

**UNITED STATES 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.

PROSPECT CHARTERCARE, LLC; ET AL.,

Defendants.

C.A. No. 1:18-CV-00328-WES/LDA

STIPULATION AND CONSENT ORDER STAYING ACTION

WHEREAS Plaintiffs and the Diocesan Defendants have agreed to a settlement of their disputes pursuant to a settlement agreement (the “Settlement Agreement”) for which they will seek approval from the Court and from the Rhode Island Superior Court, and

WHEREAS the Settlement Agreement provides that the settlement is subject to certain contingencies over the coming months failing which the settlement will be void, including that the Pension Benefit Guaranty Corporation (“PBGC”) agrees to take over the Plan and to provide the maximum statutory guaranteed benefits under ERISA to all Plan participants, and

WHEREAS PBGC is not expected to make that determination for some time, probably not before April 1, 2024, and

WHEREAS it is in the interests of the parties and judicial economy that the captioned proceeding be stayed except for matters incidental to or required by the Settlement Agreement, and

WHEREAS the Settlement Agreement provides that the settlement is also subject to the entry of this Stipulation and Consent Order,

NOW, THEREFORE, Plaintiff Stephen Del Sesto (the “Receiver”) and the individual named plaintiffs (individually and as putative class representatives) (with the Receiver, “Plaintiffs”) and Defendants Roman Catholic Bishop of Providence, a corporation sole, Diocesan Administration Corporation, and Diocesan Service Corporation (collectively the “Diocesan Defendants”) hereby stipulate and agree as follows, and request entry of this stipulation as an Order of the Court.

1. The captioned proceeding is stayed except for matters incidental to or required by the Settlement Agreement.

2. Provided, however, that if Plaintiffs and/or the Diocesan Defendants at any time conclude that any of the contingencies to which the settlement is subject will not occur, they may file a motion with the Court explaining the grounds for that conclusion and request that the stay be lifted.

IT IS SO ORDERED



Hon. William E. Smith
United States District Judge

Dated: August 31, 2023

So stipulated as of August 30, 2023,

By:

PLAINTIFFS STEPHEN DEL SESTO, AS ROMAN CATHOLIC BISHOP OF
RECEIVER AND ADMINISTRATOR OF THE PROVIDENCE, A CORPORATION SOLE,
ST. JOSEPH HEALTH SERVICES OF RHODE ISLAND RETIREMENT PLAN, et al. DIOCESAN ADMINISTRATION
CORPORATION and DIOCESAN SERVICE
CORPORATION

By Their Attorneys,
WISTOW, SHEEHAN & LOVELEY, PC

By Their Attorneys,
PARTRIDGE SNOW & HAHN LLP

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