

**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 CONCERNING LIMITED DISCOVERY AND
RELATED SUMMARY JUDGMENT MOTIONS**

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 Angell Pension Group, Inc., Roman Catholic Bishop of Providence, a corporation sole, Diocesan Administration Corporation, and Diocesan Service Corporation (collectively “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 Stipulation and Consent Order is to provide limited discovery and briefing schedules 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”).

2. There will be a ninety (90) day period for discovery (“Limited Discovery Concerning Plaintiffs’ Motion for Summary Judgment”), commencing upon the adoption and

entry on the docket of this Stipulation and Consent Order as an Order of the Court, limited to whether the St. Joseph Health Services of Rhode Island Retirement Plan (“Plan”), St. Joseph Health Services of Rhode Island, or any other person or entity responsible therefore complied with the so-called “principal purpose organization” requirement referenced in 29 U.S.C. § 1002(33)(C)(i) regarding church plans exempt from ERISA. Depositions may be scheduled but may not take place prior to February 15, 2020, in order to give the Remaining Defendants further time to review the documents already produced or made available by the parties pursuant to the Order of October 29, 2019. The time periods for responses to requests for production, interrogatories, and requests for admission, and the procedure for objections to discovery, shall be as provided in the Federal Rules of Civil Procedure and the local rules of this Court, unless otherwise agreed by the Parties.

3. Thirty (30) days following the expiration of the period for Limited Discovery Concerning Plaintiffs’ Motion for Summary Judgment, the Remaining Defendants shall file their objections and supporting papers in opposition to Plaintiffs’ Motion for Summary Judgment (ECF No. 173 and related filings). Plaintiffs’ reply memoranda shall be due fifteen (15) days thereafter.

4. At the same time that the Remaining Defendants file their objections and supporting papers in response to Plaintiffs Motion for Summary Judgment (ECF No. 173 and related filings), the Remaining Defendants shall file 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.

5. Following the Remaining Defendants’ filing of their cross-motions for summary judgment, there will be another ninety (90) day period to conduct discovery (“Limited Discovery Concerning Defendants’ Cross-Motions for Summary Judgment”), limited to the issues raised by

those cross-motions in addition to the principal purpose issue. The time limits for responding to discovery and the scheduling of and taking depositions, as well as the procedure for objections to discovery, shall be determined in accordance with the Federal Rules of Civil Procedure and the local rules of this Court or the agreement of the Parties. Plaintiffs' objections and supporting papers in opposition to the Remaining Defendants' cross-motions shall be due thirty (30) days after the close of the period for Limited Discovery Concerning Defendants' Cross-Motions for Summary Judgment, and the Remaining Defendants' replies shall be due fifteen (15) days after that.

6. Subject to one exception, all discovery allowed hereunder must be completed within the respective period to which it pertains, and the Parties shall work cooperatively to accomplish that. The one exception is that the time period for Limited Discovery Concerning Plaintiffs' Motion for Summary Judgment or the period for Limited Discovery Concerning Defendants' Cross-Motions for Summary Judgment shall be extended in the event motions to strike objections and/or compel discovery are granted, solely to allow the movants time to conduct or otherwise obtain the discovery allowed by the granting of each such motions, provided such motions are filed on or before the close of the respective period to which they pertain or within ten (10) days of the assertion of the objection or other conduct upon which the motion is based, whichever is later. If a discovery motion is pending at the close of a period for Limited Discovery, then the thirty day time period for Defendants' Cross-Motions for Summary Judgment or Plaintiffs' objections to Defendants' Cross-Motions shall not begin until either (a) the motion for discovery is denied or, in the event the motion for discovery is granted, (b) the close of the reopened period of Limited Discovery.

7. The discovery that takes place either during the period for Limited Discovery Concerning Plaintiffs' Motion for Summary Judgment or the period for Limited Discovery Concerning Defendants' Cross-Motions for Summary Judgment shall not count with respect to the other such period or any other discovery, for purposes of the limitations in the Federal Rules of Civil Procedure and the local rules of this Court concerning the number of interrogatories and the number of and hours for depositions of deponents.

8. The Court will determine the date for hearing Plaintiffs' Motion for Summary Judgment and the date for hearing the Remaining Defendants' cross-motions for summary judgment. However, Defendants do not object to Plaintiffs' request to the Court that the hearing on Plaintiffs' motion for summary judgment take place promptly after that motion is fully briefed, rather than be delayed until after the Remaining Defendants' cross-motions for summary judgment are fully briefed.

IT IS SO ORDERED

Hon. William E. Smith
United States District Judge

Dated: January , 2020

So stipulated as of January 7, 2020,

By:

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

By Their Attorneys,

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

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CERTIFICATE OF SERVICE

I hereby certify that on the 8th day of January, 2020, the foregoing document has been filed electronically through the Rhode Island ECF system, is available for viewing and downloading, and will be sent electronically to the counsel who are registered participants identified on the Notice of Electronic Filing.

/s/ Stephen P. Sheehan