

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF RHODE ISLAND

PETER BROOMFIELD
Plaintiff,

vs.

CITY OF WARWICK and WARWICK
WATER DIVISION, by and through Mayor
Frank J. Picozzi, in his official capacity
Defendants

C.A. No. 1:24-cv-00444-JJM-LDA

DEFENDANTS' ANSWER

Now come Defendants, City of Warwick and Warwick Water Division, by and through Mayor Frank J. Picozzi, in his official capacity and hereby amended their original answer to Plaintiff, Peter Broomfield's Complaint as follows:

Defendants make no response to the unnumbered paragraph in that portion of the Plaintiff's Complaint, to the extent that this section attempts to introduce the various claims and counts to follow in the Complaint, and as such, no response is required. However, to the extent that any portion of this section if meant to allege facts, claims and/or counts not more specifically stated in the Complaint, and answered below, then said allegations are expressly denied.

As to "Parties"

1. Defendants admit the allegations contained in Paragraph Nos. 1-3 of that portion of the Plaintiff's Complaint entitled "Parties."

As to "Jurisdiction and Venue"

2. Plaintiff's allegations contained in Paragraph Nos 4-7 of that portion of the Plaintiff's Complaint entitled "Jurisdiction and Venue" state legal conclusions properly reserved for the Court. The allegations are, accordingly, denied and the Plaintiff is left to her proof thereof.

Broomfield v. Warwick
C.A. No. 1:24-cv-00444-JJM-LDA

As to “Administrative Procedures”

3. Defendants admit the allegations contained in Paragraph Nos. 8-10 of that portion of the Plaintiff’s Complaint entitled “Administrative Procedures.”

As to “Factual Allegations”

4. Defendants deny the allegations contained in Paragraph Nos. 14, 17, 18, 19, 20, 23, 24, 25, 27, 28, 30, 31, 32, 34, 36, 37, 38, 39, 40, 41, 42, 43, 44, 46, 47, 48, 50, 51, 52, 53, 54, 55, 56, 57, 58, 60, 62, 66, 67, 69, 72, 73, 74, 83, 84, 85, 86, 87, 88, 90, 91, 92, 93, 94, 96, 97, 99, 100, 101, 104, 105, 106, 108, 112, 113, 114, 115, 116, 118, 119, 120, 121, 122, 123, 124, 125, 126, 128, 130, 136, 138, 139, 140, 149, 161, 162, 163, 165, 173, 180, 181, 182, 183, 184, 185, 186, 187, 188, 190, 192, 193, 194, 195, 197, 198, 199, 204, 205, 206, 207, 210, 211, 225, 237, 238, 239, 240, 242, 244, 249, 250, 252, 262, 263, 264, 265, 266, 267, 278, 279, 280, 281, 290, 292, 295, 296, 297, and 312 of that portion of the Plaintiff’s Complaint entitled “Factual Allegations.”
5. Defendants admit the allegations contained in Paragraph Nos. 11, 15, 16, 35, 45, 75, 77, 78, 98, 109, 131, 133, 150, 214, 215, 217, 226, 231, 232, 233, 235, 236, 241, 269, 270, 271, 272, 275, 276, 277, 286, 291, 299, 304, 305, of that portion of the Plaintiff’s Complaint entitled “Factual Allegations.”
6. Defendants are without sufficient information and/or knowledge to admit or deny the allegations contained in Paragraph Nos. 12, 21, 22, 26, 29, 33, 39, 49, 59, 61, 63, 64, 65, 68, 70, 71, 76, 79, 80, 81, 95, 102, 103, 107, 110, 111, 117, 129, 132, 134, 135, 137, 141, 142, 143, 144, 145, 146, 147, 148, 151, 152, 153, 154, 155, 156, 157, 158, 159, 160, 164, 166, 167, 168, 169, 170, 171, 172, 174, 175, 176, 177, 178, 179, 189, 191, 196, 200, 201, 202, 203, 208, 209, 212, 218, 219, 220, 221, 222, 223, 224, 227, 228, 229, 230, 234, 243,

Broomfield v. Warwick
C.A. No. 1:24-cv-00444-JJM-LDA

246, 247, 251, 253, 254, 255, 256, 257, 258, 259, 260, 261, 266, 273, 274, 282, 283, 284, 285, 287, 288, 289, 292, 293, 294, 298, 300, 301, 302, 303, 306, 307, 308, 309, 310, 311, 313, and 314 of that portion of the Plaintiff's Complaint entitled "Factual Allegations" and therefore leaves Plaintiff to his proof of each and every allegations set forth in said paragraphs of the Complaint, thereby denying the same.

7. As to part of Paragraph No. 13, Defendants are without sufficient information and/or knowledge to admit or deny the factual allegations. The remainder of the paragraph sets forth legal conclusions to which no response is required. If a response is required Defendants deny the legal conclusions set forth in Paragraph No. 13.
8. As to part of Paragraph No. 82, Defendants are without sufficient information and/or knowledge to admit or deny the factual allegations. The remainder of the paragraph sets forth legal conclusions to which no response is required. If a response is required Defendants deny the legal conclusions set forth in Paragraph No. 82.
9. As to part of Paragraph No. 89, Defendants are without sufficient information and/or knowledge to admit or deny the factual allegations. The remainder of the paragraph sets forth legal conclusions to which no response is required. If a response is required Defendants deny the legal conclusions set forth in Paragraph No. 89.
10. As to Paragraph No. 127, Defendants admit a sign was put on the door to the Water Division office that stated "Effective Immediately, Office Staff and Foreman Only," but deny that this was done maliciously on Michael DiPetrillo's part to ostracize Plaintiff and Ms. Boulais.
11. Paragraph Nos. 213, 245, 248, and 315 set forth legal conclusions, and, for that reason, Defendants deny these Paragraphs.

