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## STATE OF RHODE ISLAND

### SUPERIOR COURT SUBPOENA - CIVIL

<b>Plaintiff/Petitioner</b> In re: CharterCARE Community Board, et al.	<b>Civil Action File Number</b> PC-2019-11756
<b>Defendant/Respondent</b>	

<input type="checkbox"/> Murray Judicial Complex Newport County 45 Washington Square Newport, Rhode Island 02840-2913 *(401) 841-8330	<input type="checkbox"/> Noel Judicial Complex Kent County 222 Quaker Lane Warwick, Rhode Island 02886-0107 *(401) 822-6900
<input type="checkbox"/> McGrath Judicial Complex Washington County 4800 Tower Hill Road Wakefield, Rhode Island 02879-2239 *(401) 782-4121	<input type="checkbox"/> Licht Judicial Complex Providence/Bristol County 250 Benefit Street Providence, Rhode Island 02903-2719 *(401) 222-3230

**TO:** Keeper of Records, BMIC Service Corp.,  
of c/o Brian J. Spero Esq., One Beacon Centre, Warwick, RI 02886

**YOU ARE HEREBY COMMANDED** to appear in the Superior Court listed above at the date, time, and courtroom specified below to testify in the above-entitled case and bring with you:

Courtroom	Date	Time

If you need language assistance, please contact the Office of Court Interpreters at (401) 222-8710 or by email at [interpreterfeedback@courts.ri.gov](mailto:interpreterfeedback@courts.ri.gov) before your court appearance.

\* If an accommodation for a disability is necessary, please contact the Superior Court Clerk's Office at the telephone number listed above as soon as possible. TTY users can contact the Superior Court through Rhode Island Relay at 7-1-1 or 1-800-745-5555 (TTY) to voice number.



**STATE OF RHODE ISLAND  
 SUPERIOR COURT**

**YOU ARE HEREBY COMMANDED** to appear at the location, date, and time specified below to testify at the taking of a deposition in the above-entitled case.

Location of Deposition	Date	Time

**YOU ARE HEREBY COMMANDED** to produce and permit inspection and copying of the following documents or objects at location, date, and time specified below (list documents or objects):

See attached Schedule A

Location	Date	Time
61 Weybosset St, Providence, RI 02903	October 5, 2021	10:00 a.m.

Any organization not a party to this suit that is subpoenaed for the taking of a deposition shall designate one or more officers, directors, or managing agents, or other persons who consent to testify on its behalf and may set forth, for each person designated, the matters on which the person will testify. (Rule 30(b)(6) of the Superior Court Rule of Civil Procedure).

/s/ <u>Donald Cascone</u> Attorney for the <input checked="" type="checkbox"/> Plaintiff/Petitioner <input type="checkbox"/> Defendant/Respondent or <input type="checkbox"/> Plaintiff/Petitioner <input type="checkbox"/> Defendant/Respondent	Rhode Island Bar Number: <u>2277</u>
	Date: <u>9/9/21</u>
Telephone Number: <u>401-453-2300</u>	

Issued by <input type="checkbox"/> Clerk, <input type="checkbox"/> Notary, or <input type="checkbox"/> Issuing Official pursuant to G.L. 1956 § 9-17-3	Date:
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/s/ _____ Clerk
_____ Name of Notary
_____ Signature of Notary
Notary commission expires: _____
Notary identification number: _____
_____ Name of Issuing Official
_____ Signature of Issuing Official



## STATE OF RHODE ISLAND SUPERIOR COURT

**The following information is being provided pursuant to Rule 45(c), (d), and (e) of the Superior Court Rules of Civil Procedure.**

**(c) Protection of Persons Subject to Subpoenas.**

- (1) A party or an attorney responsible for the issuance and service of a subpoena shall take reasonable steps to avoid imposing undue burden or expense on a person subject to that subpoena. The court on behalf of which the subpoena was issued shall enforce this duty and impose upon the party or attorney in breach of this duty an appropriate sanction, which may include, but is not limited to, lost earnings and a reasonable attorney's fee.
- (2) (A) A person commanded to produce and permit inspection and copying of designated books, papers, documents, or tangible things or inspection of premises need not appear in person at the place of production or inspection unless commanded to appear for deposition, hearing, or trial.  
  
(B) Subject to paragraph (d)(2) of this rule, a person commanded to produce and permit inspection and copying may, within fourteen (14) days after service of the subpoena or before the time specified for compliance if such time is less than fourteen (14) days after service, serve upon the self-represented litigant or attorney designated in the subpoena written objection to inspection or copying of any or all of the designated materials or of the premises. If objection is made, the party serving the subpoena shall not be entitled to inspect and copy the materials or inspect the premises except pursuant to an order of the court by which the subpoena was issued. If objection has been made, the party serving the subpoena may, upon notice to the person commanded to produce, move at any time for an order to compel the production. Such an order to compel production shall protect any person who is not a party or an officer of a party from significant expense resulting from the inspection and copying commanded.
- (3) (A) On timely motion, the court by which a subpoena was issued shall quash or modify the subpoena if it:
  - (i) Fails to allow reasonable time for compliance;
  - (ii) Requires disclosure of privileged or other protected matter and no exception or waiver applies; or
  - (iii) Subjects a person to undue burden.  
(B) If a subpoena
  - (i) requires disclosure of a trade secret or other confidential research, development, or commercial information, or
  - (ii) requires disclosure of an unretained expert's opinion or information not describing specific events or occurrences in dispute and resulting from the expert's study made not at the request of any party,  
the court may, to protect a person subject to or affected by the subpoena, quash or modify the subpoena or, if the party in whose behalf the subpoena is issued shows a substantial need for the testimony or material that cannot be otherwise met without undue hardship and assures that the person to whom the subpoena is addressed will be reasonably compensated, the court may order appearance or production only upon specified conditions.

