

**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

**THIRD STIPULATION AND CONSENT ORDER CONCERNING LIMITED
DISCOVERY AND RELATED SUMMARY JUDGMENT MOTIONS**

WHEREAS the parties have a dispute as to whether, when and how Plaintiffs are entitled to conduct discovery respecting Defendants' contentions, if any, in response to Plaintiffs' previously-filed motion for summary judgement,

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 Prospect Medical Holdings, Inc., Prospect East Holdings, Inc., Prospect Chartercare, LLC, Prospect Chartercare SJHSRI, LLC, Prospect Chartercare RWMC, LLC, (the "Prospect Defendants"), and Roman Catholic Bishop of Providence, a corporation sole, Diocesan Administration Corporation, and Diocesan Service Corporation (collectively the "Diocesan Defendants"), and The Angell Pension Group, Inc. (which together with the Prospect Defendants and the Diocesan Defendants are collectively the "Remaining Defendants," and with Plaintiffs, the "Parties") hereby stipulate and agree as follows, and consent to entry of this stipulation as an Order of the Court.

1. This Third Stipulation and Consent Order is further to the Stipulation and Proposed Order Concerning Limited Discovery and Related Summary Judgment Motions (ECF No. 170) entered by the Court on October 29, 2019 (the “Order of October 29, 2019”) and the Stipulation and Consent Order Concerning Limited Discovery and Related Summary Judgment Motions that the Court entered on January 13, 2020 (ECF No. 175) (the “January 13, 2020 Stipulation and Consent Order”).

2. The January 13, 2020 Stipulation and Consent Order is hereby amended to provide that on or before May 12, 2020 the Remaining Defendants shall file their objections and supporting papers in opposition to Plaintiffs’ Motion for Summary Judgment (ECF No. 173 and related filings), and their cross-motions for summary judgment, if any, limited to Count IV of the Plaintiffs’ First Amended Complaint, and their contention that the Plan was a church plan exempt from ERISA.

3. The January 13, 2020 Stipulation and Consent Order is hereby amended to provide that on or before May 12, 2020, the Prospect Defendants and the Diocesan Defendants shall serve amended and supplemental answers to Plaintiffs’ previously served interrogatories, requests for production, and requests for admission, and such amended and supplemental answers and responses shall as requested therein identify all persons or entities, if any, that they claim satisfied the principal purpose requirement during the period from 2008 through 2017 and the grounds therefor.

4. The January 13, 2020 Stipulation and Consent Order is hereby amended to provide that the period for Limited Discovery Concerning Plaintiffs’ Motion for Summary Judgment is extended to the earlier of June 26, 2020 or the date that Plaintiffs file their memoranda in reply to

the Remaining Defendants' objections and supporting papers in opposition to Plaintiffs' Motion for Summary Judgment.

5. The January 13, 2020 Stipulation and Consent Order is hereby amended to provide that any discovery requests, deposition notices, or discovery responses seeking or constituting Limited Discovery Concerning Plaintiffs' Motion for Summary Judgment that are served after the date hereof shall be specifically identified as Limited Discovery Concerning Plaintiffs' Motion for Summary Judgment.

6. The January 13, 2020 Stipulation and Consent Order is hereby amended to provide that the period for Limited Discovery Concerning Defendants' Cross-Motions for Summary Judgment shall commence May 13, 2020 and shall conclude August 11, 2020.

7. The January 13, 2020 Stipulation and Consent Order is hereby amended to provide that any discovery requests, deposition notices, or discovery responses seeking or constituting Limited Discovery Concerning Defendants' Cross-Motions for Summary Judgment shall be specifically identified as Limited Discovery Concerning Defendants' Cross-Motions for Summary Judgment.

8. This Third Stipulation is without prejudice to Plaintiffs' right to pursue the relief sought in the Draft Motions other than concerning their contention that the Prospect Defendants and Diocesan Defendants are required in the first ninety-day period of limited discovery to identify any entity they claim satisfied the principal purpose requirement during the period from 2008 through 2017 and the grounds therefor, and without prejudice to the contentions of CharterCARE Community Board, St. Joseph Health Services of Rhode Island, and Roger Williams Hospital that except for discovery pursuant to stipulation, their participation in this action remains stayed

pursuant to the orders entered in *In re: CharterCARE Community Board, et al.*, PC-2019-11756 (R.I. Super.).

9. All other provisions of the Order of October 29, 2019 and the January 13, 2020 Stipulation and Consent Order shall remain in full force and effect.

IT IS SO ORDERED

Hon. William E. Smith
United States District Judge

Dated: March , 2020

So stipulated as of March 17, 2020,

By:

STEPHEN DEL SESTO, AS RECEIVER AND
ADMINISTRATOR OF THE ST. JOSEPH
HEALTH SERVICES OF RHODE ISLAND
RETIREMENT PLAN, et al.

PROSPECT MEDICAL HOLDINGS, INC.
and PROSPECT EAST HOLDINGS, INC.

By Their Attorneys,

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By Their Attorneys,

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By Their Attorneys,

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CORPORATION and DIOCESAN SERVICE
CORPORATION

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

By Their Attorneys,

By Their Attorneys,

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/s/ Thomas Hemmendinger

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CERTIFICATE OF SERVICE

I hereby certify that an exact copy of the within document was electronically filed on the 18th day of March, 2020 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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