

STATE OF RHODE ISLAND  
PROVIDENCE, SC.

SUPERIOR COURT

In re: CHARTERCARE HEALTH PARTNERS :  
FOUNDATION; ROGER WILLIAMS :  
HOSPITAL; and ST. JOSEPH HEALTH :  
SERVICES OF RHODE ISLAND, INC., :  
Petitioners :

C.A. NO: KM-2015-0035

v. :

STEPHEN DEL SESTO, AS RECEIVER AND :  
ADMINISTRATOR OF THE ST. JOSEPH :  
HEALTH SERVICES OF RHODE ISLAND :  
RETIREMENT PLAN; GAIL J. MAJOR; :  
NANCY ZOMPA; RALPH BRYDEN; :  
DOROTHY WILLNER; CAROLL SHORT; :  
DONNA BOUTELLE; and EUGENIA :  
LEVESQUE, :

Respondents and Third :  
Party Petitioners :

v. :

RHODE ISLAND COMMUNITY :  
FOUNDATION, d/b/a RHODE ISLAND :  
FOUNDATION, :

Third Party Respondent :

**FINAL JUDGMENT**

This action came on before the Court, Stern, Justice, presiding, and for the reasons explained in this Court’s bench decision on April 6, 2015, the Court’s *Order on Petition for Approval of Deposition of Charitable Assets* dated April 20, 2015 (hereinafter the “2015 Cy Pres Order”), and the Court’s November 21, 2019 hearing on the parties’ *Joint Petition to Modify April 20, 2015 Cy Pres Order, Vacate June 29, 2018 Order Concerning Preservation of CCF Assets, and for Entry of Final Judgment*, it is hereby:

**ORDERED, ADJUDGED, and DECREED**

1. CharterCARE Foundation (“CCF”) shall, within the time frames set forth in the parties’ Settlement Agreement dated November 21, 2018, cause the sum of **THREE MILLION NINE HUNDRED THOUSAND DOLLARS (\$3,900,000.00)** to be transferred to Stephen Del Sesto, as Receiver and Administrator of the St. Joseph Health Services of Rhode Island Retirement Plan (the “Plan”), from the funds originally transferred to CCF by virtue of the 2015 *Cy Pres* Order (or up to \$4,500,000 if RSUI breaches its side agreement with CCF concerning the aforementioned Settlement Agreement), with such funds to be used by the Receiver (after payment of Counter Petitioners’ counsel fees and expenses) for the benefit of the Plan;
2. Excepting the funds to be transferred to the Receiver as described above, all other terms of the Court’s 2015 *Cy Pres* Order are hereby affirmed and shall continue to be in full force and effect; and
3. Each party to this action shall bear its own fees, costs, and expenses.

For the avoidance of doubt, the foregoing is intended as a final judgment from which an appeal lies pursuant to R.I. Super. R. Civ. P. 58(a) and/or 54(b).

ORDERED:

ENTERED:

  
Brian P. Stern  
Associate Justice

\_\_\_\_\_  
Stern, J.  
Dated: December 3, 2019

\_\_\_\_\_  
**/s/ Carin Miley**  
Dep. Clerk **Deputy Clerk I**  
Dated: December 3, 2019

Presented by:

/s/ Andrew R. Dennington  
Russell F. Conn (*pro hac vice*)  
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Dated: November 25, 2019

**CERTIFICATE OF SERVICE**

I hereby certify that on November 25, 2019, a copy of the foregoing was filed electronically. Notice of this filing will be sent to all parties by operation of the Court's electronic filing system. Parties may access this filing through the Court's Electronic Filing System.

*/s/ Andrew R. Dennington*

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