

UNITED STATES DISTRICT COURT
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.

Case No.: 1:18-cv-00328-WES-LDA

DEFENDANTS PROSPECT MEDICAL HOLDINGS, INC., PROSPECT EAST HOLDINGS, INC., PROSPECT CHARTERCARE, LLC, PROSPECT CHARTERCARE SJHSRI, LLC, AND PROSPECT CHARTERCARE RWMC, LLC'S OBJECTION TO PLAINTIFFS' MOTION FOR SUMMARY JUDGMENT ON COUNT IV OF THE COMPLAINT AND CROSS-MOTION FOR SUMMARY JUDGMENT ON COUNT IV OF THE COMPLAINT

Now come Defendants Prospect Medical Holdings, Inc., Prospect East Holdings, Inc., Prospect CharterCARE, LLC, Prospect CharterCARE SJHSRI, LLC and Prospect CharterCARE RWMC, LLC (together, the "Prospect Entities"), and, pursuant to Rule 56(c) of the Federal Rules of Civil Procedure and LR Cv 56, hereby submit this Objection to Plaintiffs' Motion for Partial Summary Judgment on Count IV of the Complaint and Cross-Motion for Summary Judgment on Count IV of the Complaint. In support of this Objection to, and Cross-Motion for, Summary Judgment, the Prospect Entities rely on their contemporaneously filed Memorandum of Law, Statement of Undisputed Material Facts and the Exhibits attached thereto, Response to Plaintiffs' Statement of Undisputed Material Facts, and the Declarations of Marshall Raucci, Jr. and Kenneth H. Belcher.

Accordingly, for the reasons set forth in the Memorandum of Law submitted contemporaneously herewith, the Prospect Entities respectfully request that the Court deny Plaintiffs' Motion for Summary Judgment on Count IV of the Complaint and grant the Prospect Entities' Cross-Motion for Summary Judgment on Count IV of the Complaint.

Respectfully submitted,

PROSPECT MEDICAL HOLDINGS, INC. and
PROSPECT EAST HOLDINGS, INC.

By their attorneys,

/s/ Ekwon E. Rhow, Esq.

/s/ Thomas V. Reichert, Esq. _____

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By their attorneys,

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Dated: June 26, 2020

CERTIFICATE OF SERVICE

I hereby certify that on this 26th day of June 2020, I have caused the within document to be filed with the Court via the ECF filing system. As such, this document will be electronically sent to the registered participants as identified on the Notice of Electronic Filing (NEF) and paper copies will be sent to those indicated as non-registered participants.

/s/ Dean J. Wagner, Esq.