

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF RHODE ISLAND

ALBERT L. GRAY, Administrator, et al., :
Plaintiffs, :
 :
vs. : C.A. No. 04-312L
 :
JEFFREY DERDERIAN, et al., :
Defendants. :

NOTICE OF SETTLEMENT
TOWN OF WEST WARWICK

Counsel for the Gray Plaintiffs¹ and counsel for Defendant Town of West Warwick wish to advise the Court that a settlement in principle has been reached for consideration of 10 Million (\$10,000,000.00) Dollars. Payment of this sum constitutes an agreement by all undersigned parties that all claims among or between Plaintiffs and Defendants Town of West Warwick, Denis Larocque, Stephen Murray and Anthony Bettencourt are resolved by this settlement.

Plaintiffs' counsel in all pending Station Fire Cases² have agreed to this settlement of claims against these defendants, which settlement is expressly subject to: (1) an agreement by the Town's insurance provider (the Interlocal Trust) to provide its remaining policy limits toward the settlement amount; (2)

¹ All Plaintiffs represented by counsel in Gray, et al. v. Derderian, et al., C.A. No. 04-312L and Napolitano, et al. v. Derderian, et al., C.A. No. 06-080L as indicated by the signatures of counsel.

² All Station Fire Plaintiffs in the cases of Gray, et al. v. Derderian, et al., C.A. No. 04-312L; Napolitano, et al. v. Derderian, et al., C.A. No. 06-080L; Passa, et al. v. Derderian, et al., C.A. No. 03-148L; Kingsley, et al. v. Derderian, et al., C.A. No. 03-208L; Guindon, et al. v. American Foam Corp., et al., C.A. No. 03-335L and Guindon, et al. v. Derderian, et al., C.A. No. 07-366; Henault, et al. v. American Foam Corp., et al., C.A. No. 03-483L; Roderiques, et al. v. American Foam Corp., et al., C.A. No. 04-026L; Sweet, et al. v. American Foam Corp., et al., C.A. No. 04-056L; Paskowski, et al. v. Derderian, et al., C.A. No. 05-002L; Kolasa v. American Foam Corp., et al., C.A. No. 05-070L; Long v. American Foam Corporation, C.A. No. 06-047L; Malagrino v. American Foam Corp., et al., C.A. No. 06-002L; and Gonsalves v. Derderian, et al., C.A. No. 06-076L.

the successful application and securing of a bond on terms acceptable to the Town to pay the balance of the settlement after the policy limits are exhausted;

(3) The successful defense to any challenge as to the constitutionality or validity of the R.I. Contribution Among Joint Tortfeasors Act (R.I.G.L. § 10-6-2, *et seq.*);

(4) Releases approved by the Town of West Warwick and the West Warwick defendants releasing the Town and its employees, including but not limited to Denis Larocque, in his individual and official capacity as Battalion Chief of the Fire Inspection Division of the West Warwick's Fire Department, Stephen Murray, individually and in his official capacity as Building Official and Anthony Bettencourt, individually and in his official capacity as a West Warwick police officer, fully and totally from all liability. The Release and indemnity agreement shall also protect the settling defendants against cross-claims from the non-settling defendants. The Town agrees that while this Release will extend to Denis Larocque individually and his official capacity as an employee of the Town of West Warwick, this Release will not extend to Denis Larocque in his official capacity as an agent or employee of the State of Rhode Island; (5) the approval of the settlement by all of the plaintiffs; (6) the approval of the settlement by the Court; and (7) the approval by the Court of the allocation plan being developed by the Special Master.

Plaintiffs #13d and e, #17 through #63, inclusive, #133 through #190, inclusive, #225 through #233, inclusive, # 240, and #251 through #257, inclusive, and the Napolitano plaintiffs,
By their Attorneys,

/s/ Max Wistow
/s/ John P. Barylick
Max Wistow, Esq. (#0330)

Plaintiffs #13d and e, #17 through #63, inclusive, #133 through #190, inclusive, #225 through #233, inclusive, # 240, and #251 through #257, inclusive, and the Napolitano plaintiffs,
By their Attorney,

/s/ Mark S. Mandell
Mark S. Mandell, Esq. (#0502)
Mandell, Schwartz & Boisclair, Ltd.

