

STATE OF RHODE ISLAND
PROVIDENCE, SC.

SUPERIOR COURT

St. Joseph Health Services of Rhode Island, Inc.,	:	
	:	
	:	
vs.	:	C.A. No. 2017-3856
	:	
St. Josephs Health Services of Rhode Island	:	
Retirement Plan, as amended	:	
	:	

**THE DEPARTMENT OF ATTORNEY GENERAL’S SUPPLEMENT TO
SECOND STATUS REPORT**

On November 29, 2017, the Superior Court, Stern, J., issued an Order requiring that the Rhode Island Department of Attorney General (hereinafter “Attorney General”) provide weekly status updates to Special Counsel and the Court on the status of the Attorney General’s efforts to comply with the subpoena served on the Attorney General on November 3, 2017 (the “Subpoena”), the first report was provided on December 5, 2017 and subsequent status updates are required every 7 days thereafter. On December 12, 2017, the Attorney General filed a Second Status Report. This Report will supersede the December 12th Report.

The Attorney General has taken the following action in compliance with the Subpoena as of December 13, 2017:

1. On December 5, 2017, the Attorney General electronically filed the initial Status Report.
2. Following consultation with Special Counsel, on December 7, 2017, the Attorney General electronically filed a Proposed Case Management Plan Regarding Electronically Stored Information.
3. The Attorney General has provided Special Counsel a proposed Joint Stipulated Clawback Agreement. Special Counsel and the Attorney General have been unable

to reach agreement on such a process. The Attorney General will be submitting a motion to establish a clawback process for inadvertently disclosed legally protected or privileged documents.

4. On Friday, December 8, 2017, WarRoom delivered five (5) boxes of documents after the close of business. Rolling production of boxes from WarRoom will continue this week with an additional five (5) boxes estimated for delivery today, December 13, 2017.
5. As of December 13, 2017, the Attorney General will have delivered to Special Counsel the following four (4) boxes of documents with logs identifying privileged and confidential documents as necessary.
 - a. Box 1 - Bates Stamped: AG14-1-000001-001459
 - b. Box 2 - Bates Stamped: AG14-1-000001-003136
 - c. Box 3 - Bates Stamped: AG14-1-000001-001047
 - d. Box 4 - Bates Stamped AG14-1-000001-003333 (Privilege Log)
6. As of December 13, 2017, the Attorney General will have delivered to Special Counsel its response to Request No. 5 of the Subpoena, with a Privilege Log.
7. As of December 13, 2017, the Attorney General will have delivered to Special Counsel the affidavit of Joseph Desmarais, former employee, stating that he has no documents in his possession.
8. The Attorney General continues to make efforts to obtain affidavits from other former employees.
9. Pursuant to Paragraph 3 of the Proposed Case Management Plan Regarding Electronically Stored Information, the Attorney General is attempting to identify custodians and the scope of data contained on the file server and in our Outlook

365 email database in anticipation of the December 21, 2017 reporting date to
Special Counsel.

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 13th 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/ Pamela Lopes
