

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 :

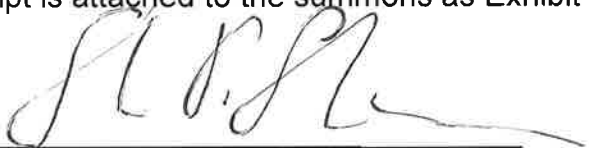
AFFIDAVIT OF SERVICE

I, Stephen P. Sheehan, upon oath, make affidavit and say:

1. I am Special Counsel for the Receivership Estate in the above-referenced matter.

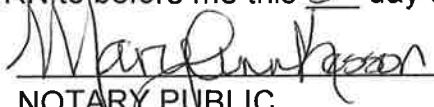
2. I have served the Defendant Bank of America, N.A. by mailing a copy of the summons and complaint to said Defendant Bank of America, N.A., at 800 Samoset Drive, Newark, Delaware 19713 by certified mail, return receipt requested on November 14, 2017.

3. I have received the signed return receipt which indicated that the Defendant Bank of America, N.A. has received a copy of the summons and complaint on or about November 17, 2017. The return receipt is attached to the summons as Exhibit A and made a part hereof.



Stephen P. Sheehan, Esq. (#4030)  
Wistow Sheehan & Loveley, PC  
61 Weybosset Street  
Providence, RI 02903  
(401) 831-2700  
(401) 272-9752 fax

SUBSCRIBED AND SWORN to before me this 3<sup>rd</sup> day of January 2018.

  
NOTARY PUBLIC  
My Commission Expires: 6/11/2021



STATE OF RHODE ISLAND AND PROVIDENCE PLANTATIONS

**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, as amended	

<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:** Bank of America, N.A., Legal Order Processing  
 of 800 Samoset Drive, Newark, Delaware 19713.

**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:

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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):

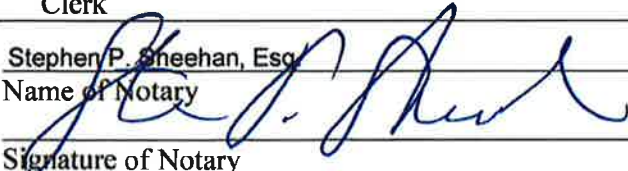
See attached Exhibit A.

Location	Date	Time
61 Weybosset Street, Providence, RI	November 28, 2017	10:00 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/ <u>Stephen P. Sheehan, Esq.</u> Attorney for the <input type="checkbox"/> Plaintiff/Petitioner <input type="checkbox"/> Defendant/Respondent or <input type="checkbox"/> Plaintiff/Petitioner <input type="checkbox"/> Defendant/Respondent	Rhode Island Bar Number: 4030
Telephone Number: 401-831-2700	Date: 11/14/2017

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:
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/s/ _____ Clerk
<u>Stephen P. Sheehan, Esq.</u> Name of Notary
 Signature of Notary
Notary commission expires: <u>9/5/2021</u>
Notary identification number: <u>54616</u>
_____ 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.

STATE OF RHODE ISLAND AND  PROVIDENCE PLANTATIONS

**SUPERIOR COURT**

<b>Plaintiff/Petitioner</b>	<b>Civil Action File Number</b>
<b>Defendant/Petitioner</b>	

<b>PROOF OF SERVICE</b>	
<input type="checkbox"/> I hereby certify that on the date below I served a copy of this Subpoena on _____ personally.	
<input type="checkbox"/> I hereby certify that I was unable to make service after the following reasonable attempts: _____	
SERVICE DATE: _____ / _____ / _____ Month Day Year	SERVICE FEE \$ _____
Signature of SHERIFF or DEPUTY SHERIFF or CONSTABLE	
SIGNATURE OF PERSON OTHER THAN A SHERIFF or DEPUTY SHERIFF or CONSTABLE MUST BE NOTARIZED.	
_____ Signature	
State of _____	
County of _____	
On this _____ day of _____, 20____, before me, the undersigned notary public, personally appeared _____	
<input type="checkbox"/> personally known to the notary or <input type="checkbox"/> proved to the notary through satisfactory evidence of identification, which was _____, to be the person who signed above in my presence, and who swore or affirmed to the notary that the contents of the document are truthful to the best of his or her knowledge.	
Notary Public: _____	
My commission expires: _____	
Notary identification number: _____	

