

SJSHRI, CharterCARE Health Partners, Prospect Medical Holdings, Inc, Prospect East Holdings, Inc., Prospect East Hospital Advisory Services, LLC, Prospect CharterCARE, LLC, Prospect CharterCARE RWMC, LLC and Prospect CharterCARE SJHSRI, LLC.

2. Following service of the Subpoena on November 3, 2017, the Attorney General expanded the search for records from the entire 2014 HCA review, as well as the 2009 HCA review, both implicated by requests within the Subpoena.
3. Following service of the Subpoena, additional staff was assigned to assist with compliance, including a fulltime secretary and three attorneys. In addition, space was dedicated within the office for document review and storage, with phone and computer access.
4. The Attorney General met and conferred with Special Counsel, as memorialized in the Attorney General's November 16, 2017 correspondence attached as Exhibit B to the Attorney General's Objection to Motion to Compel.
5. Attorney General Civil Division support staff commenced bates stamping, scanning and copying files, starting with the 2009 files so that we could produce records chronologically.
6. Following the November 29, 2017 hearing referenced above, the Attorney General has accomplished the following:
 - a. On November 29, 2017, we retained WarRoom Document Solutions to expedite the scanning, bates stamping and copying process. We have requested

Mr. Callaci correspondence that reiterated this point and ultimately resulted in a public records response from the Attorney General on December 1, 2017, based on a narrower search of records from March 1st to May 16, 2014, or the "two month time period that addresses or in any way make[s] reference to the \$14 Million contribution that was made to SJHSRI pension fund, which according to the Attorney General's Decision, would increase the fund balance to 90% or more."

that WarRoom commence that process with the 2014 HCA review, as requested by Special Counsel during the hearing. WarRoom will deliver boxes to the Attorney General on a rolling basis commencing this week.

- b. On November 30, 2017, we received correspondence from the Special Counsel regarding the discovery of Electronically Stored Material (attached as Exhibit A, attachments referenced have not been included).
- c. On December 1, 2017, attorneys for the Attorney General met with the Department's IT Administrator to discuss data sources, electronic storage, record types and related issues.
- d. On December 1, 2017, the Attorney General sent correspondence to Special Counsel concerning our IT systems and requested a meeting to discuss our e-discovery plan on December 5th (Exhibit B).
- e. On December 4, 2017, the Attorney General and Special Counsel spoke regarding the e-discovery plan (as well as two Orders) and confirmed a meeting at the Office of the Attorney General on December 5th.
- f. On December 4, 2017, Attorney General staff including eight attorneys met to discuss document review, which will commence upon receipt of the delivery of boxes from WarRoom, expected on December 8th.
- g. On December 5, 2017 representatives from the Department of Attorney General, including the Director of IT for the Attorney General, met with Special Counsel to discuss the production of ESI with an eye towards providing the Court with a plan on the ordered date of December 7, 2017.
- h. As a result of the December 5, 2017 meeting, Special Counsel has suggested, and will continue to provide broad categories of search terms to the Attorney

General. While waiting for the identification of additional “broad” categories of search terms, the Attorney General will develop a list of terms and custodians to be used to search the Attorney General’s electronic email and file systems.

- i. Other sources of hard data are being sought outside of the above processes, i.e., correspondence files maintained elsewhere in the Department of Attorney General.
- j. Based on the expressed intention of Special Counsel to subpoena documents from former employees of the Department of Attorney General, we have gathered last known and/or business addresses. Special Counsel has agreed to accept affidavits from former employees who have no documents in their possession.
- k. A copy of the Attorney General’s response to the UNAP Public Records Request, as referenced above, was provided to Special Counsel at the December 5, 2017 meeting. Special Counsel was advised that the responsive documents included a limited universe of the HCA documents that would only constitute public records under the Access to Public Records Act. Special Counsel was also advised that these documents would be provided as part of the greater production from the Attorney General.

Respectfully submitted,

STATE OF RHODE ISLAND
BY ITS ATTORNEY,

PETER F. KILMARTIN
ATTORNEY GENERAL

/s/ Kathryn Enright

/s/ Jessica D. Rider

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CERTIFICATE OF SERVICE

I, the undersigned, hereby certify that on this 5th day of December, 2017, I electronically filed and served this document through the electronic filing system to all on record. The document electronically filed is available for viewing and/or downloading from the Rhode Island Judiciary's Electronic Filing System.

