

STATE OF RHODE ISLAND  
PROVIDENCE, SC.

SUPERIOR COURT

In re:

CharterCARE Community Board; St. Joseph  
Health Services of Rhode Island; and Roger  
Williams Hospital

C.A. No. PC-2019-11756

**ORDER GRANTING LIQUIDATING RECEIVER'S  
PETITION FOR INSTRUCTIONS REGARDING  
INDEPENDENT COUNSEL FOR THE CATEGORY A DIRECTORS  
OF PROSPECT CHARTERCARE, LLC**

This matter came before this Court on November 18, 2020, Justice Stern presiding, on the petition for instructions regarding independent counsel for the Category A Directors of Prospect CharterCARE, LLC (the "Petition")<sup>1</sup> by Thomas S. Hemmendinger (the "Liquidating Receiver"), permanent liquidating receiver of CharterCARE Community Board, St. Joseph Health Services of Rhode Island, and Roger Williams Hospital (the "Petitioners"). After consideration of the Petition and any response thereto, and after hearing all parties present and interested, it is hereby ORDERED as follows:

1. The Liquidating Receiver gave due and adequate notice of the Petition and of the date and time of this Court's consideration of the Petition to counsel of record in this receivership and to counsel of record for the following parties in interest: Stephen Del Sesto (the "Plan Receiver"), receiver of the St. Joseph Health Services of Rhode Island Retirement Plan (the "Plan"); the named plaintiffs and the defendants in *Del Sesto et al. v. Prospect CharterCARE, LLC et al.*, C.A. No. 18-cv-00328-WES (D. R.I.), and *Del Sesto et al. v. Prospect CharterCARE, LLC et al.*, C.A. No. PC-2018-4386 (R.I. Super.); the Prospect entities; and the defendants in *CharterCARE*

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<sup>1</sup> Capitalized terms used but not defined in this Order are defined in the Petition.

*Community Board et al. v. Lee et al.*, C.A. No. PC-2019-3654 (R.I. Super.).

2. The Petition is GRANTED.

3. The Liquidating Receiver is authorized and instructed to pay the fees and expenses of Independent Counsel, reserving to the Liquidating Receiver the right to seek recovery of all such amounts from Prospect CharterCARE, LLC and others.

ENTER:

PER ORDER:

\_\_\_\_\_  
Stern, J.

Date: \_\_\_\_\_, 2020

Presented by: Thomas S. Hemmendinger #3122, Brennan, Recuperero, Cascione, Scungio & McAllister, LLP, 362 Broadway, Providence, RI 02909, tel. (401) 453-2300, fax (401) 453-2345, e-mail [themmendinger@brasm.com](mailto:themmendinger@brasm.com)

**CERTIFICATE OF SERVICE**

I hereby certify that on November 6, 2020:

- 1) I electronically filed the foregoing document. This document is available for viewing and/or downloading from the Rhode Island Judiciary's Electronic Filing System.
- 2) The following parties received electronic notice: any parties entered to be notified through the Rhode Island Judiciary's Electronic Filing System.
- 3) The document was served by United States Postal Service, postage prepaid, on the following persons: N/A

/s/ Thomas S. Hemmendinger  
Thomas S. Hemmendinger