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| STATE OF RHODE ISLAND PROVIDENCE, SC                                                                                                                                                       | SUPERIOR COURT                     |
|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|------------------------------------|
| LAWRENCE S. GATES, in his capacity as Secretary of Hopkins Manor, Ltd., and as Managing Member of Hopkins Health Center LLC, Petitioner, )                                                 |                                    |
| VS.                                                                                                                                                                                        | C.A. No. PC-2020-03413             |
| HOPKINS MANOR, LTD., a Rhode Island ) Corporation, and HOPKINS HEALTH ) CENTER LLC, a Rhode Island Limited ) Liability Corporation, ) Respondents, )                                       |                                    |
|                                                                                                                                                                                            | administratively consolidated with |
| LAWRENCE GATES, in his capacity as a partner of HOPKINS HEALTH CENTER,) a Rhode Island general partnership, and HOPKINS HEALTH CENTER, a Rhode Island General Partnership,  Petitioners, ) |                                    |
| v. )                                                                                                                                                                                       | C.A. No. PC-2020-03954             |
| REAL PROPERTY LOCATED AT 608 ) SMITHFIELD ROAD, NORTH ) PROVIDENCE, RHODE ISLAND 02904, ) and 610 SMITHFIELD ROAD, NORTH ) PROVIDENCE, RHODE ISLAND 02904, ) Respondent. )                 |                                    |

# SPECIAL MASTER AND PERMANENT IN REM RECEIVER'S FIRST INTERIM REPORT AND REQUEST FOR FEES

NOW COMES, Jonathan N. Savage, Esq., solely in his capacity as Special Master ("Special Master") of Hopkins Manor, Ltd. ("Hopkins Manor") and Hopkins Health Center, LLC ("Hopkins Center," or together with Hopkins Manor, "Hopkins"), and Permanent *In Rem* Receiver

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of 608 Smithfield Road, North Providence, Rhode Island 02904 and 610 Smithfield Road, North

Providence, Rhode Island 02904, and hereby submits to the Court his First Interim Report and

Request for Fees ("Report"). In support hereof, the Special Master respectfully recites as follows:

**APPOINTMENT** 

PC-2020-03413

1. On or about April 23, 2020, Lawrence Gates ("Gates"), in his capacity as Secretary

of Hopkins Manor, and Managing Member of Hopkins Center filed a Verified Petition for the

Appointment of a Special Master ("Petition"). A copy of the Petition is attached hereto as **Exhibit** 

<u>A</u>.

2. The next day, the Court entered an order that appointed the Special Master as

Temporary Special Master of Hopkins ("Temporary Order"). A copy of the Temporary Order is

attached hereto as Exhibit B.

3. In connection with his appointment and pursuant to the Temporary Order, on April

27, 2020, the Special Master obtained a bond ("Bond") in the amount of \$25,000. A copy of the

Bond is attached hereto as **Exhibit C**, the original of which is on file with the Court.

4. On April 30, 2020, Hopkins Manor and Hopkins Center were each served with a

citation (collectively, "Citations") relative to the proceedings, informing them of the hearing on

the appointment of a permanent special master, which was scheduled for May 22, 2020. A copy

of the Citations are attached hereto as **Exhibit D**.

5. On May 6, 2020, the Special Master notified known creditors of Hopkins of the

Temporary Order, and subsequently filed an affidavit of service with the Court.

6. Notice of the Temporary Order was published in The Providence Journal on May

8, 2020. A copy of such publication is attached hereto as **Exhibit E**.

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7. Subsequently, on May 27, 2020, the Court entered an order that appointed the

Special Master as Permanent Special Master of Hopkins ("Permanent Order"). A copy of the

Permanent Order is attached hereto as **Exhibit F**.

8. Also on May 27, 2020, the Special Master notified known creditors of Hopkins of

the Permanent Order, and subsequently filed an affidavit of service with the Court.

9. Notice of the Permanent Order was published in *The Providence Journal* on June

12, 2020. A copy of such publication is attached hereto as **Exhibit G**.

PC-2020-03954

10. On or about May 19, 2020, Gates, in his capacity as a partner of Hopkins Health

Center, a Rhode Island general partnership ("Hopkins GP"), and Hopkins GP filed a Verified

Petition for the Appointment of a Receiver relative to real property located at 608 Smithfield Road,

North Providence, Rhode Island 02904 and 610 Smithfield Road, North Providence, Rhode Island

02904 (collectively, "the Real Property").

11. Three days later, the Court entered an order that appointed the Special Master as

Temporary Receiver of the Real Property ("In Rem Temporary Order"). A copy of the In Rem

Temporary Order is attached hereto as **Exhibit H**.

12. In connection with his appointment and pursuant to the *In Rem* Temporary Order,

on May 26, 2020, the Special Master obtained a bond ("In Rem Bond") in the amount of \$25,000.

A copy of the *In Rem* Bond is attached hereto as **Exhibit I**, the original of which is on file with the

Court.

13. On May 27, 2020, the Special Master notified known creditors of the Real Property

of the In Rem Temporary Order, and subsequently filed an affidavit of service with the Court.

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> The partners of Hopkins GP were each served with a citation (collectively, 14.

"Citations") relative to the proceedings, informing them of the hearing on the appointment of a

permanent receiver, which was scheduled for June 25, 2020. A copy of the Citations are attached

hereto as **Exhibit J**.

15. Notice of the In Rem Temporary Order was published in The Providence Journal

on June 8, 2020. A copy of such publication is attached hereto as **Exhibit K**.

16. Subsequently, on June 25, 2020, the Court entered an order that appointed the

Special Master as Permanent In Rem Receiver of the Real Property ("Permanent In Rem Order").

A copy of the Permanent *In Rem* Order is attached hereto as **Exhibit L**.

17. Then, on June 29, 2020, the Special Master notified creditors of the Real Property

known to him of the Permanent In Rem Order, and subsequently filed an affidavit of service with

the Court.

18. Notice of the Permanent Order was published in *The Providence Journal* on July

20, 2020. A copy of such publication is attached hereto as **Exhibit M**.

19. The above-captioned proceedings, for the reasons set forth below, were

administratively consolidated pursuant to an order entered on June 9, 2020 ("Consolidation

Order"). A copy of the Consolidation Order is attached hereto as **Exhibit N**.

**Actions Upon and After Appointment** 

20. After being appointed, the Special Master took over the day-to-day management of

Hopkins in order to protect and maximize the value of the special mastership estate for the benefit

of its creditors and the community. As more fully described herein, this effort has included

reviewing and managing the organizational and financial structure of Hopkins; obtaining access

to capital through federal and state programs; retaining accountants and attorneys to ensure

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necessary audits and Medicaid reports were filed and employment-related issues were resolved;

ensuring the existence of adequate insurance coverage; entering into a consulting relationship to

arrange for oversight of the day-to-day operations of the facility at no additional cost to the special

mastership estate; and collecting Medicaid accounts receivable that would have had de minimis

value if sold to a third party.

21. In addition to those day-to-day management tasks, the Special Master has been

faced with several emergencies, as more fully described herein, that have threatened the continued

operation of Hopkins, the value of the special mastership estate, and the interests of its creditors.

In order to protect these interests, the Special Master has, at times, been forced to undertake the

in-depth oversight and direction of the affairs of Hopkins in crisis management situations. In

addition to steering Hopkins through the COVID-19 epidemic, with over one hundred cases among

residents in the facility, the Special Master has managed a bona fide staffing crisis (with the facility

coming mere hours away from being evacuated); prepared for two labor strikes; contested, on an

emergency basis, an erroneous Rhode Island Department of Health ("RIDOH") finding and

recommendation that the facility be placed on a track for immediate closure; and negotiated

regularly with the labor union.

22. Furthermore, the Special Master, as more fully described below, conducted a public

sale of Hopkins. The Special Master, from appointment, endeavored to quickly sell Hopkins to a

qualified, capable purchaser that would be in the best position to manage the affairs of Hopkins

for the benefit of its residents in these unprecedented times. In just two months' time, the Special

Master sold Hopkins at a public sale, which concluded in the execution of a Court-approved asset

purchase agreement with a sale price of \$14,500,000, no contingencies, a \$5,000,000 non-

refundable deposit, substantial protections for the current employees of Hopkins, and a

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commitment for \$5,000,000 in capital improvements to make the facility far better for its residents

and the community. This result realized a value for the facility that exceeded the highest offer

received pre-petition by \$6,000,000, or over 70%.

Reviewing Hopkins' Organizational and Financial Structure

23. Initially upon his appointment, the Special Master made numerous requests for

information to Anthony Barile ("Barile") and Joseph Durand ("Durand"), the Administrator and

Controller of Hopkins Manor, respectively. These requests included, among other things, requests

for financial reports, all active contracts, employee information, contact information for

management staff, census information, and Medicaid reimbursement data.

24. From that information, the Special Master, collaboratively with Durand, created

cash projections and pro formas to understand the financial condition of Hopkins Manor. During

periods of financial constraint, these projections and pro formas are regularly updated to allow the

Special Master to actively manage Hopkins' cash position.

25. After constructing and reviewing the cash projection and pro formas, the Special

Master determined that it was in the best interest of the special mastership estate to continue to

operate—and eventually sell—Hopkins as a going concern.

26. In an effort to stabilize Hopkins' financial status prior to a sale, the Special Master

applied for and successfully obtained approximately \$1,891,000 through the Paycheck Protection

Program, approximately \$205,000 through the Rhode Island Workforce Stabilization Loan

Program; and approximately \$875,000 through several federal grant disbursements under the

CARES Act.

27. Also prior to a potential sale, the Special Master conducted due diligence relative

to the organizational structure and assets of the entities subject to these proceedings. In reviewing

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Hopkins' books and records and conducting due diligence relative to the assets of Hopkins, the

Special Master discovered that the real property upon which the Hopkins facility was situated was

owned not by Hopkins, but by a general partnership, Hopkins GP, which was not part of the special

mastership proceedings.

28. Although the real property was being carried on the books and records of Hopkins

Center, a review of the land evidence records revealed that the real property was held in fee simple

by Hopkins GP. It appeared to the Special Master that the real property was intended to be

transferred to Hopkins Center, but the corporate formality of executing and recording a deed never

occurred.

29. After bringing this to the attention of the petitioner—Gates (who was also a partner

of Hopkins GP according to a partnership agreement recorded in the land evidence records)—

subsequently filed petition for the appointment of an *in rem* receiver of the Real Property.

30. Subsequently, the Special Master was appointed as *in rem* receiver of the Real

Property, and the special mastership proceeding and in rem receivership proceeding were

thereafter administratively consolidated.

COVID-19/Patient Care Ombudsman

31. Upon his appointment, the Special Master was informed that several residents of

Hopkins Manor had tested positive for COVID-19. At that point, many other residents were also

showing symptoms of COVID-19; however, early in the course of this proceeding, adequate and

reliable COVID-19 testing was still not readily available in Rhode Island.

32. To combat the spread of COVID-19, the Special Master conducted a meeting with

all members of the Hopkins Manor nursing and administrative team, which included Dr. Ralph

Santoro ("Dr. Santoro"), Hopkins' Medical Director, to review the infection control measures and

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the infection control plan in effect. Additionally, after the Rhode Island Disaster Medical

Assistance Team's ("DMAT") review of those control measures and control plan, the Special

Master worked with the DMAT to rectify any noted deficiencies. Furthermore, the Rhode Island

National Guard has conducted two training sessions with Hopkins' staff relative to the use of

personal protective equipment and infection control.

33. In an attempt to further control the spread of COVID-19 and to ensure continued,

adequate levels of patient care, the Special Master sought and was granted ex parte approval to

engage Stefan Gravenstein, M.D. ("Dr. Gravenstein") as a patient care ombudsman. The Order

authorizing the Special Master to engage Dr. Gravenstein is attached hereto as **Exhibit O**.

34. Dr. Gravenstein is a geriatrician who currently serves as the Director of the Division

of Geriatrics and Palliative Medicine in the Department of Medicine at Rhode Island Hospital, The

Miriam Hospital, and the Warren Alpert Medical School of Brown University.

35. Since his engagement, Dr. Gravenstein had consulted with and advised the Special

Master on patient care and infection control processes through weekly phone conferences with the

Special Master, Dr. Santoro, the Director and Assistant Directors of Nursing, and Barile.

36. The number of residents who tested positive for COVID-19 increased from less

than five—at the time of the Special Master's appointment—to over seventy in May.

37. In addition to those residents, several of Hopkins' employees also tested positive

for COVID-19, as discussed further below.