/s/ Diane Milia

EXHIBIT A

WISTOW, SHEEHAN & LOVELEY, PC

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STEPHEN P. SHEEHAN
A. PETER LOVELEY
MICHAEL J. STEVENSON
BENJAMIN G. LEDSHAM

November 30, 2017

VIA ELECTRONIC MAIL

Rebecca Tedford Partington
Department of Attorney General
150 South Main Street
Providence, RI 02903

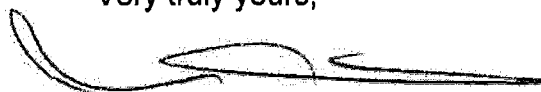
Re: *St. Joseph Health Services of Rhode Island, Inc. vs.
St. Josephs Health Services of Rhode Island
Retirement Plan, PC-2017-3856*

Dear Attorney Partington:

Enclosed are two proposed orders relating to yesterday's hearing concerning the subpoena that we issued to the Attorney General. One order concerns the outcome of the hearing vis-à-vis the motion and subpoena. The other is a proposed confidentiality order. Please discuss any issues regarding the confidentiality order with attorneys Land and Cavanagh and send a proposed revision that is satisfactory to both of them and to the Attorney General's office.

As noted in the order, Judge Stern ordered both sides to develop (and submit to him) a plan for electronic discovery by December 7th. He indicated at the hearing that both sides could bring an IT consultant to discussions regarding such plan. As soon as possible, please send us a description of the particular data sources, devices, electronic systems, databases, types of records, file formats (etc.) involved, so that we can determine whether it is necessary to engage such a consultant or simply handle it in house.

Very truly yours,



Max Wistow

Enclosures

cc: Counsel of Record (by e-mail)

EXHIBIT B



State of Rhode Island and Providence Plantations

DEPARTMENT OF ATTORNEY GENERAL

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(401) 274-4400 - TDD (401) 453-0410

Peter F. Kilmartin, Attorney General

December 1, 2017

Max Wistow, Esquire
Wistow, Sheehan & Loveley, PC
61 Weybosset St.
Providence, RI 02903

Re: *St. Joseph Health Services of Rhode Island, Inc. v.*
St. Josephs Health Services of Rhode Island Retirement
Plan, PC-2017-3856

Dear Mr. Wistow,

Thank you for your correspondence of November 30, 2017. In order to best respond, I met with Kathryn Enright, Health Care Advocate, Special Assistant Attorney General Jessica Rider and the Department of Attorney General's IT Administrator, Donald Claiborne. In consultation to the recent amendments to Super.R.Civ.P. 26, we discussed your request for a description of several items, and I will try as best as I can to give you initial answers. As to data sources, the Department has a file server containing documents and we use Outlook (Office 365) for our email transactions. As for devices, employees have desktops connected to our network, and there are a few laptops available for use as well. We are unsure what you mean by "electronic systems." As for databases, we use Outlook for email transactions, the RIAG database for documents, and a recently created Case Management System that is proprietary to the Attorney General as a receptacle for filed documents, case notes and calendar items. As for types of records, we interpret that to mean "types of Software." We utilize Office 365 and almost exclusively use Word, Excel and Outlook, occasionally PowerPoint. We also use Adobe Acrobat when PDF format is required. The file formats would be those associated with the above, such as .docx for word; .pdf for Adobe Acrobat, and so forth.

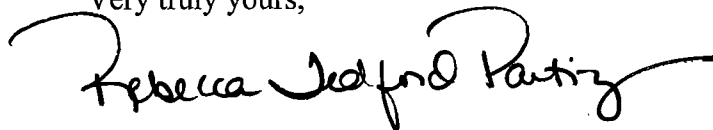
We suggest that the following individuals may have/have had responsive documents: Maureen Glynn (retired); Genevieve Martin (retired); Jodi Bourque (private practice); Kathryn Enright; Jessica Rider; and Chrisanne Wyrzykowski (all presently employed). In addition, a former paralegal, Joseph Desmaris, may also have worked on the 2014 transaction. We believe

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December 1, 2017
Max Wistow, Esquire

that there are two relevant time periods: (1) for the 2009 HCA review, May 1, 2009 (date of application) through October 28, 2009 (date of decision); and (2) for the 2014 HCA review, January 17, 2014 (date of application) to the present. We invite you to suggest search terms for those custodians and those time periods. Likewise, we will endeavor to come up with terms that will likely result in responsive information. As with the hard copies of documents, we propose to produce electronic information on a rolling basis, with a privilege log being due on January 15, 2018. Please note that while none of the presently employed attorneys has any responsive information on a personal device or email account, we cannot make that representation for former employees.

We would like to meet on Tuesday after the hearing in Superior Court to firm up the e-discovery plan, and will have Mr. Claiborne available. Please let us know of your availability.

Very truly yours,



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cc: Counsel of Record