

STATE OF RHODE ISLAND
PROVIDENCE, SC.

SUPERIOR COURT

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

vs. :

C.A. No: PC-2017-3856

ST. JOSEPHS HEALTH SERVICES OF :
RHODE ISLAND RETIREMENT PLAN, :
as amended :

ORDER

Special Counsel having issued a subpoena to the Attorney General dated November 3, 2017, and Attorney General having served a partial objection to the subpoena, and Special Counsel having filed a motion to overrule the partial objection, and the Attorney General having objected to the motion, and Special Counsel having replied to the objection, and the Court having conducted a hearing on November 29, 2017, and for the reasons stated at the hearing, it is hereby:

ORDERED:

1. The objection to producing publicly available documents having been withdrawn, the Attorney General shall produce documents in their possession, custody or control, responsive to the subpoena regardless of whether they are publicly available.
2. Document Request #2 having been withdrawn without prejudice, the Attorney General need not produce documents that are only responsive to Document Request #2.
3. The Attorney General shall produce all documents responsive to Document Request #1.

4. The Attorney General shall produce documents in their possession, custody, or control responsive to Document Request #3.


5. Documents previously designated as confidential pursuant to R.I. Gen. Laws § 23-17.14-32 during those proceedings shall be produced subject to a separate confidentiality order to be entered by the Court.

6. Special Counsel and counsel for the Attorney General shall meet and confer and attempt to develop and memorialize a plan governing discovery of electronically stored information, as described in the recent amendments to Super. R. Civ. P. 26(a)(2). The parties shall submit such plan to the Court by December 7, 2017 at 4:30 p.m. or, if they cannot agree on the entire plan, shall submit any agreed-upon portions of the plan to the Court, as well as each parties' final proposal of the plan, and the Court will thereafter address any disagreements by subsequent order.

7. The Attorney General shall provide documents on a rolling basis, and shall complete production by the final compliance date of January 15, 2018. The parties are to agree on a plan for production of documents, specifically, Special Counsel's priorities in terms of production. The Attorney General shall provide the agreed upon plan, as well as a weekly status update to Special Counsel and the Court on the status of the Attorney General's efforts to comply with the subpoena, with the first such status update to be provided on December 5, 2017 and subsequent status updates to be provided every seven days thereafter. Special Counsel may apply to the Court for further relief if Special Counsel believes that there is a failure of good faith compliance with the rolling production. The Court may also grant further relief if it believes there is a failure of good faith compliance with the rolling production.

8. The Attorney General shall produce an appropriate privilege log, by January 15, 2018, for any documents withheld because of privilege.

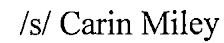
ORDERED:


Brian P. Stern
Associate Justice

Stern, J.

Dated: December 14, 2017

ENTERED:


/s/ Carin Miley

Dep. Clerk

Dated: December 14, 2017

Presented by:

Max Wistow, Esq. (#0330)
Wistow, Sheehan & Loveley, PC
61 Weybosset Street
Providence, RI 02903
(401) 831-2700
(401) 272-9752 (fax)
mwistow@wistbar.com

Dated: December 7, 2017

CERTIFICATE OF SERVICE

I hereby certify that, on the 7th day of December, 2017, I filed and served the foregoing document through the electronic filing system on the following users of record:

Stephen F. Del Sesto, Esq.
Pierce Atwood LLP
One Financial Plaza, 26th Floor
Providence, RI 02903
sdelsesto@pierceatwood.com

Rebecca Tedford Partington, Esq.
Kathryn Enright, Esq.
Jessica D. Rider, Esq.
Office of the Attorney General
150 South Main Street
Providence, RI 02903
rpartington@riag.ri.gov
kenright@riag.ri.gov
jrider@riag.ri.gov

Richard J. Land, Esq.
Chace Ruttenberg & Freedman, LLP
One Park Row, Suite 300
Providence, RI 02903
rland@crflp.com

Christopher Callaci, Esq.
United Nurses & Allied Professionals
375 Branch Avenue
Providence, RI 02903
ccallaci@unap.org

Arlene Violet, Esq.
499 County Road
Barrington, RI 02806
genvio@aol.com

Robert Senville, Esq.
128 Dorrance Street, Suite 400
Providence, RI 02903
robert.senville@gmail.com

Elizabeth Wiens, Esq.
Gursky Wiens Attorneys at Law
1130 Ten Rod Road, Suite C207
North Kingstown, RI 02852
ewiens@rilaborlaw.com

Jeffrey W. Kasle, Esq.
Olenn & Penza
530 Greenwich Avenue
Warwick, RI 02886
jwk@olenn-penza.com

Joseph V. Cavanagh, III, Esq.
Blish & Cavanagh, LLP
30 Exchange Terrace
Providence, RI 02903
jvc3@blishcavlaw.com

Howard Merten, Esq.
Partridge Snow & Hahn LLP
40 Westminster Street, Suite 1100
Providence, RI 02903
hm@psh.com

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/s/ Max Wistow