38. During the outbreak of COVID-19 at the facility, a total of over one-hundred

residents and twenty staff members tested positive for the virus.

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39. However, as a result of the Special Master's above-mentioned efforts, as of the

filing of this Report, the number of positive COVID-19 results in residents has been reduced to

zero.

40. The elimination of COVID-19 in the facility was accomplished through the careful

coordination and management of staffing patterns, cohorting of residents, extensive staff training,

constant testing, and facilities management.

41. One major part in first reducing and then effectively eliminating the spread of

COVID-19 in the facility was the Special Master and Dr. Gravenstein's creation and

implementation of a utility to track, predict and respond to COVID-19 outbreaks within the facility

based on monitoring of resident vital signs and tracking of historical test results. The utility relies

on cutting edge research, which allows Hopkins to effectively monitor and manage the location of

residents within the facility to decrease the potential for spread.

Staffing

42. A significant issue that the Special Master faced upon appointment was ensuring

the maintenance of adequate staffing at Hopkins. The initial staffing shortage was complicated

not only by the fact that, at the time of appointment, there was a nation-wide staffing shortage for

nursing homes, but also because Hopkins was subject to a collective bargaining agreement with

SEIU District 1199NE ("the Union").

43. At the time of the Special Master's appointment, approximately fifty-two

employees were out on leave, and approximately twenty employees had tested positive for

COVID-19. At one point, the staffing shortage became so acute that RIDOH communicated a

need to evacuate the facility if adequate staffing could not be secured within the hour. The Special

Master remained in almost daily contact with the staffing coordinator at Hopkins, RIDOH, the

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Department of Labor and Training, several staffing agencies and the Union regarding adequate

staffing.

44. In particular, the Special Master's coordination with the scheduling coordinator

was critical, as almost every day during the COVID-19 epidemic, staff had to be re-assigned and

re-allocated to fill vacancies in the schedule.

45. In an effort to stabilize staffing, the Special Master began offering \$100 "pick-up"

bonuses for employees that would "pick-up" additional shifts during particularly critical staffing

shortages. Additionally, the Special Master paid an extra \$5 per hour, per employee until the third

week of July and also made the Workforce Stabilization hazard payments. As a result, eligible

employees earned an additional several hundred dollars per week in hazard pay.

46. While they had a negative financial impact on the estate, the "pick-up" bonuses and

hazard payments successfully ensured adequate staffing levels until the census of the facility

decreased to the point that normal scheduling could produce adequate staffing.

Ex Parte Retention of Accountants and Attorneys

47. Upon appointment, the Special Master coordinated with Blum, Shapiro &

Company, P.C. ("Blum Shapiro"), Hopkins' tax and accounting vendor, to begin preparation of

reports and audits as required by the Centers for Medicare & Medicaid Services ("CMS"), the

United States Department of Housing and Urban Development ("HUD"), and the United States

Department of Labor ("DOL").

48. The Special Master sought and obtained *ex parte* approval to engage Blum Shapiro

initially for a cumulative cost of \$8,250, which amount was later increased by \$12,000, to draft,

compile, and file Medicare cost reports (as required by CMS); Hopkins Manor's 2019 audit (as

required by HUD); Hopkins Center 2019 audit (as required by HUD); and the audit of Hopkins

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Manor's employees' requirement plan (as required by DOL and the Employee Retirement Income

Security Act). The Special Master negotiations with Blum Shapiro resulted in the procurement of

Blum Shapiro's agreement to conduct those services at a discounted rate of one hundred fifty

dollars per hour. The orders granting the Special Master's retention of Blum Shapiro are attached

as **Exhibit P**.

49. This was important because, for example, if the Medicare cost reports were not

timely filed, CMS would have likely suspended Medicare payments, which accounted for a

majority of Hopkins' revenue.

50. Also upon appointment, the Special Master sought and obtained ex parte approval

to retain Whelan, Corrente & Flanders, LLP ("WCF") for employment-related issues, including

(i) advising the Special Master on the effects of proposed sale transactions on the collective

bargaining agreement ("CBA") that Hopkins has with the Union; and (ii) assisting the Special

Master in labor negations with the Union to the extent necessary. The order granting the Special

Master's retention of WCF is attached as Exhibit Q. As described below, WCF has been a

beneficial asset in addressing the Union's threats of a strike, as described below.

Marketing and Sale of Real Property and Assets

51. Almost immediately upon appointment, the Special Master began receiving

inquiries from parties interested in acquiring Hopkins, its assets, and the real property upon which

the facility is situated.

52. In order to expedite and standardize the due diligence process for each of the

potential purchasers, the Special Master created a virtual data room for each purchaser that was

comprised of due diligence materials, which were available to potential purchasers after they

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executed a nondisclosure agreement. The Special Master received nondisclosure agreements from

twelve different potential purchasers.

53. These due diligence data rooms were updated frequently with additional requested

due diligence materials. All data rooms were maintained with the same information for each

prospective purchaser in order to ensure a standardized process.

54. The Special Master conducted over-the-phone interviews with each prospective

purchaser that had signed a nondisclosure agreement to determine the veracity and legitimacy of

any potential offer as well as to assess the purchaser's qualifications, credentials, and reputation.

55. The Special Master received an initial offer to purchase Hopkins for \$3.5 million,

but after negotiations, that offer was increased to \$4 million. The Special Master received another

offer between \$7 and \$8 million, and then another for \$9 million.

56. However, given the early stage of the proceeding and belief that the value of the

estate could be further maximized, the Special Master continued to solicit and accept offers from

other potential purchasers.

57. One of those potential purchasers was Tryko Partners ("Tryko"). Tryko had,

several years before these proceedings, offered to purchase Hopkins for \$8.5 million, but that

transaction was never finalized. Nevertheless, due to their familiarity with the facility, Tryko

quickly performed its due diligence and submitted an initial offer to purchase Hopkins for \$12

million. To memorialize its offer, Tryko submitted a draft asset purchase agreement ("APA") to

the Special Master.<sup>1</sup>

<sup>1</sup> The APA was between the Special Master and Lincolnwood Property, LLC, a wholly owned subsidiary of Marquis Health Services ("Marquis"), which is a wholly owned, healthcare-focused

subsidiary of Tryko.

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58. The Special Master reviewed and revised the APA, removing almost all

contingencies, except those related to title and an environmental study; removing almost all

representations that would pose any risk to the special mastership estate; and removing many

provisions that gave Tryko a unilateral or discretionary right to terminate the APA.

59. After receiving the Special Master's edits to the APA and negotiating terms with

the Special Master, Tryko reduced its offer to \$10 million, which was formalized in a fully-

executed APA, as revised and negotiated by the Special Master, which was subject to Court

approval.

60. Just a month after his appointment, the Special Master sought Court approval of the

\$10 million offer as set forth in the APA by filing a petition to sell with the Court.

61. Still, before the scheduled hearing on the petition to sell, the Special Master

continued to negotiate with other potential purchasers that continued to express interest in

purchasing Hopkins. These negotiations were extensive, occurring at all hours, seven days a week

leading up to the auction.

62. As a result of the Special Master's continued negotiation with those other entities,

Tryko increased its offer from \$10 million to \$11 million, \$5 million of which would be

nonrefundable.

63. Also as a result of that continuing negotiation, the Special Master, in anticipation

of an auction, developed bidding procedures and circulated those procedures to potential bidders.

To ensure that potential bidders were legitimately involved, the Special Master imposed a

qualifying condition, requiring bidders to submit a \$1 million deposit to the Special Master, which

was refundable to the extent that the bidder was not successful at the auction. In an attempt to

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solicit additional competitive bidders, the Special Master advertised the hearing date on the

petition to sell in the print and digital versions of *The Providence Journal*.

64. Ultimately, three bidders, including Tryko, qualified to participate in the auction.

65. At the commencement of the hearing on the petition to sell, the Special Master

informed the Court of Tryko's amended terms, including the increased purchase price of \$11

million, \$5 million of which would be a non-refundable deposit. Additionally, the Special Master

noted the presence of other qualified bidders, and, as a result, the Court adjourned the Special

Master, Tryko, and other qualified bidders to an auction.

66. The auction resulted in competitive bidding, and the highest and best bid, as

determined by the Special Master in his business judgment and discretion, was made by Tryko.

Tryko's bid included a purchase price of \$14.5 million, \$5 million of which would be a non-

refundable deposit; a commitment to make \$5 million of capital expenditures within two years of

closing; a commitment to retain ninety-five percent of Hopkins' employees; the allowance of \$1

million of the deposit to be used for operational expenses incurred by the special mastership estate;

and Tryko's commitment to recognize the Union.

67. After the auction, the Special Master recommended that the Court authorize him to

enter into the proposed APA, as amended to reflect Tryko's new, higher offer. After considering

an objection filed by the Union and limited objection filed by HUD and Walker & Dunlop

("W+D"),2 the Court granted the Special Master's petition to sell, and authorized the Special

Master to enter into the APA, as amended to reflect Tryko's new, higher offer.

<sup>2</sup> The issues raised in the limited objections of HUD and W+D were resolved in a proposed order

relative to the petition to sell jointly presented by the Special Master, HUD, and W+D.

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> 68. The Special Master and Tryko thereafter executed an amendment to the APA to

> reflect Tryko's new, higher offer, and since then, Tryko has submitting an application with

RIDOH, seeking approval for a change in effective control of Hopkins.

Ensuring Insurance Coverage

69. After appointment, the Special Master was notified that Hopkins' insurance

coverage—both liability and hazard—was set to expire on June 1, 2020. Furthermore, Hopkins'

insurance broker, USI Insurance Services, informed the Special Master that Hopkins' liability

insurer, Hanover Insurance Company ("Hanover"), would not renew the policy on an occurrence

basis, but would instead only renew the policy on a claims-made basis.

70. A claims-made policy generally provides less protection than an occurrence policy

as it only covers those claims made during the effective dates of the policy. An occurrence policy

generally covers claims made at any time, so long as the incident occurred during the effective

dates of the policy. The change from occurrence to claims-made policies, according to USI, was

an industry-wide modification.

71. While the Special Master was unable to renew the occurrence policy on an

occurrence basis, he and USI were able to negotiate a one hundred twenty day extension of the

current occurrence basis policy based upon the anticipated closing of the sale of Hopkins, as

described above. As a result, the policy expiration date was extended from June 1, 2020 to October

1, 2020.

72. In addition to the liability insurance, Hopkins' other insurances, such as hazard and

workers' compensation insurance, are currently active.

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Consulting Agreement

73. After the Court's approval of the sale to Tryko, the Special Master began

negotiations with Tryko representatives relative to a consulting arrangement that would allow the

Special Master to leverage Tryko's operational expertise and resources in the operation of Hopkins

Manor pending the closing of the sale. The consulting arrangement was set forth in a Consulting

Agreement ("Consulting Agreement") entered into by the Special Master and Tryko (through its

affiliate, Marquis).

74. The Consulting Agreement provides that Marquis will provide consulting advice

and guidance on all aspects of the operations of the facility at no cost to the estate, and will commit

to maintaining some in-person presence at the facility on a weekly basis. However, the Consulting

Agreement in no way impeded the Special Master's authority and it did not authorize Marquis to

make any decisions regarding any employees of the facility.

75. The Special Master worked collaboratively with RIDOH in his negotiation of the

Consulting Agreement to ensure that its provisions and Marquis' scope of consultation did not

require change in effective control approval.

76. Starting in the weeks following the Court's approval of the petition to sell, the

Special Master and his representatives were engaged in regular communications and discussions

with Marquis pertaining to the operation of the facility. These discussions ranged from review of

vendors and pricing to management of accounts receivable. Further, as discussed below, Marquis

has been instrumental in their support of the facility in preparing for the operational disruption

caused by the threat of a labor strike by the Union.

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Union Strike

77. On July 13, 2020, the Special Master received a notice of strike from the Union,

indicating that Union employees would be engaging in a three-day strike from July 29, 2020 to

August 1, 2020. The notice did not provide a reason for the strike, but after the Special Master

notified RIDOH of the strike notice, he learned that the Union delivered a strike notice to every

Union facility in the State.

78. Surprisingly, the strike notice was delivered minutes after the Special Master

portrayed to the Union his intent to seek the permission of the Court to provide employees with a

gratitude bonus, paid from the proceeds of the sale, for their diligent work during the proceeding

and COVID-19 pandemic.

