Case Number: PC-2017-3856

Filed in Providence/Bristol County Superior Court

Submitted: 12/19/2017 4:52:44 PM

Envelope: 1339801 Reviewer: Carol M.

STATE OF RHODE ISLAND PROVIDENCE, SC

SUPERIOR COURT

C.A. No.: PC-2017-3856

ST. JOSEPH HEALTH SERVICES OF RHODE ISLAND, INC.

:

v. :

:

ST. JOSEPH'S HEALTH SERVICES OF RHODE ISLAND RETIREMENT PLAN, AS AMENDED

<u>ORDER</u>

The Attorney General having filed an emergency motion requesting an order setting forth a procedure entitling it to claw back certain inadvertently produced documents produced in response to Special Counsel's subpoena which was served on November 3, 2017, and Special Counsel having objected thereto and filed a cross motion asking the Court to schedule dates for rolling production and award attorney's fees, and the motions having been heard on December 18, 2017, and for the reasons stated by the Court at that time, it is hereby:

ORDERED:

- 1. The Attorney General's motion is denied, with the caveat that the rules concerning electronically stored information, specifically Rules 26(b)(7) and 45(c)(3)(C) of the amended Superior Court Rules of Civil Procedure, as set forth in RI Superior Court Order 17-0006, shall also apply to paper documents produced in discovery.
- 2. Special Counsel's cross motion is denied without prejudice to the Court considering a properly supported application for sanctions on or after January 15, 2018

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when the Attorney General is scheduled to complete its reponse to the Special Counsel's subpoena.

3. The parties are ordered to appear for status conferences in open court on December 21, 2017 at 9:30 am or as soon thereafter as counsel may be heard, and at 2:00 pm on December 26, 2017.

ORDERED:

ENTERED:

Brian P. Stern Associate Justice

/s/ Carin Miley

Stern, J.

Dated: January 2, 2018

Dep. Clerk

Dated: January 2, 2018

mwistow@wistbar.com

Presented by:

Max Wistow, Esq. (#0330) Stephen P. Sheehan, Esq. (#4030) Benjamin Ledsham, Esq. (#7956) Wistow, Sheehan & Loveley, PC 61 Weybosset Street Providence, RI 02903 (401) 831-2700 (401) 272-9752 (fax)

Dated: December 19, 2017

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CERTIFICATE OF SERVICE

I hereby certify that, on the 19th 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 72 Pine Street, 5th Floor Providence, RI 02903 sdelsesto@pierceatwood.com

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

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

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

Joseph V. Cavanagh, III, Esq. Blish & Cavanagh, LLP 30 Exchange Terrace Providence, RI 02903 ivc3@blishcavlaw.com

Rebecca Tedford Partington
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

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

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

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

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/s/ Shanna Rae Savignano