

SUPREME COURT OF RHODE ISLAND

Freitas v. Cruso

868 A.2d 45 (R.I. 2005) · Decided February 15, 2005

SUMMARY

The Rhode Island Supreme Court reviewed an appeal from a preliminary injunction prohibiting the defendant from harassing, interfering with, molesting, or threatening the plaintiff. The court held that the hearing justice did not abuse his discretion in granting the injunction based on the plaintiff’s testimony and corroborating audio recording, and it denied and dismissed the appeal.

CASE DETAILS

COURT	Supreme Court of Rhode Island
JURISDICTION	Rhode Island
DECIDED	February 15, 2005
DISPOSITION	dismissed
PROCEDURAL POSTURE	Defendant appealed from a Superior Court order granting plaintiff a preliminary injunction barring defendant from harassing, interfering with, molesting, or threatening plaintiff.
STANDARD OF REVIEW	A preliminary injunction is reviewed for abuse of discretion, under a higher standard of review than a permanent injunction.
PRECEDENTIAL VALUE	Published Rhode Island Supreme Court opinion; precedential
PARTIES	Joseph M. Cruso v. Emanuel A. Freitas

TOPICS

- injunctions
- appellate procedure
- standard of review
- civil procedure

PRACTICE AREAS

- Civil procedure
- Appellate procedure
- Injunctions

QUESTIONS PRESENTED

- Whether the Superior Court abused its discretion by granting a preliminary injunction without making explicit findings that defendant's conduct constituted more than mere hostility.

2. Whether the record supported the preliminary injunction where plaintiff's testimony was corroborated by an audio recording and was not contradicted by defendant.

HOLDINGS

1. A preliminary injunction need not be vacated for lack of explicit findings where the hearing justice's decision implicitly reflects that the proper preliminary-injunction analysis was performed.
2. The hearing justice did not inappropriately exercise or abuse his discretion by granting the preliminary injunction.
3. A party seeking a preliminary injunction must show a reasonable likelihood of success on the merits, irreparable harm absent relief, a balance of equities favoring relief, and that the injunction will preserve the status quo.

KEY QUOTATIONS

“Our review is limited “to a determination of whether the hearing justice abused [his or her] discretion.””
(868 A.2d at 45)

“[T]he hearing justice should determine whether the moving party (1) has a reasonable likelihood of success on the merits, (2) will suffer irreparable harm without the requested injunctive relief, (3) has the balance of the equities, including the possible hardships to each party and to the public interest, tip in its favor, and (4) has shown that the issuance of a preliminary injunction will preserve the status quo.” (868 A.2d at 46)

FACTUAL BACKGROUND

Freitas testified that Cruso made threatening telephone calls, stated that he would murder Freitas, and came to Freitas's home, where he pounded on the door and rang the doorbell. The hearing justice found Freitas's testimony corroborated by an audio recording. Cruso presented no evidence contradicting Freitas's testimony.

PROCEDURAL HISTORY

The Superior Court granted Freitas a preliminary injunction after a brief hearing. Cruso appealed, arguing that the hearing justice failed to make specific findings showing more than mere hostility. The Rhode Island Supreme Court ordered the parties to show cause why the appeal should not be summarily decided; after Freitas failed to appear, the Court decided the appeal on the submitted papers and denied and dismissed it.

DISPOSITION

dismissed

REMAND INSTRUCTIONS

The papers in the case were returned to the Superior Court; no further substantive instructions were issued.

CASES CITED

- Iggy's Doughboys, Inc. v. Giroux, 729 A.2d 701, 705 (R.I. 1999)

- School Committee of the Town of North Kingstown v. Crouch, 808 A.2d 1074, 1077 (R.I. 2002)

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