79. In response to the strike notice, the Special Master was forced to devote a large

portion of time to preparing for the strike, including, but not limited to preparing and submitting a

strike plan to RIDOH as is required by applicable regulations. Marquis was helpful in assisting

the Special Master with developing the strike plan and in leveraging its vendor network to obtain

temporary staffing to fill any vacancies caused by the strike. The strike planning and coordination

of temporary staffing required daily consultation with RIDOH and Marquis.

80. Despite causing the Special Master to dedicate an excessive amount of time to strike

preparation and consultation with RIDOH and Marquis, on July 20, 2020, the Union withdrew its

initial strike notice and issued a new strike notice, noticing a three day strike that was set to begin

on August 5, 2020 and end on August 8, 2020.

81. As a result, the Special Master was forced to devote substantial time to changing

the logistics of covering the initially-noticed days of strike to the newly-noticed days of strike.

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This required daily conferences with RIDOH, Marquis, and the vendor engaged to provide

temporary staffing.

82. Once again, though, after substantial efforts by the Special Master to coordinate

staffing coverage for the newly-noticed strike, the Union withdrew its notice of strike.

As of the filing of this report, the Union has not given any other notice of a strike. 83.

RIDOH Investigation: the IJ

84. The Special Master has also devoted substantial time attending to a RIDOH

investigation relative to an incident of employee misconduct that occurred on July 13, 2020, when

an incident of consensual sexual activity occurred between a resident and an employee. Another

employee witnessed that incident and immediately took action by reporting it to her supervisor,

who, in turn, called the local police; dismissed the employee from the facility; interviewed the

resident; and filed the required reports with RIDOH. The employee involved in the incident was

immediately terminated, and the police department concluded their investigation and took no

further action.

85. After receiving the reports pertaining to the incident, RIDOH immediately sent

a surveyor to Hopkins to investigate. After conducting an initial investigation, the surveyor left

the facility, but soon returned and explained to Barile that RIDOH would be declaring that the

incident amounted to a finding of an "immediate jeopardy" or "IJ." An IJ finding arises when

RIDOH believes that the other residents of a facility are in immediate danger of abuse.

86. However, an IJ finding is not finalized until CMS, after reviewing information

gathered by RIDOH, adopts the finding of, and report prepared by, RIDOH. If CMS does not

agree with RIDOH's finding, CMS can reject RIDOH's recommendation.

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> 87. Immediately upon learning of the incident and the impending threat of an IJ finding,

the Special Master, took all statutory and regulatory required action, such as submitting a

remediation plan, and immediately contacted RIDOH to dispute the IJ finding. Although the

Special Master did not dispute that the incident amounted to troubling misconduct on the part of

one employee, he did dispute RIDOH's classification of the incident as warranting an IJ.

88. Because the employee had been appropriately terminated, and a remediation plan

had been submitted, the Special Master's concern turned to the substantially detrimental effects to

the special mastership estate that would flow from an IJ finding. The risk to the special mastership

estate was significant, including the threat to the impending closing of the sale to Tryko, the

preclusion of obtaining new admissions to the facility, and the reduction of the facility's Medicaid

rating from three stars to one star. After reviewing the relevant statutory and regulatory

framework, the Special Master took the reasoned position that such a finding was, or would be,

arbitrary and capricious, based, in part, on a recent decision of the Department of Health and

Human Services' Departmental Appeals Board.

89. The Special Master then attempted to work collaboratively with RIDOH's staff to

determine the basis for RIDOH's determination that a finding of an IJ was warranted. However,

the Special Master's efforts were met with surprisingly severe resistance, creating confusion

between both parties and further raising the specter of significant harm to the special mastership

estate. The Special Master received conflicting answers on the result of its IJ determination—on

one hand, he was informed that RIDOH would make a recommendation to CMS as to whether the

incident amounted to an IJ, yet on the other, the Special Master was told that RIDOH was merely

an investigatory arm of CMS and made no such recommendation.

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Reviewer: Zoila C.

90. Simultaneously, the Special Master engaged the principals of Tryko in a continuing

dialogue relative to the investigation, the Special Master's position that the initial conclusion of

RIDOH had been arbitrary and capricious in light of the clear language of the CMS regulations

governing findings of an IJ, and the Special Master's strategy in contesting and correcting such

arbitrary findings. Through these dialogues, it became clear to the Special Master that these

erroneous findings would significantly impair the value of the special mastership estate and the

logical implication of that effect was that a reasonable purchaser might seek to leverage any

available justification for renegotiating or cancelling their obligation to purchase the assets of

Hopkins.

91. Given the threat to the special mastership estate and continued operation of Hopkins

Manor, the Special Master filed an emergency ex parte motion for a temporary restraining order,

asking the Court to enjoin RIDOH from making an IJ recommendation to CMS.

92. The Court held a chambers conference relative to the Special Master's request at

which representatives of RIDOH and RIDOH's attorney were present. At that conference RIDOH

explained to the Court that it was only an investigatory agent for CMS and that RIDOH itself does

not make recommendations to CMS.<sup>3</sup> The Court then provided RIDOH with time to file a

responsive pleading to the Special Master's request for a temporary restraining order.

93. Fortunately, however, while the Special Master continued to cooperate and work

together with RIDOH staff, the Special Master received a letter from RIDOH, enclosing a form

from CMS, stating that CMS would find no further deficiencies based upon the actions Hopkins

STI C 'IM . 1.

<sup>3</sup> The Special Master later received a letter from RIDOH, stating that it was "recommending to [CMS] Regional Office and/or State Medicaid Agency, termination of [Hopkins'] participation in

the Medicaid and Medicaid programs."

Filed in Providence/Bristol County Superior Court

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took in response to the incident. As a result, no IJ finding was ultimately imposed, and the issue

has now been resolved without court intervention.

Resolving Medicaid Accounts Receivable

94. The "excluded assets" of the sale of Hopkins include accounts receivable that

accrued prior to the closing of the sale, including Medicaid accounts receivable ("Medicaid AR").

Over the past several years, Hopkins has accrued well over \$1 million in Medicaid AR. The

Medicaid AR resulted from a plethora of issues, primarily related to the State of Rhode Island's

roll-out of the Unified Health Infrastructure Project ("UHIP"), including applications that either

were never initially processed or were denied for eligibility issues.

95. In an effort to maximize the value of the estate, the Special Master had preliminary

negotiations with Tryko about purchasing the Medicaid AR. Upon an initial evaluation, however,

Tryko evaluated non-current Medicaid AR as having no value. As a result, to maximize value to

the estate through a sale of the Medicaid AR to Tryko or another entity, the Special Master has

endeavored to bring as many of these older Medicaid AR current.

96. To do so, the Special Master has worked closely with the Executive Office of

Health and Human Services, and although these efforts have increased administrative costs, those

costs have been far outweighed by the Special Master's successful collection of several hundred

thousand dollars in outstanding Medicaid AR.

97. As of July 31, 2020, the Special Master collected approximately \$283,400 of

Medicaid AR. The value of this AR, if sold to a third party, would have been mere pennies on the

dollar.

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### **Current Financial Status of Hopkins**

98. From his appointment until July 13, 2020, the Special Master has receipts totaling \$4,529,371.24, and disbursements totaling \$3,487,374.09, however, these numbers include monies received from the Workforce Stabilization Loan program and from the CARES Act Health and

received from the workforce Stabilization Loan program and from the CARLS Act freath and

Human Services grant program.

99. As of July 31, 2020, Hopkins has cash on hand of approximately \$3.69 million;

however, the majority of those funds—approximately \$2.95 million—are restricted and/or are

loans obtained from the PPP or other loan programs, as described above, and are potentially subject

to repayment.

100. In addition, the Special Master has on deposit the \$5 million non-refundable deposit

from Tryko, \$1 million of which is available for the payment of expenses subject to notice and

approval by Tryko, not to be unreasonably withheld.

101. As of August 6, 2020, Hopkins had accrued about \$1 million in pre-petition

liabilities, and about \$368,000 in post-petition liabilities, over and above the loans/restricted grants

discussed, above. Such amounts will be subject to the proof of claim process.

102. Between May 1, 2020 and June 30, 2020, Hopkins Manor had an operating loss of

approximately \$349,000. The Special Master anticipated an increased loss for July, 2020 based

upon the costs associated with the threated labor strike and decreased census at the facility.

**Request for Costs and Expenses** 

103. As of July 31, 2020, the Special Master and members of the Special Master's law

firm have devoted a cumulative total of approximately 815 hours to this matter, and incurred

\$240,062.00 in legal fees. The Special Master confirms that those fees were incurred as necessary

for the benefit of the Special Mastership estate.

Filed in Providence/Bristol County Superior Court

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104. Additionally, the Special Master incurred \$8,650.15 in out-of-pocket expenses up

to July 31, 2020 relative to these proceedings.

105. Accordingly, the Special Master requests that the Court approve the Special

Master's legal fees and out-of-pocket costs and expenses, confirm that such fees, costs, and

expenses were incurred for the benefit of the Special Mastership estate, and authorize the payment

of such legal fees, costs, and expenses cumulatively totaling \$248,712.15. The Special Master's

invoice has been submitted to the Court for an in camera review. If so authorized by the Court,

the Special Master will present such invoice to any party.

WHEREFORE, for the foregoing reasons, the Special Master respectfully request that the

Court schedule this matter for hearing and at the conclusion of said hearing issue an Order that:

1. Approves the Special Master's First Interim Report and First Request for Fees;

2. Approves the Receiver's request for fees and out-of-pocket expenses in the amount of

\$248,712.15;

3. Orders that this proceeding remain open pending final resolution of all the issues

identified herein and the general winding down of the special mastership estate;

4. Approves, confirms, and ratifies the acts, doings, and disbursements of the Special

Master; and

5. Orders any other relief as the Court deems necessary.

Filed in Providence/Bristol County Superior Court

Submitted: 8/17/2020 12:20 PM

Envelope: 2706072 Reviewer: Zoila C.

JONATHAN N. SAVAGE, ESQ., solely as permanent Special Master of Hopkins Manor, Ltd. and Hopkins Health Center, LLC and as permanent *in rem* receiver of real property located at 608 Smithfield Road, North Providence, Rhode Island 02904, and 610 Smithfield Road, North Providence, Rhode Island 02904, and not individually,

By and through his attorneys,

/s/ Christopher J. Fragomeni

Christopher J. Fragomeni, Esq. (9476) SHECHTMAN HALPERIN SAVAGE, LLP 1080 Main Street, Pawtucket, RI 02860 P: 401-272-1400 | F: 401-272-1403 cfragomeni@shslawfirm.com

### **CERTIFICATE OF SERVICE**

I hereby certify that on the 17th day of August, 2020, I filed and served this document through the electronic filing system. The document electronically filed and served is available for viewing and/or downloading from the Rhode Island Judiciary's Electronic Filing System. I also mailed this document to all parties listed in a subsequently filed affidavit of service.

/s/ Christopher J. Fragomeni

Case Number: PC-2020-03413 Filed in Providence/Bristol County Superior Court Submitted: 8/17/2020 12:20 PM Envelope: 2706072 Reviewer: Zoila C.

# Special Master and Permanent In Rem Receiver's First Interim Report and Request for Fees

# **Exhibit A**

Case Number: PC-2020-03413
Filed in Providence Bristol County Superior Court
Submited Number 2020 42-00 PM
Environment of the County Superior Court
Environment of the County Superior Court
Reviewer: Alexa G.
Reviewer: Alexa G.

STATE OF RHODE ISLAND PROVIDENCE, SC

SUPERIOR COURT

| LAWRENCE S. GATES, in his capacity   |
|--------------------------------------|
| as Secretary of Hopkins Manor, Ltd., |
| and as Managing Member of Hopkins    |
| Health Center LLC,                   |
|                                      |

Petitioner

| VS. | P.M. No.: |  |
|-----|-----------|--|
|     |           |  |

HOPKINS MANOR, LTD., a Rhode Island:
Corporation, and HOPKINS HEALTH:
CENTER LLC, a Rhode Island Limited:
Liability Corporation,:

Respondents

#### **VERIFIED PETITION FOR THE APPOINTMENT OF A SPECIAL MASTER**

- 1. Petitioner, Lawrence S. Gates, is a resident of Palm Beach, Florida, and is the Secretary of Respondent Hopkins Manor, Ltd. ("Hopkins Manor") and the Managing Member of Respondent Hopkins Health Center LLC ("Hopkins Health Center").
- 2. Respondent Hopkins Manor is a Rhode Island corporation organized under the provisions of Chapter 7-1.2 of the Rhode Island General Laws, 1956, as amended, and has a principal place of business located at 610 Smithfield Road, North Providence, Rhode Island 02904. Hopkins Manor holds the nursing home license for the nursing home facility at that address, known as Hopkins Manor, and operates that nursing home.
- 3. Respondent Hopkins Health Center is a Rhode Island limited liability company organized under the provisions of Chapter 7-1.2 of the Rhode Island General Laws, 1956, as amended, and has a principal place of business at 608 Smithfield Road, North Providence, Rhode Island 02904. Hopkins Health Center owns the property located at 610 Smithfield Road, North Providence, Rhode Island, where the nursing home is located, and leases that property to

Case Number: PC-2020-03413

Filed in Providence Bristol County Superior Court
Submitted: 9/1/2020 Bristol County Superior Court
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Reviewer: Alexa G.

