Case Number: PC-2019-3654

Filed in Providence/Bristol County Superior Court

Submitted: 10/16/2020 5:06 PM

Envelope: 2795386 Reviewer: Rachel L.

STATE OF RHODE ISLAND PROVIDENCE, SC

SUPERIOR COURT

CHARTERCARE COMMUNITY BOARD

:

v. : C.A. No.: PC-2019-3654

:

SAMUEL LEE, ET AL

PLAN RECEIVER AND LIQUIDATING RECEIVER'S MOTION TO COMPEL PRODUCTION, TO ALLOW DEPOSITION, TO EXTEND TIME TO EXERCISE PUT OPTION, AND FOR SANCTIONS, INCLUDING AN ORDER ESTABLISHING FACTS AND AN AWARD OF ATTORNEYS' FEES, ARISING OUT OF PROSPECT CHARTERCARE'S FAILURE TO COMPLY WITH THE COURT'S ORDER ENTERED JULY 21, 2020

Stephen Del Sesto, as Receiver ("Plan Receiver") for the St. Joseph Health
Services of Rhode Island Retirement Plan (the "Plan"), and Thomas Hemmendinger, as
Liquidating Receiver ("Liquidating Receiver") of CharterCARE Community Board, St.
Joseph Health Services of Rhode Island, and Roger Williams Hospital, hereby move
(a) for an order establishing certain facts as a sanction for repeated and willful violations
of court orders; (b) to extend time for the exercise of the Put option; (c) in the
alternative, to compel production of documents and other information from Defendant
Prospect Chartercare, LLC ("Prospect Chartercare"); (d) to order Prospect Chartercare
to designate and submit a knowledgeable witness for deposition; and (e) for an award of
attorneys' fees.

The Plan Receiver and the Liquidating Receiver rely in support on their memorandum of law filed herewith.

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Respectfully submitted,

Stephen Del Sesto as Receiver,

By his Attorney,

## /s/ Stephen P. Sheehan

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Plaintiff CharterCARE Community Board, by its Liquidating Receiver

## /s/ Thomas S. Hemmendinger

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Dated: October 16, 2020

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## **CERTIFICATE OF SERVICE**

I hereby certify that, on the 16th day of October, 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