

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
SUPPLEMENT TO THE SEVENTH STATUS REPORT**

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 16, 2018, the Attorney General filed the Seventh Status Report. The within report will supplement the Seventh Status Report and update the Court through January 19, 2018.

The Attorney General has taken the following action in compliance with the Subpoena as of January 19, 2018:

1. On Tuesday, January 16th, the Attorney General 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 (the "Motion"). The Attorney General's Motion is scheduled to be heard on Monday, January 22nd at 9:30 AM. As of filing of this Report, the Attorney General's hard document and ESI production is complete. Therefore, the only outstanding item of the Attorney General's production is the privilege log for the Electronically Stored Information ("ESI") which includes emails and/or documents resulting from the identified custodians and search terms proposed by Special Counsel.

2. On January 19th, the Attorney General produced an additional 170 pages of ESI emails and/or documents based on the identified custodians and search terms proposed by Special Counsel.¹ Additionally, approximately 880 items of ESI emails and/or documents (355 native word documents, 4 excel spreadsheets, and 521 PDF files) have been withheld pursuant to the work-product, attorney-client, quasi-judicial immunity and deliberative process privileges. In an effort to continue expediting production of responsive ESI, the Attorney General has produced ESI resulting from the search terms while continuing to complete appropriate privilege logs, to be produced on or before January 26, 2018.

3. On January 19th, the Attorney General produced in electronic format, with confidential labeling as required, the remaining ESI for the 2014 HCA review, amounting to a total of 6,181 pages, as maintained in the ordinary course of business (AGE14-000001 to AGE14-004335 and AGE14-007114.1 to AGE14-010962 – produced with a privilege log detailing a total of 2,002 pages withheld pursuant to the work-product, attorney-client, quasi-judicial immunity and deliberative process privileges).

4. Attached are Exhibits A, B and C, which are three (3) charts reflecting the Attorney General's total production in compliance with the Subpoena. The charts also display the number of privileged documents withheld.

- a. Exhibit A: This exhibit reflects the hard document production completed for the 2009 and 2014 HCA reviews and the subsequent monitoring for the 2014 HCA review, including 63,855 pages, 30,442 of which were labeled confidential and 3,823 of which were withheld for privileged.

¹ The Attorney General notes that it inadvertently reported on January 16th that approximately 100 ESI emails and/or documents remained to be reviewed, although there were approximately 200 emails and/or documents that remained to be reviewed.

- b. Exhibit B: This exhibit reflects the ESI production completed for the 2009 and 2014 HCA reviews and the subsequent monitoring for the 2014 HCA review, as well as the ESI related to the identified custodians and search terms, including 150,797 pages, 6,869 of which were withheld for privileged for the 2009 and 2014 HCA reviews.²
- c. Exhibit C: This exhibit reflects the total productions (hard copy and ESI), including 214,822 pages, 30,442 of which were labeled confidential in the hard document production, and 10,692 of which were withheld for privileged for the 2009 and 2014 HCA reviews, and subsequent monitoring for the 2014 HCA review hard copy and ESI production.
5. Having provided a comprehensive response to the Subpoena in general in the Seventh Status Report, the Attorney General provides an amended response to the Request No. 4 outlined below:

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 AGE14-004336 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). Additionally, the Attorney General amends this response to note that responsive documents are provided in the 2014 HCA hard document and ESI files to the extent they contain correspondence and/or other documents dated after the HCA decision was issued on May 16, 2014.

² This number does not include the pages of documents withheld from the other ESI production based on privilege, and will be updated once the privilege log has been completed.

Respectfully submitted,

STATE OF RHODE ISLAND
BY ITS ATTORNEY,

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ATTORNEY GENERAL

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/s/ Jessica D. Rider

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CERTIFICATE OF SERVICE

I, the undersigned, hereby certify that on this 19th 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

HARD DOCUMENT PRODUCTION OF 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

ELECTRONICALLY STORED INFORMATION ("ESI") PRODUCTION OF 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						
DESCRIPTION of ESI	DATE DELIVERED	# of DVDs	BATES STAMP RANGE	PRODUCED DOCUMENTS	PRIVLIGED DOCUMENTS	TOTAL PAGES REVIEWED
I. Electronic Folders						
2009 HCA	1/16/2018	3	AGE09-000001-100021	100,021	2,277	102,298
2014 Monitoring	1/16/2018	1	AGE14-0004336-007114	7,114	1,282	8,396
2014 HCA (Part I)	1/16/2018	4	AGE14-100001-136538	36,538	1,308	37,846
2014 HCA (Part II)	1/19/2018	1	AGE14-000001-004335 AGE14-007114.1-010962	6,181	2,002	8,183
			TOTAL Electronic Folders	149,854	6,869	156,723
II. Emails & Documents						
Part I	1/16/2018	1	-	943		
Part II	1/19/2018	1	-	170		
			TOTAL Emails & Documents	943	-	-
			TOTALS	150,797	6,869	156,723

EXHIBIT C

HARD DOCUMENTS AND ELECTRONICALLY STORED INFORMATION ("ESI") 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						
DESCRIPTION	DATE DELIVERED	# of DVDs	BATES STAMP RANGE	PRODUCED DOCUMENTS	PRIVLIGED DOCUMENTS	TOTAL PAGES REVIEWED
I. Hard Documents	Production Completed 1/8/2018	N/A	See "Exhibit A" (Hard Documents Produced)			
			TOTAL Hard Documents	63,855	3,823	67,678
II. Electronic Folders						
2009 HCA	1/16/2018	3	AGE09-000001-100021	100,021	2,277	102,298
2014 Monitoring	1/16/2018	1	AGE14-004336-007114	7,114	1,282	8,396
2014 HCA (Part I)	1/16/2018	4	AGE14-100001-136538	36,538	1,308	37,846
2014 HCA (Part II)	1/19/2018	1	AGE14-000001-004336 AGE14-007114.1 -010962	6,181	2,002	8,183
				149,854	6,869	156,723
III. Emails & Documents						
Part I	1/16/2018	1	-	943		
Part II	1/19/2018	1	-	170		
			TOTAL Emails & Documents	1,113		
			TOTALS	214,822	10,692	224,401