

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. :

STIPULATION

Plaintiffs and Defendants Prospect Chartercare, LLC (“PCLLC”), Prospect Chartercare SJHSRI, LLC, Prospect East Holdings, Inc., Prospect Chartercare RWMC, LLC and Prospect Medical Holdings, Inc. (“PMH” and, collectively, the “Stipulating Defendants”) by their undersigned counsel hereby stipulate and agree as follows:

1. PMH and PCLLC each were served with and are in the process of responding to subpoenas¹ (“the PMH Receivership Subpoena” and the “PCLLC Receivership Subpoena,” respectively, and “the Receivership Subpoenas” collectively) to produce documents in the civil action pending in state court, entitled, *St. Joseph Health Services of Rhode Island, Inc. v. St. Josephs*

¹ The PMH Receivership Subpoena is dated April 4, 2018, and the PCLLC Receivership Subpoena is dated December 1, 2017.

Health Services of Rhode Island Retirement Plan, as amended; Providence Superior Court, Case No. PC-2017-3856 (the “Receivership Action”).

2. Pursuant to the PMH Receivership Subpoena issued by Plaintiff Stephen Del Sesto (the “Receiver”) in the Receivership Action, PMH is in the process of collecting and producing electronically stored information (including emails and electronic documents) responsive to the PMH Receivership Subpoena’s requests in its possession, custody or control or in the possession, custody or control of Prospect East Holdings, Inc. Likewise, PCLLC is in the process of collecting and producing electronically stored information (including emails and electronic documents) responsive to the PCLLC Receivership Subpoena in its possession, custody or control or in the possession, custody, or control of Prospect Chartercare SJHSRI, LLC or Prospect Chartercare RWMC, LLC. To comply with the Receivership Subpoenas and produce the requested electronically stored information (“ESI”) in the Receivership Action, both PMH and PCLLC retained electronic discovery vendors and temporary document review attorneys.
3. To avoid unnecessary additional time, expense, and duplication of discovery efforts, the parties agree that:
 - a. If Plaintiffs serve document requests (the “Federal Court Requests”) on the Stipulating Defendants in this action (C.A. No: 1:18-CV-00328-WES-LDA) (“the Federal Court Action”) that request documents that were produced in response to either of the Receivership Subpoenas,

the Stipulating Defendants shall not be required to re-produce such documents in the Federal Court Action;

- b. Notwithstanding the commencement of the Federal Court Action, the Stipulating Parties agree to continue to comply with the Receivership Subpoenas, subject to the Stipulating Parties right to seek an Order from Judge Stern staying, modifying or quashing the Receivership Subpoenas and/or subject to an Order by Judge Smith in the Federal Court Action; and
 - c. Subject to and in compliance with the Stipulated Protective Orders entered in the Receivership Action between the Receiver and the Stipulating Defendants, including as such Orders may hereinafter be amended by the Court or by agreement of the parties hereto, any documents produced by the Stipulating Defendants in response to the Receivership Subpoenas may be used in the Federal Court Action as if they had been produced in discovery the Federal Court Action.
4. This Stipulation shall be without prejudice of the right of Plaintiffs to serve any document requests they choose in this action or of the rights of the Stipulating Defendants to object to such document requests. Additionally, nothing in this Stipulation is an agreement by the Stipulating Defendants to produce any documents in response to any document requests served by Plaintiffs in this action.

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Dated: July 23, 2018

CERTIFICATE OF SERVICE

I hereby certify that an exact copy of the within document was electronically filed on the 23rd day of July, 2018 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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