

STATE OF RHODE ISLAND
PROVIDENCE, SC.

SUPERIOR COURT

St. Joseph Health Services of Rhode
Island, Inc.

Vs.

PC 2017-3856

St. Josephs Health Services of Rhode
Island
Retirement Plan, as amended

**ST. JOSEPH HEALTH SERVICES OF RHODE ISLAND'S
RESPONSE TO SUBPOENA**

Pursuant to Rule 45 of the Rhode Island Superior Court Rules of Civil Procedure, St. Joseph Health Services of Rhode Island ("SJHSRI"), by and through its undersigned counsel, hereby responds as follows to the Subpoena served on it by Max Wistow, Esq. ("Wistow") as special counsel to the Receiver of the St. Joseph Health Services of Rhode Island Retirement Plan.

SJHSRI objects to each and every request that seeks information, communications, or documents that are privileged or protected from disclosure by the work-product doctrine, attorney-client privilege, or any other applicable privilege. SJHSRI objects to each and every request, instruction and definition to the extent that it attempts to impose burdens on it in excess of those imposed by the Rhode Island Superior Court Rules of Civil Procedure. SJHSRI objects to each and every request that subjects SJHSRI to undue burden. SJHSRI objects to each and every request that is unreasonably duplicative, seeks information or documents that are obtainable from some other source that is more convenient, less burdensome or less

expensive. The above objections are incorporated in each of the following responses without waiver.

SJHSRI will supplement its production of documents when, as, and if further responsive documents are identified, and any supplemental production shall be made upon the terms and objections made in this initial production.

1. All documents concerning the status or qualification *vel non* of the Plan as a church plan, including but not limited to all legal opinion letters that may be referenced in paragraph 7 of the Verified Petition;

Response: See SJHSRI1 to SJHSRI19. Additionally, because SJHSRI was given only 20 days to respond to the subpoena and virtually all of the requests are “any and all documents” requests, SJHSRI is still in the process of locating, retrieving and processing documents potentially responsive to the requests. In further response, SJHSRI refers Wistow to all documents subsequently produced which may be responsive to this request.

2. All documents concerning the Plan, including any plan documents, reports, and actuarial valuations;

Response: See SJHSRI20 to SJHSRI305. Additionally, the actuarial valuations are available from Angell Pension. Because SJHSRI was given only 20 days to respond to the subpoena and virtually all of the requests are “any and all documents” requests, SJHSRI is still in the process of locating, retrieving and processing documents potentially responsive to the requests. In further response, SJHSRI refers Wistow to all documents subsequently produced which may be responsive to this request.

3. All trust agreements, or modifications of trust agreements, relating to the Plan;

Response: See SJHSRI306 to SJHSRI321. Additionally, because SJHSRI was given only 20 days to respond to the subpoena and virtually all of the requests are “any and all documents” requests, SJHSRI is still in the process of locating, retrieving and processing documents potentially responsive to the requests. In further response, SJHSRI refers Wistow to all documents subsequently produced which may be responsive to this request.

4. All documents relating to authorizations regarding purchases or sales for accounts held by or relating to the Plan;

Response: See SJHSRI322 to SJHSRI1602. Additionally, because SJHSRI was given only 20 days to respond to the subpoena and virtually all of the requests are “any and all documents” requests, SJHSRI is still in the process of locating, retrieving and processing documents potentially responsive to the requests. In further response, SJHSRI refers Wistow to all documents subsequently produced which may be responsive to this request.

5. All documents relating to investments or recommendations concerning the assets of the Plan;

Response: See response to Request 4.

6. All records of transactions since January 1, 2003 for assets or accounts referenced in Request #4 above;

Response: See response to Request 4.

7. All documents relating to identification or enumeration of trustees, or their appointments, tenures, resignations, or terminations, and all authorizations of trustees relating to assets or accounts referenced in Request #4 above;

Response: See SJHSRI1603 to SJHSRI1606. Additionally, because SJHSRI was given only 20 days to respond to the subpoena and virtually all of the requests are “any and all documents” requests, SJHSRI is still in the process of locating, retrieving and processing documents potentially responsive to the requests. In further response, SJHSRI refers Wistow to all documents subsequently produced which may be responsive to this request.

