

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

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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:

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The document electronically filed and served is available for viewing and/or downloading from the Rhode Island Judiciary's Electronic Filing System.

/s/ Benjamin Ledsham