Hopkins Manor. Hopkins Health Center and Hopkins Manor are collectively referred to below as the "Respondents."

- 4. Petitioner owns a majority interest in the Respondents.
- 5. The Respondents are in need of court intervention because they are suffering financial losses which may result in the inability to pay their debts in the ordinary course of business. The Respondents' fiscal distress has been exacerbated by the ongoing COVID-19 pandemic, which has resulted in a decrease in the Respondents' already-limited revenues.

  Moreover, the Respondents recently discovered that certain residents and staff of the Hopkins Manor nursing home have contracted COVID-19, which is expected to further erode the Respondents' financial condition and outlook. Petitioner believes that there is a risk of corporate assets being wasted or lost.
- 6. Petitioner has made every reasonable effort to improve the Respondents' finances in a way that would not require court intervention, would be fair to all parties, and would be in the best interests of the Respondents, their employees, clients, and creditors.
- 7. Despite Petitioner's best reasonable efforts, the Respondents remain in a perilous financial situation and, absent court intervention, may be forced to shut down their operations and seek liquidation a grim prospect not only for Petitioner, but especially for the residents of the Hopkins Manor nursing home, and for creditors of the Respondents. Petitioner has been notified that the audited financial statements for Hopkins Health Center and Hopkins Manor for 12/31/2019 will include a "going concern" auditor's opinion.
- 8. Petitioner petitions this Court on the grounds that he is responsible for management of the Respondents, and he is unable to improve the Respondents' finances absent court intervention and the appointment of a Special Master to oversee the Respondents.

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Reviewer: Alexa G.

Petitioner further states that the Respondents will attempt to continue to provide the same high level of care and essential services to the residents of the Hopkins Manor nursing home.

- 9. In the opinion of the Petitioner, it is urgent and advisable that a Special Master with the powers of a statutory permanent receiver be appointed immediately to take charge of the affairs, assets, estate, effects and property of the Respondents to preserve the same.
- 10. Given the complexity of the issues and non-routine nature of this matter,

  Petitioner respectfully requests the appointment of a Special Master with the powers of a

  statutory receiver.
- 11. This Petition is made in good faith for the protection of the business of the Respondents, and for the benefit of their creditors, the residents of the Hopkins Manor nursing home, and the Respondents' employees.
- 12. The appointment of a Special Master with the powers of a permanent receiver is most desirable to protect the *status quo* of the Respondents pending a restructuring of the Respondents' finances and, if necessary, to effectuate a sale of the Respondents as going concerns.
- 13. This Petition is filed to seek relief as prayed by virtue of and pursuant to this Court's equity powers as authorized by the laws and statutes of the State of Rhode Island.

WHEREFORE, Petitioner respectfully prays that this Honorable Court:

- a. Appoint a Temporary Special Master forthwith and also appoint a Permanent Special Master to manage the Respondents' day-to-day operations and to take charge of the assets, current operations, affairs, estates, effects, and property of the Respondents, pursuant to Super. R. Civ. P. 66;
- b. Enjoin the institution, or continuation, by any of the Respondents' creditors of a lawsuit, proceeding, or foreclosure against the Respondents and any of their assets; and,
- c. Such further relief as the Court deems appropriate.

Reviewer: Alexa G.

T-151 P0002/0003 F-175

STATE OF FLORIDA COUNTY OF PALM-BEACH

The foregoing instrument was acknowledged before muchis 2 day of April, 2020, by
Lawrence S. Gates, who is (check one) personally known to me or who produced a

identification, regarding the shove Verified Petition for Appointment of

a Special Master and to whose signature this notarization applies.

Notary Public Signature

Notary Public Printed Name

SARAH E. MORRIS MY COMMISSION # GG 102295 EXPIRES: September 8, 2021 Bonded Thru Molary I hitely Universalities Case Number: PC-2020-03413 Filedais Providence Bristol Quarty Superior Court Submitter: 8/37/2020 13:07 PM Envelopanta 1940/322020 3:07 PM

Reviewer: Alexa G.

#### **CERTIFICATE OF ATTORNEYS**

We, the undersigned, Attorneys for the Petitioner, certify that this Petition is made in good faith for protection of the *status quo* of the Respondents pending an improvement in the Respondents' finances and, if necessary, to effectuate a sale of the Respondents as going concerns.

PETITIONER LAWRENCE S. GATES By his attorneys,

/s/ Joseph D. Whelan

Joseph D. Whelan, Esquire (#5694)
Robert Clark Corrente, Esquire (#2632)
Christopher N. Dawson, Esquire (#8508)
WHELAN CORRENTE & FLANDERS LLP
100 Westminster Street, #710
Providence, RI 02903
jwhelan@whelancorrente.com
rcorrente@whelancorrente.com
cdawson@whelancorrente.com

Tel: 401-270-4500 Fax: 401-270-3760

Date: April 23, 2020

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Case Number: PC-2020-03413 Filed in Providence/Bristol County Superior Court Submitted: 8/17/2020 12:20 PM Envelope: 2706072 Reviewer: Zoila C.

# Special Master and Permanent In Rem Receiver's First Interim Report and Request for Fees

# **Exhibit B**

Filed in Providence/Bristol County Superior Court

Submitted: 8/17/2020 12:20 PM

Envelope: 2706072 Reviewer: Zoila C.

| STATE OF RHODE ISLAND |
|-----------------------|
| PROVIDENCE, SC        |

SUPERIOR COURT

LAWRENCE S. GATES, in his capacity
as Secretary of Hopkins Manor, Ltd.,
and as Managing Member of Hopkins
Health Center LLC,

Petitioner

VS.

P.M. No.: PC-2020-03413

HOPKINS MANOR, LTD., a Rhode Island
Corporation, and HOPKINS HEALTH
CENTER LLC, a Rhode Island Limited
Liability Corporation,

Respondents

Respondents

### **ORDER APPOINTING TEMPORARY SPECIAL MASTER**

The above matter came before the Honorable Brian P. Stern on April 24, 2020 on a Joint Verified Petition for the Appointment of a Special Master. After hearing and upon consideration thereof, it is hereby

#### ORDERED, ADJUDGED, AND DECREED

- 1. That Jonathan N. Savage, Esq. be and hereby is appointed as Special Master ("Master") of Hopkins Manor, Ltd. and Hopkins Health Center, LLC (collectively, "Respondents").
- 2. That the Master shall, no later than five (5) days from the date hereof, file a bond in the sum of \$ 25,000 with any surety company authorized to do business in the State of Rhode Island as surety thereon, conditioned that the Master will well and truly perform the duties of said

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Submitted: 8/17/2020 12:20 PM

Envelope: 2706072 Reviewer: Zoila C.

office and duly account for all monies and property which may come into the Master's hands and

abide by and perform all things which the Master will be directed to do by this Court.

3. That said Master is authorized to take possession and charge of the property and

assets of the Respondents, to collect the debts and property belonging to them and to preserve the

same until further Order of this Court.

4. That said Master is authorized until further Order of this Court, in the Master's

discretion and as said Master deems appropriate and advisable, to conduct the business of said

Respondents, to borrow money from time to time, to purchase, for cash or upon credit,

merchandise, materials and other property, to engage appraisers and/or employees and assistants,

clerical or otherwise, and pay all such individuals and entities in the usual course of business, and

to do and perform or cause to be done and performed all other acts and things as are appropriate

in the premises.

5. That the Master and the law firm of which the Master is a member are hereby

engaged as general counsel to said Master.

6. This Court finds that the designation of the aforesaid person as Master herein is

warranted and required because of said Master's specialized expertise and experience in

overseeing similar businesses in Mastership and in administering non-routine Masterships which

involve unusual or complex legal, financial or business issues.

7. That the Master is hereby authorized and empowered to sell at public auction any

or all of the assets of the Respondents. The Master is also authorized to engage an auctioneer and

to insert such display ads within or without the State of Rhode Island as the Master deems proper

advertising for such sale. Such public auction sale conducted by said Master in accordance with

the provisions of this paragraph shall be considered and is hereby declared to be commercially

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Submitted: 8/17/2020 12:20 PM

Envelope: 2706072

Reviewer: Zoila C.

reasonable sale, and such sale shall constitute compliance with the requirements of commercially

reasonable sale as set forth in Article of the Uniform Commercial Code as enacted in Rhode Island.

8. 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 Respondents or any of their 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 said Respondents, or the taking or attempting to take into

possession any property in the possession of the Respondents or of which the Respondents have

the right to possession, or the cancellation at any time during the Mastership proceeding herein of

any insurance policy, lease or other contract with Respondents, by any of such parties as aforesaid,

other than the Master designated as aforesaid, or the termination of telephone, electric, gas or other

utility service to Respondents, by any public utility, without prior approval thereof from this

Honorable Court, in which connection said Master shall be entitled to prior notice and an

opportunity to be heard, are hereby restrained and enjoined until further Order of this Court.

9. That a Citation be issued to said Respondents, returnable to the Superior Court

sitting at Providence County, Providence, Rhode Island, on May 22, 2020, at 9:30am, at which

time and place this cause is set down for hearing on the prayer for the Appointment of a Permanent

Special Master; that the Clerk of this Court shall give Notice of the pendency of the Petition herein

by publishing this Order Appointing Temporary Master once in The Providence Journal on or

before May 8, 2020, and the Master shall give further notice by mailing, on or before May 8, 2020,

Filed in Providence/Bristol County Superior Court

Submitted: 8/17/2020 12:20 PM

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a copy of said Order Appointing Temporary Master to each of Respondents' creditors and stockholders whose address is known or may become known to the Master.

ENTERED as an order of this Court this 24th day of April, 2020.

**ENTERED:** 

BY ORDER:

/s/ Brian P. Stern, J.

/s/ Carin Miley Deputy Clerk I

Stern, J., Associate Justice Dated: April 24, 2020 Clerk, Superior Court April 24, 2020

Presented by:

/s/ Jonathan N. Savage

Jonathan N. Savage, Esq. SHECHTMAN HALPERIN SAVAGE, LLP 1080 Main Street, Pawtucket, RI 02860 P: 401-272-1400 | F: 401-272-1403

jsavage@shslawfirm.com

Case Number: PC-2020-03413 Filed in Providence/Bristol County Superior Court Submitted: 8/17/2020 12:20 PM Envelope: 2706072 Reviewer: Zoila C.

# Special Master and Permanent In Rem Receiver's First Interim Report and Request for Fees

# **Exhibit C**

Reviewer: Zoila C.

Bond No. B 1229726

LAWRENCE S. GATES, in his capacity as Secretary of Hopkins Manor, Ltd., and as Managing Member of Hopkins Health Center LLC Plaintiff(s)

Vs.

