

UNITED STATE 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. :	C.A. No:1:18-CV-00328-WES-LDA
PROSPECT CHARTERCARE, LLC, ET AL. :	:
	:
Defendants. :	:

**PLAINTIFFS' REPLY TO THE OBJECTION OF NON-SETTLING
DEFENDANTS ROMAN CATHOLIC BISHOP OF PROVIDENCE,
DIOCESAN ADMINISTRATION CORPORATION, AND DIOCESAN
SERVICE CORPORATION TO THE JOINT MOTION FOR SETTLEMENT
CLASS CERTIFICATION, APPOINTMENT OF CLASS COUNSEL, AND
PRELIMINARY SETTLEMENT APPROVAL, BY PLAINTIFFS AND
DEFENDANTS CHARTERCARE FOUNDATION, ST. JOSEPH HEALTH
SERVICES OF RHODE ISLAND, ROGER WILLIAMS HOSPITAL, AND
CHARTERCARE COMMUNITY BOARD**

The Prospect Defendants¹ and Diocesan Defendants² have filed two objections to the Joint Motion for settlement approval of the second settlement, and Plaintiffs hereby reply to the Diocesan Defendants' objection. Both sets of Defendants wholesale incorporate various prior arguments they asserted in objection to the first settlement, which are fully addressed in Plaintiffs' prior replies.³ Plaintiffs therefore incorporate those replies by reference.

¹ Prospect Medical Holdings, Inc., Prospect East Holdings, Inc., Prospect Chartercare, LLC, Prospect Chartercare SJHSRI, LLC, and Prospect Chartercare RWMC, LLC.

² Roman Catholic Bishop of Providence, Diocesan Administration Corporation, and Diocesan Service Corporation.

³ See Dkt ## 82 (replying to the Diocesan Defendants' objection to the first settlement) & 83 (replying to the Prospect Defendants' objection to the first settlement).

None of the non-settling Defendants object to any substantive terms of the instant settlement. Nor do they suggest it is in any way collusive or anything other than a “good faith” settlement. Instead, they reiterate various arguments that (1) would equally apply to any settlement that the settling parties could reach; or (2) have nothing to do with settlements and instead are a naked collateral attack on the Superior Court.

The Diocesan Defendants also, after reiterating their prior arguments (which are invalid for the reasons discussed in Plaintiffs’ prior replies), conclude that “[a]ny decision on fees, therefore, is premature.” Diocesan Defendants’ Objection at 2. Plaintiffs agree: Plaintiffs have themselves already requested any decision on fees be deferred until final approval of the proposed settlement, after any objections have been filed by persons with standing (*i.e.* not the Diocesan Defendants or the other non-settling Defendants) to object to the Fee Motion.

Wherefore, the Court should grant the Joint Motion.

Respectfully submitted,
Plaintiffs,
By their Attorney,

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Dated: January 25, 2019

REQUEST FOR ORAL ARGUMENT

Pursuant to LR Cv 7(c), Plaintiffs request oral argument and estimate that approximately 15 minutes will be required to address the Diocesan Defendants' objection.

CERTIFICATE OF SERVICE

I hereby certify that an exact copy of the within document was electronically filed on the ___ day of January, 2019 using the Electronic Case Filing system of the United States District Court and is available for viewing and downloading from the Electronic Case Filing system. The Electronic Case Filing system will automatically generate and send a Notice of Electronic Filing to the following Filing Users or registered users of record:

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