

# RHODE ISLAND LAWYERS WEEKLY

## R.I. law applies in suit over Bangladeshi accident

By: Barry Bridges March 8, 2019



Rhode Island law governs an action brought against a Warren church and its governing authorities by a plaintiff who was injured during a mission trip to Bangladesh that was organized by the church.

In denying the defendants' motion to apply Bangladeshi law, Superior Court Judge Richard A. Licht concluded that Rhode Island bears the most significant relationship to the parties of the suit, notwithstanding that plaintiff Ludovico Perella sustained his

injuries overseas.

The case had its genesis in 2011, when Perella traveled on the trip planned by the minister of Radiant Christian Church. While in the South Asian country, Perella was driven around in a vehicle purchased by Radiant's governing body, the General Council of the Assemblies of God, and registered in the name of Larry Smith, the director of a mission in Bangladesh.

Perella was injured when the car, operated by Smith's personal driver, collided into the rear of a truck pulled to the side of the road.

Sixteen months later, Perella filed suit in Rhode Island, bringing claims of vicarious liability and corporate negligence against Radiant Assembly, the General Council, and the Southern New England District of the Assemblies of God. The complaint accuses the defendants of breaching their duty to exercise reasonable care "by implementing policies, practices and/or procedures which jeopardized the safety" of the plaintiff.

In the instant ruling, Licht found that a "true conflict" of laws was presented in that Rhode Island has a longer statute of limitations, a broader definition of a vehicle "owner," and employs a comparative negligence standard. And pursuant to the "interest-weighting approach" to choice-of-law questions, Licht then determined that the substantive law of Rhode Island applies.

"The relationship between the parties is centered in Rhode Island, as that is where [the plaintiff] had contacts with Radiant Christian and paid for and made arrangements to go on the mission trip to Bangladesh," the judge explained.

Licht emphasized that the suit does not concern the issue of whether the driver was negligent. Rather, it centers on whether the church defendants, incorporated in Rhode Island, Massachusetts and Mississippi, could be held liable for that alleged negligence through a breach of duty to the plaintiff.

"While Bangladesh certainly has a strong interest in regulating and protecting the interests of its residents and organizations, Bangladesh does not have a significant interest in regulating the conduct between Rhode Island residents and U.S. residents," Licht wrote. "If plaintiffs had brought this action against [the driver], there would be a more compelling argument that Bangladeshi law should be applied. However, that is not the case before the court."

As for policy considerations attendant to choice-of-law analyses, Licht viewed Rhode Island's three-year statute of limitations and its "well-developed tort law" as the better rules when compared to the Bangladeshi system that provides "ad-hoc, erratic sums of compensation ... to selected victims."

And the judge was confident that the court's task would be simplified by looking to Rhode Island law.

"While the court believes it is fully capable of applying Bangladeshi law, the process would not be simple. Language, physical distance, and an entirely foreign legal system would make the task a challenging one," Licht wrote.

The 14-page opinion is *Perella, et al. v. The General Council of the Assemblies of God, et al.*, Lawyers Weekly No. 61-013-19. The full text of the ruling can be found [here](#).

Counsel for the plaintiff is Providence attorney Amato A. DeLuca of DeLuca & Weizenbaum. Attorneys for the defendants are Kathleen M. Guilfoyle of Campbell, Campbell & Edwards in Boston; John R. Mahoney of Asquith &

Mahoney in Providence; and Rajaram Suryanarayan of Gunning & LaFazia in Warwick.

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