

STATE OF RHODE ISLAND
PROVIDENCE, SC.

SUPERIOR COURT

In re:

CharterCARE Community Board,

St. Joseph Health Services of
Rhode Island,

And

Roger Williams Hospital

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PC-2019-11756

Hearing Date: Aug. 17, 2020 @ 11:00 a.m.

**LIQUIDATING RECEIVER AND PLAN RECEIVER’S
THIRD SUPPLEMENT TO THEIR MEMORANDUM OF LAW IN SUPPORT OF
MOTION FOR INJUNCTIVE RELIEF AGAINST ADLER POLLOCK & SHEEHAN, PC**

Thomas Hemmendinger (the “Liquidating Receiver”) and Stephen Del Sesto (the “Plan Receiver”) (collectively “the Receivers”) file this third supplement, to provide the Court with additional materials to which the Receivers intend to refer at the August 17, 2020 remote hearing concerning their pending motion for injunctive relief against Adler Pollock & Sheehan, PC (“APS”).

Attached as Exhibit 22 is the Hospital Conversion Application (without exhibits), submitted on October 18, 2013 and resubmitted on January 2, 2014 by CharterCARE Community Board¹, Roger Williams Hospital², St. Joseph Health Services of Rhode Island, Prospect Medical Holdings, Inc., Prospect East Hospital Advisory Services, LLC, Prospect East Holdings, Inc., Prospect Chartercare, LLC, Prospect Chartercare RWMC, LLC, and Prospect

¹ I.e. CharterCARE Community Board f/k/a CharterCARE Health Partners.

² I.e. Roger Williams Hospital f/k/a Roger Williams Medical Center.

Chartercare SJHSRI, LLC. This document bears bates stamps AGE14-133454 to AGE14-133622 and was produced by the Attorney General to the Plan Receiver.

Attached as Exhibit 23 is the Change in Effective Control Application (without exhibits) submitted on October 18, 2013 and supplemented on January 8, 2014 by Prospect Medical Holdings, Inc., Prospect East Holdings, Inc., Prospect Chartercare, LLC, Prospect Chartercare RWMC, LLC, Prospect Chartercare SJHSRI, LLC, and Prospect Chartercare Elmhurst, LLC. This document bears bates stamps APS0159161 to APS0159241 and was produced by APS to the Plan Receiver.

Attached as Exhibit 24 is the Hospital Conversion Application (without exhibits) resubmitted on February 4, 2020 and March 18, 2020 by APS on behalf of Chamber Inc., Ivy Holdings Inc., Ivy Intermediate Holdings, Inc., Prospect Medical Holdings, Inc., Prospect East Holdings, Inc., Prospect East Hospital Advisory Services, LLC, Prospect Chartercare, LLC, Prospect Chartercare SJHSRI, LLC, and Prospect Chartercare RWMC, LLC. This document bears the bates stamps CIIH-000001 to CIIH-000064 and was publicly posted by the Department of the Attorney General on its website.

Attached as Exhibit 25 are the Change in Effective Control Applications submitted on November 8, 2019 and resubmitted on February 19, 2020, submitted by APS on behalf of Prospect Chartercare RWMC, LLC, Prospect Chartercare SJHSRI, LLC, Prospect Blackstone Valley Surgicare, LLC, and Prospect Chartercare Home Health and Hospice, LLC. This document was publicly posted by the Rhode Island Department of Health on its website.

Attached as Exhibit 26 is the transcript of the February 11, 2014 hearing before the Project Review Committee of the Rhode Island Department of Health. This document bears bates stamps APS0066543 to APS0066631 and was produced by APS to the Plan Receiver.

Attached as Exhibit 27 is the transcript of the March 18, 2014 hearing by the Project Review Committee of the Rhode Island Department of Health. This document bears bates stamps APS0192152 to APS0192200 and was produced by APS to the Plan Receiver.

Attached as Exhibit 28 is the transcript of the April 8, 2014 hearing by the Project Review Committee of the Rhode Island Department of Health. This document bears bates stamps APS0192201 to APS0192286 and was produced by APS to the Plan Receiver.

Attached as Exhibit 29 is the transcript of the May 6, 2014 hearing by the Project Review Committee of the Rhode Island Department of Health. This document bears bates stamps APS0130927 to APS0131037 and was produced by APS to the Plan Receiver.

Attached as Exhibit 30 is the transcript of the April 22, 2014 hearing by the Superior Court (Silverstein, J.) in the action Prime Healthcare Services v. State of Rhode Island, et al., PB-2014-1992. This document bears bates stamps APS0074101 to APS0074172 and was produced by APS to the Plan Receiver.

Attached as Exhibit 31 is the transcript of the May 13, 2014 hearing by the Rhode Island Department of Health. This document bears bates stamps PCLLC149008 to PCLLC149123 and was produced by Prospect Chartercare, LLC to the Plan Receiver.

Attached as Exhibit 32 is a February 12, 2014 email from the Department of Health attaching a PowerPoint slide deck and a Supplement to Prospect Medical Holdings and CharterCARE Health Partners Presentation. This document bears bates stamps APS0125149 to APS0125232 and was produced by APS to the Plan Receiver.

Attached as Exhibit 33 is a May 9, 2014 Memorandum sent by W. Mark Russo, Patricia K. Rocha, and Moshe S. Berman to Michael Dexter for Distribution to the Health Services Council. This document bears bates stamps APS0131361 to APS0131398 and was produced by APS to the Plan Receiver.

Respectfully submitted,

Thomas S. Hemmendinger, as Liquidating Receiver
of CharterCARE Community Board,
St. Joseph Health Services of Rhode Island, and
Roger Williams Hospital

/s/ Thomas S. Hemmendinger

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/s/ Max Wistow

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Dated: August 11, 2020

CERTIFICATE OF SERVICE

I hereby certify that, on the 11th day of August, 2020, I filed and served the foregoing document through the electronic filing system on the following users of record:

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The document electronically filed and served is available for viewing and/or downloading from the Rhode Island Judiciary's Electronic Filing System.

/s/ Benjamin Ledsham