

SUPREME COURT OF RHODE ISLAND

Dunn's Corners Fire District v. Westerly Ambulance Corps et al.

184 A.3d 230 (R.I. 2018) · No. No. 2017-196-Appeal (WC 15-637) · Decided May 22, 2018

SUMMARY

The Rhode Island Supreme Court affirmed summary judgment declaring that Dunn's Corners Fire District had no obligation to provide fire, rescue, or other services to property owned by BPF Realty, LLC. The court held that the Superior Court had subject-matter jurisdiction over the declaratory judgment action and that the Bradford Fire District was not an indispensable party. It also concluded that no genuine issue of material fact existed because a legislative enactment excluded the property from the Bradford Fire District and an un rebutted affidavit confirmed its exclusion.

CASE DETAILS

COURT	Supreme Court of Rhode Island
WRITING FOR THE COURT	Chief Justice Paul A. Suttell; Chief Justice Suttell; Justice Goldberg; Justice Flaherty; Justice Robinson; Justice Indeglia
JURISDICTION	Rhode Island
DECIDED	May 22, 2018
DOCKET	No. 2017-196-Appeal (WC 15-637)
DISPOSITION	affirmed
PROCEDURAL POSTURE	BPF Realty, LLC appealed from a Superior Court judgment granting Dunn's Corners Fire District's motion for summary judgment on count 3 of its complaint and declaring that Dunn's Corners had no obligation to provide services to the property.
STANDARD OF REVIEW	Subject-matter jurisdiction is reviewed de novo. The grant of summary judgment is also reviewed de novo under the same standards applicable to the trial justice; the evidence is viewed in the light most favorable to the nonmoving party, and summary judgment is proper when no genuine issue of material fact exists and the moving party is entitled to judgment as a matter of law.
PRECEDENTIAL VALUE	Published opinion; precedential
PARTIES	BPF Realty, LLC v. Dunn's Corners Fire District

TOPICS

subject matter jurisdiction

summary judgment

declaratory judgment

municipal law

appellate procedure

PRACTICE AREAS

municipal law

civil procedure

appellate procedure

declaratory judgment

remedies

QUESTIONS PRESENTED

1. Whether the Superior Court had subject-matter jurisdiction to issue declaratory relief concerning Dunn's Corners' obligation to provide fire-protection services when the Bradford Fire District was not joined.
2. Whether a genuine issue of material fact existed as to whether the BPF property was located within the Bradford Fire District.

HOLDINGS

1. The Superior Court had subject-matter jurisdiction over the declaratory-judgment action. The absence of the Bradford Fire District did not deprive the court of subject-matter jurisdiction because Dunn's Corners, which had contractually assumed the Bradford Fire District's firefighting responsibilities, was the appropriate party to seek clarification of its own contractual obligations.
2. No genuine issue of material fact existed. The property was outside the Bradford Fire District, and Dunn's Corners therefore had no obligation to provide fire-fighting, rescue, or other services to the property based on its location.

KEY QUOTATIONS

“A challenge to subject-matter jurisdiction questions the very power of the court to hear the case.” (184 A.3d at 234)

“We review de novo whether a court has subject-matter jurisdiction over a particular controversy.” (184 A.3d at 234)

“The Superior Court of Rhode Island is a trial court of general jurisdiction. It is granted subject-matter jurisdiction over all cases unless that jurisdiction has been conferred by statute upon another tribunal.” (184 A.3d at 235)

“Simply stating an issue for appellate review, without a meaningful discussion thereof or legal briefing of the issues, does not assist the Court in focusing on the legal questions raised, and therefore constitutes a waiver of that issue.” (184 A.3d at 236)

FACTUAL BACKGROUND

Bradford Dyeing Association transferred the Bradford Industrial Park property to BPF Realty by quitclaim deed in 2010. Although the Bradford Fire District had historically provided fire protection to the village of Bradford, Dunn's Corners assumed the Bradford Fire District's firefighting responsibilities under a 2013 contract. Dunn's Corners asserted that the property lay outside both Dunn's Corners and the Bradford Fire District, relying on a 1980 legislative boundary enactment and an affidavit from the Bradford Fire District's moderator; BPF had also unsuccessfully sought to join the Bradford Fire District.

PROCEDURAL HISTORY

Dunn's Corners filed a six-count complaint seeking injunctive, declaratory, equitable, and monetary relief concerning fire-protection services to property owned by BPF Realty. The Superior Court granted Dunn's Corners summary judgment on count 3 based on a legislative enactment defining the Bradford Fire District's boundaries and an un rebutted affidavit stating that the property had never been within that district. BPF appealed, challenging subject-matter jurisdiction and the existence of a genuine issue of material fact; the Supreme Court summarily decided the appeal and affirmed.

DISPOSITION

affirmed

REMAND INSTRUCTIONS

The record shall be returned to the Superior Court.

CASES CITED

- In re New England Gas Co., 842 A.2d 545, 553 (R.I. 2004)
- Pine v. Clark, 636 A.2d 1319, 1321 (R.I. 1994)
- Retirement Board of Employees' Retirement System of Providence v. Corrente, 111 A.3d 301, 305 (R.I. 2015)
- Sidell v. Sidell, 18 A.3d 499, 504 (R.I. 2011)
- Newstone Development, LLC v. East Pacific, LLC, 140 A.3d 100, 103 (R.I. 2016)
- Daniels v. Fluette, 64 A.3d 302, 304 (R.I. 2013)
- Lavoie v. North East Knitting, Inc., 918 A.2d 225, 228 (R.I. 2007)
- Chase v. Bouchard, 671 A.2d 794, 796 (R.I. 1996)
- Thompson v. Town Council of Westerly, 487 A.2d 498, 499 (R.I. 1985)
- State v. Feliciano, 901 A.2d 631, 646 (R.I. 2006)
- Giddings v. Arpin, 160 A.3d 314, 316 (R.I. 2017) (mem.)
- Giammarco v. Giammarco, 151 A.3d 1220, 1222 (R.I. 2017)
- Sardonis v. Sardonis, 106 R.I. 469, 471, 261 A.2d 22, 23 (R.I. 1970)
- State v. Smith, 29 R.I. 513, 521-22, 72 A. 710, 714 (R.I. 1909)