

STATE OF RHODE ISLAND
PROVIDENCE, SC.

SUPERIOR COURT

ST. JOSEPH HEALTH SERVICES)
OF RHODE ISLAND)

v.)

C.A. No. PC-2017-3856

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

STIPULATION

WHEREAS, Special Counsel for Respondent St. Joseph Health Services of Rhode Island Retirement Plan (“Special Counsel”) served a subpoena on CharterCare Foundation (“CCF”) on January 29, 2018 (“the Subpoena”);

WHEREAS, by letter dated February 9, 2018, CCF, through counsel, sent Special Counsel a response to the Subpoena (“the CCF Initial Response”); and

WHEREAS, CCF contends that it produced all of its hard copy files that are responsive to the Subpoena on February 15, 2018 (“the CCF Initial Production”);

WHEREAS, CCF made a first production of some of its electronic files on March 19, 2018 (“the CCF First Rolling Production”).

It is hereby stipulated and agreed that:

1. On or after March 21, 2018, CCF shall begin a rolling production of electronically-stored documents that are responsive to the Subpoena. CCF will complete the rolling production of its electronically-stored documents on or before March 26, 2018.

2. CCF will produce its electronically-stored documents in PDF form.

3. CCF reserves the right to withhold from production any documents protected from disclosure by the attorney-client privilege and/or work product doctrine.

4. Within two weeks of completing the production of its electronically-stored documents, CCF will provide a privilege log compliant with Super. R. Civ. P. 45(d)(2) identifying all documents withheld from production on the basis of the attorney-client privilege and/or work product doctrine.

5. Documents produced by CCF shall be subject to the provisions of Superior Court Rules of Civil Procedure 26(b)(7) and 45(c)(3)(C) as set forth in Superior Court Order 17-0006.

6. CCF may redact from any document personal information such as social security numbers, tax identification numbers, bank or other account numbers, and similar information of a non-public nature.

7. The CCF Initial Production and the CCF First Rolling Production shall not constitute a waiver of CCF's right to withhold from production any documents protected from disclosure by the attorney-client privilege and/or work product doctrine, or to seek a confidentiality order for any additional documents the Receiver or Special Counsel might seek pursuant to the Subpoena or any future subpoena, nor shall the Receiver or Special Counsel argue that CCF as a result of any documents produced has waived its right to withhold from production any documents protected from disclosure by the attorney-client privilege and/or work product doctrine or the right to seek such confidentiality.

8. This Stipulation shall be without prejudice to the rights of either party hereto seek additional relief from the Court.

CHARTERCARE FOUNDATION

By its Attorneys,

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Dated: March 30, 2018