

Hearing Date: January 26, 2018

STATE OF RHODE ISLAND
PROVIDENCE, SC

SUPERIOR COURT

ST. JOSEPH HEALTH SERVICES OF
RHODE ISLAND, INC.

:
:
:
:
:
:
:
:
:
:
:

v.

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

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

**THE DEPARTMENT OF ATTORNEY GENERAL'S MOTION FOR EXTENSION OF
TIME TO RESPOND TO REQUESTS 1 AND 3 OF THE SUBPOENA FOR AN
ADDITIONAL TEN (10) DAYS**

NOW COMES the Rhode Island Department of Attorney General (the "Attorney General"), and hereby files this Motion for Extension of Time to Respond to Requests 1 and 3 of the Subpoena for an Additional Ten (10) Days. In support thereof, the Attorney General submits the accompanying Memorandum of Law.

WHEREFORE, the Attorney General respectfully requests that this Motion for Extension of Time be granted.

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

Fax: (401) 222-2995

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

In response to the subpoena served on the Attorney General, and since the Court's order of November 29, 2017, the Attorney General has provided all responsive, non-privileged hard copy documents related to the 2009 and 2014 hospital conversions at issue, including for the period of monitoring following the 2014 conversion, with appropriate privilege logs. The hard copy production amounts to a total production of 63,855 pages, with 30,442 of those documents labeled confidential and 3,823 pages withheld for privilege with appropriate privilege logs provided. Exhibit B attached is a chart displaying the hard document production.

The Attorney General has also reviewed 148,540 pages of the electronic files of the HCA reviews, with a total of 143,673 pages produced, and 4,867 pages withheld for privilege with appropriate privilege logs provided. In addition, the Attorney General has also searched other electronic files and email resulting in a production of approximately 943 pages from search terms provided by Special Counsel, with appropriate privilege logs to be provided within ten (10) days.

The Attorney General estimates that the remaining Electronically Stored Information ("ESI") comprised of Part II of the 2014 HCA review file and emails and documents resulting from search terms provided by Special Counsel, amounts to a total of approximately 30,000 pages of documents that remain to be reviewed for responsiveness and privilege, the majority of which is contained with Part II of the 2014 HCA review file. Part I of the 2014 HCA review file has been produced. The Attorney General is seeking an additional ten (10) days to produce the remaining portion of the 2014 HCA review file, remaining emails and documents, and privilege logs.

I. The Attorney General's Response to Subpoena and Preservation of Privilege

The Seventh Status Report, filed on January 16, 2018, and attached hereto as Exhibit C, addresses the Attorney General's document review and production pursuant to each request of the subpoena. The Attorney General has substantially complied with the subpoena, having reviewed over 216,218 pages of documents of our responsive files maintained in hard copy and electronic

format. The Attorney General estimates 30,000 pages of documents remain to be reviewed, with any responsive documents to be produced or logged, to complete the response to requests 1 and 3.³

As discussed in the Seventh Status Report, the Attorney General has produced all of the hard documents in its possession for the 2009 and 2014 HCA reviews and the subsequent monitoring file for the 2014 HCA review. With regard to ESI, the Attorney General has searched the identified custodians and search terms as agreed-upon by Special Counsel with production of approximately 943 documents and emails. The remaining ESI consists of approximately 100 document and emails to be reviewed based on the search terms proposed by Special Counsel. Although the search terms were broad and captured unresponsive and duplicative documents, the Attorney General agreed to the terms in an effort to accommodate the charge of Special Counsel. Nonetheless, all documents captured by the search continue to be reviewed by the Attorney General with all responsive, non-privileged documents produced. In an effort to expedite production of responsive documents, the Attorney General has produced ESI resulting from the search terms while continuing to review remaining documents and completing appropriate privilege logs, requesting that they be produced within ten (10) days.

Further, the Attorney General has reviewed and produced in electronic format, with confidential labeling as required, ESI of our electronic files for the 2009 and 2014 HCA reviews, including the 2014 monitoring file, as maintained in the ordinary course of business. The 2009 HCA production includes 100,021 pages with 2,277 withheld for privilege; 2014 HCA production consists of 36,538 pages with 1,308 withheld for privilege; and the 2014 monitoring file consisting

³The Attorney General anticipates that by the time the Court hears this Motion, it will have completed its production.

of 7,114 pages with 1,282 pages withheld for privilege. All production contains appropriate privilege logs.

As of the filing of this Motion, we have produced approximately 90,647 pages related to the 2014 HCA review in hard copy and electronic format. With regard to the ESI for 2014, the Attorney General prioritized its review to maximize production of responsive documents to Special Counsel. In other words, remaining ESI to be reviewed primarily consists of documents to be reviewed and logged for privilege. With regard to the remaining documents to be reviewed, the Attorney General seeks to preserve its privilege claims through the instant Motion.

II. The Attorney General Requests Ten Days to Complete Review and Production

The Attorney General has committed a significant amount of our limited staff resources to this matter and to compliance with the subpoena. We are reviewing each page, noting where redactions are required, identifying confidential and privileged documents, and creating logs for confidential and privileged documents. We have, and continue, to work diligently to produce our files in the form they are maintained in an organized and expedient manner. The Attorney General is seeking an additional amount of time to complete this significant task.

Having reviewed over 216,218 pages of documents in hard copy and electronic format, and an estimated 30,000 pages remaining in ESI for review and production, the Attorney General has substantially complied with the subpoena and requests ten (10) days to complete production and provide all appropriate privilege logs.

III. Conclusion

WHEREFORE, for the foregoing reasons, the Attorney General respectfully requests that this Honorable Court enter an Order:

- (1) Extending the time for the Attorney General to respond to Requests 1 and 3 of the subpoena for ten (10) days or until January 26, 2018;

- (2) Extending the time for the Attorney General to provide appropriate privilege logs for ten (10) days or until January 26, 2018; and
- (3) Granting such other relief that the Court deems just and necessary.

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
Fax: (401) 222-2995
Email: kenright@riag.ri.gov/jrider@riag.ri.gov

CERTIFICATE OF SERVICE

I, the undersigned, hereby certify that on this ___ 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 Milia

EXHIBIT A

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

The document electronically filed and served is available for viewing and/or downloading from the Rhode Island Judiciary's Electronic Filing System.

/s/ Max Wistow

EXHIBIT B

EXHIBIT B

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 C

STATE OF RHODE ISLAND
PROVIDENCE, SC.

SUPERIOR COURT

St. Joseph Health Services of Rhode Island, Inc.,	:	
	:	
	:	
vs.	:	C.A. No. 2017-3856
	:	
St. Josephs Health Services of Rhode Island	:	
Retirement Plan, as amended	:	
	:	

**THE DEPARTMENT OF ATTORNEY GENERAL'S
SEVENTH STATUS REPORT FOR JANAUARY 16, 2018**

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 January 9, 2018, the Attorney General filed the Sixth Status Report. The within report will update the Court through January 16, 2018.

The Attorney General has taken the following action in compliance with the Subpoena as of January 16, 2018:

1. With the hard document production completed for the 2009 and 2014 HCA reviews and the subsequent monitoring for the 2014 HCA review (see attached Exhibit A chart displaying number of documents produced – including 63,855 pages, 30,442 of were labeled confidential and 3,823 of which were withheld for privileged), the Attorney General's focus continues to be on the review and production of Electronically Stored Information ("ESI").
2. The Attorney General has searched the identified custodians and search terms as agreed-upon by Special Counsel (see Exhibit B, correspondence with Special

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

Fax: (401) 222-2995

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.
December 21, 2017
Page 2

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:

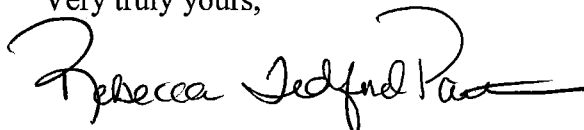
Max Wistow, Esq.
Stephen P. Sheehan, Esq.
Benjamin Ledsham, Esq.
December 21, 2017
Page 3

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
rpartington@riag.ri.gov

RTP/dm

WISTOW, SHEEHAN & LOVELEY, PC

ATTORNEYS AT LAW
61 WEYBOSSET STREET
PROVIDENCE, RHODE ISLAND 02903

TELEPHONE
401-831-2700

FAX
401-272-9752

E-MAIL
MAIL@WISTBAR.COM

MAX WISTOW
STEPHEN P. SHEEHAN
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:

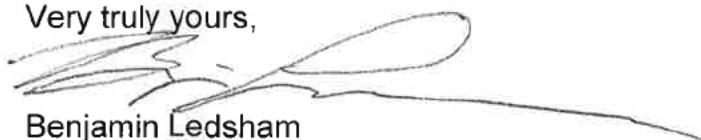
RWMC, Roger Williams, St. Joseph, St. Joes, SJH, SJHRI, CharterCARE, CCHP, Prospect [excluding the word "prospective"], Fatima.

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