**(d) Duties in Responding to Subpoena.**

- (1) A person responding to a subpoena to produce documents shall produce them as they are kept in the usual course of business or shall organize and label them to correspond with the categories in the demand.
- (2) When information subject to a subpoena is withheld on a claim that it is privileged or subject to protection as trial preparation materials, the claim shall be made expressly and shall be supported by a description of the nature of the documents, communications, or things not produced that is sufficient to enable the demanding party to contest the claim.

- (e) Contempt.** Failure by any person without adequate excuse to obey a subpoena served upon that person may be deemed a contempt of the court in which the action is pending.



# STATE OF RHODE ISLAND

## SUPERIOR COURT

<b>Plaintiff/Petitioner</b>	<b>Civil Action File Number</b>
<b>Defendant/Petitioner</b>	

### PROOF OF SERVICE

I hereby certify that on the date below I served a copy of this Subpoena on Bmc Service Corp / Bronson ESC personally.

I hereby certify that I was unable to make service after the following reasonable attempts:

SERVICE DATE: 9 / 10 2021 11:25 AM  
Month Day Year  
SERVICE FEE \$ 45<sup>00</sup> + 12 = 57<sup>00</sup>

Signature of SHERIFF or DEPUTY SHERIFF or CONSTABLE

Michelle DeFalso #60424

SIGNATURE OF PERSON OTHER THAN A SHERIFF or DEPUTY SHERIFF or CONSTABLE MUST BE NOTARIZED.

Signature \_\_\_\_\_

State of \_\_\_\_\_

County of \_\_\_\_\_

On this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_, before me, the undersigned notary public, personally appeared \_\_\_\_\_

personally known to the notary or  proved to the notary through satisfactory evidence of identification, which was \_\_\_\_\_, to be the person who signed above in my presence, and who swore or affirmed to the notary that the contents of the document are truthful to the best of his or her knowledge.

Notary Public: \_\_\_\_\_

My commission expires: \_\_\_\_\_

Notary identification number: \_\_\_\_\_

X Mary Lambert

## SCHEDULE A

### Definitions

- a. The word "**documents**" as used herein is meant in the broad and liberal sense and includes hand-written, typed, recorded, electronically stored, or graphic material of any kind and description, and whether a draft, copy, original, or master, including, but not limited to, e-mails, electronic versions of documents, accounts, advertisements, letters, memoranda, prospectuses, resolutions, legislation, notes of conversations, contracts, agreements, drawings, tape recordings, inter-office and intra-office memoranda, studies, working papers, corporate records, minutes of meetings, checks, diaries, diary entries, appointment books, desk calendars, photographs, transcriptions or sound recordings or any type, and documents stored on data storage modules, databases, servers, computers, tapes, discs or other memory devices, or other information retrievable from storage systems. If any document has been prepared in multiple copies which are not identical, each modified copy or non-identical copy is a separate "document." The word "**document**" also includes data compilations from which information can be obtained and translated, if necessary, by the requesting party in a reasonably usable form.
- b. The term "any" and the term "all" are intended to mean "any and all."
- c. Any word in the singular also includes the plural and vice versa.
- d. The term "**RWH**" refers to Roger Williams Medical Center and Roger Williams Hospital.
- e. The term "loss triangulation" means the term of art from actuarial analysis for a typical submission of claim data, including the following:
  - i. Total workers' compensation payments to all claimants in the accident year starting in 1971;
  - ii. Total cumulative workers compensation payments shown for every six months or at least each year from 1971 to the present

The attached explanation of loss triangle further explains this term.

### Additional Instructions

Completion of Keeper of Records affidavit provided herewith, if returned together with the requested records, is an acceptable alternative to attendance at the presently scheduled deposition.

### Documents Requested

1. All insurance policies (including umbrella and excess policies) under which RWH was provided with insurance coverage for workers' compensation claims for any or all of the period from 1971 through 2021, inclusive.
2. All documents relating to self-insurance funds or trusts under which RWH self-insured or had/has coverage for workers' compensation claims for any or all of the period from 1971 through 2021, inclusive.
3. The following payroll records concerning RWH for the period from 1971 through 2021, inclusive, including, for each year:
  - a. A document showing the number of employees for each year;
  - b. A document showing the Workers' Compensation classification for each employee for each year; and
  - c. A document showing the payroll (preferably audited) for each employee for each year.
4. The current<sup>1</sup> loss run of all closed workers' compensation claims concerning RWH for any or all of the period from 1971 through 2021, inclusive, in Microsoft Excel format.
5. Documentation of insured or self-insured status of each workers' compensation claim concerning RWH for any or all of the period from 1971 through 2021, inclusive.
6. The current loss run of all open workers' compensation claims concerning RWH, in Microsoft Excel format.
7. The current loss run for all workers' compensation claims concerning RWH for any or all of the period from 1971 through 2021, inclusive, with total incurred costs in excess of \$50,000.
8. The current loss triangulation of all open workers' compensation claims concerning RWH, with six month or annual valuations.
9. All summaries of workers' compensation claims concerning RWH for the period from 1971 through 2021, inclusive.
10. Any agreement pertaining to provision of third party administration services for workers' compensation claims concerning RWH.

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<sup>1</sup> Sedgwick has previously provided a loss run dated as of June 10, 2021.