## EXHIBIT 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, internal policies or procedures, 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 word "concerning" means anything connected, associated, related to, evidencing, or in any manner whatsoever having to do with the substance or subject matter of the information or document requested herein.
- c. The term "any" and the term "all" are intended to mean "any and all."
- d. Any word in the singular also includes the plural and vice versa.
- e. The term "Bank of America" refers to the Bank of America Corporation and any of its predecessors, subsidiaries or affiliates, including without limitation Fleet National Bank and Bank of America, N.A.
- f. The term "Plan" refers to the St. Joseph Health Services of Rhode Island Retirement Plan and any of its versions or amendments.
- g. The term "SJHSRI" refers to St. Joseph Health Services of Rhode Island and each of its predecessors or successors.
- h. The term "Diocese" refers to the Diocese of Providence and any other diocese or archdiocese or component of the Catholic Church having any connection of any nature with the Plan, and each of their bishops, clergy, officers, executives, employees, agents, and designees.
- i. The term "Mercer" means Mercer Investment Consulting LLC and any of its parents, subsidiaries, affiliates, as well as any parents, subsidiaries, affiliates, or components of Marsh & McLennan Companies.

- j. The term "Trust Funds" means such sums of money or other property paid or delivered to the Bank of America (as defined above) pursuant to the Plan (as defined above), and all property acquired using such sums of money or the proceeds from the sale or exchange of such other property, together with all earnings, profits, increments, dividends, and accruals thereon, and all amounts charged, withdrawn, or deducted by way of fees or compensation to Bank of America in relation to the Plan.

Documents Requested

1. All documents concerning the functions, duties, or responsibilities of Bank of America concerning the Plan or the Trust Funds;
2. All documents concerning any custodial agreement applicable to the Plan or the Trust Funds;
3. To the extent there is no such custodial agreement, all documents concerning why there is no custodial agreement;
4. Bank of America's standard form custodial, trust, or other caretaker agreement(s) for retirement plans or pension fund assets used at any time during the period it provided services of any kind to the Plan;
5. All documents concerning Bank of America's performance of its functions, duties or responsibilities concerning the Plan or the Trust Funds;
6. All documents concerning SJHSRI insofar as they may relate to the Plan;
7. All documents concerning authorizations or directions regarding the sale, exchange, or purchase of any portion of the Trust Funds;
8. All records of sale, exchange, or purchase of any portion of the Trust Funds;
9. All documents concerning written or unwritten internal policies or procedures applicable to Bank of America's functions, duties, or responsibilities concerning the Plan or the Trust Funds;
10. All records concerning the sales, exchanges, or purchases of any portion of the Trust Funds, including records relating to audits;
11. All documents concerning communications with Mercer concerning the Plan or the Trust Funds, including but not limited to authorizations or directions regarding the sale, exchange, or purchase of any portion of the Trust Funds;
12. All documents concerning communications with the Diocese concerning the Plan or the Trust Funds;

13. All documents concerning communications concerning the Plan or the Trust Funds other than those referred to in items #11 and #12 above;
14. All documents concerning written or unwritten internal policies or procedures applicable to providing asset custodial services to pension funds or retirement plans, including but not limited to internal policies or procedures concerning identification or certification of individuals authorized to sign on behalf of SJHSRI or the Plan, or for ensuring that trades are properly authorized;
15. All documents concerning use of the Trust Funds in securities lending programs;
16. All documents concerning trustee services provided to the Plan or with respect to the Trust Funds;
17. All documents concerning fiduciary services provided to the Plan or with respect to the Trust Funds;
18. All documents concerning Bank of America's fees for services provided to the Plan or in connection with the Trust Funds; and
19. All documents concerning the Plan not otherwise identified above.



