

RHODE ISLAND  
PROVIDENCE, SC.

SUPERIOR COURT

St. Joseph Health Services of Rhode Island, Inc.,

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vs.

C.A. No. 2017-3856

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

**THE DEPARTMENT OF ATTORNEY GENERAL'S  
FOURTH STATUS REPORT, FOR DECEMBER 26, 2017**

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"). On December 19, 2017, the Attorney General filed the Third Status Report. The within report will update the Court through December 26, 2017.

The Attorney General has taken the following action in compliance with the Subpoena as of December 26, 2017:

1. On December 20, 2017, Special Counsel sent a letter identifying a number of confidential exhibits from the 2014 HCA review that he prioritized. On December 21, 2017, the Attorney General delivered those exhibits to Special Counsel. Thereafter, on December 21, 2017, Special Counsel emailed the Attorney General identifying an additional confidential exhibit that is a priority. The Attorney General emailed the exhibit to Special Counsel later that afternoon.
2. At the status conference on December 21, 2017, Special Counsel requested the confidential exhibit list from the 2009 HCA review. Later that afternoon, the

Attorney General provided that list to Special Counsel. On December 22, 2017, Special Counsel sent a letter to the Attorney General requesting that the Attorney General prioritize production of all the confidential exhibits from the 2009 HCA review, but that he was unable to identify any specific documents that should receive special priority. After all of the 2014 HCA review hard-copy documents have been produced, the Attorney General will move forward with review and production of the 2009 HCA review hard-copy documents.

3. On December 21, 2017, pursuant to Paragraph 3 of the Proposed Case Management Plan, the Attorney General provided Special Counsel with an update on the scope of Electronically Stored Information (“ESI”). Specifically, the Attorney General identified custodians, search terms, and an update as to data retrieved to date. Special Counsel replied with a letter to the Attorney General on December 22, 2017 requesting additional search terms and specific formats for production. The Attorney General has reviewed the letter, is addressing the ESI now that the custodians and the search terms have been identified, and will respond.
4. On Friday, December 22, 2017, WarRoom delivered three (3) boxes of documents containing documents related to the 2014 HCA review and two (2) boxes related to the 2009 HCA review. Rolling production of boxes from WarRoom will continue this week with an additional five (5) boxes estimated for delivery by the end of the week. Once that delivery is received, the Attorney General will have twenty-five (25) of the twenty-nine (29) boxes returned from WarRoom.
5. On December 22, 2017, the Attorney General delivered to Special Counsel the following four (4) boxes of documents with logs identifying privileged and confidential documents as necessary:

1. Box 6 – Bates Stamped AG14-1-000001-002062 (contains a privilege log – a total of 360 pages were withheld pursuant to the work-product, attorney-client, and deliberative process privileges; contains a total of 20 pages of confidential documents from the 2014 HCA review);
  2. Box 11 – Bates Stamped: AG14-11-000001-002367 (contains a total of 2,090 pages of confidential documents from the 2014 HCA review);
  3. Box 13 – Bates Stamped: AG14-13-000001-003129 (contains a total of 2,867 pages of confidential documents from the 2014 HCA review); and
  4. Box 14 – Bates Stamped: AG14-14-000001-002922 (contains a total of 2,078 pages of confidential documents from the 2014 HCA review).
6. Of the twenty (20) boxes that have been delivered from WarRoom, the Attorney General has produced twelve (12) boxes, all from the 2014 HCA review. In total, 17,034 pages of confidential documents have been produced from the 2014 HCA review.

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 26th 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