Broomfield v. Warwick
C.A. No. 1:24-cv-00444-JJM-LDA

12. As to Paragraph No. 216, Defendants dispute the use of the term “awkwardly” and state that the test message from Mr. St. Pierre speaks for itself.

As to “Count I – Religious and/or Ethnic – Discriminatory Terms and Conditions Religious and/or Ethnic – Discriminatory Termination; Violation of Title VII of the Civil Rights Act of 1964, 42 U.S.C. § 2000e-2; Violation of RI Fair Employment Practices Act, R.I. Gen. 1956 § 28-5-1 et seq. (FEPA); Rhode Island Civil Rights Act of 1990, R.I. Gen. Law § 42-112-1 et seq. (RICRA)”

13. Defendants reassert and incorporate their responses to the allegations contained in Paragraph Nos. 1 through 315 as said allegations are incorporated in Paragraph No. 316.

14. Defendants admit the allegations contained in Paragraph No. 317 of that portion of the Plaintiff’s Complaint entitled “Count I.”

15. Defendant denies the allegations contained in Paragraph Nos. 318-326 of that portion of the Plaintiff’s Complaint entitled “Count I.”

As to “Count II – Religious and/or Ethnic – Retaliatory Terms and Conditions Religious and/or Ethnic – Retaliatory Termination; Violation of Title VII of the Civil Rights Act of 1964, 42 U.S.C. § 2000e-3; Violation of RI Fair Employment Practices Act, R.I. Gen. 1956 § 28-5-1 et seq. (FEPA); Rhode Island Civil Rights Act of 1990, R.I. Gen. Law § 42-112-1 et seq. (RICRA)”

16. Defendants reassert and incorporate their responses to the allegations contained in Paragraph Nos. 1 through 326 as said allegations are incorporated in Paragraph No. 327.

17. Defendants admit the allegations contained in Paragraph No. 328 of that portion of the Plaintiff’s Complaint entitled “Count II.”

18. Defendants deny the allegations contained in Paragraph Nos. 329-336 of that portion of the Plaintiff’s Complaint entitled “Count II.”

Broomfield v. Warwick
C.A. No. 1:24-cv-00444-JJM-LDA

As to “Count III – Gender and Sex Retaliation – Retaliatory Terms and Conditions Gender and Sex Retaliation – Retaliatory Constructive Discharge; Violation of Title VII of the Civil Rights Act of 1964, 42 U.S.C. § 2000e-3; Violation of RI Fair Employment Practices Act, R.I. Gen. 1956 § 28-5-1 et seq. (FEPA); Rhode Island Civil Rights Act of 1990, R.I. Gen. Law § 42-112-1 et seq. (RICRA)”

19. Defendants reassert and incorporate their responses to the allegations contained in Paragraph Nos. 1 through 336 as said allegations are incorporated in Paragraph No. 337.
20. Defendants admit the allegations contained in Paragraph No. 338 of that portion of the Plaintiff’s Complaint entitled “Count III.”
21. Defendants deny the allegations contained in Paragraph Nos. 339-347 of that portion of the Plaintiff’s Complaint entitled “Count III.”

As to “Count IV – Deprivation of Rights 42 U.S.C. § 1983 / Physical Assault By State Actor

22. Defendants reassert and incorporate their responses to the allegations contained in Paragraph Nos. 1 through 347 as said allegations are incorporated in Paragraph No. 348.
23. Defendants deny the allegations contained in Paragraph Nos. 349-357 of that portion of the Plaintiff’s Complaint entitled “Count IV.”

AFFIRMATIVE DEFENSES

Defendants affirmatively plead the following defenses:

FIRST AFFIRMATIVE DEFENSE

Defendants plead all applicable forms of statutory and common law immunity as a bar to the Complaint.

SECOND AFFIRMATIVE DEFENSE

Defendants plead absolute and qualified immunity as a bar to the within complaint.

Broomfield v. Warwick
C.A. No. 1:24-cv-00444-JJM-LDA

THIRD AFFIRMATIVE DEFENSE

Defendants plead the statutory cap on damages as a bar and restriction of the amount of damages recoverable.

FOURTH AFFIRMATIVE DEFENSE

Defendant, Warwick Water Division is not the proper party since it is a department within the City of Warwick. *Peters v. Walter Door Sales of Tampa, Inc., et al.*, 525 A.2d 46.

Defendants demand a trial by jury.

Defendants,
By their Attorneys,

/s/ Marc DeSisto
Marc DeSisto, Esq. (#2757)
/s/ Jeffrey M. DeSisto
Jeffrey M. DeSisto, Esq. (#10561)
DeSisto Law LLC
4 Richmond Square
Providence, RI 02906
(401) 272-4442
marc@desistolaw.com
jeff@desistolaw.com

CERTIFICATION OF SERVICE

I hereby certify that the within document has been electronically filed with the Court on this 23rd of December 2024, and available for viewing and downloading from the ECF system. Service on the counsel of record, as listed below, will effectuated by electronic means:

Paige Munro-Delotto, Esq.
paige@pmdlawoffices.com

/s/ Jeffrey M. DeSisto