HOPKINS MANOR, LTD., a Rhode Island Corporation, and HOPKINS HEALTH CENTER LLC, a Rhode Island Limited Liability Corporation Defendant(s)

|                                                  | BOND OF SPECIAL MASTER                                                    |
|--------------------------------------------------|---------------------------------------------------------------------------|
| KNOW ALL BY THESE PRESENTS:                      |                                                                           |
|                                                  | Company of America a New Jersey corporation                               |
|                                                  | he State of Rhode Island, as Surety, are held and firmly bound unto the   |
|                                                  | e County of Providence State aforesaid, as Obligee in the                 |
| penal sum of _Twenty Five Thousand De            | ollars (\$25,000.00) , lawful money of the United States of               |
| America, for the payment of which, well ar       | nd truly to be made, we bind ourselves, our heirs, legal representatives, |
| successors and assigns, jointly and severa       |                                                                           |
| 3 7,                                             |                                                                           |
| WHEREAS, by an order of theSuperio               | Court of the County of Providence                                         |
| State aforesaid, duly made on April 24,          |                                                                           |
| Jone                                             | athan N Savage                                                            |
| Was appointed Special Master therein, and        | he was ordered before entering upon the discharge of his duties as such   |
| Receiver, to execute a bond according to I       | law in the said sum of \$_\$25,000.00                                     |
|                                                  |                                                                           |
|                                                  | F THIS OBLIGATION IS SUCH, That, the said                                 |
| Jonathan N Savage                                | as such                                                                   |
|                                                  | luties in this action and obey the orders of the Court therein;           |
| Then this obligation shall be void, otherwise to | remain in force and effect.                                               |
|                                                  |                                                                           |
|                                                  |                                                                           |
|                                                  |                                                                           |
| SIGNED AND SEALED this 27th                      | _day ofApril,2020                                                         |
|                                                  |                                                                           |
|                                                  | lamethan N. Causan                                                        |
|                                                  | Jonathan N Savage                                                         |
|                                                  |                                                                           |
|                                                  | D.,                                                                       |
|                                                  | ByPrincipal                                                               |
|                                                  | Principal                                                                 |
|                                                  |                                                                           |
|                                                  |                                                                           |
|                                                  | Selective Insurance Company of America                                    |
|                                                  | Coloure mountaine company of America                                      |
|                                                  |                                                                           |
|                                                  | By (All.)                                                                 |
|                                                  | Andrew P. Troy - Attorney in Fact                                         |
|                                                  |                                                                           |

Case Number: PC-2020-03413 Filed in Providence/Bristol County Superior Court Submittee 1917/2020 12-00 PM Superior Court Enveloper 1927/2020 3:34 PM Reviewer Zoila 69253

Reviewer: Zoila C.



Selective Insurance Company of America 40 Wantage Avenue Branchville, New Jersey 07890 BondNo.B 1229726 973-948-3000

### POWER OF ATTORNEY

Special Master

SELECTIVE INSURANCE COMPANY OF AMERICA, a New Jersey corporation having its principal office at 40 Wantage Avenue, in Branchville, State of New Jersey ("SICA"), pursuant to Article VII, Section 1 of its By-Laws, which state in pertinent part:

> The Chairman of the Board, President, Chief Executive Officer, any Executive Vice President, any Senior Vice President or any Corporate Secretary may, from time to time, appoint attorneys in fact, and agents to act for and on behalf of the Corporation and they may give such appointee such authority, as his/her certificate of authority may prescribe, to sign with the Corporation's name and seal with the Corporation's seal, bonds, recognizances, contracts of indemnity and other writings obligatory in the nature of a bond, recognizance or conditional undertaking, and any of said Officers may, at any time, remove any such appointee and revoke the power and authority given him/her.

does hereby appoint Andrew P. Troy

, its true and lawful attorney(s)-in-fact, full authority to execute on SICA's behalf fidelity and surety bonds or undertakings and other documents of a similar character issued by SICA in the course of its business, and to bind SICA thereby as fully as if such instruments had been duly executed by SICA's regularly elected officers at its principal office, in amounts or penalties not exceeding the sum of: Twenty Five Thousand Dollars (\$25,000.00)

| Signed this 27th day of April, 2020 |                                                 |
|-------------------------------------|-------------------------------------------------|
|                                     | SELECTIVE INSURANCE COMPANY OF AMERICA COMPANY  |
|                                     | By: SEAL SEAL                                   |
|                                     | Brian C. Sarisky                                |
| STATE OF NEW JERSEY:                | Its SVP, Strategic Business Units, Commercial L |
|                                     |                                                 |

:ss. Branchville

**COUNTY OF SUSSEX** 

On this 27th day of April 2020 before me, the undersigned officer, personally appeared Brian G. Sarisky, who acknowledged himself to be the Sr. Vice President of SICA, and that he, as such Sr. Vice President, being himself to be the Sr. Vice President of SICA, and that he, as such Sr. Vice President, being himself to be the Sr. Vice President of SICA, and that he, as such Sr. Vice President, being himself to be the Sr. Vice President of SICA, and that he, as such Sr. Vice President of SICA, and that he, as such Sr. Vice President of SICA, and that he are such Sr. Vice President of SICA, and that he are such Sr. Vice President of SICA, and that he are such Sr. Vice President of SICA, and that he are such Sr. Vice President of SICA, and that he are such Sr. Vice President of SICA, and that he are such Sr. Vice President of SICA, and that he are such Sr. Vice President of SICA, and that he are such Sr. Vice President of SICA, and that he are such SICA, and the suc do, executed the foregoing instrument for the purposes therein contained, by signing the name of the comparison by his as Sr. Vice President and that the same was his free act and deed and the free act and deed of SICA.

Notary Public

Charlene Kimble **Notary Public of New Jersey** My Commission Expires 6/2/2021

The power of attorney is signed and sealed by facsimile under and by the authority of the following Resolution adopted by the Board of Directors of SICA at a meeting duly called and held on the 6th of February 1987, to wit:

"RESOLVED, the Board of Directors of Selective Insurance Company of America authorizes and approves the use of a facsimile corporate seal, facsimile signatures of corporate officers and notarial acknowledgements thereof on powers of attorney for the execution of bonds, recognizances, contracts of indemnity and other writing obligatory in the nature of a bond, recognizance or conditional undertaking,

| ona, reognizario di continua andoramia.                                                                                                                             |        |                      |
|---------------------------------------------------------------------------------------------------------------------------------------------------------------------|--------|----------------------|
| CERTIFIC                                                                                                                                                            | CATION | RANCE COMO           |
| I do hereby certify as SICA's Corporate Secretary that the foregore and effect and this Power of Attorney issued pursuant to a Signed this 27th day of April, 2020. |        | SEAL 1926 1926 JERGE |
|                                                                                                                                                                     |        |                      |

Important Notice: If the bond number embedded within the Notary Seal does not match the number in the upper right-hand corner of this Power of Attorney, contact us at 973-948-3000.

B91 (4-14)

Case Number: PC-2020-03413
Filed in Providence Bristol County Superior Court
Submitted 37/7/2020 25:20 Eduary Superior Court
Envelope: 27/0697/2020 3:34 PM

Reviewer Zoila 29253 Reviewer: Zoila C.

## S E L E C T I V E

Selective Insurance Company of America 40 Wantage Avenue Branchville, New Jersey 07890 973-948-3000

BondNo.B 1229726

Special Master

### STATEMENT OF FINANCIAL CONDITION

I hereby certify that the following information is contained in the Annual Statement of Selective Insurance Company of America ("SICA") to the New Jersey Department of Banking and Insurance as of December 31, 2019:

| ADMITTED ASSETS (in thousands)                                   |                | LIABILITIES AND SURPLUS (in th                           | ousands)       |
|------------------------------------------------------------------|----------------|----------------------------------------------------------|----------------|
| Bonds                                                            | \$1,822,293    | Reserve for losses and loss expenses                     | \$1,119,532    |
| Preferred stocks at convention value                             | 15,960         | Reserve for unearned premiums Provision for unauthorized | 434,068        |
| Common stocks at convention values<br>Subsidiary common stock at | 63,288         | reinsurance<br>Commissions payable and                   | 588            |
| convention values                                                | 0              | contingent commissions                                   | 32,565         |
| Short-term investments Mortgage loans on real estate             | 109,584        | Other accrued expenses                                   | 33,869         |
| (including collateral loans)                                     | 21,163         | Other liabilities                                        | <u>395,608</u> |
| Other invested assets                                            | 121,112        | Total liabilities                                        | 2,016,230      |
| Interest and dividends due or accrued                            | 14,561         |                                                          | 600.000        |
| Premiums receivable                                              | 407,001        | Surplus as regards policyholders                         | <u>680,090</u> |
| Other admitted assets                                            | <u>121,358</u> | Total liabilities and surplus as                         |                |
| Total admitted assets                                            | 2,696,320      | regards policyholders                                    | 2,696,320      |

I further certify that the following is a true and exact excerpt from Article VII, Section 1 of the By-Laws of SICA, which is still valid and existing.

The Chairman of the Board, President, Chief Executive Officer, any Executive Vice President, any Senior Vice President or any Corporate Secretary may, from time to time, appoint attorneys in fact, and agents to act for and on behalf of the Corporation and they may give such appointee such authority, as his/her certificate of authority may prescribe, to sign with the Corporation's name and seal with the Corporation's seal, bonds, recognizances, contracts of indemnity and other writings obligatory in the nature of a bond, recognizance or conditional undertaking, and any of said Officers may, at any time, remove any such appointee and revoke the power and authority given him/her.

IN WITNESS WHEREOF, I hereunto subscribe my name and affix the seal of SICA this 1 day of 1000 2020.

Michael H. Lanza SICA Corporate Secretary

STATE OF NEW JERSEY:

:ss. Branchville

COUNTY OF SUSSEX

On this day of Well 2020, before me, the undersigned officer, personally appeared Michael H. Lanza, who acknowledged himself to be the Corporate Secretary of SICA, and that he, as such Corporate Secretary, being authorized so to do, executed the foregoing instrument for the purposes therein contained, by signing the name of the corporation by himself as Corporate Secretary.

My Commission Expires:

Charlene Kimblé / Notary Public of New Jerséy / My Commission Expires 6/2/2021

Case Number: PC-2020-03413 Filed in Providence/Bristol County Superior Court Submitted: 8/17/2020 12:20 PM Envelope: 2706072 Reviewer: Zoila C.

### Special Master and Permanent In Rem Receiver's First Interim Report and Request for Fees

### **Exhibit D**

Case Number: PC-2020-03413
Filed in Providence/Bristol County Superior Court

Submitted: 8/47/2020 2252 PRM

Envelope: 2506052 Reviewer: Zoila C.

STATE OF RHODE ISLAND AND Instice Clindepe



Office of the Clerk of the Superior Court

To the Sheriffs of our Several Counties, or to their Deputies, PC: 2020-03413

| You are hereby required to notify:                                                                                                                                                                                                                                                                                     |
|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| HOPKINS MANOR, LTD., a Rhode Island Corporation, and HOPKINS HEALTH CENTER LLC,                                                                                                                                                                                                                                        |
| a Rhode Island Limited Liability Corporation                                                                                                                                                                                                                                                                           |
| RespondentsRespondents                                                                                                                                                                                                                                                                                                 |
| of the filing in this office of a petition by                                                                                                                                                                                                                                                                          |
| LAWRENCE S. GATES, in his capacity as Secretary of Hopkins Manor, Ltd., and as Managing Member of Hopkins Health Center LLC                                                                                                                                                                                            |
| Petitioner                                                                                                                                                                                                                                                                                                             |
| representing, among other things, that the respondent corporation is insolvent in that it is unable to meet  its obligations as they mature in the ordinary course of business and                                                                                                                                     |
| That the Court appoint a Special Master for Respondents Corporations                                                                                                                                                                                                                                                   |
| and also cite the said respondent to appear before our Superior Court, at <u>Providence</u> in the County of <u>Providence</u> on <u>22<sup>nd</sup> day of May, 2020, A.D.</u> at 9:30 o'clock AM, that s(he) may then and there show cause, if any s(he) has, why the prayer of said petition should not be granted. |

Hereof fail not and make true return of this writ with your doings thereon.

Witness, the Seal of our SUPERIOR COURT, this 27th day of April, 2020 A.D



.../s/ SUSAN M DIGGINS..., CLERK

Case Number: PC-2020-03413
Filed in Providence/Bristol County Superior Court

Submitted: 8/47/20000122520PRM

Envelope: 2506089 Reviewer: Zoila C.

### STATE OF RHODE ISLAND AND



**Civil Action File Number** 

PC-2020-03413

### **SUPERIOR COURT**

LAWRENCE S. GATES, in his capacity as Secretary of Hopkins Manor,

Ltd., and as Managing Member of Hopkins Health Center LLC

| Petitioner                                                                                                                                                                     |
|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| vs                                                                                                                                                                             |
| HOPKINS MANOR, LTD., a Rhode Island Corporation, and HOPKINS HEALTH CENTER LLC, a Rhode Island Limited Liability Corporation, Respondents                                      |
| PROOF OF SERVICE                                                                                                                                                               |
| I hereby certify that on the date below I served a copy of the Citation dated 4-30-2000 received                                                                               |
| herewith upon the Defendant, ANTHONY BARILE, by delivering or leaving said papers in the following manner: IN HAND DID NOT SIGN DUE TO COUD-19                                 |
| With the Defendant personally. 3 10 1804056RAJ HARGLASSES                                                                                                                      |
| ☐ At the Defendant's dwelling house or usual place of abode with a person of suitable age and discretion then residing therein.  Name of person of suitable age and discretion |
| Address of dwelling house or usual place of abode  608 SMITHFIELD RD N. PROVIDENCE RIOZGOY                                                                                     |
| Age Relationship to the Defendant                                                                                                                                              |
| ☐ I was unable to make service after the following reasonable attempts:                                                                                                        |
| SERVICE DATE: 4 / 30 / 2020 9! 40 Am SERVICE FEE \$                                                                                                                            |

SC-CMS-20 (revised July 2014)

Month

Day

Signature of SHERIFF or DEPUTY SHERIFF or CONSTABLE

Year

CONSTABLE ANTHONY CALABRO Case Number: PC-2020-03413 Filed in Providence/Bristol County Superior Court Submitted: 8/4//2000 2/252(PRM

Envelope: 2506082 Reviewer: Zoila C.



