

Counsel) and produced approximately 943 pages of ESI emails and/ or documents on January 16, 2017. There are approximately 100 ESI emails and/or documents that remain to be reviewed based on the identified custodians and search terms proposed by Special Counsel. In an effort to expedite production of responsive ESI, the Attorney General has produced ESI resulting from the search terms while continuing to review remaining documents and completing appropriate privilege logs, to be produced within ten (10) days.

3. In addition, the Attorney General has reviewed and produced in electronic format, with confidential labeling as required, the following ESI of our electronic files, amounting to a total of 143,673 pages for the 2009 HCA and 2014 HCA reviews as well as the 2014 monitoring file, as maintained in the ordinary course of business:

- a. 2009 HCA: Bates stamped: AGE09-000001 to AGE09-100021 (produced with a privilege log detailing a total of 2,277 pages withheld pursuant to the work-product, attorney-client, quasi-judicial immunity and deliberative process privileges);
- b. 2014 Monitoring: AGE14-000001 to AGE14-007114 (produced with a privilege log detailing a total of 1,282 pages withheld pursuant to the work-product, attorney-client, quasi-judicial immunity and deliberative process privileges); and
- c. 2014 HCA: AGE14-100001 to AGE14-136538 (produced with a privilege log detailing a total of 1,308 pages withheld pursuant to the work-product, attorney-client, quasi-judicial immunity and deliberative process privileges). The Attorney General has not completed ESI review and production for 2014,

however, the Attorney General continues to review documents and will produce responsive documents and appropriate privilege logs within ten (10) days.

4. Pursuant to this Honorable Court's Order on November 29, 2017, the Attorney General's production pursuant to the Subpoena must be completed by January 15, 2018¹. The Subpoena requests as follows:
 1. All documents relating to the **Plan**;²
 2. All documents relating to **SJHSRI, RWH, CHARTERCARE, or Prospect**;³
 3. All documents relating to any **Hospital Conversion Act Proceedings** (as defined above), including all documents relating to applications, amended applications, supplemental applications, exhibits, supporting documentation, or other documents submitted in connection with **Hospital Conversion Act Proceedings**;
 4. All notices or documents submitted or obtained in accordance with any of the conditions of the **May 16, 2014 Decision**, including CONDITIONS ## 3, 4, 5, 6, 7, 8, 11, 12, 13, 18, 19, 23, 24, 27 and 30;
 5. All documents concerning the "engage[ment] with counsel for the Petitioner and the Court-appointed receiver" as stated in the **August 24, 2017 Statement**; and
 6. All documents concerning the "broken promises" referred to in the **August 24, 2017 Statement**.
5. The Attorney General's response to the Subpoena is outlined below:

RESPONSE 1: With regard to hard document production, the Attorney General has produced the documents as detailed in Exhibit A. With regard to ESI, the Attorney General has produced the documents as described in Paragraphs 2 and 3, with appropriate privilege logs produced or to be produced within ten (10) days.

RESPONSE 3: With regard to hard document production, the Attorney General has produced the documents as detailed in Exhibit A. With regard to ESI, the

¹ See R.I Superior Court Rule 6(a) computing the date to January 16th.

² The term "Plan" is defined as "the St. Joseph Health Services of Rhode Island Retirement Plan and any of its versions or amendments."

³ Special counsel has withdrawn Request No. 2.

Attorney General has produced the documents as described in Paragraphs 2 and 3, with appropriate privilege logs produced or to be produced within ten (10) days.

RESPONSE 4: With regard to hard document production, the Attorney General has produced Boxes 26-29 as detailed in Exhibit A attached. With regard to ESI, the Attorney has produced the documents as described above in Paragraph 3, and more specifically, AGE14-000001 to AGE14-007114 (produced with a privilege log detailing a total of 1,282 pages withheld pursuant to the work-product, attorney-client, quasi-judicial immunity and deliberative process privileges).

RESPONSE 5: On December 12, 2017, the Attorney General sent Special Counsel its response to this request.

RESPONSE 6: The Attorney General has no documents responsive to this request.

