIDENCE, SC.

SUPERIOR COURT

(FILED: October 27, 2025)

MELISSA TRINIDAD,

Plaintiff,

v.

RICHARD D'AMBRA,

Defendant.

:
:
:
:
:
:
:
:
:
:
:

C.A. No. PC-2014-3616

DECISION

GIBNEY, P.J. Before this Court for decision is Plaintiff Melissa Trinidad's (Trinidad) motion for determination of money damages. Jurisdiction is pursuant to G.L. 1956 § 8-2-14.

I

Facts and Travel

On October 30, 1996, Melissa Trinidad, not yet three years old, was diagnosed with a blood lead level of 45 µg/dL.¹ (See Compl. ¶ 7; Pl.'s Mot. for Determination of Money Damages (Pl.'s Mot.) 2.) At the time, she lived in a dwelling owned by Defendant Richard D'Ambra (D'Ambra) located at 500 Branch Avenue in Providence, Rhode Island. (Compl. ¶ 4.) After an inspection, the Rhode Island Department of Health notified D'Ambra of the existence of lead paint exposure hazards in the dwelling in violation of the Lead Poisoning Prevention Act, the Rules and

¹ The Centers for Disease Control and Prevention considers blood lead levels greater than or equal to 45 micrograms per deciliter the most alarming. Centers for Disease Control and Prevention, *Recommended Actions Based on Blood Lead Level*, CDC, <https://www.cdc.gov/lead-prevention/hcp/clinical-guidance/index.html> (last visited Oct. 20, 2025). The clinical reference level is 3.5 µg/dL. *Id.*

Regulations for Lead Poisoning Prevention, and the Housing Maintenance and Occupancy Code. *Id.* ¶¶ 8-9.

On July 21, 2014, Trinidad filed a Complaint against D'Ambra alleging injuries caused by the lead in the dwelling. (Docket.) She alleged that D'Ambra breached statutory and common law duties of care by, *inter alia*, allowing her to reside in a dwelling that contained hazardous amounts of lead. (Compl. ¶¶ 15, 20.) She hired several private investigators and a constable to track down and serve D'Ambra legal process, but he avoided service for years. (See Pl.'s Mem. in Supp. of Mot. for Alternative Method of Service of Process, Specifically 'Tack-on' Exs. A-E.) On February 27, 2019, this Court granted Trinidad's motion for alternative service allowing tack-on service, which was completed on May 3, 2019.² (Docket.) D'Ambra failed to answer, and on June 25, 2021, this Court granted Trinidad's motion for default judgment. *Id.* On June 19, 2024, D'Ambra died. (Pl.'s Mot. 2.) On December 20, 2024, Trinidad filed this motion for determination of money damages. (Docket.)

In support of her motion, Trinidad submitted a neuropsychological evaluation performed by a licensed clinical psychologist in October 2025, which concluded that the most likely etiology of her injuries was lead poisoning. (October 2025 Neuropsychological Evaluation by Stephanie J. Towns (Oct. 2025 Eval.) 3.) Trinidad reported a history of depression, anxiety, posttraumatic stress disorder, and panic attacks first diagnosed in her early twenties. *Id.* at 2. Trinidad works but has trouble understanding and performing more complex responsibilities. *Id.* The psychologist administered six tests and concluded that Trinidad demonstrated average overall intellectual

² “‘Tack-on’ service refers to the ‘affixation’ of a summons to the door of a defendant’s residence by the use of a nail, tack, tape, rubber band, or some other device that will ensure adherence.” *Howe v. Howe*, 762 A.2d 801, 802 n.1 (R.I. 2000) (citing 62B Am. Jur. 2d *Process* §§ 207, 220 (1990)).

abilities with impairments in verbal learning and memory, processing speed, and executive functioning. *Id.* at 3. During one memory task, Trinidad became tearful when asked to recall a list of words. *Id.*

Trinidad wrote a letter dated November 29, 2022 describing her injuries. (Pl.’s Mot. Ex. 1.) She wrote, “[i]t often feels like I’m playing ‘cat and mouse’ with my mind.” *Id.* at 2. While in school, Trinidad struggled with reading and verbal skills but did better with math. *Id.* at 1. Navigating between special education classes for reading and regular classes for math left her with “serious social issues.” *Id.* She still struggles with her learning disability; her thoughts will vanish, she will try to collect them, “but there are plenty of times when [she] won’t remember at all.” *Id.* at 1-2. When Trinidad fails to remember, she feels defeated. *Id.* at 2.

Trinidad also reports enduring physical injuries. *Id.* She experiences migraines, nose bleeds, involuntary movements, and joint, nerve, and muscle pains. *Id.* For as long as she can remember, she has suffered from migraines so severe that she vomits. *Id.* Sometimes, “[she] would have to lie in a dark room in silence to cope with the pain which was a struggle because sometimes [she] would experience sleep paralysis.” *Id.* Her doctor prescribed medications for her migraines and depression, but they “did not seem to help.” *Id.* She wrote, “I’ve prayed and hoped numerous times that I wouldn’t get a migraine so that I could just get through the day.” *Id.*

On April 25, 2025, the Court heard argument on the motion from counsel for Trinidad. Counsel represented as follows:

“Of note, every phone call I have with Melissa over the last ten years is a phone call that always has to be followed up by a letter to the client, reiterating what we spoke about. Because her memory is so impaired, she truly will forget most of the contents of the conversation.” (Hr’g Tr. 4:13-18, Apr. 25, 2025.)