8. All documents relating to the establishment, functions, or conduct of any board, committee, or subcommittee that administers or administered the Plan, including any board or committee or subcommittee resolutions and any appointments to such board, committee, or subcommittee;

Response: See SJHSRI1607 to SJHSRI1626. Additionally, because SJHSRI was given only 20 days to respond to the subpoena and virtually all of the requests are “any and all documents” requests, SJHSRI is still in the process of locating, retrieving and processing documents potentially responsive to the requests. In further response, SJHSRI refers Wistow to all documents subsequently produced which may be responsive to this request.

9. All documents relating to minutes of the boards of directors of SJHSRI, the Plan, RWH, or CHARTERCARE, and all documents relating to minutes of any committee or subcommittee thereof;

Response: See SJHSRI1627 to SJHSRI1728. Additionally, because SJHSRI was given only 20 days to respond to the subpoena and virtually all of the requests are “any and all documents” requests, SJHSRI is still in the process of locating, retrieving and processing documents potentially responsive to the requests. In further response, SJHSRI refers Wistow to all documents subsequently produced which may be responsive to this request.

10. All documents relating to identification or enumeration of the directors of SJHSRI, the Plan, RWH, or CHARTERCARE, or their appointments, tenures, resignations, or terminations, including resumes or curricula vitae;

Response: See response to Request 9.

11. All documents relating to identification or enumeration of the officers of SJHSRI, the Plan, RWH, or CHARTERCARE, or their appointments, tenures, resignations, or terminations, including resumes or curricula vitae;

Response: See response to Request 9.

12. All documents relating to identification or enumeration of human resources employees of SJHSRI, the Plan, RWH, or CHARTERCARE, or their appointments, tenures, resignations, or terminations, including resumes or curricula vitae;

Response: SJHSRI does not yet have any documents responsive to this request. Because SJHSRI was given only 20 days to respond to the subpoena and virtually all of the requests are “any and all documents” requests, SJHSRI is still in the process of locating, retrieving and processing documents potentially responsive to the requests. In further response, SJHSRI refers Wistow to all documents subsequently produced which may be responsive to this request.

13. All documents relating to payroll or expense records for employees of SJHSRI, the Plan, RWH, or CHARTERCARE, after May 2014;

Response: See SJHSRI1729 to SJHSRI2252. Additionally, because SJHSRI was given only 20 days to respond to the subpoena and virtually all of the requests are “any and all documents” requests, SJHSRI is still in the process of locating, retrieving and processing documents potentially responsive to the requests. In further response, SJHSRI refers Wistow to all documents subsequently produced which may be responsive to this request.

14. All documents relating to communications (including correspondence and notes of conversations) to or from Bank of America, Fleet Bank, Mercer, the

Angell Pension Group, or the Office of the Rhode Island Attorney General, in relation to the Plan;

Response: SJHSRI does not yet have any documents responsive to this request. Because SJHSRI was given only 20 days to respond to the subpoena and virtually all of the requests are “any and all documents” requests, SJHSRI is still in the process of locating, retrieving and processing documents potentially responsive to the requests. In further response, SJHSRI refers Wistow to all documents subsequently produced which may be responsive to this request.

15. All documents relating to communications (including correspondence and notes of conversations) to or from the U.S. Internal Revenue Service and/or the U.S. Department of Labor and/or the Rhode Island Division of Taxation relating to the Plan, including any opinion letters and letter rulings and any correspondence relating to opinion letters or letter rulings or requests for same;

Response: See SJHSRI2253 to SJHSRI2266. Because SJHSRI was given only 20 days to respond to the subpoena and virtually all of the requests are “any and all documents” requests, SJHSRI is still in the process of locating, retrieving and processing documents potentially responsive to the requests. In further response, SJHSRI refers Wistow to all documents subsequently produced which may be responsive to this request.

16. All documents relating to communications (including correspondence, notes of conversations, and directives) to or from the Bishop of Providence (or his designees or agents) or the Diocese (or its designees or agents) concerning the management, administration, governance, finances, or Catholicity of SJHSRI or the Plan;

Response: See SJHSRI2267. Because SJHSRI was given only 20 days to respond to the subpoena and virtually all of the requests are “any and all documents” requests, SJHSRI is still in the process of locating, retrieving and processing documents potentially responsive to the requests. In further response, SJHSRI refers Wistow to all documents subsequently produced which may be responsive to this request.