John P. Barylick, Esq. (#1907)
Wistow & Barylick Incorporated
61 Weybosset Street
Providence, RI 02903
Tel.: 401-831-2700
Fax: 401-272-9752
[email: mw@wistbar.com]
[email: jpb@wistbar.com]

One Park Row
Providence, RI 02903
Tel.: 401-273-8330
Fax: 401-751-7830
[email: mmandell@msb.com]

Plaintiffs #1 through #11, inclusive, #12b,
#13a, b, and c, #14 through #16, inclusive,
#80 through #132, inclusive, #222; #223,
and #242 through #248, inclusive,
By their Attorneys,

Plaintiffs #65b, #71 through #75, inclusive,
#197 through #214, inclusive, #224; #234
through #237, inclusive, #260 through
#262, inclusive, #265 and #266,
By their Attorney,

/s/ Patrick T. Jones
/s/ Peter J. Schneider
Patrick T. Jones, Esq. (#6636)
Peter J. Schneider, Esq. (#6834)
Cooley Manion Jones LLP
21 Custom House Street
Boston, MA 02110
Tel.: 617-737-3100
Fax: 617-737-3113
[email: pjones@cmjlaw.com]
[email: pschneider@cmjlaw.com]

/s/ Michael A. St. Pierre
Michael A. St. Pierre, Esq. (#2553)
Revens, Revens & St. Pierre, P.C.
946 Centerville Road
Warwick, RI 02886
Tel.: 401-822-2900
Fax: 401-826-3245
[email: mikesp@rrsplaw.com]

Plaintiffs #64, #65a, #66 through #68,
inclusive, #192 through #195 inclusive, and
#241,
By their Attorney,

Plaintiffs #12a, #76 through #79, inclusive,
#215 through #221, inclusive, #238, #258,
#259, #263, and #264,
By their Attorney,

/s/ Stephen E. Breggia
Stephen E. Breggia, Esq. (#2865)
Breggia, Bowen & Grande
395 Smith Street
Providence, RI 02908
Tel.: 401-831-1900
Fax: 401-831-0129
[email: sbreggia@bbglaw.us]

/s/ Steven A. Minicucci
Steven A. Minicucci, Esq. (#4155)
Calvino Law Associates
373 Elmwood Avenue
Providence, RI 02907
Tel.: 401-785-9400
Fax: 401-941-1550
[email: sminicucci@calvinolaw.com]

Plaintiffs #69; #70; #196, #249, and #250,
By their Attorney,

Plaintiffs #191 and #239,
By their Attorney,

/s/ Eva-Marie Mancuso

/s/ Charles N. Redihan, Jr.

Eva-Marie Mancuso, Esq. (#3564)
Hamel, Waxler, Allen & Collins
387 Atwells Avenue
Providence, RI 02909
Tel.: 401-455-3800
Fax: 401-455-3806
[email: emancuso@hwac.com]

Charles N. Redihan, Jr., Esq. (#1810)
Kiernan, Plunkett & Redihan
91 Friendship Street
Providence, RI 02903
Tel.: 401-831-2900
Fax: 401-331-7123
[email: credihan@kprlaw.com]

Defendants Town of West Warwick,
Denis Larocque,
Stephen Murray and
Anthony Bettencourt,
By their Attorney,

/s/ Marc DeSisto
Marc DeSisto, Esq. (# 2757)
DeSisto Law
211 Angell Street
Providence, RI 02906-2563
Tel: 401-272-4442
Fax: 401-272-9937
[email: marc@desistolaw.com]

CERTIFICATION

I hereby certify that an exact copy of the within document was electronically submitted to the Electronic Case Filing System of the United States District Court for its distribution to all counsel of record and a copy was electronically mailed to *pro se* defendant on this 18th day of August, 2008.

Andrew A. Beerworth, Esq.
Andrew J. Trevelise, Esq.
Ann Songer, Esq.
Anthony F. DeMarco, Esq.
B. Jon Enciso
Benjamin V. White, III, Esq.
Bennett R. Gallo, Esq.
Brian Cunha, Esq.
Bruce P. Keller, Esq.
Bruce G. Tucker, Esq.
C. Russell Bengtson, Esq.
Carl A. Henlein, Esq.
Charles Babcock, Esq.
Charles N. Redihan, Jr., Esq.
Christopher C. Fallon, Jr., Esq.
Curtis R. Diedrich, Esq.

abeerworth@morrisonmahoney.com
atrevelise@reedsmith.com
stationfire@shb.com
tdemarco@conversent.net
jenciso@legalmgt.com
bwhite@vetterandwhite.com
brg@ndgrb.com
brian@Briancunha.com
bkeller@debevoise.com
btucker@legalmgt.com
rbengtson@ckmlaw.com
chenlein@fbtlaw.com
cbabcock@jw.com
credihan@kprlaw.com
cfallon@cozen.com
cdiedrich@sloanewalsh.com