6. To address the remaining ESI to be reviewed and logged as necessary, and the outstanding privilege logs for the ESI resulting from the search terms proposed by Special Counsel, the Attorney General has filed a Motion and Memorandum in Support to Extend Time to Respond to Requests 1 and 3 of the Subpoena for an additional ten (10) Days.

Respectfully submitted,

STATE OF RHODE ISLAND
BY ITS ATTORNEY,

PETER F. KILMARTIN
ATTORNEY GENERAL

/s/ Kathryn Enright

/s/ Jessica D. Rider

Kathryn Enright #7208

Assistant Attorney General

Jessica D. Rider #8801

Special Assistant Attorney General

150 South Main Street

Providence, RI 02903

Tel.: (401) 274-4400 Ext. 2236/2314

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Email: kenright@riag.ri.gov/jrider@riag.ri.gov

CERTIFICATE OF SERVICE

I, the undersigned, hereby certify that on this 16th day of January 2018, 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 B. Milia

EXHIBIT A

EXHIBIT A

INDEX OF BOXES PRODUCED BY THE ATTORNEY GENERAL

St. Joseph Health Services of Rhode Island, Inc. vs.
 St. Josephs Health Services of Rhode Island Retirement Plan, as amended - PCSC 2017-3856

BOX #	DATE DELIVERED	BATES RANGE	PAGES IN BOX	PRIVILEGE DOCUMENTS	CONFIDENTIAL DOCUMENTS
Box 1	12/13/2017	AG14-1-000001-001459	1,459	-	-
Box 2	12/13/2017	AG14-1-000001-003136	3,136	-	-
Box 3	12/13/2017	AG14-1-000001-001047	1,047	-	-
Box 4	12/13/2017	AG14-1-000001-003333	3,333	3	-
Box 5	12/18/2017	AG14-1-000001-001480	1,480	-	946
Box 6	12/22/2017	AG14-1-000001-002692	2,692	360	20
Box 7	1/2/2018	AG14-1-000001-002678	2,678	526	666
Box 8	1/5/2018	AG14-1-000001-001901	1,901	176	770
Box 9	1/5/2018	AG14-1-000001-002338	2,338	947	248
Box 10	12/18/2017	AG14-1-000001-002969	2,969	4	2,473
Box 11	12/22/2017	AG14-11-000001-002367	2,367	-	2,090
Box 12	12/19/2017	AG14-12-000001-003552	3,552	-	3,527
Box 13	12/22/2017	AG14-13-000001-003129	3,129	-	2,867
Box 14	12/22/2017	AG14-14-000001-002922	2,922	-	2,078
Box 15	12/19/2017	AG14-15-000001-003037	3,037	-	3,033
Box 16	12/28/2017	AG14-16-000001-003351	3,351	-	2,928
Box 17	12/28/2017	AG14-17-000001-002753	2,753	-	2,431
Box 18	1/2/2018	AG14-18-000001-002811	2,811	-	2,806
Box 19 (09-1)	1/5/2018	AG09-01-000001-002040	2,040	309	709
Box 20 (09-2)	1/5/2018	AG09-02-000001-001777	1,777	241	196
Box 21 (09-3)	1/8/2018	AG09-03-000001-002233	2,233	350	1,303
Box 22 (09-4)	1/5/2018	AG09-04-000001-001783	1,783	-	122
Box 23 (09-5)	1/8/2018	AG09-05-000001-002145	2,145	279	445
Box 24 (09-6)	1/8/2018	AG09-06-000001-002043	2,043	105	296
Box 25 (09-7)	1/5/2018	AG09-07-000001-000871	871	-	-
Box 26 (14M-1)	1/8/2018	AGM14-01-000001-001961	1,961	419	34
Box 27 (14M-2)	1/8/2018	AGM14-02-000001-000722	722	-	230
Box 28 (14M-3)	1/8/2018	AGM14-03-000001-000653	653	104	224
Box 29 (14M-4)	1/8/2018	AGM14-04-000001-000672	672	-	-
		TOTALS	63,855	3,823	30,442

EXHIBIT B



State of Rhode Island and Providence Plantations

DEPARTMENT OF ATTORNEY GENERAL

150 South Main Street • Providence, RI 02903
(401) 274-4400 - TDD (401) 453-0410

Peter F. Kilmartin, Attorney General

December 21, 2017

Via Electronic and Regular Mail

Max Wistow, Esq.
Stephen P. Sheehan, Esq.
Benjamin Ledsham, Esq.
Wistow, Sheehan & Loveley, PC
61 Weybosset St.
Providence, RI 02903