17. All documents relating to communications (including correspondence and notes of conversations) to or from the Rhode Island Department of Health or the Health Planning and Accountability Advisory Council regarding hospital mergers or conversions;

Response: SJHSRI does not yet have any documents responsive to this request. Because SJHSRI was given only 20 days to respond to the subpoena and virtually all of the requests are “any and all documents” requests, SJHSRI is

still in the process of locating, retrieving and processing documents potentially responsive to the requests. In further response, SJHSRI refers Wistow to all documents subsequently produced which may be responsive to this request.

18. All contracts with any of Bank of America, Fleet Bank, Mercer, and/or the Angell Pension Group, or any of their predecessors or successors;

Response: SJHSRI does not yet have any documents responsive to this request. Because SJHSRI was given only 20 days to respond to the subpoena and virtually all of the requests are “any and all documents” requests, SJHSRI is still in the process of locating, retrieving and processing documents potentially responsive to the requests. In further response, SJHSRI refers Wistow to all documents subsequently produced which may be responsive to this request.

19. All documents submitted (inclusive of supplemental submissions and exhibits) to the Attorney General’s office, the Rhode Island Department of Health, or any other agency of state or federal government, regarding the Plan or hospital conversions or mergers, including without limitation the conversion transactions approved in 2009 and 2014;

Response: SJHSRI does not yet have any documents responsive to this request. Because SJHSRI was given only 20 days to respond to the subpoena and virtually all of the requests are “any and all documents” requests, SJHSRI is still in the process of locating, retrieving and processing documents potentially responsive to the requests. In further response, SJHSRI refers Wistow to all documents subsequently produced which may be responsive to this request.

20. All documents concerning financial assistance, payments, or loans from the Diocese, or the Inter-Parish Loan Fund, Inc., or any other entity, to SJHSRI, the Plan, RWH, or CHARTERCARE;

Response: SJHSRI does not yet have any documents responsive to this request. Because SJHSRI was given only 20 days to respond to the subpoena and virtually all of the requests are “any and all documents” requests, SJHSRI is still in the process of locating, retrieving and processing documents potentially responsive to the requests. In further response, SJHSRI refers Wistow to all documents subsequently produced which may be responsive to this request.

21. All documents concerning financial assistance, payments, or loans to the Diocese or the Inter-Parish Loan Fund, Inc., or any other entity, from SJHSRI, the Plan, RWH, or CHARTERCARE;

Response: SJHSRI does not yet have any documents responsive to this request. Because SJHSRI was given only 20 days to respond to the subpoena and

virtually all of the requests are “any and all documents” requests, SJHSRI is still in the process of locating, retrieving and processing documents potentially responsive to the requests. In further response, SJHSRI refers Wistow to all documents subsequently produced which may be responsive to this request.

22. All articles of incorporation, bylaws, limited liability company agreements, and operating agreements, including any amendments or revisions thereto, of the Plan, SJHSRI, RWH, or CHARTERCARE;

Response: See SJHSRI2268 to SJHSRI2361. Additionally, because SJHSRI was given only 20 days to respond to the subpoena and virtually all of the requests are “any and all documents” requests, SJHSRI is still in the process of locating, retrieving and processing documents potentially responsive to the requests. In further response, SJHSRI refers Wistow to all documents subsequently produced which may be responsive to this request.

23. All documents concerning denominational requirements or statements of faith for employees, directors, officers, agents, managers, fiduciaries, members, physicians, nurses, or patients of SJHSRI or the Plan;

Response: SJHSRI does not yet have any documents responsive to this request. Because SJHSRI was given only 20 days to respond to the subpoena and virtually all of the requests are “any and all documents” requests, SJHSRI is still in the process of locating, retrieving and processing documents potentially responsive to the requests. In further response, SJHSRI refers Wistow to all documents subsequently produced which may be responsive to this request.

24. All documents concerning any ERISA fidelity bonds;

Response: SJHSRI does not yet have any documents responsive to this request. Because SJHSRI was given only 20 days to respond to the subpoena and virtually all of the requests are “any and all documents” requests, SJHSRI is still in the process of locating, retrieving and processing documents potentially responsive to the requests. In further response, SJHSRI refers Wistow to all documents subsequently produced which may be responsive to this request.

