

29973

STATE OF RHODE ISLAND AND PROVIDENCE PLANTATIONS

2012 FEB -1 AM 11:45

OMNIBUS CALENDAR ASSIGNMENT FORM  
SUPERIOR COURT

( ) PROVIDENCE/BRISTOL COUNTY ( ) KENT COUNTY  WASHINGTON COUNTY ( ) NEWPORT COUNTY

CHARLES S. KINNEY, CHIEF EXECUTIVE OFFICER AND TRUSTEE  
CASE NO. 2011-0761

VS  
WESTERLY HOSPITAL HEALTHCARE, INC., THE WESTERLY HOSPITAL, ATLANTIC MEDICAL GROUP, INC., ET ALS

REQUESTED CALENDAR ASSIGNMENT  
( ) J JURY TRIAL TRIAL CALENDAR ( ) N NON-JURY TRIAL

FORMAL SPECIAL CAUSE CALENDAR  
( ) AGA AGENCY APPEAL ( ) PEN PETITION TO ENFORCE  
( ) AOD ASSESSMENT OF DAMAGES ( ) PIN PETITION FOR INSTRUCTIONS  
( ) CNA CONFIRM ARBITRATION ( ) PRC PETITION TO RECLAIM  
( ) DEJ DECLARATORY JUDGMENT ( ) PES PETITION TO SELL  
( ) EOJ ENTRY OF JUDGMENT ( ) PPI PRELIMINARY INJUNCTION  
( ) FFR FIRST & FINAL REPORT ( ) PCL PROOF OF CLAIM  
( ) FRR FORCLOSURE OF RIGHT OF REDEMPTION ( ) RCP RECEIVERSHIP PROCEEDINGS  
( ) FRS FRIENDLY SUIT ( ) SPP SUPPLEMENTARY PROCEEDINGS  
( ) OPC ORAL PROOF OF CLAIM ( ) TPR TEMPORARY RESTRAINING ORDER  
( ) MMN MANDATORY INJUNCTION ( ) TIP TITLE PROCEEDINGS  
( ) MEL MECHANIC'S LIEN ( ) TSP TRUSTEE PROCEEDINGS  
( ) MAT MOTION TO ATTACH ( ) VAR VACATE ARBITRATION  
( ) PRT PARTITION PROCEEDINGS ( ) WOM WRIT OF MANDAMUS  
( ) PAT PETITION TO APPOINT TEMPORARY RECIEVER ( ) WOR WRIT OF REPLEVIN  
 OTH OTHER FSC MATTER: Special Master's First Interim Report

12 JAN 17 PM 5:50  
SUPERIOR COURT  
FILED  
EDWARD P. MORRONE, CLERK

DISPOSITIVE MOTION CALENDAR  
( ) MTD MOTION TO DISMISS UNDER RULE 12  
( ) MJP MOTION FOR ENTRY OF JUDGMENT ON PLEADINGS  
( ) MPS MOTION FOR PARTIAL SUMMARY JUDGMENT  
( ) MSG MOTION FOR SUMMARY JUDGMENT  
( ) MOT OTHER DISPOSITIVE MOTION :

HEARING DATE: 1-30-12 FSC/MOTION CLERK: DATE: 1-17-12

SPECIAL MASTER-CALENDAR  
( ) OTH OTHER MATTER:  
HEARING DATE: CLERK:

METHOD OF ASSIGNMENT  
( ) MOTION TO ASSIGN  
( ) STIPULATION TO ASSIGN  
( ) COURT ORDER PURSUANT TO TEMPORARY EX PARTE ORDER  
BASED ON METHOD OF ASSIGNMENT STATE ANY RELEVANT INFORMATION BELOW

ATTORNEYS DATE DATE/TIME STAMP  
SIGNATURES  
PLAINTIFFS DEFENDANTS  
John A. Dorsey, (#8373) Ferrucci Russo P.C.  
PRINT NAME 55 Pine St., Providence, RI (455-1008)



2. That said Special Master, as previously ordered by this Court shall continue the Special Master's bond in the amount of \$500,000 with a corporate surety thereon authorized to do business in the State of Rhode Island conditioned that the Special Master will well and truly perform the duties of said office.

