

**DATE OF HEARING:  
FEBRUARY 10, 2020 AT 9:30 A.M.**

STATE OF RHODE ISLAND  
PROVIDENCE, SC.

SUPERIOR COURT

In re:

CharterCARE Community Board;  
St. Joseph Health Services of  
Rhode Island; and Roger Williams  
Hospital

C.A. No. PC-2019-11756

**PETITION TO MODIFY STAY**

Thomas S. Hemmendinger (the “Liquidating Receiver”), the permanent liquidating receiver of CharterCARE Community Board, St. Joseph Health Services of Rhode Island, and Roger Williams Hospital (the “Petitioners”), petitions the Court to modify the stay as set forth in Paragraph 9 of the Order Appointing Permanent Liquidating Receiver dated and entered on January 17, 2020, to allow the Plaintiffs in the following cases to proceed against CharterCARE Community Board, St. Joseph Health Services of Rhode Island or Roger Williams Hospital on the condition that any recovery against these entities will be limited to available insurance, if any:

Polanco v. RWH, et al  
Scotti v. RWMC, et al

PC2016-3629  
PC2011-6871  
Consolidated with 2013-1810  
For discovery

Tonsberg v. RWH, et al	PC2015-5258
Weber v. RWH, et al	PC2016-4778
Battey v. RWH, et al	PC2015-1122
Chenard v. RWH, et al	PC2016-4033
Donahue v. RWH, et al	PC2016-3138
Narducci v. RWH, et al	PC2015-4966
Dockray v. RWH, et al	PC2015-4785
Axtell v. RWH, et al	PC2017-4130
Durante v. SJHS, et al	PC2013-6568
Toro v. SJHS, et al	PC2016-4668
Pacheco v. SJHS, et al	PC2016-0058
Nissensohn v. CharterCare a/k/a RWMC, et al	PC2012-6232

Date: January 24, 2020

/s/Thomas S. Hemmendinger  
Thomas S. Hemmendinger #3122  
Liquidating Receiver  
Brennan, Recupero, Cascione,  
Scungio & McAllister, LLP  
362 Broadway  
Providence, RI 02909  
Tel. (401) 453-2300  
Fax (401) 453-2345

**ATTACHMENT:**

1. Proposed Order Modifying Stay

## CERTIFICATE OF SERVICE

I hereby certify as follows:

- 1) On January 24, 2020, I electronically filed the foregoing document. This document is available for viewing and/or downloading from the Rhode Island Judiciary's Electronic Filing System.
- 2) The following parties received electronic notice in addition to any parties entered to be notified through EFS:

Douglas E. Chabot, Esq., Timothy Lynch, Esq., Kevin M. Daley, Esq., David E. Maglio, Esq., Gregory P. Sorbello, Esq., Matthew D. Rocheleau, Esq., James T. McCormick, Esq., Zachary M. Mandell, Esq., Dennis D. Bossian, Esq., Ronald J. Resmini, Esq., James A. Ruggieri, Esq., Kurt M. Schmidt, Jr., Esq., Melissa A. Bucaria, Esq., Francis A. Connor, III, Esq., Paul F. Galamaga, Esq., Benjamin A. Lee, Esq., William H. Wynne, Esq., Donna L. Caisse, Esq., John J. Heil, Esq., Michael G. Sarli, Esq., Sean E. Capplis, Esq., Alysson M. Gray, Esq., Travis J. Grefenstette, Esq., Kristin Barkett Pettey, Esq., Per C. Vaage, Esq., Kathryn M. Rattigan, Esq., Joshua E. Carlin, Esq., William F. White, Esq., Matthew Kelly, Esq., Thomas M. Dolan, III, Esq., Walter C. Hunter, Esq., Jillian Folger-Hartwell, Esq., Jessica Schacter Jewell, Esq., and Stacie B. Collier, Esq.

- 3) The document was served by United States Postal Service, postage prepaid, Certified Mail, Return Receipt Requested and First Class Mail on the following person:

Richard Pacheco  
651 George Washington Highway  
Lincoln, RI 02865

/s/ Thomas S. Hemmendinger

STATE OF RHODE ISLAND  
PROVIDENCE, SC.

SUPERIOR COURT

In re:

CharterCARE Community Board;  
St. Joseph Health Services of  
Rhode Island; and Roger Williams  
Hospital

C.A. No. PC-2019-11756

**ORDER GRANTING PETITION TO MODIFY STAY**

This matter came before this Court on February 10, 2020, Justice Stern presiding, on the petition by Thomas S. Hemmendinger (the “Liquidating Receiver”), the permanent liquidating receiver of CharterCARE Community Board, St. Joseph Health Services of Rhode Island, and Roger Williams Hospital (the “Petitioners”), to modify stay. After hearing all parties present and interested, it is hereby ORDERED as follows:

1. The stay, as set forth in paragraph 9 of the Order Appointing Permanent Liquidating Receiver dated and entered on January 17, 2020, is modified in the following cases allowing the Plaintiffs to proceed against CharterCARE Community Board, St. Joseph Health Services of Rhode Island, and Roger Williams Hospital on the condition that any recovery against these entities will be limited to available insurance, if any:

Polanco v. RWH, et al  
Scotti v. RWMC, et al

PC2016-3629  
PC2011-6871  
Consolidated with 2013-1810

Tonsberg v. RWH, et al  
Weber v. RWH, et al  
Battey v. RWH, et al  
Chenard v. RWH, et al  
Donahue v. RWH, et al  
Narducci v. RWH, et al  
Dockray v. RWH, et al  
Axtell v. RWH, et al  
Durante v. SJHS, et al  
Toro v. SJHS, et al  
Pacheco v. SJHS, et al  
Nissensohn v. CharterCare  
a/k/a RWMC, et al

For discovery  
PC2015-5258  
PC2016-4778  
PC2015-1122  
PC2016-4033  
PC2016-3138  
PC2015-4966  
PC2015-4785  
PC2017-4130  
PC2013-6568  
PC2016-4668  
PC2016-0058  
  
PC2012-6232

ENTER:

PER ORDER:

\_\_\_\_\_  
Stern, J.

Date: \_\_\_\_\_, 2020

Presented by: Thomas S. Hemmendinger #3122, Brennan, Recupero, Cascione, Scungio & McAllister, LLP, 362 Broadway, Providence, Rhode Island 02909, tel. (401) 453-2300, fax (401) 453-2345, email: themmendinger@brscsm.com