

STATE OF RHODE ISLAND
PROVIDENCE, SC.

SUPERIOR COURT

ST. JOSEPH HEALTH SERVICES OF
RHODE ISLAND, INC.

vs.

ST. JOSEPH HEALTH SERVICES OF
RHODE ISLAND RETIREMENT PLAN,
as amended

In re:

CHARTERCARE COMMUNITY BOARD,
ST. JOSEPH HEALTH SERVICES OF
RHODE ISLAND and ROGER
WILLIAMS HOSPITAL

C.A. No: PC-2017-3856

C.A. No.: PC-2019-11756

ORDER

Stephen F. Del Sesto, Esq. (“Receiver”), solely in his capacities (a) as the Permanent Receiver of the St. Joseph Health Services of Rhode Island Retirement Plan (the “Plan”) and (b) as the Permanent Liquidating Receiver (“Liquidating Receiver”) of CharterCARE Community Board (“CCCB”), St. Joseph Health Services of Rhode Island (“SJHSRI”) and Roger Williams Hospital (“RWH”), having filed the Petition of Stephen Del Sesto as Plan Receiver and Liquidating Receiver for Settlement Instructions and Approval (“Petition for Settlement Instructions and Approval”) relating to the proposed settlement (“Proposed Settlement”) of claims among the Receiver, seven individuals, Roman Catholic Bishop of Providence, a corporation sole, Diocesan Administration Corporation, and Diocesan Service Corporation, and the Court having conducted a hearing on October 2, 2023, and no objection having been filed or made, and for the

reasons stated at the hearing, it is hereby:

ORDERED, ADJUDGED, AND DECREED:

1. That the Petition for Settlement Instructions and Approval is granted;
2. That notice of the Petition for Settlement Instructions and Approval and of the hearing thereon was given to all parties in interest, including all of the Plan's participants and beneficiaries;
3. That all of the *Jeffrey* Factors favor approval of the Proposed Settlement;
4. That the Proposed Settlement including specifically the Settlement Agreement is fair and reasonable, was made in good faith, and is in the best interests of the Receivership estate and the Plan's participants and beneficiaries, and that all actions of the Receiver in connection with the negotiation, execution, and implementation of the Proposed Settlement are approved and ratified;
5. That the Receiver may seek approval of the Proposed Settlement by the United States District Court in Stephen Del Sesto et al. v. Prospect Chartercare, LLC et al. (C.A. No: 1:18-CV-00328-WES-LDA) (the "Federal Court Action") and is directed to take all necessary and appropriate actions in connection therewith;
6. That Special Counsel's contingent fee for representing the Receiver of 23 1/3% (as set forth in the Petition for Settlement Instructions and Approval and which the Court has previously approved) is fair, reasonable, and a benefit to the Receivership estate and, subject to the approval of the Proposed Settlement and the fee by the court in the Federal Court Action, the Receiver is authorized to pay said fee to Special Counsel

from the proceeds of the Proposed Settlement and to pay the entire remaining proceeds to the Plan; and

6. That the Settlement Agreement constitutes a good-faith settlement under R.I. Gen. Laws § 23-17.14-35.

SO ORDERED:



Brian P. Stern
Associate Justice

Stern, J.

Dated: October 18, 2023

ENTERED:

/s/ Carin Miley

Dep. Clerk **Deputy Clerk I**

October 18, 2023

Dated:

Presented by:

/s/ Benjamin Ledsham

Max Wistow, Esq. (#0330)

Stephen P. Sheehan, Esq. (#4030)

Benjamin Ledsham, Esq. (#7956)

Wistow, Sheehan & Loveley, PC

61 Weybosset Street

Providence, RI 02903

(401) 831-2700

(401) 272-9752 (fax)

mwistow@wistbar.com

Dated: October 10, 2023

CERTIFICATE OF SERVICE

I hereby certify that, on the 10th day of October, 2023, I filed and served the foregoing document through the electronic filing system on the following users of record:

Stephen F. Del Sesto, Esq.
Pierce Atwood LLP
One Financial Plaza, 26th Floor
Providence, RI 02903
sdelsesto@pierceatwood.com

Maria R. Lenz, Esq.
Julie Harvey, Esq.
Sarah Rice, Esq.
Office of the Attorney General
150 South Main Street
Providence, RI 02903
mlenz@riag.ri.gov
jharvey@riag.ri.gov
SRice@riag.ri.gov

Richard J. Land, Esq.
Chace Rutenberg & Freedman, LLP
One Park Row, Suite 300
Providence, RI 02903
rland@crflp.com

Christopher Callaci, Esq.
United Nurses & Allied Professionals
375 Branch Avenue
Providence, RI 02903
ccallaci@unap.org

Arlene Violet, Esq.
499 County Road
Barrington, RI 02806
genvio@aol.com

W. Mark Russo, Esq.
Ferrucci Russo, P.C.
55 Pine Street, 4th Floor
Providence, RI 02903
mrusso@frlawri.com

Elizabeth Wiens, Esq.
Gursky Wiens Attorneys at Law
1130 Ten Rod Road, Suite C207
North Kingstown, RI 02852
ewiens@rilaborlaw.com

Jeffrey W. Kasle, Esq.
Olenn & Penza
530 Greenwich Avenue
Warwick, RI 02886
jwk@olenn-penza.com

George E. Lieberman, Esq.
Gianfrancesco & Friedmann
214 Broadway
Providence, RI 02903
george@gianfrancescolaw.com

Howard Merten, Esq.
Partridge Snow & Hahn LLP
40 Westminster Street, Suite 1100
Providence, RI 02903
hm@psh.com

Stephen Morris, Esq.
Rhode Island Department of Health
3 Capitol Hill
Providence, RI 02908
stephen.morris@ohhs.ri.gov

William M. Dolan, III, Esq.
Adler Pollock & Sheehan P.C.
One Citizens Plaza, 8th Floor
Providence, RI 02903-1345
wdolan@apslaw.com

Ekwan Rhow, Esq.
Bird, Marella, Boxer, Wolpert, Nessim,
Drooks, Licenberg & Rhow, P.C.
1875 Century Park East, 23rd Floor
Los Angeles, CA 90067-2561
erhow@birdmarella.com

Preston Halperin, Esq.
Christopher J. Fragomeni, Esq.
Dean J. Wagner, Esq.
Savage Law Partners
564 South Water Street
Providence, RI 02903
phalperin@shslawfirm.com
chris@savagelawpartners.com
dwagner@savagelawpartners.com

Thomas S. Hemmendinger, Esq.
Sean J. Clough, Esq.
Lisa M. Kresge, Esq.
Brennan Recuperero Cascione Scungio
McAllister LLP
362 Broadway
Providence, RI 02909
themmendinger@brcsm.com
sclough@brcsm.com
lkresge@brcsm.com

Steven J. Boyajian, Esq.
Daniel R. Sullivan, Esq.
Robinson & Cole LLP
One Financial Plaza, Suite 1430
Providence, RI 02903
Sboyajian@rc.com
dsullivan@rc.com

Ryan M. Gainor, Esq.
Hinckley, Allen & Snyder LLP
100 Westminster Street, Suite 1500
Providence, RI 02903
rgainor@hinckleyallen.com

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/s/ Benjamin Ledsham