3. That said Special Master be and hereby is authorized, empowered and directed to take possession and charge of said estate, assets, effects, property and business of the Westerly Hospital and Related Entities, including cash surrender value of any insurance owned by The Westerly Hospital and Related Entities, and to preserve the same, and is hereby vested with title to the same; to collect and receive the debts, property and other assets and effects of the Westerly Hospital and Related Entities, including such cash surrender value, with full power to prosecute, defend, adjust and compromise all claims and suits of, by or against said Westerly Hospital and Related Entities and to appear, intervene or become a party in all suits, actions or proceedings relating to said estate, assets, effects and property as may in the judgment of the Special Master be necessary or desirable for the protection, maintenance and preservation of the property and assets of the Westerly Hospital and Related Entities.

4. That this appointment is made in succession to the appointment of Temporary Special Master heretofore made by order of this Court, and the Special Master shall take and be vested with the title to all assets, property and choses-in-action which have heretofore accrued to the Temporary Special Master with power to confirm and ratify in writing such agreements as are entered into by such Temporary Special Master and to carry out and perform the same.

5. That the Special Master is authorized, in the Master's discretion, to continue the business of the Westerly Hospital and Related Entities until further order of this Court, and to employ such persons as may be desirable for the foregoing purposes and, in connection

therewith, to use such moneys as shall come into the Master's hands and possession, as far as the same shall be necessary, for the above purposes and for continuing the business of said Westerly Hospital and Related Entities until further Order of this Court.

6. That the Special Master is authorized to incur expenses for goods and services and to purchase for cash such merchandise, supplies and materials as in the Master's discretion may be desirable or necessary for continuance of the business of the Westerly Hospital and Related Entities.

7. That said Special Master be and hereby is authorized and empowered to market, advertise, sell, transfer and convey said Special Master's right, title and interest and the right, title and interest of said Westerly Hospital and Related Entities in and to any real property or personal property, tangible or intangible, subject to prior notice and Court approval after a hearing thereon. The Special Master shall have the powers and authority of a Receiver pursuant to Rhode Island law.

8. That said Special Master be, and hereby is, authorized and empowered, as soon as there are sufficient funds available, to pay all City, State and United States taxes of any kind, nature and description, including withholding taxes, as well as wages due employees, with such employees being relieved of the necessity of filing claims with the Special Master unless the amount paid or shown on the books of the Westerly Hospital and Related Entities is not acceptable to any employee, in which case said employee may file his/her claim in the same manner as other creditors.

9. In fulfillment of the reporting requirements set forth in Rule 53 (e) as well as Rule 66 (e) of the Superior Court Rules of Civil Procedure, the Special Master shall file with the Court the reports referred to in said rule, as and when the Special Master deems necessary or advisable

under the circumstances, or, in any event, as and when required by Order of this Court. In addition, the Special Master shall file with the Court, on or before May 1 and October 1 of each year, a Mastership Control Calendar Report in accordance with Rhode Island Superior Court Administrative Order No. 98-7. Notwithstanding, the Special Master shall submit interim reports on thirty (30) day intervals beginning on January 9, 2012, with said interim reports being set down for hearing in coordination with the Court's calendar. In addition, the Special Master shall circulate to interested parties cash reports on Westerly Hospital on seven (7) day intervals and on a thirty (30) day interval for the Related Entities.

10. That the Special Master shall continue to discharge said Master's duties and trusts hereunder until further order of this Court; that the right is reserved to the Special Master and to the parties hereto to apply to this Court for any other or further instructions to said Special Master and that this Court reserves the right, upon such Notice, if any, as it shall deem proper, to make such further orders herein as may be proper, and to modify this Order from time to time.

11. All creditors or other claimants hereby are ordered to file under oath with the Special Master at 55 Pine Street, Providence, Rhode Island 02903 on or before MAY 18<sup>th</sup>, 2012, a statement setting forth their claims, including, but without limiting the generality of the foregoing, the name and address of the claimant, the nature and amount of such claim, a statement of any security or lien held by the claimant to which such claimant is or claims to be entitled, and also a statement as to any preference or priority which the claimant claims to be entitled to over the claims of any other or all other claimants or creditors.

