

UNITED STATES DISTRICT COURT FOR THE DISTRICT OF RHODE ISLAND

Michelle Raduano and William J. Flynn v. Mar-cia Testa

No. 23-cv-101-JJM-PAS (D.R.I. Feb. 27, 2026) · No. No. 23-cv-101-JJM-PAS · Decided February 27, 2026

SUMMARY

The United States District Court for the District of Rhode Island grants William J. Flynn’s motions to reopen the case under Federal Rule of Civil Procedure 60(b)(6) and to amend the complaint under Rule 15(a)(2). The dispute concerns an allegedly forged signature used to establish survivorship rights in a brokerage account and the potential recovery of that account for a decedent’s estate under Rhode Island General Laws § 33-18-17. The court concludes that the motion was timely, exceptional circumstances existed, the proposed claim was potentially meritorious and not barred by Rhode Island General Laws § 9-1-21, and reopening would not unfairly prejudice the defendant.

CASE DETAILS

COURT	United States District Court for the District of Rhode Island
WRITING FOR THE COURT	John J. McConnell, Jr.
JURISDICTION	United States District Court for the District of Rhode Island
DECIDED	February 27, 2026
DOCKET	No. 23-cv-101-JJM-PAS
DISPOSITION	other
PROCEDURAL POSTURE	Plaintiff William J. Flynn, acting as trustee, moved under Federal Rule of Civil Procedure 60(b)(6) to reopen an action previously dismissed without prejudice and moved under Rule 15(a)(2) to amend the complaint to assert a statutory claim under Rhode Island General Laws § 33-18-17. The defendant opposed both motions.
STANDARD OF REVIEW	Rule 60(b)(6) relief is committed to the district court's equitable discretion and requires a holistic assessment of timeliness, exceptional circumstances, potential merit, and prejudice. Leave to amend under Rule 15(a)(2) is generally freely given but may be denied for futility, bad faith, undue delay, or prejudice.
PRECEDENTIAL VALUE	unpublished district court memorandum and order
PARTIES	Michelle Raduano, William J. Flynn v. Mar-cia Testa

TOPICS

motion to amend pleadings civil procedure trusts probate procedure

PRACTICE AREAS

Civil procedure Trusts and estates Probate Statutory interpretation Fraud

QUESTIONS PRESENTED

1. Whether exceptional circumstances and the other equitable factors justified reopening the previously dismissed action under Federal Rule of Civil Procedure 60(b)(6).
2. Whether Flynn had shown a potentially meritorious claim under Rhode Island General Laws § 33-18-17, including whether Rhode Island General Laws § 9-1-21 barred the proposed claim.
3. Whether leave to amend should be granted under Federal Rule of Civil Procedure 15(a)(2).
4. Whether the proposed amended complaint related back to the original complaint under Federal Rule of Civil Procedure 15(c)(1)(B).

HOLDINGS

1. The motion to reopen was granted because the motion was filed within a reasonable time, exceptional circumstances existed, the proposed claim was potentially meritorious, and reopening would not unfairly prejudice the defendant.
2. Section 9-1-21 did not bar the proposed fraud claim because the claim accrued before Elaine's death, fraud claims survive the death of the person defrauded, and the applicable ten-year limitations period had not expired.
3. Flynn satisfied the threshold requirement of showing a potentially meritorious claim because he described the alleged forgery with particularity and identified documentary evidence supporting it.
4. Leave to amend was granted because the proposed amendment was not futile, was not the product of undue delay, and would not unfairly prejudice Testa.
5. The proposed amended complaint related back to the date of the original complaint under Rule 15(c)(1)(B) because it arose from the same conduct, transaction, or occurrence, including the alleged forgery of the Fidelity account documents.

KEY QUOTATIONS

“The decision to grant or deny such relief is inherently equitable in nature.” (Section II.A)

“Having determined that each of the Rule 60(b)(6) factors weigh in Mr. Flynn’s favor, the Court GRANTS the Motion to Reopen (ECF No. 18) and sets aside its prior order, dismissing this case without prejudice (ECF No. 15).” (Section II.B.5)

“Because Mr. Flynn’s proposed Amended Complaint unquestionably arises out of the same conduct, transaction, or occurrence set out in the original complaint, the Amended Complaint shall also relate back to the 2023 Complaint.” (Section III.B)

FACTUAL BACKGROUND

The dispute concerns a Fidelity brokerage account opened in Elaine M. Raduano's name that designated her daughter Mar-cia Testa as a joint account holder with rights of survivorship. Elaine later created a revocable trust naming Michelle Raduano as beneficiary and William J. Flynn as trustee, and died in 2020; Testa was appointed executrix and did not include the Fidelity account in the estate inventory. Plaintiffs allege that Testa forged Elaine's signature to obtain the survivorship interest. After the original action was dismissed without prejudice, Flynn pursued but delayed filing the statutory estate-recovery claim because of difficulties with prior counsel, locating the beneficiary, and obtaining affordable replacement counsel.

PROCEDURAL HISTORY

The court dismissed the original complaint without prejudice on July 24, 2023, because plaintiffs had not first pursued the statutory remedy under Rhode Island General Laws § 33-18-17. Flynn later attempted to pursue that remedy through counsel and filed a separate action in 2025, which was dismissed as untimely without reaching the merits. The court granted the motion to reopen, set aside the prior dismissal, granted leave to amend, and held that the amended complaint relates back to the original complaint.

DISPOSITION

other

CASES CITED

- 507 U.S. 380, 393 (1993)
- 371 U.S. 178, 182 (1962)
- 560 U.S. 538, 541 (2010)
- 599 F.3d 79, 83-84, 86 (1st Cir. 2010)
- 953 F.2d 17, 19-20 (1st Cir. 1992)
- 856 F. Supp. 2d 345, 350 (D.R.I. 2012)
- 128 A.3d 869, 873 (R.I. 2016)
- 2 F. Supp. 3d 160, 171-72 (D.R.I. 2014)
- 306 A.3d 1026, 1035 (R.I. 2024)

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