Daniel Horgan, Esq. horganlaw@snet.net
Daniel P. McKiernan, Esq. danielpmckiernan@yahoo.com
David D. Langfitt, Esq. dlangfitt@mmwr.com
David E. Maglio, Esq. dmaglio@magliolaw.com
David T. Mitrou, Esq. dmitrou@mccormackfirm.com
David A. Wollin, Esq. dvollin@apslaw.com
Deborah Solmor, Esq. dsolmor@skadden.com
Dennis J. Roberts, II, Esq. droberts@djrlaw.com
Donald J. Maroney, Esq. dmaroney@kkrs.com
Earl H. Walker, Esq. ewalker@jw.com
Edward M. Crane, Esq. ecrane@skadden.com
Edward T. Hinchey, Esq. ehinchey@sloanewalsh.com
Edwin F. McPherson, Esq. emcpherson@m-klaw.com
Eric B. DiMario, Esq. edimario@gunninglafazia.com
Eric Bradford Hermanson, Esq. ehermanson@choate.com
Esquire Litigation Solutions LLC stationfire@esquirecom.com
Eva Marie Mancuso, Esq. emancuso@hwac.com
Fred A. Kelly, Jr., Esq. stationfirelitigation@nixonpeabody.com
Frederick B. Tedford, Esq. ftedford@tedfordhenry.com
George E. Wolf, III, Esq. stationfire@shb.com
Georgia Sullivan, Esq. georgia.sullivan@thehartford.com
Henry M. Swan, Esq. hms@dksblaw.com
Howard Julian sohohomes@yahoo.com
Howard A. Merten, Esq. hm@psh.com
J. Renn Olenn, Esq. mkd@olenn-penza.com
James K. Archibald, Esq. jima@wmtburnett.com
James A. Bigos, Esq. jim@b-plaw.com
James S. D'Ambra, Esq. ricedolan@ricedolan.com
James E. Kelleher, Esq. jamesk@rrsplaw.com
James R. Lee, Esq. jlee@riag.ri.gov
James C. Martin, Esq. jmartin@reedsmith.com
James T. Murphy, Esq. stationfire@hansoncurran.com
James H. Reilly, III, Esq. jreilly@kkrs.com
James J. Restivo, Jr., Esq. jrestivo@reedsmith.com
James A. Ruggieri, Esq. jruggieri@hcc-law.com
Jennifer A. Creedon, Esq. stationlitigation@cetcap.com
John H. Brooke, Esq. jbrooke@brookemawhorr.com
John A. Caletri, Esq. jcaletri@melicklaw.com
John R. Crockett, III, Esq. jcrockett@fbtlaw.com
John J. Doody, Esq. doody@lbbsslaw.com
John J. Flanagan, Esq. jflanagan@torti.com
John G. Hines, Esq. hines-patz@conversent.net
John R. Mahoney, Esq. johnmahoney@amlawllp.com
John F. Murphy, Esq. stationfire@shb.com
John J. Nazzaro, Esq. attynazzaro@aol.com
Joseph H. Aronson, Esq. jaronson@mccormackfirm.com
Joseph J. Bellew, Esq. jbellew@cozen.com
Joseph B. Burns, Esq. jburns@rms-law.com
Joseph V. Cavanagh, Jr., Esq. stationfire@blishcavlaw.com

Joseph Krowski, Esq. josephkrowski.law@verizon.net
Josh M. Greenbaum, Esq. jgreenbaum@cozen.com
Kate B. Harden, Esq. for J.Renn Olenn kbh@olenn-penza.com
Karen A. Alegria, Esq. karen@Briancunha.com
Karen K. Corcoran, Esq. karen@desistolaw.com
Karey P. Pond, Esq. kpond@tedfordhenry.com
Kathleen C. Henry, Esq. khenry@choate.com
Kathleen M. Daniels, Esq. kathleen@desistolaw.com
Kelly N. Michels, Esq. stationfire@hansoncurran.com
Kevin F. Bowen, Esq. kbowen@bbglaw.us
Kevin R. Powers, Esq. kpowers@cetcap.com
Kim M. Clarke, Esq. kclarke@nixonpeabody.com
Kristin E. Rodgers, Esq. stationfire@blishcavlaw.com
Kyle E. Bjornlund, Esq. kbjornlund@cetcap.com
Lauren D. Wilkins, Esq. lwilkins@smithbrink.com
Lawrence J. Cappuccio, Esq. l.cappuccio@worldnet.att.net
Lawrence G. Cetrulo, Esq. stationlitigation@cetcap.com
Lisa A. Pinsonneault, Esq. lpinsonneault@straussfactor.com
Marc DeSisto, Esq. stationfire@desistolaw.com
Mark D. Cahill, Esq. mcahill@choate.com
Mark P. Dolan, Esq. ricedolan@ricedolan.com
Mark Hadden, Esq. mhadden@mhaddenlaw.com
Mark S. Mandell, Esq. msb@msb-atty.com
Mark T. Nugent, Esq. mnugent@morrisonmahoney.com
Mark Parsky, Esq. mep@mcveyparsky-law.com
Mark T. Reynolds, Esq. mtreynolds@conversent.net
Mark R. Ter Molen, Esq. mtermolen@mayerbrownrowe.com
Mark D. Tourgee, Esq. aminchillo@itwlaw.com
Matthew F. Medeiros, Esq. mfm@lmkbw.com
Meghan H. Sullivan, Esq. meghan.sullivan@lw.com
Michael A. DeSisto, Esq. michael@desistolaw.com
Michael R. DeLuca, Esq. mrd@gsm-law.com
Michael J. Mazurczak, Esq. stationlitigation@melicklaw.com
Michael J. McCormack, Esq. mmccormack@mccormackfirm.com
Michael Potenza, Esq. mpotenza@debevoise.com
Michael A. St. Pierre, Esq. mikesp@rrsplaw.com
Michael G. Sarli, Esq. mgs@gsm-law.com
Nancy W. Hamilton, Esq. nhamilton@jw.com
Nicholas B. Kosiavelon, Esq. nkosiavelon@BMCattorneys.com
Patrick T. Jones, Esq. pjones@cmjlaw.com
Paul Sullivan, Esq. pvsullivan@morrisonmahoney.com
Peter Resnik, Esq. presnik@mwe.com
Peter Schneider, Esq. pschneider@cmjlaw.com
Rajaram Suryanarayan, Esq. rsury@gunninglafazia.com
Ralph J. Monaco, Esq. rmonaco.c-l@snet.net
Randall L. Souza, Esq. stationfirelitigation@nixonpeabody.com
Richard W. MacAdams, Esq. rmacadams@mandwlaw.com
Robert P. Corrigan, Esq. rpcorrigan@conversent.net