12. That the commencement, prosecution, or continuance of the prosecution, of any action, suit, arbitration proceeding, hearing, or any foreclosure, reclamation or repossession proceeding, both judicial and non-judicial, or any other proceeding, in law, or in equity or under

any statute, or otherwise, against said Westerly Hospital and Related Entities or any of its property, in any Court, agency, tribunal, or elsewhere, or before any arbitrator, or otherwise by any creditor, stockholder, corporation, partnership or any other person, or the levy of any attachment, execution or other process upon or against any property of the Westerly Hospital and Related Entities, or the taking or attempting to take into possession any property in the possession of the Westerly Hospital and Related Entities or of which the Westerly Hospital and Related Entities has the right to possession, or the cancellation at any time during the Mastership proceeding herein of any insurance policy, lease or other contract with the Westerly Hospital and Related Entities, by any of such parties as aforesaid, other than the Special Master designated as aforesaid, or the termination of telephone, electric, gas or other utility service to the Westerly Hospital and Related Entities, by any public utility, without obtaining prior approval thereof from this Honorable Court, in which connection said Special Master shall be entitled to prior notice and an opportunity to be heard, are hereby restrained and enjoined until further Order of this Court.

13. That for cause to be determined by this Court, the deadline for Payor reimbursement of the Westerly Hospital and/or Related Entities be tolled and/or extended as required for timely reimbursement of services provided. That licensure of the Westerly Hospital and/or Related Entities be kept in force and effect to allow for the Mastership Estate to provide acute hospital health care for the community. That the charitable mission of the Westerly Hospital is to provide acute hospital care to the community, including to those in need thereof, and unable, in whole or in part, to pay for such service.

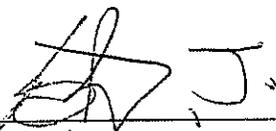
14. That Notice be given of the entry of this order by the Clerk of this Court by publication of a copy of the annexed Mastership Notice once in The Providence Journal and once

in the Westerly Sun on or before the day of January 31, 2012, and by the Special Master mailing on or before the day of January 31, 2012, a copy of said Mastership Notice to each creditor and stockholder of said Westerly Hospital and Related Entities known as such to the Special Master, or appearing as such on the books of the Westerly Hospital and Related Entities, addressed to each such stockholder or creditor at his last known address.

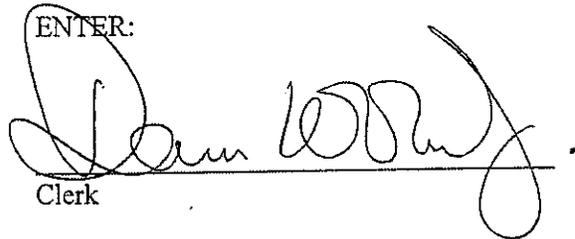
15. This Order is entered by virtue of and pursuant to this Court's equity powers and pursuant to its powers as authorized by the laws and statutes of the State of Rhode Island.

ENTERED, as an Order of this Court this 17<sup>th</sup> day of January, 2012.

BY ORDER:

  
\_\_\_\_\_  
Associate Justice

ENTER:

  
\_\_\_\_\_  
Clerk

**MASTERSHIP PROOF OF CLAIM FORM**

I, \_\_\_\_\_, being duly sworn, depose and say:

\_\_\_\_\_ (INDIVIDUAL) I am the claimant herein.

\_\_\_\_\_ (PARTNERSHIP) I am a partner of \_\_\_\_\_ which is the claimant herein.

\_\_\_\_\_ (CORPORATION) I am an officer, to wit, \_\_\_\_\_, of \_\_\_\_\_ which is the claimant herein.

The full address of the claimant is \_\_\_\_\_ (complete address, including zip code) \_\_\_\_\_.

That on the \_\_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_, **Westerly Hospital Healthcare, Inc.**, (or its related entities being the *Westerly Hospital; Atlantic Medical Group, Inc.; Ocean Myst, MSO; Women's Health of Westerly, LLC; and North Stonington Health Center, Inc.*) did owe and still does owe the claimant a balance of \$ \_\_\_\_\_ dollars, a statement of which account is attached hereto.

That such account is just, true and correct, and said balance is now due claimant from debtor.

That no part thereof has been paid or satisfied, and that there are no set-offs, or counterclaims thereto, to the knowledge or belief of deponent and that no security exists for said debt.

That the attorneys named on this Proof of Claim are hereby made and constituted attorneys for all purposes whatsoever in connection with this claim with full power of substitution (if an attorney is filing for you).

\_\_\_\_\_  
(Signature of Claimant)

STATE OF \_\_\_\_\_

COUNTY OF \_\_\_\_\_

Subscribed and sworn to before me on this \_\_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_.

\_\_\_\_\_  
Notary Public  
My Commission Expires: \_\_\_\_\_

