

STATE OF RHODE ISLAND  
PROVIDENCE, SC.

SUPERIOR COURT

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

vs. :

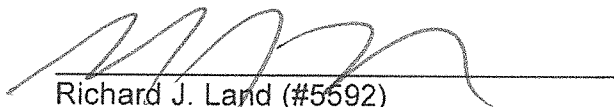
C.A. No: PC-2017-3856

ST. JOSEPH'S HEALTH PLAN OF :  
RHODE ISLAND RETIREMENT PLAN, :  
as amended :

**ACKNOWLEDGEMENT OF SERVICE OF SUBPOENA**

On behalf of St. Joseph Health Services of Rhode Island, I hereby acknowledge good and sufficient service of the subpoena attached hereto.

Dated: December 3, 2017.



Richard J. Land (#5592)  
Chace Rutténberg & Freedman, LLP  
One Park Row, Suite 300  
Providence, RI 02903  
(401) 453-6400  
(401) 453-6411 (Facsimile)  
rland@crflp.com

Registered Agent of St. Joseph Health Services of  
Rhode Island



**SUPERIOR COURT**  
**SUBPOENA - CIVIL**

<b>Plaintiff/Petitioner</b> St. Joseph Health Services of Rhode Island, Inc.	<b>Civil Action File Number</b> PC-2017-3856
<b>Defendant/Respondent</b> St. Josephs Health Services of Rhode Island Retirement Plan	

<input type="checkbox"/> Murray Judicial Complex Newport County 45 Washington Square Newport, Rhode Island 02840-2913 *(401) 841-8330	<input type="checkbox"/> Noel Judicial Complex Kent County 222 Quaker Lane Warwick, Rhode Island 02886-0107 *(401) 822-6900
<input type="checkbox"/> McGrath Judicial Complex Washington County 4800 Tower Hill Road Wakefield, Rhode Island 02879-2239 *(401) 782-4121	<input checked="" type="checkbox"/> Licht Judicial Complex Providence/Bristol County 250 Benefit Street Providence, Rhode Island 02903-2719 *(401) 222-3230

**TO:** St. Joseph Health Services of Rhode Island  
 of C/O Richard Land, ONE PARK ROW, SUITE 300, Providence, RI 02903.

**YOU ARE HEREBY COMMANDED** to appear in the Superior Court listed above at the date, time, and courtroom specified below to testify in the above-entitled case and bring with you:

\_\_\_\_\_

\_\_\_\_\_

Courtroom	Date	Time

If you need language assistance, please contact the Office of Court Interpreters at (401) 222-8710 or by email at [interpreterfeedback@courts.ri.gov](mailto:interpreterfeedback@courts.ri.gov) before your court appearance.

\* If an accommodation for a disability is necessary, please contact the Superior Court Clerk's Office at the telephone number listed above as soon as possible. TTY users can contact the Superior Court through Rhode Island Relay at 7-1-1 or 1-800-745-5555 (TTY) to voice number.

STATE OF RHODE ISLAND AND PROVIDENCE PLANTATIONS



SUPERIOR COURT

YOU ARE HEREBY COMMANDED to appear at the location, date, and time specified below to testify at the taking of a deposition in the above-entitled case.

Location of Deposition	Date	Time

YOU ARE HEREBY COMMANDED to produce and permit inspection and copying of the following documents or objects at location, date, and time specified below (list documents or objects):

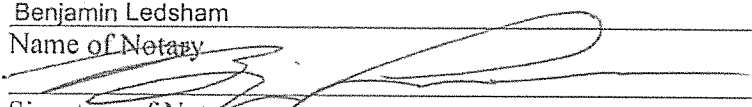
See Schedule A hereto for requests for documents.

Location	Date	Time
61 Weybosset St, Providence, RI 02903	December 15, 2017	11:00 a.m.

Any organization not a party to this suit that is subpoenaed for the taking of a deposition shall designate one or more officers, directors, or managing agents, or other persons who consent to testify on its behalf and may set forth, for each person designated, the matters on which the person will testify. (Rule 30(b)(6) of the Superior Court Rule of Civil Procedure).