Re: *St. Joseph Health Services of Rhode Island, Inc. v.
St. Josephs Health Services of Rhode Island Retirement
Plan, PC-2017-3856*

Counselors:

On December 5, 2017, Special Counsel and representatives of the Department of Attorney General, including the Department's Director of Information Technology met to discuss and memorialize a plan governing discovery of electronically stored information ("ESI"). After that meeting, Department IT and Civil Division attorneys met on more than one occasion to discuss search terms, custodians and locations for electronic documents and emails.

As explained in its December 7, 2017 Proposed Case Management Plan Regarding Electronically Stored Information, the Department of Attorney General is conducting a search for electronic documents contained on the file server and in the Department's Outlook 365 email database.

The following former and current employees of the Department of Attorney General have been designated as custodians for purpose of a search of e-mails that may contain ESI responsive to the categories set forth in the subpoena duces tecum:

Name	Title	Status of Employment
Peter Kilmartin	Attorney General	Current
Patrick Lynch	Attorney General	Former
Gerald Coyne	Deputy Attorney General	Current
James Lee	Assistant Attorney General, Chief, Civil Division	Former

Max Wistow, Esq.
Stephen P. Sheehan, Esq.
Benjamin Ledsham, Esq.
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Maureen Glynn	Assistant Attorney General, Civil Division, Health Care Advocate	Former
Genevieve Martin	Assistant Attorney General, Civil Division, Insurance	Former
Jodi Bourque	Assistant Attorney General, Civil Division, Health Care Advocate	Former
Kathryn Enright	Assistant Attorney General, Civil Division, Health Care Advocate	Current
Jessica Rider	Special Assistant Attorney General, Civil Division	Current
Chrisanne Wyrzykowski	Assistant Attorney General, Civil Division	Current
Malena Lopez Mora	Special Assistant Attorney General, former Civil Division	Current
Suzette Pintard	Special Assistant Attorney General, former Civil Division	Current
Tracey Forand	Paralegal, formerly Civil Division	Current
Joseph Desmarais	Paralegal, Civil Division	Former

The Attorney General's IT Department located e-mails of former employees that were archived in the Department's file system. Attorneys from the Civil Division have been reviewing this ESI for responsive e-mails to the subpoena categories. The e-mails will be segregated into non-privileged and privileged categories, bates stamped, produced or inventoried in a privilege log.

The Attorney General's IT Department will run the search terms contained in the following chart against the Outlook 365 email of current employees listed above. The e-mails will be reviewed by attorneys to determine whether they are responsive to the subpoena categories. Responsive e-mails will then be segregated into non-privileged and privileged categories, bates stamped, produced or inventoried in a privilege log.

The Attorney General's IT Department and attorneys in the Civil Division have been performing and will continue to search of electronic documents presently contained on the Department's file server using the search terms of:

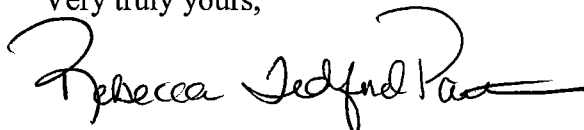
Max Wistow, Esq.
Stephen P. Sheehan, Esq.
Benjamin Ledsham, Esq.
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SEARCH TERM	WILL INCLUDE
RWMC	Roger Williams Medical Center
Roger Williams	Roger Williams Medical Center and Roger Williams Hospital and RWMC Physicians Office Building
St. Joseph, St. Joes, SJH, SJHRI	St. Joseph Health Services of Rhode Island
SJH	SJH Energy LLC
CharterCARE	CharterCARE Health Partners, Prospect CharterCARE, LLC, Prospect CharterCARE RWMC, LLC, Prospect CharterCARE
CCHP	
Prospect Excluding the word "prospective"	Prospect Medical Holdings, Inc., Prospect East Holdings, Inc, Prospect East, Prospect East Hospital Advisory Services, LLC, Prospect Advisory, Prospect CharterCARE, LLC, Prospect CharterCARE RWMC, LLC, Prospect CharterCARE SJHSRI, LLC
Fatima	Our Lady of Fatima Ancillary Services, Inc.

