

STATE OF RHODE ISLAND
PROVIDENCE, SC.

SUPERIOR COURT

ST. JOSEPH HEALTH SERVICES OF :
RHODE ISLAND, INC. :

vs. :

C.A. No: PC-2017-3856

ST. JOSEPHS HEALTH SERVICES OF :
RHODE ISLAND RETIREMENT PLAN, :
as amended :

**RHODE ISLAND DEPARTMENT OF HEALTH RESPONSE TO SUBPOENA,
REQUEST FOR PROTECTIVE ORDER AND PRIVILEGE LOG**

Now comes the Rhode Island Department of Health (RIDOH) and responds to a subpoena served on RIDOH by Special Counsel for Respondent on March 28, 2018 and requests a Protective Order for confidential documents included in the production of documents in response to the subpoena.

1) The subpoena requested the following documents:

- a. All documents concerning St. Joseph Health Services of Rhode Island Retirement Plan and any of its versions, or amendments;
- b. All documents concerning the Diocesan Plan, which refers to the retirement plan that included employees of St. Joseph Health Services of Rhode Island prior to 1995; and
- c. All documents concerning any interviews conducted, or testimony obtained, in connection with the 2009 Hospital Conversion Act Proceedings of the Proposed Affiliation of St. Joseph Health Services of Rhode Island, Roger Williams Hospital, Roger Williams Medical Center, and CharterCARE Health Partners Under the Hospital Conversions Act of Rhode Island in 2009.

- d. All documents concerning any interviews conducted, or testimony obtained, in connection with the 2014 Hospital Conversion Act Proceedings of the Hospital Conversion Application of Prospect Medical Holdings Inc., Prospect East Holdings Inc., Prospect East Hospital Advisory Services, LLC, Prospect CharterCARE, LLC, Prospect CharterCARE RWMC, LLC, Prospect CharterCARE SJHSRI, LLC, and Roger Williams Medical Center, St. Joseph Health Services help Rhode Island, CharterCARE Health Partners in 2013 and 2014.
- 2) RIDOH will provide all documents responsive to the subpoena, including those documents deemed confidential by the department of attorney general pursuant to RIGL § 23-17.14-32(a)¹, prior to 2:00 PM on May 31, 2018.
- 3) All documents deemed confidential by the attorney general are marked Confidential at the bottom of the page and or have a bates number in the lower right-hand corner of the page which starts with a capital “C”, i.e. **C-PHCA12345** .
- 4) RIDOH herein requests documents marked confidential to be protected from disclosure to any person other than as set forth in item 7 below.
- 5) Confidential documents may be disclosed to the Receiver, to Special Counsel, to the associates, secretaries, paralegal assistants and employees of such counsel to the extent reasonably necessary to render professional services, to consultants, experts, or investigators retained for the purpose of assisting such counsel, to persons with

¹ The attorney general has the power to decide whether any information required by this chapter of an applicant is confidential and/or proprietary. The decisions by the attorney general shall be made prior to any public notice of an initial application or any public review of any information and shall be binding on the attorney general, the department of health, and all experts or consultants engaged by the attorney general or the department of health.

prior knowledge of the Confidential documents and their agents, to court officials (including, without limitation: court reporters and any special master or mediator appointed by the Court), and to any additional person as the Court may order.

- 6) The items listed in the attached *Privilege Log for Prospect/CharterCARE Hospital Conversion Review* denote and describe RIDOH witness interview notes withheld on the basis of the “Deliberative Process” Privilege.

Submitted by,
Rhode Island Department of Health

/s/
Stephen Morris (#4040)
Deputy Chief Legal Counsel
Rhode Island Department of Health
3 Capitol Hill - Room 404 Providence, RI 02908

Dated: May 31, 2018

CERTIFICATE OF SERVICE

I hereby certify that, on the 30th day of May, 2018, I served the foregoing document through the electronic filing system on the following users of record:

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The document will be again electronically filed and served prior to the hearing date and become available for viewing and/or downloading from the Rhode Island Judiciary's Electronic Filing System.

/s/ _____

Privilege Log for Prospect/CharterCARE Hospital Conversion Review 2014

April 1, 2014 - Interviews
Location: RIAG
Attendees: RODOH, Michael Dexter, Joseph Miller, Esq., John Schibler, Mary cooper, MD RIAG, Katie Enright, Esq., Gen Martin, Jenn Gallup, Esq. Prospect/CharterCARE, Pat Rocha, Esq.
Topic: Financial, operations and other issues, including St. Joseph Pension Plan
Documents: Michael Dexter's hand-written notes taken during the meeting
April 4, 2014 - Interviews
Location: RIAG
Attendees: RODOH, Michael Dexter, Joseph Miller, Esq., Sarah Mancone, John Schibler RIAG, Katie Enright, Esq., Jenn Gallup, Esq. Prospect/CharterCARE, Pat Rocha, Esq., Kim O'Connel, Esq.
Topic: Financial, operations and other issues, including St. Joseph Pension Plan
Documents: Michael Dexter's hand-written notes taken during the meeting
April 8, 2014 - Interviews
Location: RIAG
Attendees: RODOH, Michael Dexter, Joseph Miller, Esq., Sarah Mancone, John Schibler RIAG, Gen Martin, Esq., Jenn Gallup, Esq., Jim Karas Prospect/CharterCARE, Tom Reardon, Mark Russo, Esq.

Topic: Financial, operations and other issues, including St. Joseph Pension Plan
Documents: Michael Dexter's hand-written notes taken during the meeting
April 9, 2014 - Interviews
Location: RIAG
Attendees: RODOH, Michael Dexter, Joseph Miller, Esq., Sarah Mancone, John Schibler RIAG, Gen Martin, Esq., Jenn Gallup, Esq., Jim Karas Prospect/CharterCARE, Pat Rocha, Esq., Ed Santos, Joe Denars, Steve Aleman
Topic: Financial, operations and other issues, including St. Joseph Pension Plan
Documents: Michael Dexter's hand-written notes taken during the meeting
April 30, 2014 - Interviews
Location: RIAG
Attendees: RODOH, Michael Dexter, Joseph Miller, Esq. RIAG, Gen Martin, Esq., Jenn Gallup, Esq., Bob Griffin, Jim Karas Prospect/CharterCARE, Pat Rocha, Esq., Moshe Berman, Esq. Addie Kane, Mike Conklin
Topic: Financial, operations and other issues, including St. Joseph Pension Plan
Documents: Michael Dexter's hand-written notes taken during the meeting

April 1, 2014 - Interviews
Location: RIAG
Attendees: RODOH, Michael Dexter, Joseph Miller, Esq., John Schibler, Mary cooper, MD RIAG, Katie Enright, Esq., Gen Martin, Jenn Gallup, Esq. Prospect/CharterCARE, Pat Rocha, Esq.
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Topic: Financial, operations and other issues, including St. Joseph Pension Plan
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Privilege Log for Prospect/CharterCARE Hospital Conversion Review 2014

Prospect/CharterCARE, Tom Reardon, Mark Russo, Esq.
Topic: Financial, operations and other issues, including St. Joseph Pension Plan
Documents: Michael Dexter's hand-written notes taken during the meeting
April 9, 2014 - Interviews
Location: RIAG
Attendees: RODOH, Michael Dexter, Joseph Miller, Esq., Sarah Mancone, John Schibler RIAG, Gen Martin, Esq., Jenn Gallup, Esq., Jim Karas Prospect/CharterCARE, Pat Rocha, Esq., Ed Santos, Joe Denars, Steve Aleman
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