Case Number: PC-2020-03413
Filed in Providence/Bristol County Superior Court

Submitted: 8/47/2020 2252 PRM

Envelope: 2506052 Reviewer: Zoila C.

STATE OF RHODE ISLAND AND Instice Clindepe



Office of the Clerk of the Superior Court

To the Sheriffs of our Several Counties, or to their Deputies, PC: 2020-03413

| You are hereby required to notify:                                                                                                                                                                                                                                                                                     |
|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| HOPKINS MANOR, LTD., a Rhode Island Corporation, and HOPKINS HEALTH CENTER LLC,                                                                                                                                                                                                                                        |
| a Rhode Island Limited Liability Corporation                                                                                                                                                                                                                                                                           |
| RespondentsRespondents                                                                                                                                                                                                                                                                                                 |
| of the filing in this office of a petition by                                                                                                                                                                                                                                                                          |
| LAWRENCE S. GATES, in his capacity as Secretary of Hopkins Manor, Ltd., and as Managing Member of Hopkins Health Center LLC                                                                                                                                                                                            |
| Petitioner                                                                                                                                                                                                                                                                                                             |
| representing, among other things, that the respondent corporation is insolvent in that it is unable to meet  its obligations as they mature in the ordinary course of business and                                                                                                                                     |
| That the Court appoint a Special Master for Respondents Corporations                                                                                                                                                                                                                                                   |
| and also cite the said respondent to appear before our Superior Court, at <u>Providence</u> in the County of <u>Providence</u> on <u>22<sup>nd</sup> day of May, 2020, A.D.</u> at 9:30 o'clock AM, that s(he) may then and there show cause, if any s(he) has, why the prayer of said petition should not be granted. |

Hereof fail not and make true return of this writ with your doings thereon.

Witness, the Seal of our SUPERIOR COURT, this 27th day of April, 2020 A.D



.../s/ SUSAN M DIGGINS..., CLERK

Case Number: PC-2020-03413
Filed in Providence/Bristol County Superior Court

Submitted: 8/47/20000122520PRM

Envelope: 2506089 Reviewer: Zoila C.

### STATE OF RHODE ISLAND AND



**Civil Action File Number** 

PC-2020-03413

### **SUPERIOR COURT**

LAWRENCE S. GATES, in his capacity as Secretary of Hopkins Manor,

Ltd., and as Managing Member of Hopkins Health Center LLC

| Petitioner                                                                                                                                                                     |
|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| vs                                                                                                                                                                             |
| HOPKINS MANOR, LTD., a Rhode Island Corporation, and HOPKINS HEALTH CENTER LLC, a Rhode Island Limited Liability Corporation, Respondents                                      |
| PROOF OF SERVICE                                                                                                                                                               |
| I hereby certify that on the date below I served a copy of the Citation dated 4-30-2000 received                                                                               |
| herewith upon the Defendant, ANTHONY BARILE, by delivering or leaving said papers in the following manner: IN HAND DID NOT SIGN DUE TO COUD-19                                 |
| With the Defendant personally. 3 10 1804056RAJ HARGLASSES                                                                                                                      |
| ☐ At the Defendant's dwelling house or usual place of abode with a person of suitable age and discretion then residing therein.  Name of person of suitable age and discretion |
| Address of dwelling house or usual place of abode  608 SMITHFIELD RD N. PROVIDENCE RIOZGOY                                                                                     |
| Age Relationship to the Defendant                                                                                                                                              |
| ☐ I was unable to make service after the following reasonable attempts:                                                                                                        |
| SERVICE DATE: 4 / 30 / 2020 9! 40 Am SERVICE FEE \$                                                                                                                            |

SC-CMS-20 (revised July 2014)

Month

Day

Signature of SHERIFF or DEPUTY SHERIFF or CONSTABLE

Year

CONSTABLE ANTHONY CALABRO Case Number: PC-2020-03413 Filed in Providence/Bristol County Superior Court Submitted: 8/4//2000 2/252(PRM

Envelope: 2506082 Reviewer: Zoila C.



Case Number: PC-2020-03413 Filed in Providence/Bristol County Superior Court Submitted: 8/17/2020 12:20 PM Envelope: 2706072 Reviewer: Zoila C.

### Special Master and Permanent In Rem Receiver's First Interim Report and Request for Fees

### **Exhibit E**

Submitted: 8/17/2020 12:20 PM

Envelope: 2706072 Reviewer: Zoila C.

## The Providence Journal Friday, May 8, 2020

Savage Shechtman Halperin Section-Page-Zone(s): Advertiser: in x 7.49 11201799 0

Insertion Number:

Ad Number:

Out-of-state drivers asked to stop at Pell Bridge checkpoint JAMESTOWN — Outof-state travelers are being asked to stop at an informational checkpoint in 
Jamestown before crossing 
the Newport Pell Bridge. 
Rhode Island State Police 
and the National Guard 
are manning this checkpoint — at the foot of the 
bridge — from 8 a.m. to 8 
p.m. every day, State Police 
Acting Capt. Erik Jones told 
The Newport Daily News on 
Tuesday. The purpose is to 
advise out-of-state motorists of the self- quarantine IAMESTOWN - Out-

According to Gov.
Gina Raimondo's executive order, "Any person
coming to Rhode Island
from another state for a
non-work-related purpose
must immediately selfquarantine for 14 days." The
restriction does not apply to
public health, public safety
or health-care workers.
Self-quarantine instructions can be found on the
Rhode Island Department
of Health website.
On Saturday, 302 drivers compiled with the
state Department of
Transportation signs and
entered the checkpoint site,
according to state police.



A Rhode Island National Guardsman talks to a driver heading toward Newport on Tuesday at the Rhode Island Turnpike and Bridge Authority headquarters in Jamestown. (NEWPORT DAILY NEWS / SCOTT BARRETT]

Out-of-state motorists troopers and advised to go

who bypassed the check-point were stopped by Sunday, 266 drivers entered

state motorists were just driving through the state

driving through the state and not stopping to visit. Newport Communications Officer Tom Sheviln told The Daily News that a local request had been made to station law enforcement at the Newport Pell Bridge. "As the Westerly site was broken down, it was transferred to the Newport area," Jones said. "We're not the only ones with the issue [of out-

"We're not the only ones with the issue [of out-of-state visitors]," City Manager Joseph J. Nicholson said after a remote meeting of the City Council on April

COVID-19 update. Ensuring that out-of-state visitors comply with coronavirus-related mandates is an issue

related mandates is an issue coastal communities across the state are facing, he said. "We will continue to monitor that and we have been fielding complaints about that," Nicholson said. He added "there's nothing wrong with arriving at your weekend home and spend-ing the weekendinisde, [but] you're supposed to hunker you're supposed to hunker down for those two days."

Follow Laura on Twitter
@LauraDamonNDN

### LEGALS

ists of the self-quarantine order, Jones confirmed.

NARRAGANSETT BAY COMMISSION
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Journal

Prov. Human Relations Core-elssic 401-951-0475

Dept, of Housing & Urban Development 401-277-8300

iventisements partaining to credit are covered by the federal Equal Credit Opportunity Act, This is obtains discommation on the basis of race, color, relegion, national origin, see, marital status, a re-provided that a person that the capacity to enter into a building contract).



The Providence Journal Classifieds

In search of a pet? Seeking an apartment that'll allow Fluffy or Fido to live with you? Need a pet grooming service?

Just look for these Pet Icons. Jöurnal

www.providencejournal.com/marketplace

Case Number: PC-2020-03413 Filed in Providence/Bristol County Superior Court Submitted: 8/17/2020 12:20 PM Envelope: 2706072 Reviewer: Zoila C.

### Special Master and Permanent In Rem Receiver's First Interim Report and Request for Fees

### **Exhibit F**

Case Number: PC-2020-03413
Filed in Providence/Bristol County Superior Court
Subjace Mulliperior 2021/200 2003
Environment Superior Court
Reviewer: 52,92549
Reviewer: Rachel L.

| STATE | OF RI | HODE  | ISLAND |
|-------|-------|-------|--------|
| PROVI | DENC  | E. SC |        |

SUPERIOR COURT

| LAWRENCE S. GATES, in his capacity as Secretary of Hopkins Manor, Ltd., and as Managing Member of Hopkins Health Center LLC,  Petitioner,              | )<br>)<br>)<br>)<br>)    |
|--------------------------------------------------------------------------------------------------------------------------------------------------------|--------------------------|
| vs.                                                                                                                                                    | ) C.A. No. PC-2020-03413 |
| HOPKINS MANOR, LTD., a Rhode Island<br>Corporation, and HOPKINS HEALTH<br>CENTER LLC, a Rhode Island Limited<br>Liability Corporation,<br>Respondents, | )<br>)<br>)<br>)<br>)    |

### ORDER APPOINTING PERMANENT SPECIAL MASTER

The above-captioned matter came on for hearing before the Honorable Brian P. Stern on May 22, 2020 on the petition for appointment of a permanent Special Master for Hopkins Manor, Ltd., and Hopkins Health Center, LLC (collectively, "Respondents"). After consideration thereof, and the Court having considered Walker & Dunlop, LLC's ("W&D") Response and Limited Objection to Petitioner's Request for Appointment of Permanent Special Master ("Response and Limited Objection") and the statements and arguments of the Temporary Special Master and counsel for interested parties at such hearing, it is hereby

### ORDERED, ADJUDGED AND DECREED

1. That Jonathan N. Savage, Esq. of Shechtman Halperin Savage, LLP, 1080 Main Street, Pawtucket, Rhode Island, be and hereby is appointed Permanent Special Master ("Special Master") of the Respondents, and of all the estate, assets, effects, property and business of Respondents of every name, kind, nature and description, with all the powers conferred upon the Special Master being the same as those powers conferred upon a receiver by the Rhode Island

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Reviewer: Rachel L.

General Laws, all other powers as set forth in this order, or otherwise, and all powers incidental

to the Special Master's said Office.

That said Special Master shall, no later than five (5) days from the date hereof,

file herein a bond in the amount of \$25,000 with 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

Respondents, including cash surrender value of any insurance owned by Respondents, 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 said Respondents, including such cash surrender value,

with full power to prosecute, defend, adjust and compromise all claims and suits of, by or against

said Respondents 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 said Respondents.

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.

That the Special Master is authorized, in the Special Master's discretion, to 5.

continue the business of the Respondents until further order of this Court, and to employ such

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Sub-filed in Providence/Bristol County Superior Court
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Reviewer: Rachel L.

persons as may be desirable for the foregoing purposes (except that the Special Master shall first obtain ex parte approval to hire attorneys, accountants and turnaround professionals) and, in connection therewith, to use such moneys as shall come into the Special Master's hands and

possession, as far as the same shall be reasonable and necessary, for the above purposes and for

continuing the business of said Respondents 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 Special Master's discretion may be desirable or necessary for continuance of the business of the Respondents; provided, however, that the Special Master must, after notice to all creditors, seek Court approval for payment from the Special Mastership estate of the Special Master's fees, costs, and expenses. W&D's rights as set forth in its Response and Limited Objection are preserved until further order of the Court. Any compensation paid to attorneys, accountants, and turn around professionals

7. That said Special Master be and hereby is authorized and empowered to sell, transfer and convey said Special Master's right, title and interest and the right, title and interest of said Respondents in and to any real property or personal property, tangible or intangible, for such sum or sums of money as to said Special Master appears reasonable and proper, at private sale or sales, provided, however, that approval is first given for such sale or sales by this Court, including as to the terms and conditions thereof, after such prior notice to any secured creditors and other parties in interest and an opportunity to be heard as the Court directs.

engaged on an ex parte basis must be authorized by the Court after notice to all creditors.