25. All insurance policies (including umbrella and excess policies) under which SJHSRI or the Plan has been or was provided with insurance coverage during the period from January 1, 2003 through the present, inclusive (whether or not SJHSRI contends or denies there is coverage that may be relevant to the Plan);

Response: SJHSRI does not yet have any documents responsive to this request. Because SJHSRI was given only 20 days to respond to the subpoena and virtually all of the requests are “any and all documents” requests, SJHSRI is

still in the process of locating, retrieving and processing documents potentially responsive to the requests. In further response, SJHSRI refers Wistow to all documents subsequently produced which may be responsive to this request.

26. All insurance documents relating to self-insurance funds or trusts under which SJHSRI or the Plan has been or was provided with insurance coverage during the period from January 1, 2003 through the present, inclusive (whether or not SJHSRI contends or denies there is coverage that may be relevant to the Plan);

Response: SJHSRI has not yet identified any documents responsive to this request. Because SJHSRI was given only 20 days to respond to the subpoena and virtually all of the requests are “any and all documents” requests, SJHSRI is still in the process of locating, retrieving and processing documents potentially responsive to the requests. In further response, SJHSRI refers Wistow to all documents subsequently produced which may be responsive to this request.

27. All audited or unaudited financial statements relating to SJHSRI or the Plan;

Response: Because SJHSRI was given only 20 days to respond to the subpoena and virtually all of the requests are “any and all documents” requests, SJHSRI is still in the process of locating, retrieving and processing documents potentially responsive to the requests. In further response, SJHSRI refers Wistow to all documents subsequently produced which may be responsive to this request.

28. All federal and state tax returns, including all Form 990 filings or amendments, all Form 990-PF filings or amendments, and all Form 5500 or Form 5500-SF filings and amendments, for SJHSRI, the Plan, RWH, or CHARTERCARE;

Response: See SJHSRI2362 to SJHSRI4189. Additionally, because SJHSRI was given only 20 days to respond to the subpoena and virtually all of the requests are “any and all documents” requests, SJHSRI is still in the process of locating, retrieving and processing documents potentially responsive to the requests. In further response, SJHSRI refers Wistow to all documents subsequently produced which may be responsive to this request.

29. All applications and submissions to the U.S. Conference of Catholic Bishops relating to taxation or tax exemption (and any related correspondence or responses), including all Form 0928A forms and attachments;

Response: SJHSRI has not yet identified any documents responsive to this request. Because SJHSRI was given only 20 days to respond to the subpoena

and virtually all of the requests are “any and all documents” requests, SJHSRI is still in the process of locating, retrieving and processing documents potentially responsive to the requests. In further response, SJHSRI refers Wistow to all documents subsequently produced which may be responsive to this request.

30. All documents produced or obtained in discovery in *Gmuer, M.D. v. St. Joseph Health Services of Rhode Island*, 09-cv-00628 (D.R.I.), including responses to subpoenas *duces tecum* or requests for production of documents, answers to interrogatories, and deposition transcripts;

Response: SJHSRI has not yet identified any documents responsive to this request. Because SJHSRI was given only 20 days to respond to the subpoena and virtually all of the requests are “any and all documents” requests, SJHSRI is still in the process of locating, retrieving and processing documents potentially responsive to the requests. SJHSRI has sent a request to Littler Mendelson, PC, counsel for SJHSRI in the above-captioned case, seeking a copy of the requested documents. In further response, SJHSRI refers Wistow to all documents subsequently produced which may be responsive to this request.

31. All other documents relating to *Gmuer, M.D. v. St. Joseph Health Services of Rhode Island*, 09-cv-00628 (D.R.I.), including all correspondence to or from plaintiff’s counsel and all settlement documents;

Response: See response to Request 30.

32. All documents produced or obtained in discovery in *Moniz v. St. Joseph Hospital*, 95-cv-00102 (D.R.I.), including responses to subpoenas *duces tecum* or requests for production of documents, answers to interrogatories, and deposition transcripts;

Response: SJHSRI has not yet identified any documents responsive to this request. Because SJHSRI was given only 20 days to respond to the subpoena and virtually all of the requests are “any and all documents” requests, SJHSRI is still in the process of locating, retrieving and processing documents potentially responsive to the requests. SJHSRI has sent a request to Ropes & Gray, counsel for SJHSRI in the above-captioned case, seeking a copy of the requested documents. In further response, SJHSRI refers Wistow to all documents subsequently produced which may be responsive to this request.

33. All other documents relating to *Moniz v. St. Joseph Hospital*, 95-cv-00102 (D.R.I.), including all correspondence to or from plaintiff’s counsel and all settlement documents;

Response: See response to Request 32.

