

**STATE OF RHODE ISLAND
PROVIDENCE, SC**

SUPERIOR COURT

**CHARTERCARE COMMUNITY BOARD :
(through Thomas S. Hemmendinger, as Permanent :
Liquidating Receiver), individually and derivatively, as :
Member of PROSPECT CHARTERCARE, LLC and :
As trustee of the beneficial interest of its membership :
Interest in PROSPECT CHARTERCARE, LLC; and :
STEPHEN DEL SESTO, as receiver and administrator :
Of St. Joseph’s Health Services of Rhode Island :
Retirement Plan and as holder of the beneficial interest :
Of CHARTERCARE COMMUNITY BOARD’s :
Membership interest in PROSPECT :
CHARTERCARE, LLC , :
Plaintiffs, :**

C.A. No.: PC-2019-3654

v. :

**SAMUEL LEE; :
DAVID TOPPER; :
THOMAS REARDON; :
VON CROCKETT; :
EDWIN SANTOS; :
EDWARD QUINLAN; :
JOSEPH DISTEFANO; :
ANDREA DOYLE; :
PROSPECT EAST HOSPITAL ADVISORY :
SERVICES, LLC; :
PROSPECT CHARTERCARE, LLC :
PROSPECT EAST HOLDINGS, INC.; :
PROSPECT MEDICAL HOLDINGS, INC.; :
IVY HOLDINGS INC.; :
IVY INTERMEDIATE HOLDINGS INC.; :
DAVID & ALEXA TOPPER FAMILY TRUST; :
GREEN EQUITY INVESTORS V, LP; :
GREEN EQUITY INVESTORS SIDE V, LP: :
JP MORGAN CHASE BANK, N.A. as administrative :
Agent and collateral agent for certain lenders; :
ABC CORPS 1-10; JOHN DOE 1-10; and :
JANE DOE 1-10, :
Defendants. :**

**MOTION TO DISMISS BY DEFENDANTS GREEN EQUITY INVESTORS V, LP AND
GREEN EQUITY INVESTORS SIDE V, LP**

NOW COME, the Defendants, Green Equity Investors V, LP and Green Equity Investors Side V, LP (hereinafter collectively referred to as the “Investors”), and hereby move to dismiss the Plaintiff, THOMAS S. HEMMENDINGER as Permanent Liquidating Receiver of CharterCARE Community Board’s (hereinafter referred to as “Plaintiff”) Verified First Amended and Supplemental Complaint (hereinafter referred to as “Complaint”) pursuant to Rule 12(b)(2) of the Superior Court Rules of Civil Procedure. For the reasons set forth in the accompanying Memorandum of Law submitted in support of its Motion, the Investors respectfully request that the Court dismiss this Complaint.

Green Equity Investors V, LP and
Green Equity Investors Side V, LP,
By their Attorneys,

/s/ Vincent A. Indeglia, Esq.

Vincent A. Indeglia, Esq. (#4140)

Jaclyn A. Cotter, Esq (#9536)

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CERTIFICATE OF SERVICE

I hereby certify that, on the 15th day of July, 2020:

[X] I filed and served this document through the electronic filing system on the following parties:

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/s/ Megan Murra Roche