8. That the Special Master is hereby authorized and empowered to sell at public auction any or all of the assets referred to in Paragraph 7. The Special Master is also authorized to engage an auctioneer and to insert such display ads within or without the State of Rhode

interest.

Reviewer: Rachel L.

Island as the Special Master deems proper advertising for such sale. Such a public auction sale conducted by said Special Master in accordance with the provisions of this paragraph and Order shall be considered and is hereby declared to be a commercially reasonable sale, and that the same constitutes compliance with the requirements of a commercially reasonable sale as set forth in Article 9 of the Uniform Commercial Code as enacted in Rhode Island. Notwithstanding anything in this paragraph or Order to the contrary, no proposed engagement of an auctioneer nor any proposed sale of any real property or personal property of Respondents shall be effective unless prior notice of the same and an opportunity to be heard and opportunity to object to such sale, each as determined by the Court, including as to the terms and conditions of any such

proposed engagement or sale, has been provided to all secured creditors and other parties in

- 9. That said Special Master be, and hereby is, authorized and empowered, as soon as there are sufficient funds available, to pay all pre and post-petition property taxes and other municipal assessments, and City, State and United States taxes of any kind, nature and description, including withholding taxes, as well as any pre and post-petition wages earned in the normal course of business and determined by the Special Master to be 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 Respondent is not acceptable to any employee, in which case said employee may file his/her claim in the same manner as other creditors.
- In fulfillment of the reporting requirements set forth in Rule 66 (e) of the Superior 10. 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

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Administrative Order No. 98-7.

Reviewer: Rachel L.

Special Master shall file with the Court, on or before May 1 and October 1 of each year, a Receivership Control Calendar Report in accordance with Rhode Island Superior Court

- 11. That the Special Master shall continue to discharge said Special Master's duties and trusts hereunder until further order of this Court; that the right is reserved to the Special Master and to all parties in interest 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.
- 12. All creditors or other claimants hereby are ordered to file under oath with the September 28 Special Master at 1080 Main Street, Pawtucket, RI 02860 on or before 2020, 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.
- 13. Except as provided in paragraph 14 below, 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 Respondents or any of their 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 said Respondents,

Reviewer: Rachel L.

or the taking or attempting to take into possession any property in the possession of the Respondents or of which the Respondents have the right to possession, or the cancellation at any time during the Special Mastership proceeding herein of any insurance policy, lease or other contract with Respondents, 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 Respondents, 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.

- 14. The foregoing paragraph does not stay the exercise of rights of a party to a swap agreement, securities contract, repurchase agreement, commodity contract, forward contract or master netting agreement, as those terms are defined in the Federal Bankruptcy Code, to the extent that a court would not have the power to stay the exercise if Respondents were a debtor under the Bankruptcy Code.
- That Notice be given of the entry of this order by the Clerk of this Court by 15. publication of a copy of the annexed Special Mastership Notice in The Providence Journal on or before \_\_\_\_ June 12 \_\_\_\_\_, 2020, and by the Special Master mailing on or before June 12 2020, a copy of said Special Mastership Notice to each creditor and stockholder of said Respondents known as such to the Special Master, or appearing as such on the books of said Respondents, addressed to each such stockholder or creditor at his last known address.
- This Order is entered by virtue of and pursuant to this Court's equity powers and 16. pursuant to its powers as authorized by the laws and statutes of the State of Rhode Island.

Case Number: PC-2020-03413 Filed in Providence/Bristol County Superior Court
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Envelope: 2599549 Reviewer: Rachel L.

> ENTERED, as an Order of this Court this \_ 27th day of May, 2020.

BY ORDER:

**ENTER:** 

Brian P. Stern, (Stern, J.

/s/ Carin Miley

Deputy Clerk I Clerk, Superior Court May 27, 2020

Presented by:

/s/ Christopher J. Fragomeni

Christopher J. Fragomeni, Esq. (9476) Counsel to the Special Master SHECHTMAN HALPERIN SAVAGE, LLP. 1080 Main Street, Pawtucket, RI 02860 P: 401-272-1400 | F:401-272-1403 cfragomeni@shslawfirm.com

Case Number: PC-2020-03413 Filed in Providence/Bristol County Superior Court
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Envelope 2700 640 250 260 PM
Envelope 2509549

Reviewer: Rachel L.

### **CERTIFICATE OF SERVICE**

I hereby certify that on May 26, 2020, I have this date filed the foregoing document through the Court's electronic filing system. Such papers, having been electronically served, are available for viewing and/or downloading from the Rhode Island Judiciary's Electronic Filing System. Those who have entered their appearance electronically or who are otherwise entitled to receive such papers electronically through such system have or will receive the foregoing papers through such system.

/s/ Christopher J. Fragomeni, Esq.

Case Number: PC-2020-03413 Filed in Providence/Bristol County Superior Court Submitted: 8/17/2020 12:20 PM Envelope: 2706072 Reviewer: Zoila C.

### Special Master and Permanent In Rem Receiver's First Interim Report and Request for Fees

### **Exhibit G**

1

Savage

Shechtman Halperin

Advertiser:

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Agency

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Description

Submitted: 8/17/2020 12:20 PM

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# nsertion Number: Ad Number: The Providence Journal

### Quietly, PGA Tour gets back to business

FORT WORTH, Texas With one swing met with silence, the PGA Tour got back to business Thursday at Colonial.

Rvan Palmer felt more nerves than usual when he stood over his first tee shot in the Charles Schwab Challenge

the Charles Schwab Challenge — the first official shot on the PGA Tour in 90 days — and even more bizarre was making a 10-foot birdle putt on the second hole with no one around to cheer.

The closest thing to a crowd was a few people who watched from behind hedges and a chain fenne from a nearby street.

nearby street. Phil Mickelson made one Phil Mickelson made one birdie and instinctively squeezed the bill of his cap to acknowledge a crowd that wasn't there. Justin Thomas, playing in the afternoon, made birdie on the second hole and mockingly raised his putter in celebration.

Palmer seemed to speak for everyone when he said, "It was just great to be out there

Golf is the second major sport in the United States, behind motor sports, to resume a schedule shut down by the COVID-19 pandemic. Among the safety measures are coronavirus tests for every player, caddie and essential personnel. Of the 40, colonial, the results were all el. Of the 487 tests at

negative.
"We're all taking risks "We're all taking risks playing golf, obviously," Palmer said. "Being back out here, everybody leaves the club, they're going out to dinner and doing things, so

everybody is taking that risk to be here. Everybody is pretty confident that we're going to all be safe. I think everything has been done the right way." Some of the golf was pretty

good, too.
Justin Rose, a winner at
Colonial two years ago,
opened with seven birdies in
12 holes before settling into 12 holes before settling into a series of pars for a 63 and the early lead. Tom Lehman even got in on the act at age 61, opening with 55.

Dustin Johnso 'ruggled'

Dustin Johnso 'ruggled' to a 71.
But it was m.
scenery than the s.
it was eerle.
Palmer was selectarit the opening shot as.
Colonial member who has

raised money for pandemic relief through his "Pros for a Purpose" campaign. It was difficult to hear the starter announce his name from 40 feet away, not because the starter was wearing a mask but because the only other noise was the hum of a nearby

noise was the hum of a nearby generator.

The PGA Tour commissioner, Jay Monahan, watched from the starter's booth — a rarily for him to be on the first tee of any opening round — and gave Palmer, Briam Harman and Bill Haas a thumbs—up as they walked off the tree.

the tee. Monahan returned to the tee for the 8:46 a.m. starting time with no players' names listed on the tee sheet. The tour kept that time open as tour kept that time open as a tribute to George Floyd, who was handcuffed while a white police officer pressed his knee to the back of the black man's neck. Floyd died after pleading for air, sparking

### LOCAL GOLF

C. Mahoney, P. Walsh, D. Denuccio, A. McGreen - 106; J. Cianciole, C. Underhill, L.

Koelle, S. Davis - 81

Aquidneck (Wednesday)
J. Block, L. Collins, D. Henry

### **RED SOX**

Yorke played just five games this spring, batting .533 with two home runs, eight hits, mine runs and six RBI in 19 atbats. Last year, as a junior, he batted .505 with seven home runs. He was committed to the University of Arizona.

This marked the first draft for Bloom in Boston and the pick certainly surprised some analysts. Yorke was the some analysts. Yorke was the opth ranked draft prospect by ESPN, 06th by Baseball America, 139th by MLB.com, 165th by Fangraphs and 271st ranked prospect by Perfect Game. His MLB.com scouting report said that Yorke wasn't expected to go as high as the last Archbishop Mitty draft pick, Mitch Haniger, who was drafted 38th overall in 2014. "Personally, Ideel like I was afirst rounder," Yorke said. "I know alto frankings and sitted didn't have me there. But, I'm more of a blue collar, put your

more of a blue collar, put your head down and go to work kind head down and go to workkind of gov, Tidin't go out and do all the Perfect Game things that alot of guys get ranked on. It was kind of wherever I played ball, I played my hardest and the Red Sox fortunately saw me one of those times."

The Red Sox have been hot on Yorke's trail since last summer. According to Paul Toboni, the team's director of amateur scouting, it

tor of amateur scouting, it started with area scout Josh Labandeira and the Sox tracked the infielder into the fall, winter and spring. Toboni worked him out in December and saw him this spring.

and saw him this spring-He compared him to Kevin Youkilis due to his "rugged advanced hit tool" and said from a maturity standpoint, this was one of the Red Sox favorfte players in the draft. "Sowe were able to log alot of at-bats with the kid over the summer, And not just the summer, we were able to work him out multiple times over the fall," Toboni said. "Then when spring started and chatwhen spring started and chat-ter was starting to get around

### PRO BASEBALL

2020 BASEBALL DRAFT SELECTIONS Wednesday's Birst Bound 1. Devolt Tipers, Spencer Torkelson, 1B, Artama St. 2. Baltimore Orioles, Heston Kjerstad, 0F,

Arkarsas.
3. Miami Mariins, Max Meyer, RHP, Minnesola
4. Kansas City Royals, Asa Lacy, LHP, Texas
ASM.
5. Toronto Blue Jays, Austin Martin, SS,
Vandarbile

Tennessee.
12. Cincinnati Reds, Austin Hendrick, OF, West Allegheny H.S., Imperial, Pa. 13. San Francisco dilants, Pabrick Balley, C. NC State. 14. Texas Rangers, Justin Foscue, 28, Mississippi St.

ps. Fields Hartgers, Joseph Policy, 26, Michaelphia Phillies, Mick Abel, RHP, 2esuil H.S., Portland, Orn. I.C. Chleago Cubs, Ed Howard, SS, Mt. Carmel H.S., Chicago, St., Nick Yorke, ZB, Archbishop Mithy H.S., San Joec, Calif. 18, Arizona Diamondbacks, Bryce Jarvis, RHP, Duke.

Duke. 19. New York Mets, Pete Crow-Armstrong, OF, Harvard-Westlate H.S., Studio City, Calif. 20. Milwaukee Brewers, Garrett Mitchell, OF, UCLA. 21. St. Louis Cardinals, Jordan Walker, 3B, Decatur H.S., Decatur, Ga. 22. Washington Nationals, Cade Cavalli, RHR, zz. wasnnogloo Nationals, Cade Cavalli, RHP, Okkhoma. 23, Ckevland Indians, Carson Tucker, SS, Mountain Polite H.S., Phoenix, Ariz. 24. Tampa Bay Rays, Nick Bitska, RHP, Central Bucks East H.S., Doylestown, Pa. 25, Atlanta Braves, Jared Shuster, LHP, Wake Foneti

Forest. 26. Qakland Athletics, Tyler Soderstrom, C, Turlock H.S., Calif. 27. Minnesota Twins, Aaron Sabato, 18. North 28. New York Yankees, Austin Wells, C, Arizona. 28. Los Angeles Dodgers, Bobby Miller, RMP, Lonicville.

on him. We were able to send high level scouts on him... I think our process was a lot more robust than any other team. That allowed us to gain comfort with him especially in that limited exping."

that limited spring." Yorke said he feels like the Sox are a perfect fit. In the end, he hopes to prove them right and the pre-draft rankings wrong.
"I felt like I was a first-

"I felt like I was a first-rounder and felt very underrated coming into the draft," Yorks said. "I mean, I kind of shocked everyone when I was. It's kind of excit-ing to me to prove everyone that I'm here to stay and I'm ready to get to work."

mdaniels@providencejournal.com On Twitter: @MarkDanielsPJ worldwide outrage over racial

worldwide outrage over racial injustice.
Everyone at Colonial — on the course, on the practice range — stopped for a moment of silence on a course that already many activity that the course of the c that already was quiet without

spectators.
That's what stood out — no crowd, no grandstands, no tents, the typical structures that define a golf course. Harman said he had to back off a few putts because he

felt like, 'Hey, what's going on here?' It's something we're going to have to get used to for a little while.... We definitely miss the fans."

was distracted by the sound of someone teeing off a few holes away. "It felt strange, to be honest, just getting on the first tee and having your name called and not having anyone around to say anything," thonattan to say anything," Jhonattan Vegas said after his 64. "It



Brian Harman plays a shot from the first tee as he, All Haas, left, and Ryan Paimer make up the first group to tee off for the initial round of the Charles Schwab Challenge golf tournament Thursday at Colonial Country Club in Fort Worth, Texas, (USA TODAY SPORTS / RAYMOND CARLIN (II)

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mon, 17/39' One level blog., \$49,900. See all at www.diamantegroup.com. The Diamante Group (603) 837-383

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### **LEGALS**

TATE OF RHODE ISLAND
PROVIDENCE, SC
SUPERIOR COURT
CA. No. PC-2020-0431
LAWRENCE S. GATES, in
his capacity as Secretary of
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Managing, Member of Hoptime Health Center LLC,
Petinocer,

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By Order of the Board of Contract and Supply, which will meet on the above day and date at 2:15 o'clod P.M. in the Chambers of the City Cosmell.