34. All documents (including disks of documents) relating to any *cy pres* petition or matter, including *In re: CharterCARE Health Partners Foundation, Roger Williams Hospital, and St. Joseph Health Services of Rhode Island* (KM-2015-0035), *In re CharterCARE Health Partners* (PB-2011-6822), *Saint Joseph Health Services and Saint Joseph Health Services Foundation v. Patrick C. Lynch* (PB-2009-6693), *Roger Williams Hospital v. Patrick C. Lynch* (PB-2009-6694), and *Roger Williams Medical Center v. Patrick Lynch* (PB-2009-6695), including any reports or disclosures submitted to the Attorney General's office relating to *cy pres* matters;

Response: Because SJHSRI was given only 20 days to respond to the subpoena and virtually all of the requests are "any and all documents" requests, SJHSRI is still in the process of locating, retrieving and processing documents potentially responsive to the requests. In further response, SJHSRI refers Wistow to all documents subsequently produced which may be responsive to this request.

35. All documents (including accounting records) relating to transfers or dispositions of assets that are or were the subject of any *cy pres* petition;

Response: Because SJHSRI was given only 20 days to respond to the subpoena and virtually all of the requests are "any and all documents" requests, SJHSRI is still in the process of locating, retrieving and processing documents potentially responsive to the requests. In further response, SJHSRI refers Wistow to all documents subsequently produced which may be responsive to this request.

36. All documents relating to reporting and/or accounting of profits from Prospect;

Response: SJHSRI has not yet identified any documents responsive to this request. Because SJHSRI was given only 20 days to respond to the subpoena and virtually all of the requests are "any and all documents" requests, SJHSRI is still in the process of locating, retrieving and processing documents potentially responsive to the requests. In further response, SJHSRI refers Wistow to all documents subsequently produced which may be responsive to this request.

37. All documents relating to the assets of SJHSRI (as distinguished from those of its affiliated entities) since 2003;

Response: See SJHSRI4190 to SJHSRI4298. Additionally, because SJHSRI was given only 20 days to respond to the subpoena and virtually all of the

requests are “any and all documents” requests, SJHSRI is still in the process of locating, retrieving and processing documents potentially responsive to the requests. In further response, SJHSRI refers Wistow to all documents subsequently produced which may be responsive to this request.

38. All documents relating to the assets of SJHSRI (as consolidated with its affiliated entities) since 2003;

Response: See response to Request 37.

39. All documents relating to any consideration given or obtained by CHARTERCARE in connection with the sale transaction concerning the Asset Purchase Agreement dated as of September 24, 2013, other than the transfer of assets by any of CHARTERCARE’s subsidiaries;

Response: SJHSRI has not yet identified any documents responsive to this request. Because SJHSRI was given only 20 days to respond to the subpoena and virtually all of the requests are “any and all documents” requests, SJHSRI is still in the process of locating, retrieving and processing documents potentially responsive to the requests. In further response, SJHSRI refers Wistow to all documents subsequently produced which may be responsive to this request.

40. All QuickBooks files (or files for similar accounting software) for the Plan, SJHSRI, RWH, and CHARTERCARE, since 2003;

Response: Because SJHSRI was given only 20 days to respond to the subpoena and virtually all of the requests are “any and all documents” requests, SJHSRI is still in the process of locating, retrieving and processing documents potentially responsive to the requests. In further response, SJHSRI refers Wistow to all documents subsequently produced which may be responsive to this request.

41. All documents given or transmitted to employees or prospective employees referring to the Plan or any employee benefits, including without limitation employee handbooks, manuals, summaries and the like, from the inception of the Plan to the present time;

Response: SJHSRI has not yet identified any documents responsive to this request. Because SJHSRI was given only 20 days to respond to the subpoena and virtually all of the requests are “any and all documents” requests, SJHSRI is still in the process of locating, retrieving and processing documents potentially responsive to the requests. In further response, SJHSRI refers

Wistow to all documents subsequently produced which may be responsive to this request.

42. All documents relating to recruitment advertisements for employees or positions to whom the Plan was or could be applicable, from the inception of the Plan to the present time;

Response: SJHSRI has not yet identified any documents responsive to this request. Because SJHSRI was given only 20 days to respond to the subpoena and virtually all of the requests are “any and all documents” requests, SJHSRI is still in the process of locating, retrieving and processing documents potentially responsive to the requests. In further response, SJHSRI refers Wistow to all documents subsequently produced which may be responsive to this request.