The matter is now ripe for adjudication.

II

Standard of Review

General Laws 1956 § 9-20-2 provides:

“In all cases, except where otherwise provided, if judgment is rendered on default, discontinuance, submission, or motion, damages shall be assessed by the court, with the intervention of a jury unless cause is shown why there should be no intervention of a jury. The claimant in any case may waive the intervention of a jury.”
Section 9-20-2.

A plaintiff in receipt of a default judgment “bears the burden of establishing the damages he or she is legally entitled to recover.” *Webster v. Perrotta*, 774 A.2d 68, 77 (R.I. 2001). This Court will assess damages by drawing “reasonable inferences and conclusions . . . [from] the evidence available[.]” *Roberti v. F. Ronci Company, Inc.*, 486 A.2d 1087, 1087 (R.I. 1985). ““Compensatory damages are awarded to a person in satisfaction of or in response to a loss or injury sustained.”” *Calise v. Hidden Valley Condominium Association, Inc.*, 773 A.2d 834, 839 (R.I. 2001) (quoting *Murphy v. United Steelworkers of America Local No. 5705, AFL-CIO*, 507 A.2d 1342, 1346 (R.I. 1986)). “[N]o mathematical formula exists for awarding a plaintiff damages for his or her pain and suffering, which is in the nature of compensatory damages.”” *Oliveira v. Jacobson*, 846 A.2d 822, 827 (R.I. 2004) (quoting *Grieco ex rel. Doe v. Napolitano*, 813 A.2d 994, 998 (R.I. 2003)). “[F]or a plaintiff to recover present damages for apprehended consequences . . . there must be such a degree of probability of their occurring as amounts to a reasonable certainty that they will result from the original injury.” *Tilley v. Mather*, 84 R.I. 499, 502, 124 A.2d 872, 874 (1956) (citing *MacGregor v. Rhode Island Co.*, 27 R.I. 85, 85, 60 A. 761, 762 (1905)).

III

Analysis

What sum of money will compensate Trinidad for her past, present, and future injuries? The Court notes Trinidad's analogy to a different lead poisoning case tried in 2015, *Claiborne v. Duff*, PC-2010-6330. There, the plaintiff was diagnosed with a blood lead level of 51µg/dL when she was between two and three years old. *Claiborne v. Duff*, No. PC 10-6330, 2015 WL 3936909, at *1 (R.I. Super. June 23, 2015) (denying defendant's motion for summary judgment). A psychologist ran a battery of tests and concluded that the plaintiff's overall intellectual functioning was within normal limits but that her verbal skills and memory were impaired. *Id.* at *4. After trial, the plaintiff was awarded \$389,750.69. (Pl.'s Mot. 3.) Following notice of appeal, the parties settled for \$250,000. *Id.* At trial, the plaintiff was nineteen years old. *See Claiborne*, 2015 WL 3936909, at *1.

Trinidad and the *Claiborne* plaintiff were both diagnosed with blood lead levels in the most alarming range before their third birthdays: 45 µg/dL and 51µg/dL. Also like the *Claiborne* plaintiff, Trinidad has provided a neuropsychological evaluation detailing her injuries, which are significant and continuing. The psychologist concluded that Trinidad's childhood lead poisoning is the likely cause of her impaired capabilities in memory, verbal learning, processing, and executive functioning.³ Her awareness of her injuries is a regular source of frustration and embarrassment. (*See generally* Pl.'s Mot. Ex. 1.) Moreover, Trinidad has endured and continues to endure substantial physical injuries, including her debilitating migraines. Unlike the *Claiborne* defendant, D'Ambra here never answered Trinidad's complaint or acknowledged this action.

³ The evaluation describes Trinidad's performance on several tests as "[e]xceptionally low." (Oct. 2025 Eval. 4-5.)

Trinidad filed her Complaint when she was about twenty years old and worked diligently to prosecute her claims against D'Ambra for over eleven years. He avoided her.

Trinidad has endured substantial cognitive, emotional, and physical injuries because of her childhood lead poisoning. The evidence proves to a reasonable certainty that she will suffer future injuries caused by her lead poisoning for the rest of her life because the damage done to her brain is permanent. (*See* Pl.'s Mot. 3.) Trinidad requested damages in the range of \$400,000 to \$500,000. *Id.* After consideration, the Court awards Trinidad \$448,000.

IV

Conclusion

For the foregoing reasons, Trinidad's motion for determination of damages is **GRANTED**. She is awarded \$448,000. Counsel shall submit the appropriate order for entry.



RHODE ISLAND SUPERIOR COURT

Decision Addendum Sheet

TITLE OF CASE: **Melissa Trinidad v. Richard D'Ambra**

CASE NO: **PC-2014-3616**

COURT: **Providence County Superior Court**

DATE DECISION FILED: **October 27, 2025**

JUSTICE/MAGISTRATE: **Gibney, P.J.**

ATTORNEYS:

For Plaintiff: **Robert J. McConnell, Esq.**
Vincent L. Greene, IV, Esq.
Ashley J. Hornstein, Esq.

For Defendant: