Case Number: PC-2019-11756

Filed in Providence/Bristol County Superior Court

Submitted: 10/18/2021 5:16 PM

Envelope: 3331287 Reviewer: Jaiden H.

STATE OF RHODE ISLAND PROVIDENCE, SC.

SUPERIOR COURT

In re:

CHARTERCARE COMMUNITY BOARD,

ST. JOSEPH HEALTH SERVICES OF RHODE ISLAND

C.A. NO: PC-2019-11756

AND

ROGER WILLIAMS HOSPITAL

AFFIDAVIT OF PATRICIA ANTONELLI, ESQ.

- I, Patricia Antonelli, Esq., being duly sworn, depose and state as follows:
- 1. I am an attorney licensed to practice law in the State of Rhode Island and employed as Of Counsel with the law firm Salter McGowen Sylvia & Leonard.
- 2. At all times relevant to this Affidavit, I was engaged as outside counsel to The Beacon Mutual Insurance Company ("Beacon"). The information in this Affidavit is based on my personal knowledge.
- 3. On June 29, Beacon's General Counsel Amy Vitale and I participated in a ZOOM conference call with the Liquidating Receiver, the Liquidating Receiver's Special Counsel Max Wistow and others.
- 4. On the call, Mr. Wistow stated his belief that every one of the claims covered under the Third Party Administration Agreement between Beacon and St. Joseph Health Services of Rhode Island ("SJHSRI") should have been covered by excess insurance.

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5. I recall the June 29 conference call very well because Mr. Wistow became very

animated and belligerent. He repeatedly interrupted Ms. Vitale and me when we tried to respond

to his statements.

6. Ms. Vitale did not state in that conference that the self-insured retentions applicable

to the Open Claims were all annual and not cumulative.

7. The next day I spoke with Mr. Hemmendinger. He apologized for how Mr. Wistow

acted during that call and asked me to tell Ms. Vitale that he apologized for how the call went and

how Mr. Wistow acted.

8. On June 30, the DLT informed the Liquidating Receiver that it would assume liability

for both the administration and payment of the remaining workers' compensation claims.

9. On July 8, Mr. Wistow asked me to call him at his home. I did so. In that call, after

repeatedly apologizing to me for his prior behavior, Mr. Wistow demanded that I draft the

Settlement Agreement with DLT within three business days. I met that deadline and Beacon's

counsel forwarded the draft to Special Counsel on July 13. Although pressuring me to draft the

agreement on short notice, to date, Mr. Wistow has not acted to finalize the settlement agreement.

IN WITNESS WHEREOF, the undersigned has executed this document this 18th day of

October 2021.

Patricia Antonelli, Esq.

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> STATE OF Rhode Island COUNTY OF Providence

On this 18^{th} day of October 2021, before me, the undersigned notary public, personally appeared Patricia Antonelli, Esq., [\times] personally known to the notary – OR- [$^{-}$] proved to the notary through satisfactory evidence of identification which was ________, to be the person whose name is signed on the preceding or attached document, and acknowledged to the notary that he signed it voluntarily.

Notary Public:

My Commission Expires

ID:

AMANDA CARLOW

Notary Public, State of Rhode Island
My Commission Expires Dec. 16, 2023