

UNITED STATE 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.	:	C.A. No:1:18-CV-00328-WES-LDA
PROSPECT CHARTERCARE, LLC, ET AL.	:	
	:	
Defendants.	:	

**PLAINTIFFS’ MEMORANDUM IN SUPPORT OF FINAL APPROVAL**

In its Order of March 26, 2021 (ECF # 209), the Court scheduled the final fairness hearing for July 20, 2021 and set the following dates for the filing of objections:

- June 18, 2021 (any objections by Settlement Class members to final class action approval of the Settlement Agreement and/or to Wistow, Sheehan & Loveley, PC’s fee application); and
- June 26, 2021 (any objections by the Non-Settling Defendants to final class action approval of the Settlement Agreement).

No objections have been filed by anyone.<sup>1</sup>

Plaintiffs rely on the following materials, previously filed:

- Plaintiffs’ Motion for Preliminary Settlement Approval, Settlement Class Certification, Appointment of Class Counsel, and a Finding of Good Faith Settlement (ECF # 206) and the exhibits thereto;

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<sup>1</sup> In light of the Diocesan Defendants’ objections to prior settlements, Plaintiffs requested that final settlement approval be granted without prejudice to the right of the Non-Settling Defendants to argue later in this litigation or in a future proceeding that R.I. Gen. Laws § 23-17.14-35 is preempted and/or unconstitutional. See ECF # 206 at 67 (“The Court in connection with the proceedings for preliminary and final approval of Settlements A and B declined to make any ruling on either the constitutionality of the Settlement Statute or whether it is preempted by ERISA. There is no reason not to take the same approach in connection with the Proposed Settlement.”). The Diocesan Defendants have filed a Response in Limited Opposition to Final Settlement Approval (ECF # 213) preserving that request.

- Declaration of Stephen P. Sheehan (ECF # 207) and the exhibits thereto;
- Declaration of Preston W. Halperin, Esquire Regarding Notice of Proposed Settlement Pursuant to 28 U.S.C. § 1715 on Behalf of Prospect Medical Holdings, Inc., Prospect East Holdings, Inc., Prospect Chartercare, LLC, Prospect Chartercare SJHSRI, LLC, Prospect Chartercare RWMC, LLC, and The Angell Pension Group, Inc. (ECF # 212); and
- Diocesan Defendants' Response in Limited Opposition to Final Settlement Approval (ECF # 213), requesting that any final approval be granted without prejudice to the right of the Non-Settling Defendants to argue later in this litigation or in a future proceeding that R.I. Gen. Laws § 23-17.14-35 is preempted and/or unconstitutional.

Consequently, Plaintiffs have no additional papers to file in support of the unopposed motion.

Plaintiffs respectfully reiterate their request that the Court:

- (1) Grant final approval of the Settlement;
- (2) Certify the class, class representatives, and class counsel; and
- (3) Make the finding of good faith under R.I. Gen. Laws § 23-17.14-35, without prejudice to the right of the Non-Settling Defendants to argue later in this litigation or in a future proceeding that R.I. Gen. Laws § 23-17.14-35 is preempted and/or unconstitutional.

Respectfully submitted,

/s/ Max Wistow

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