

HEARING DATE: SEPT. 6, 2018 9:30 AM

STATE OF RHODE ISLAND
PROVIDENCE, SC.

SUPERIOR COURT

ST. JOSEPH HEALTH SERVICES)
OF RHODE ISLAND)

v.)

C.A. No. PC-2017-3856

ST. JOSEPH HEALTH SERVICES)
OF RHODE ISLAND RETIREMENT)
PLAN, as amended)
_____)

**RESPONSE OF CHARTERCARE FOUNDATION TO RECEIVER’S MOTION TO
LIFT CONFIDENTIALITY DESIGNATION AS TO DOCUMENT FILED UNDER SEAL**

CharterCARE Foundation (“CCF”) supports the Receiver’s Motion to Lift Confidentiality as to Document Filed under Seal (the “Motion”), filed by Special Counsel on August 22, 2018. By the Motion, the Receiver seeks to “unseal and declassify” a document previously produced by the Attorney General and marked as AGE14-13584 to AGE14-135425.

CCF further files this response, however, to note that a significant portion of Special Counsel’s eleven-page brief in support of the Motion, in essence, provides yet additional, though repetitive, argument in support of the Receiver’s pending motion to intervene in the separate action, *In re: CharterCare Health Partners Foundation*, C.A. No. KM-2015-0035 (the “2015 Cy Pres Action”).

The Receiver’s pending intervention motion in the 2015 Cy Pres Action – for which this Court has scheduled oral argument on September 13, 2018 – already has been extensively briefed. Special Counsel’s opening brief was 44 pages in length. After CCF filed its opposition brief on July 24, 2018, Special Counsel asked for additional time to respond, and CCF agreed to that request. Special Counsel then filed a quite lengthy reply brief, stating that: “Proposed

Intervenors apologize to the Court for the length of this submission, but CharterCARE Foundation has spent an even greater number of pages raising red herrings that, in fairness, must be addressed so that the Court is not again misled.” (Proposed Intervenors’ Reply Brief, p. 2). In fact, Special Counsel’s reply brief (46 pages) was even longer than both his own opening brief (44 pages) and CCF’s opposition brief (44 pages).

There already is sufficient briefing on file regarding the intervention motion. Therefore, CCF respectfully submits that it is not appropriate for Special Counsel to use motion practice in the above-captioned action as a vehicle to pile on yet another round of repetitive argument in support of the Receiver’s intervention motion in a separate action.

So as not to further burden this Court, CCF will not respond herein to Special Counsel’s latest round of repetitive accusations. CCF’s silence, however, should be mistaken for acquiescence. Instead, CCF will address Special Counsel’s arguments at oral argument on the intervention motion.

CHARTERCARE FOUNDATION,

By its attorneys,

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Dated: September 4, 2018

CERTIFICATE OF SERVICE

I hereby certify that on the 4th day of September, 2018, I filed and served this document through the electronic filing system and via e-mail on the following parties:

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I also hereby certify that on the 4th day of September, 2018, I served this document on the following parties via First Class U.S. Mail:

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The document electronically filed and served is available for viewing and/or downloading from the Rhode Island Judiciary's Electronic Filing System.

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