

**UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF RHODE ISLAND**

STEPHEN DEL SESTO, AS RECEIVER
AND ADMINISTRATOR OF THE ST.
JOSEPH HEALTH SERVICES OF RHODE
ISLAND RETIREMENT PLAN; ET AL. ,

Plaintiffs,

v.

PROSPECT CHARTERCARE, LLC; ET AL.,

Defendants.

C.A. No. 1:18-CV-00328-WES/LDA

**FOURTH ORDER CONCERNING LIMITED DISCOVERY AND RELATED
SUMMARY JUDGMENT MOTIONS**

WHEREAS Defendants Prospect Medical Holdings, Inc., Prospect East Holdings, Inc., Prospect Chartercare, LLC, Prospect Chartercare SJHSRI, LLC, Prospect Chartercare SJHSRI, LLC, and Prospect Chartercare RWMC, LLC (the “Prospect Defendants”) filed a Motion to Extend (ECF No. 184);

WHEREAS Plaintiff Stephen Del Sesto (the “Receiver”) and the individual named plaintiffs (individually and as putative class representatives) (with the Receiver, “Plaintiffs”) filed opposition (ECF No. 185) to the Motion to Extend;

WHEREAS the Prospect Defendants filed a Reply (ECF No. 186);

WHEREAS Roman Catholic Bishop of Providence, a corporation sole, Diocesan Administration Corporation, and Diocesan Service Corporation (collectively the “Diocesan Defendants”), and The Angell Pension Group, Inc. (which together with the Prospect Defendants and the Diocesan Defendants are collectively the “Remaining Defendants”) have neither joined nor opposed the Motion to Extend;

WHEREAS no party requested a hearing on the Motion to Extend pursuant to LR Cv 7(c);
and

WHEREAS the Court conducted an “In” Chambers Zoom Video-Conference on May 6,
2020 attended by counsel for all parties;

NOW, THEREFORE, it is hereby

ORDERED:

1. This Order is further to the Stipulation and Proposed Order Concerning Limited Discovery and Related Summary Judgment Motions (ECF No. 170) entered by the Court on October 29, 2019 (the “Order of October 29, 2019”), the Stipulation and Consent Order Concerning Limited Discovery and Related Summary Judgment Motions that the Court entered on January 13, 2020 (ECF No. 175) (the “January 13, 2020 Stipulation and Consent Order”), and the Third Stipulation and Consent Order Concerning Limited Discovery and Related Summary Judgment Motions that the Court entered on March 18, 2020 (ECF No. 183) (the “Third Stipulation and Consent Order”).

2. The January 13, 2020 Stipulation and Consent Order and the Third Stipulation and Consent Order are hereby amended to provide that on or before June 26, 2020 (which date will not be further extended absent extraordinary circumstances) the Remaining Defendants shall file their objections and supporting papers in opposition to Plaintiffs’ Motion for Summary Judgment (ECF No. 173 and related filings), and their cross-motions for summary judgment, if any, limited to Count IV of the Plaintiffs’ First Amended Complaint, and their contention that the Plan was a church plan exempt from ERISA.

3. The January 13, 2020 Stipulation and Consent Order and the Third Stipulation and Consent Order are hereby amended to provide that on or before June 26, 2020 (which date will not

be further extended absent extraordinary circumstances), the Prospect Defendants and the Diocesan Defendants shall serve amended and supplemental answers to Plaintiffs' previously served interrogatories, requests for production, and requests for admission, and such amended and supplemental answers and responses shall as requested therein identify all persons or entities, if any, that they claim satisfied the principal purpose requirement during the period from 2008 through 2017 and the grounds therefor.

4. The January 13, 2020 Stipulation and Consent Order and the Third Stipulation and Consent Order are hereby amended to provide that the period for Limited Discovery Concerning Plaintiffs' Motion for Summary Judgment is extended to the earlier of August 11, 2020 or the date that Plaintiffs file their memoranda in reply to the Remaining Defendants' objections and supporting papers in opposition to Plaintiffs' Motion for Summary Judgment.

5. The January 13, 2020 Stipulation and Consent Order and the Third Stipulation and Consent Order are hereby amended to provide that any discovery requests, deposition notices, or discovery responses seeking or constituting Limited Discovery Concerning Plaintiffs' Motion for Summary Judgment that are served after the date hereof shall be specifically identified as Limited Discovery Concerning Plaintiffs' Motion for Summary Judgment.

6. The January 13, 2020 Stipulation and Consent Order and the Third Stipulation and Consent Order are hereby amended to provide that the period for Limited Discovery Concerning Defendants' Cross-Motions for Summary Judgment shall commence June 27, 2020 and shall conclude September 25, 2020.

7. The January 13, 2020 Stipulation and Consent Order and the Third Stipulation and Consent Order are hereby amended to provide that any discovery requests, deposition notices, or discovery responses seeking or constituting Limited Discovery Concerning Defendants' Cross-

Motions for Summary Judgment shall be specifically identified as Limited Discovery Concerning Defendants' Cross-Motions for Summary Judgment.

8. This Order is without prejudice to Plaintiffs' right to pursue the relief sought in the Draft Motions other than concerning their contention that the Prospect Defendants and Diocesan Defendants are required in the first ninety-day period of limited discovery to identify any entity they claim satisfied the principal purpose requirement during the period from 2008 through 2017 and the grounds therefor, and without prejudice to the contentions of CharterCARE Community Board, St. Joseph Health Services of Rhode Island, and Roger Williams Hospital that except for discovery pursuant to stipulation, their participation in this action remains stayed pursuant to the orders entered in *In re: CharterCARE Community Board, et al.*, PC-2019-11756 (R.I. Super.).

9. All other provisions of the Order of October 29, 2019, the January 13, 2020 Stipulation and Consent Order, and the Third Stipulation and Consent Order shall remain in full force and effect.

IT IS SO ORDERED



Hon. William E. Smith
United States District Judge

Dated: May 14, 2020