/s/ Max Wistow Attorney for the <input type="checkbox"/> Plaintiff/Petitioner <input checked="" type="checkbox"/> Defendant/Respondent or <input type="checkbox"/> Plaintiff/Petitioner <input type="checkbox"/> Defendant/Respondent	Rhode Island Bar Number: 0330 Date: 12/1/2017
Telephone Number: (401) 831-2700	

Issued by <input type="checkbox"/> Clerk, <input checked="" type="checkbox"/> Notary, or <input type="checkbox"/> Issuing Official pursuant to G.L. 1956 § 9-17-3	Date: 12/1/2017
---	--------------------

/s/ _____ Clerk
Benjamin Ledsham Name of Notary
 Signature of Notary
Notary commission expires: 11/9/2019
Notary identification number: 753498
Name of Issuing Official
Signature of Issuing Official

STATE OF RHODE ISLAND AND



PROVIDENCE PLANTATIONS

**SUPERIOR COURT**

The following information is being provided pursuant to Rule 45(c), (d), and (e) of the Superior Court Rules of Civil Procedure.

**(c) Protection of Persons Subject to Subpoenas.**

- (1) A party or an attorney responsible for the issuance and service of a subpoena shall take reasonable steps to avoid imposing undue burden or expense on a person subject to that subpoena. The court on behalf of which the subpoena was issued shall enforce this duty and impose upon the party or attorney in breach of this duty an appropriate sanction, which may include, but is not limited to, lost earnings and a reasonable attorney's fee.
- (2) (A) A person commanded to produce and permit inspection and copying of designated books, papers, documents, or tangible things or inspection of premises need not appear in person at the place of production or inspection unless commanded to appear for deposition, hearing, or trial.  
  
(B) Subject to paragraph (d)(2) of this rule, a person commanded to produce and permit inspection and copying may, within fourteen (14) days after service of the subpoena or before the time specified for compliance if such time is less than fourteen (14) days after service, serve upon the self-represented litigant or attorney designated in the subpoena written objection to inspection or copying of any or all of the designated materials or of the premises. If objection is made, the party serving the subpoena shall not be entitled to inspect and copy the materials or inspect the premises except pursuant to an order of the court by which the subpoena was issued. If objection has been made, the party serving the subpoena may, upon notice to the person commanded to produce, move at any time for an order to compel the production. Such an order to compel production shall protect any person who is not a party or an officer of a party from significant expense resulting from the inspection and copying commanded.
- (3) (A) On timely motion, the court by which a subpoena was issued shall quash or modify the subpoena if it:
  - (i) Fails to allow reasonable time for compliance;
  - (ii) Requires disclosure of privileged or other protected matter and no exception or waiver applies; or
  - (iii) Subjects a person to undue burden.  
(B) If a subpoena
  - (i) requires disclosure of a trade secret or other confidential research, development, or commercial information, or
  - (ii) requires disclosure of an unretained expert's opinion or information not describing specific events or occurrences in dispute and resulting from the expert's study made not at the request of any party,the court may, to protect a person subject to or affected by the subpoena, quash or modify the subpoena or, if the party in whose behalf the subpoena is issued shows a substantial need for the testimony or material that cannot be otherwise met without undue hardship and assures that the person to whom the subpoena is addressed will be reasonably compensated, the court may order appearance or production only upon specified conditions.

**(d) Duties in Responding to Subpoena.**

- (1) A person responding to a subpoena to produce documents shall produce them as they are kept in the usual course of business or shall organize and label them to correspond with the categories in the demand.
- (2) When information subject to a subpoena is withheld on a claim that it is privileged or subject to protection as trial preparation materials, the claim shall be made expressly and shall be supported by a description of the nature of the documents, communications, or things not produced that is sufficient to enable the demanding party to contest the claim.

- (e) Contempt.** Failure by any person without adequate excuse to obey a subpoena served upon that person may be deemed a contempt of the court in which the action is pending.

## SCHEDULE A

### Definitions

- a. The word "**documents**" as used herein is meant in the broad and liberal sense and includes hand-written, typed, recorded, electronically stored, or graphic material of any kind and description, and whether a draft, copy, original, or master, including, but not limited to, e-mails, electronic versions of documents, accounts, advertisements, letters, memoranda, prospectuses, resolutions, legislation, notes of conversations, contracts, agreements, drawings, tape recordings, inter-office and intra-office memoranda, studies, working papers, corporate records, minutes of meetings, checks, diaries, diary entries, appointment books, desk calendars, photographs, transcriptions or sound recordings or any type, and documents stored on data storage modules, databases, servers, computers, tapes, discs or other memory devices, or other information retrievable from storage systems. If any document has been prepared in multiple copies which are not identical, each modified copy or non-identical copy is a separate "document." The word "**document**" also includes data compilations from which information can be obtained and translated, if necessary, by the requesting party in a reasonably usable form.
- b. The term "any" and the term "all" are intended to mean "any and all."
- c. Any word in the singular also includes the plural and vice versa.
- d. The term "**SJHSRI**" refers to St. Joseph Health Services of Rhode Island and each of its predecessors or successors.
- e. The term "**CHARTERCARE**" refers to CharterCARE Health Partners and CharterCARE Community Board, and each of their predecessors or successors.
- f. The term "**RWH**" refers to Roger Williams Medical Center and Roger Williams Hospital, and each of their predecessors or successors.
- g. The term "**Prospect**" refers to Prospect CharterCARE, LLC, Prospect CharterCare SJHSRI, LLC, Prospect CharterCare RWMC, LLC, Prospect East Holdings, Inc., Prospect Medical Holdings, Inc., and Prospect East Hospital Advisory Services, LLC, and each of their predecessors or successors.
- h. The term "**November 28 Letter**" refers to the letter dated November 28, 2017 from Richard J. Land to Max Wistow (a copy of which is attached hereto as Exhibit 1), a portion of which states:

SJHSRI continues to collect, review and process potentially responsive documents. SJHSRI has requested access to documents owned by Prospect that may be responsive. Prospect continues to provide access to physical files, subject to Prospect's review of the documents for attorney client privilege, work product or other applicable privilege/objection. With respect to Prospect's electronic data, we have discussed with Prospect collection of electronic data, and while we anticipate some difficulty in retrieving and searching the electronic data due to the broad scope of the subpoena requests, Prospect intends to provide access consistent with SJHSRI's access to physical files subject to Prospect's review of the documents for attorney client privilege, work product or other applicable privilege/objection. We view this process as facilitating a rolling delivery of responsive documents as you previously agreed.

### Documents Requested

1. In relation to the statements contained in or subject matter of the **November 28 Letter**:
  - a. All documents relating to communications with **Prospect, RWH, CHARTERCARE**, or their officers, agents, directors, or attorneys, relating to subpoenas or compliance with subpoenas issued in connection with *St. Joseph Health Services of Rhode Island, Inc. v. St. Josephs Health Services of Rhode Island Retirement Plan* (PC 2017-3856);
  - b. All documents relating to **SJHSRI's** efforts to comply with subpoenas issued in connection with *St. Joseph Health Services of Rhode Island, Inc. v. St. Josephs Health Services of Rhode Island Retirement Plan* (PC 2017-3856);
  - c. All documents relating to **Prospect's** efforts to comply with subpoenas issued in connection with *St. Joseph Health Services of Rhode Island, Inc. v. St. Josephs Health Services of Rhode Island Retirement Plan* (PC 2017-3856);

# Exhibit 1

Chace Ruttenberg & Freedman, LLP  
Attorneys at Law

Robert B. Berkelhammer \*\*  
Nathan W. Chace  
Douglas J. Emanuel \*\*  
Robert D. Fine \*  
Carl I. Freedman  
Macrina G. Hjerpe \*\*  
Bret W. Jedele  
Drew P. Kaplan  
Richard J. Land \*  
Allan M. Shine \*  
Don E. Wineberg \*

LuAnn Cserr \*\*  
Andre S. Digou \*  
Jared R. Sugerman \*

Bruce R. Ruttenberg, *retired*

\* Also admitted in Massachusetts  
\* Also admitted in Connecticut  
\* Also admitted in New York  
\* Also admitted in Washington, D.C.  
\* Admitted in California  
\* Admitted U.S. Patent & Trademark Office

November 28, 2017

Max Wistow, Esq.  
Wistow, Sheehan & Lovely, P.C.  
61 Weybosett Street  
Providence, RI 02903

Re: St. Joseph Health Services of Rhode Island ("SJHSRI")

Dear Max:

Below is in follow up to our phone conversation yesterday when you requested (1) a status update on SJHSRI's response to the subpoena, and (2) to know SJHSRI's position regarding the Attorney General's objection to the motion to compel response to the subpoena.

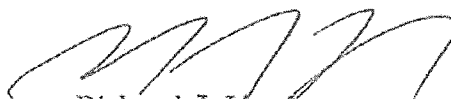
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CR & F



As for the Attorney General's objection to your motion to compel response to the subpoena, SJHSRI does not intend to object to the Attorney General producing the confidential exhibits, subject to the attorney client privilege and work product being maintained and protected. We have not reviewed the documents referenced on the Attorney General's exhibit, however a quick reading of the document descriptions suggests that there are only a few items that appear to fall into that category.

Sincerely,

A handwritten signature in black ink, appearing to be 'RJL', written in a cursive style.

Richard J. Land

CR & F