# EXHIBIT A

**U.S. Postal Service™**  
**CERTIFIED MAIL® RECEIPT**  
*Domestic Mail Only*

For delivery information, visit our website at [www.usps.com](http://www.usps.com)

OFFICIAL USE

Certified Mail Fee \$ _____ Extra Services & Fees (check box, add fee as appropriate) <input type="checkbox"/> Return Receipt (hardcopy) \$ _____ <input type="checkbox"/> Return Receipt (electronic) \$ _____ <input type="checkbox"/> Certified Mail Restricted Delivery \$ _____ <input type="checkbox"/> Adult Signature Required \$ _____ <input type="checkbox"/> Adult Signature Restricted Delivery \$ _____	
Postage \$ _____	<i>8.76</i>
<b>Total Postage and Fees</b> \$ _____	
Sent To <b>Bank of America Legal Order Processing</b> <i>Street and Apt. No., or PO Box No.</i> <b>800 Samoset Drive</b> <i>City, State, ZIP+4®</i> <b>Newark, DE 19713</b>	
PS Form 3800, April 2015 PSN 7530-02-000-9047 See Reverse for Instructions	

7016 0340 0000 7418 2706

SENDER: COMPLETE THIS SECTION	COMPLETE THIS SECTION ON DELIVERY		
<ul style="list-style-type: none"> <li>■ Complete items 1, 2, and 3.</li> <li>■ Print your name and address on the reverse so that we can return the card to you.</li> <li>■ Attach this card to the back of the mailpiece, or on the front if space permits.</li> </ul>	<p>A. Signature  <input checked="" type="checkbox"/> <i>Michael Stubbler</i></p> <p>B. Received by (Printed Name) <i>Michael Stubbler</i></p> <p>C. Date of Delivery</p>		
<p>1. Article Addressed to:</p> <p style="text-align: center;">Bank of America          Legal Order Processing          800 Samoset Drive          Newark, DE 19713</p> <div style="text-align: center;">           9590 9402 1705 6053 3870 61       </div>	<p>D. Is delivery address different from item 1? <input type="checkbox"/> Yes          If YES, enter delivery address below: <input type="checkbox"/> No</p>		
<p>2. Article Number (Transfer from service label)</p> <p style="text-align: center;">7016 0340 0000 7418 2706</p>	<p>3. Service Type</p> <table style="width: 100%; border: none;"> <tr> <td style="width: 50%; border: none;"> <input type="checkbox"/> Adult Signature  <input type="checkbox"/> Adult Signature Restricted Delivery  <input checked="" type="checkbox"/> Certified Mail®  <input type="checkbox"/> Certified Mail Restricted Delivery  <input type="checkbox"/> Collect on Delivery  <input type="checkbox"/> Collect on Delivery Restricted Delivery  <input type="checkbox"/> Insured Mail  <input type="checkbox"/> Insured Mail Restricted Delivery (over \$500)         </td> <td style="width: 50%; border: none;"> <input type="checkbox"/> Priority Mail Express®  <input type="checkbox"/> Registered Mail™  <input type="checkbox"/> Registered Mail Restricted Delivery  <input type="checkbox"/> Return Receipt for Merchandise  <input type="checkbox"/> Signature Confirmation™  <input type="checkbox"/> Signature Confirmation Restricted Delivery         </td> </tr> </table>	<input type="checkbox"/> Adult Signature <input type="checkbox"/> Adult Signature Restricted Delivery <input checked="" type="checkbox"/> Certified Mail® <input type="checkbox"/> Certified Mail Restricted Delivery <input type="checkbox"/> Collect on Delivery <input type="checkbox"/> Collect on Delivery Restricted Delivery <input type="checkbox"/> Insured Mail <input type="checkbox"/> Insured Mail Restricted Delivery (over \$500)	<input type="checkbox"/> Priority Mail Express® <input type="checkbox"/> Registered Mail™ <input type="checkbox"/> Registered Mail Restricted Delivery <input type="checkbox"/> Return Receipt for Merchandise <input type="checkbox"/> Signature Confirmation™ <input type="checkbox"/> Signature Confirmation Restricted Delivery
<input type="checkbox"/> Adult Signature <input type="checkbox"/> Adult Signature Restricted Delivery <input checked="" type="checkbox"/> Certified Mail® <input type="checkbox"/> Certified Mail Restricted Delivery <input type="checkbox"/> Collect on Delivery <input type="checkbox"/> Collect on Delivery Restricted Delivery <input type="checkbox"/> Insured Mail <input type="checkbox"/> Insured Mail Restricted Delivery (over \$500)	<input type="checkbox"/> Priority Mail Express® <input type="checkbox"/> Registered Mail™ <input type="checkbox"/> Registered Mail Restricted Delivery <input type="checkbox"/> Return Receipt for Merchandise <input type="checkbox"/> Signature Confirmation™ <input type="checkbox"/> Signature Confirmation Restricted Delivery		