43. All documents relating to document retention policies;

Response: Since December 2014, SJHSRI did not adopted any written document retention policy. SJHSRI has not yet identified any documents responsive to this request for the time period prior to December 2014. Because SJHSRI was given only 20 days to respond to the subpoena and virtually all of the requests are “any and all documents” requests, SJHSRI is still in the process of locating, retrieving and processing documents potentially responsive to the requests. In further response, SJHSRI refers Wistow to all documents subsequently produced which may be responsive to this request.

44. All documents relating to the purchase price or valuations of assets for the transaction referred to in paragraph 5 of the Verified Petition;

Response: Because SJHSRI was given only 20 days to respond to the subpoena and virtually all of the requests are “any and all documents” requests, SJHSRI is still in the process of locating, retrieving and processing documents potentially responsive to the requests. In further response, SJHSRI refers Wistow to all documents subsequently produced which may be responsive to this request.

45. All documents relating to the “elect[ion] to contribute \$14,000,000 to the Plan” referred to in paragraph 5 of the Verified Petition;

Response: See SJHSRI4299 to SJHSRI4421. Additionally, because SJHSRI was given only 20 days to respond to the subpoena and virtually all of the requests are “any and all documents” requests, SJHSRI is still in the process of locating, retrieving and processing documents potentially responsive to the

requests. In further response, SJHSRI refers Wistow to all documents subsequently produced which may be responsive to this request.

46. All documents relating to the continuation of “affiliation during and after the sale” referred to in paragraph 6 of the Verified Petition;

Response: See response to Request 1

47. All documents relating to the different “concept[s] of ‘funding’” referred to in footnote 3 of the Verified Petition;

Response: SJHSRI does not yet have any documents responsive to this request. Because SJHSRI was given only 20 days to respond to the subpoena and virtually all of the requests are “any and all documents” requests, SJHSRI is still in the process of locating, retrieving and processing documents potentially responsive to the requests. In further response, SJHSRI refers Wistow to all documents subsequently produced which may be responsive to this request.

48. All documents relating to “all of the long-term issues affecting the Plan” that were not “consider[ed]”, referred to in footnote 3 of the Verified Petition;

Response: See SJHSRI4422 to SJHSRI4594. Additionally, because SJHSRI was given only 20 days to respond to the subpoena and virtually all of the requests are “any and all documents” requests, SJHSRI is still in the process of locating, retrieving and processing documents potentially responsive to the requests. In further response, SJHSRI refers Wistow to all documents subsequently produced which may be responsive to this request.

49. All documents relating to the statement in paragraph 7 of the Verified Petition that “Petitioner is advised and believes that the Plan will lose ‘church plan’ status on or before December 31, 2018”;

Response: SJHSRI has not yet identified any documents responsive to this request. Because SJHSRI was given only 20 days to respond to the subpoena and virtually all of the requests are “any and all documents” requests, SJHSRI is still in the process of locating, retrieving and processing documents potentially responsive to the requests. In further response, SJHSRI refers Wistow to all documents subsequently produced which may be responsive to this request.

50. All documents relating to or supporting the assertion that “Petitioner does not have the financial resources to make such payments, or to comply with the other financial and regulatory requirements of ERISA” in paragraph 8 of the Verified Petition;

Response: See response to Requests 2, 4, 27, 28, 37, 48, 55. Additionally, because SJHSRI was given only 20 days to respond to the subpoena and virtually all of the requests are “any and all documents” requests, SJHSRI is still in the process of locating, retrieving and processing documents potentially responsive to the requests. In further response, SJHSRI refers Wistow to all documents subsequently produced which may be responsive to this request.

51. All documents concerning the derivation of or rationale for the request in the Verified Petition to reduce pension benefits in the specific amount of 40%, including by whom, when, and how the 40% figure was derived;

Response: See response to Request 50.

52. All documents relating to the “request[] that Angell perform an analysis of the Plan based upon a uniform reduction of 40%” in paragraph 13 of the Verified Petition;

Response: See response to Request 50.

53. All documents relating to or supporting the assertion that “Petitioner believes that a uniform reduction of 40% of pension benefits is likely the most reasonable approach to achieving an equitable resolution for all beneficiaries” in paragraph 15 of the Verified Petition;

Response: See response to Request 50.

