

UNITED STATE DISTRICT COURT
FOR THE DISTRICT OF RHODE ISLAND

STEPHEN DEL SESTO, AS RECEIVER AND :
ADMINISTRATOR OF THE ST. JOSEPH :
HEALTH SERVICES OF RHODE ISLAND :
RETIREMENT PLAN, ET AL. :

Plaintiffs :

v. :

C.A. No:1:18-CV-00328-WES-LDA

PROSPECT CHARTERCARE, LLC, ET AL. :

Defendants. :

AFFIDAVIT OF ARLENE VIOLET

I am a member in good standing of the Rhode Island Bar and have been since 1974. I am also admitted to practice in this Court.

When the St. Joseph’s Health Services of Rhode Island Retirement Plan (“the Plan”) was petitioned into Receivership in August, 2017, the Petitioner (St. Joseph’s Health Service of Rhode Island) asked the Providence County Superior Court to impose an immediate across the board reduction of 40% to all retirees’ payments. A great deal of publicity attended the filing of the Receivership.

I was soon contacted by many participants of the Plan who sought advice from me. Eventually, I entered into arrangements with over 285 participants in the Plan who felt, among other issues, that if a reduction in benefits be mandated, that consideration be given to the status of the participants and their ability to absorb a reduction and any equitable considerations that entered into an analysis of who should bear reduction and the amount thereof. My clients ranged in age from their mid-70’s to 100 years and were extremely dependent upon the payments coming to them from the Plan.

It soon became apparent that other groups of employees had different points of view with regard to who, if anyone, should bear the burden of any reductions. These other groups of participants became represented, Christopher Callaci for members of the United Nurses and Allied Professionals Union and Jeffrey Kasle from a third group that did not seem to belong to the groups represented by my office or Mr. Callaci.

I have been meeting with the Receiver, Mr. Kasle and Mr. Callaci to stay current with the Plan’s status and the lawsuit Wistow, Sheehan & Loveley have been pursuing. I have been following the filings in the various suits. I have been doing this on a pro bono basis and expect no fees in connection with this matter.

I have spoken and met with numerous members of this group during the course of this litigation to discuss their thoughts concerning the underfunded status of the Retirement Plan and how it impacts them, their viewpoint regarding the pending settlements. Accordingly, I can say with great confidence that the plan participants whom I have been advising wholeheartedly and unequivocally support Plaintiffs' Petition to proceed with the proposed settlement of class-action claims against Charter Care Community Board, St. Joseph's Health Services of Rhode Island and Roger Williams Hospital. (Settlement A) as well as the claims against Charter Care Community Board Foundation (Settlement B).

On behalf of these clients I urge the Court to approve the proposed settlements (including attorneys' fees) with the aforesaid entities. The settlements, in my view, are beneficial to my clients and are excellent first steps in attempting to secure additional funds to bolster the Retirement Plan and benefit my clients who are present participants in the Plan.

Therefore, I wholeheartedly endorse the proposed settlements and respectfully request that this Court approves them.

Arleen V. Court

Subscribed and sworn to before me this 9th day of August, 2019.

Corey Berkerey
Notary Public

My Commission Expires: May 23, 2021

Corey Berkerey
Notary Public, Rhode Island
My Commission Expires May 23, 2021
Notary ID 755395