Like the e-mail review, the electronic documents will be reviewed by attorneys to determine whether they are responsive to the subpoena categories. Responsive e-mails will then be segregated into non-privileged and privileged categories, bates stamped, produced or inventoried in a privilege log.

The responsive, non-privileged ESI will be produced in PDF format or hard copy with bates stamps.

Very truly yours,



Rebecca Tedford Partington
Chief, Civil Division
Ext. 2303
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RTP/dm

WISTOW, SHEEHAN & LOVELEY, PC

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MAX WISTOW
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A. PETER LOVELEY
MICHAEL J. STEVENSON
BENJAMIN G. LEDSHAM

December 22, 2017

VIA ELECTRONIC MAIL

Rebecca Tedford Partington, Esq.
Department of Attorney General
150 South Main Street
Providence, RI 02903

Re: *St. Joseph Health Services of Rhode Island, Inc. vs. St. Josephs Health Services of Rhode Island Retirement Plan, PC-2017-3856*

Dear Attorney Partington:

We have your letter of December 21, 2017 proposing the following particular ESI search terms:

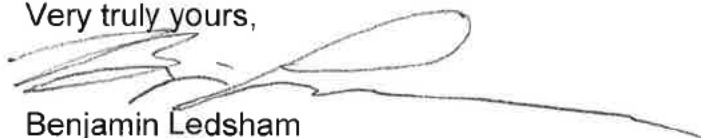
RWMC, Roger Williams, St. Joseph, St. Joes, SJH, SJHRI, CharterCARE, CCHP, Prospect [excluding the word "prospective"], Fatima.

Please also include the following search terms:

pension, retirement plan, SJHSRI, St Joseph, St Joseph's, St. Joseph's, St Joe's, St. Joe's, St Joe, St. Joe, Saint Joseph, Saint Joseph's, Saint Josephs, Saint Joe, Saint Joe's, charter care, Charter Care, PMH, Prospect Charter, Prospect Chartercare; Prospect Medical, Prospect East, RWM, RWGH, RWOB, RWRC, Our Lady, Elmherst Extended, Elmhurst Extended, Elmherst SMLLC, Elmhurst SMLLC, Elmherst ECF, Elmhurst ECF, Angell, APG, Rosebank, Belcher, Sam Lee, diocese, Tobin, bishop, PCEC, PHCA, C-PHCA, 825 Chalkstone, 10780 Santa Monica, 200 High, 21 Peace, 1 Cathedral

In addition, as Max discussed at the last hearing, we remain concerned that prior boxes of documents delivered by the AG's Office have been incomplete or jumbled, making it difficult or impossible to know what has been produced. In lieu of boxes of paper documents, we ask that you deliver ESI document productions to us in electronic format (e.g. Concordance load files or PDFs). Please confirm that you will do so.

Very truly yours,



Benjamin Ledsham



State of Rhode Island and Providence Plantations

DEPARTMENT OF ATTORNEY GENERAL

150 South Main Street • Providence, RI 02903
(401) 274-4400 - TDD (401) 453-0410

Peter F. Kilmartin, Attorney General

January 9, 2018

Via Electronic and Regular Mail

Benjamin Ledsham, Esq.
Wistow, Sheehan & Loveley, PC
61 Weybosset St.
Providence, RI 02903

Re: *St. Joseph Health Services of Rhode Island, Inc. v.
St. Josephs Health Services of Rhode Island Retirement
Plan, PC-2017-3856*

Dear Attorney Ledsham:

In response to your correspondence dated December 22, 2017, we confirm that we are including the additional search terms you requested in our ESI search. Additionally, we confirm that ESI production will be delivered in an electronic format. As to our hard documents files, as stated in our January 2, 2018 letter to Attorney Wistow, these are being produced in the form that they are maintained in the ordinary course of business.

Please feel free to contact us if you have any questions or concerns.

Very truly yours,

Katie Enright
Assistant Attorney General
Ext. 2316
kenright@riag.ri.gov

KRE/dm