Robert T. Norton, Esq. rnorton@sloanewalsh.com
Robert I. Reardon, Esq. reardonlaw@aol.com
Robert L. Reifenberg, Esq. rreifenberg@clausen.com
Robert K. Taylor, Esq. rkt@psh.com
Ronald J. Creamer, Esq. resminilaw@yahoo.com
Ronald Langlois, Esq. rlanglois@smithbrink.com
Ronald J. Resmini, Esq. resminilaw@yahoo.com
Russell Bramley, Esq. bramley@hbhlaw.net
S. Michael Levin, Esq. mlevin@wszlaw.com
Scott Carroll, Esq. scarroll@BMCattorneys.com
Scott J. Tucker, Esq. stucker@ths-law.com
Stefanie DiMaio-Larivee, Esq. fonia@msn.com
Stephen T. Armato, Esq. stationlitigation@cetcap.com
Stephen E. Breggia, Esq. sbreggia@bbglaw.us
Stephen P. Fogerty, Esq. fogerty@halloran-sage.com
Stephen J. MacGillivray, Esq. smacgillivray@eapdlaw.com
Stephen M. Prignano, Esq. sprignano@eapdlaw.com
Steven J. DeLuca, Esq. sdeluca@morrisonmahoney.com
Steven W. Kasten, Esq. skasten@mwe.com
Steven A. Minicucci, Esq. sminicucci@calvinolaw.com
Steven M. Richard, Esq. stationfirelitigation@nixonpeabody.com
Stewart Grossman, Esq. sgrossman@lgllp.com
Susan S. Wettle, Esq. swettle@fbtlaw.com
Suzanne O'Donoghue, Esq. sodonoghue@hcc-law.com
T. Dos Urbanski, Esq. stationlitigation@melicklaw.com
Thomas C. Angelone, Esq. angelonelaw@aol.com
Thomas R. Bender, Esq. stationfire@hansoncurran.com
Thomas G. Briody, Esq. tbriodylaw@aol.com
Thomas J. Cronin, Esq. tcronin@gunninglafazia.com
Thomas W. Lyons, Esq. tlyons@straussfactor.com
Timothy B. Hardwicke, Esq. timothy.hardwicke@lm.com
Timothy R. Scannell, Esq. tscannell@BMCattorneys.com
Timothy A. Williamson, Esq. aminchillo@itwlaw.com
Tracy L. Poppe, Esq. reardonlaw@aol.com
Tyler Jay Lory, Esq. tlory@clausen.com
W. Thomas McGough, Jr., Esq. tmcgough@reedsmith.com
William F. Burke, Esq. wburke@apslaw.com
William M. Heffernan, Esq. heffernanlaw@aol.com
William A. Filippo, Esq. wfilippo@calvinolaw.com

William E. O’Gara, Esq.
William P. Pistorius, Esq.

wogara@pld-law.com
wpistorius@clausen.com

/s/ Max Wistow
/s/ John P. Barylick
Max Wistow, Esq. (#0330)
John P. Barylick, Esq. (#1907)
WISTOW & BARYLICK INCORPORATED
61 Weybosset Street
Providence, RI 02903
(401) 831-2700
(401) 272-9752 (fax)
Email: mw@wistbar.com
Email: jpb@wistbar.com