54. All documents relating to or supporting the statement that “the net assets of Petitioner, RWH and CCB may become available to assist with the Plan” in paragraph 16 of the Verified Petition, or to the possible or actual disposition of such net assets;

Response: Because SJHSRI was given only 20 days to respond to the subpoena and virtually all of the requests are “any and all documents” requests, SJHSRI is still in the process of locating, retrieving and processing documents potentially responsive to the requests. In further response, SJHSRI refers Wistow to all documents subsequently produced which may be responsive to this request.

55. All documents relating to why the “potential for additional Plan funds is not contemplated by the Benefit Adjustment Analysis” as stated in paragraph 16 of the Verified Petition;

Response: See SJHSRI4595 to SJHSRI4606. Additionally, because SJHSRI was given only 20 days to respond to the subpoena and virtually all of the requests are “any and all documents” requests, SJHSRI is still in the process of locating, retrieving and processing documents potentially responsive to the requests. In further response, SJHSRI refers Wistow to all documents subsequently produced which may be responsive to this request.

56. All documents relating to why “Petitioner believes that the Plan should not be terminated immediately” as stated in paragraph 17 of the Verified Petition;

Response: See response to Request 55.

57. All documents relating to the “opportunity to benefit from the contribution of additional funds” referred to in paragraph 18(b) of the Verified Petition, including any documents identifying such additional funds and any projections of additional funds;

Response: Because SJHSRI was given only 20 days to respond to the subpoena and virtually all of the requests are “any and all documents” requests, SJHSRI is still in the process of locating, retrieving and processing documents potentially responsive to the requests. In further response, SJHSRI refers Wistow to all documents subsequently produced which may be responsive to this request.

58. All documents relating to or supporting the statement in paragraph 21 of the Verified Petition that “Petitioner further believes that the current administrators and actuaries of the Plan should remain in place for administrative purposes and to continue to render services to the Plan consistent with past practice”;

Response: SJHSRI does not yet have any documents responsive to this request. Because SJHSRI was given only 20 days to respond to the subpoena and virtually all of the requests are “any and all documents” requests, SJHSRI is still in the process of locating, retrieving and processing documents potentially responsive to the requests. In further response, SJHSRI refers Wistow to all documents subsequently produced which may be responsive to this request.

59. All documents relating to how or why “administrative expenses of the Plan, other than investment management and custodian fees, have been paid for with non-Plan assets” as referred to in footnote 9 of the Verified Petition, including documents relating to whom and when such payments have been made;

Response: Because SJHSRI was given only 20 days to respond to the subpoena and virtually all of the requests are “any and all documents” requests, SJHSRI is still in the process of locating, retrieving and processing documents

potentially responsive to the requests. In further response, SJHSRI refers Wistow to all documents subsequently produced which may be responsive to this request.

60. All documents relating to the distinction between “administrative expenses” and “investment management and custodian fees” referred to in footnote 9 of the Verified Petition; and

Response: SJHSRI does not yet have any documents responsive to this request. Because SJHSRI was given only 20 days to respond to the subpoena and virtually all of the requests are “any and all documents” requests, SJHSRI is still in the process of locating, retrieving and processing documents potentially responsive to the requests. In further response, SJHSRI refers Wistow to all documents subsequently produced which may be responsive to this request.

61. All documents relating to the “impairment of participant claims” referred to in footnote 9 of the Verified Petition.

Response: See response to Requests 48 and 55. Additionally, because SJHSRI was given only 20 days to respond to the subpoena and virtually all of the requests are “any and all documents” requests, SJHSRI is still in the process of locating, retrieving and processing documents potentially responsive to the requests. In further response, SJHSRI refers Wistow to all documents subsequently produced which may be responsive to this request.

St. Joseph Health Services of Rhode Island,

By its attorneys,

/s/ Richard J. Land

Richard J. Land
Chace Ruttenberg & Freedman, LLP
One Park Row, Suite 300
Providence, RI 02903
Tel.: 401-453-6400
Email: rland@crflp.com
Dated: November 8, 2017

CERTIFICATE OF SERVICE

I hereby certify that on November 8, 2017, I served a true copy of the within document through the Rhode Island Judiciary's electronic filing system on the following parties. The document electronically filed and served is available for viewing and/or downloading from the Rhode Island Judiciary's Electronic Filing System.

Max Wistow, Esq.
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