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er services for the hearing impaired, please contact the Office of Neighborhood Services at 421-768 not less than 48 hours in advance of the meeting. Jurge O. Elorza. Mayor and Chairman Shawn Selleck. City Clerk.

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Friday, June 12, 2020

Case Number: PC-2020-03413 Filed in Providence/Bristol County Superior Court Submitted: 8/17/2020 12:20 PM Envelope: 2706072 Reviewer: Zoila C.

### Special Master and Permanent In Rem Receiver's First Interim Report and Request for Fees

### **Exhibit H**

Filed in Providence/Bristol County Superior Court

Submitted: 8/17/2020 12:20 PM

Envelope: 2706072 Reviewer: Zoila C.

STATE OF RHODE ISLAND PROVIDENCE, SC

SUPERIOR COURT

LAWRENCE GATES, in his capacity as a partner of HOPKINS HEALTH CENTER,) a Rhode Island general partnership, and HOPKINS HEALTH CENTER, a Rhode Island General Partnership,

Petitioners,

V.

REAL PROPERTY LOCATED AT 608 SMITHFIELD ROAD, NORTH PROVIDENCE, RHODE ISLAND 02904, and 610 SMITHFIELD ROAD, PROVIDENCE, RHODE ISLAND 02904, PROVIDENCE, RHODE ISLAND 02904, Respondent.

C.A. No. PC-2020-03954

### ORDER APPOINTING TEMPORARY IN REM RECEIVER

The above captioned matter came before the Honorable Brian P. Stern on May 20, 2020, upon the Verified Petition for the Appointment of a Receiver of Lawrence Gates, in his capacity as a partner of Hopkins Health Center, a Rhode Island general partnership, and Hopkins Health Center, a Rhode Island general partnership (collectively, "Petitioners"). Upon consideration thereof, it is hereby

### ORDERED, ADJUDGED, AND DECREED

1. That Jonathan N. Savage, Esq., of Shechtman Halperin Savage, LLP, 1080 Main Street, Pawtucket, Rhode Island 02860, be and hereby is appointed Temporary *In Rem* Receiver (the "Receiver") of the real property located at 608 Smithfield Road, North Providence, Rhode Island 02904 and 610 Smithfield Road, North Providence, Rhode Island 02904 (collectively, "Real Property"), as more particularly described in (1) the Warranty Deed from Thomas J. Lough to Hopkins Health Center, a Rhode Island general partnership ("Hopkins"), dated June 5, 1997 and

Filed in Providence/Bristol County Superior Court

Submitted: 8/17/2020 12:20 PM

Envelope: 2706072 Reviewer: Zoila C.

Warranty Deed from Forcier Industries, Inc. to Hopkins dated October 29, 1973 and recorded in

recorded in Book 313 at Page 415 of the North Providence Land Evidence Records; and (2) the

Book 87 at Page 522 of the North Providence Land Evidence Records; including all buildings and

improvements now or hereafter situated thereon; together with all fixtures now or hereafter placed

in or upon the Real Property; all easements, licenses, privileges, hereditaments, and appurtenances

belonging to or inuring to the benefit of the Real Property; all fixtures, machinery, equipment, or

other personal property of every kind, description, and nature whatsoever now or hereafter located

on the Real Property; all insurance proceeds, awards, and other amounts paid for any damage or

loss to the Real Property; all issues, benefits, and profits of the Real Property; all of the right, title,

and interest in and to the leases, subleases, occupancy agreements, licenses, concession

agreements; and all other tenancy agreements; all rents and other payments of any kind due or

payable and to become due and payable by virtue of any lease, use, possession, or occupancy; and

all records and books of account now or hereafter maintained in connection with the Real Property.

2. That said Receiver shall, no later than five (5) days from the date hereof, file a bond

in the sum of \$ 25,000.00 with any surety company authorized to do business in the

State of Rhode Island as surety thereon, conditioned that the Receiver will well and truly perform

the duties of said office and duly account for all monies and property that may come into the

Receiver's hands and abide by and perform all things that the Receiver will be directed to do by

this Court.

3. That said Receiver is authorized to take possession and charge of the Real Property

and to seek to sell the Real Property and, in the interim, to collect the rents and otherwise manage

the Real Property, all for the benefit of the creditors of the Real Property.

Filed in Providence/Bristol County Superior Court

Submitted: 8/17/2020 12:20 PM

Envelope: 2706072 Reviewer: Zoila C.

4. That said Receiver be and hereby is authorized until further Order of this Court, in

the Receiver's discretion and as the Receiver deems appropriate and advisable, to take title to and

manage the Real Property, to borrow money from time to time, to purchase for cash or upon credit,

merchandise, materials, and other property, to engage counsel, and to engage employees and

assistants, clerical or otherwise, and to do and perform or cause to be done and performed all other

acts and things as are appropriate. Said Receiver shall obtain authorization from this Court before

retaining accountants, business consultants, appraisers, and special counsel.

5. The Receiver and the law firm of which the Receiver is a member are hereby

engaged as general counsel to said Receiver.

6. That the Receiver shall have no responsibility or obligation to file any federal, state,

or other tax returns. The payment of any federal or state taxes arising out of any sale shall be the

sole responsibility of the owner of the Real Property.

7. This Court finds that the designation of the aforesaid person as Receiver herein is

warranted and required because of said Receiver's specialized expertise and experience in

managing real property in receivership and in administering non-routine receiverships that involve

unusual or complex legal, financial, or business issues.

8. 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 or affecting the Real 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 the Real Property or any property comprising part of the Real Property, or the taking or

Filed in Providence/Bristol County Superior Court

Submitted: 8/17/2020 12:20 PM

Envelope: 2706072 Reviewer: Zoila C.

attempting to take into possession of the Real Property or any property comprising part of the Real

Property, or the cancellation at any time during the Receivership proceeding herein of any

insurance policy, lease, or other contract for the benefit of or relating to the Real Property, by any

of such parties as aforesaid, other than the Receiver designated as aforesaid, or the termination of

telephone, electric, gas, or other utility service to the Real Property, by any public utility, without

obtaining prior approval thereof from this Honorable Court, in which connection said Receiver

shall be entitled to prior notice and an opportunity, to be heard, are hereby restrained and enjoined

until further Order of this Court.

9. That Citation be issued to said Real Property and its owner returnable to the

Superior Court sitting at Providence County, Providence, Rhode Island, on June 25

9:30 a.m./p.m. at which time and place this cause is set down for hearing on the

prayer for the appointment of a Permanent In Rem Receiver; that the Clerk of this Court shall give

Notice of the pendency of the Petition herein by publishing this Order Appointing Temporary In

Rem Receiver once in The Providence Journal on or before \_\_\_\_\_\_ June 8 \_\_\_\_\_\_, 2020, and the

Receiver shall give further notice by mailing, on or before \_\_\_\_\_ June 8 \_\_\_\_\_, 2020 a copy

of said Order Appointing Temporary In Rem Receiver to each of the Real Property's creditors and

stockholders whose address is known or may become known to the Receiver.

ENTERED as an order of this Court on the <u>22nd</u> day of May, 2020.

ENTERED:

BY ORDER:

Brian P. Stern, J.

Deputy Clerk I

/s/ Carin Miley

Deputy Clerk

May 22, 2020

Case Number: PC-2020-03413 Filed in Providence/Bristol County Superior Court Submitted: 8/17/2020 12:20 PM

Envelope: 2706072 Reviewer: Zoila C.

> Presented by: Counsel to the Receiver,

/s/ Christopher J. Fragomeni

Christopher J. Fragomeni, Esq. (9476) SHECHTMAN HALPERIN SAVAGE, LLP 1080 Main Street, Pawtucket, RI 02860 P: 401-272-1499 | F: 401-272-1403

cfragomeni@shslawfirm.com

Case Number: PC-2020-03413 Filed in Providence/Bristol County Superior Court Submitted: 8/17/2020 12:20 PM Envelope: 2706072 Reviewer: Zoila C.

### Special Master and Permanent In Rem Receiver's First Interim Report and Request for Fees

### **Exhibit I**

Case Number: PC-2020-03413 Filed in Providence/Bristol County Superior Court Submitted!ut/12/2020-42/20PNA4 Envelope: 2598760 Envelope: 2598760

Reviewer: Rachel L.

Bond No. **B1230857** 

LAWRENCE GATES, in his capacity as a partner of HOPKINS HEALTH CENTER, a Rhode Island general partnership, and HOPKINS HEALTH CENTER, a Rhode Island General Partnership, Petitioner

Vs.

**REAL PROPERTY LOCATED AT 608** SMITHFIELD ROAD, NORTH PROVIDENCE, RHODE ISLAND 02904, and 610 SMITHFIELD ROAD, PROVIDENCE, RHODE ISLAND 02904

Respondents(s)

### IN REM RECEIVERS BOND

| KNOW ALL BY THESE PRESENTS: That we                                               |                                                   |
|-----------------------------------------------------------------------------------|---------------------------------------------------|
| As Principal (s), and Selective Insurance Company                                 | of America a New Jersey corporation               |
| authorized to transact surety business in the State of Rh                         | ode Island, as Surety, are held and firmly bound  |
| unto the Superior Court of the County of Provide                                  | dence State aforesaid, as Obligee in the          |
| penal sum of Twenty Five Thousand Dollars (\$25,                                  | 000.00), lawful money of the United States of     |
| America, for the payment of which, well and truly to be                           | e made, we bind ourselves, our heirs, legal       |
| representatives, successors and assigns, jointly and seve                         | rally, firmly by these presents.                  |
| WATERDE AS he are audor of the Surrouter Cour                                     | et of the County of Providence                    |
| WHEREAS, by an order of the Superior Countries aforesaid, duly made on 05/22/2020 | , in the above titled action, the above bounden   |
| Jonathan N Savage                                                                 | , in the above and action, the above bounden      |
| Was appointed Receiver therein, and he was ordered be                             | fore entering upon the discharge of his duties as |
| such Receiver, to execute a bond according to law in the                          | e said sum of \$ 25,000,00                        |
| Such Receives, to execute a bond according to law in the                          | o said sum of the                                 |
| NOW THEREFORE, THE CONDITION OF THIS                                              | OBLIGATION IS SUCH. That, the said                |
| Jonathan N Savage as                                                              | such Receiver, shall faithfully discharge         |
| his duties in this action and obey the orders of the Court                        |                                                   |
| otherwise to remain in force and effect.                                          | ,                                                 |
|                                                                                   |                                                   |
|                                                                                   |                                                   |
| SIGNED AND SEALED this 26th day of                                                | May , 2020                                        |
|                                                                                   | Jonathan N Savage                                 |
|                                                                                   | Ву                                                |
|                                                                                   | Principal                                         |
|                                                                                   | •                                                 |
|                                                                                   | Selective Insurance Company of America            |
|                                                                                   | Q 1 8-7                                           |
|                                                                                   | By Add 1                                          |
|                                                                                   | Attorney in Fact                                  |
|                                                                                   | Andrew P. Troy                                    |
|                                                                                   |                                                   |

Case Number: PC-2020-03413 Filed in Providence/Bristol County Superior Court Submitted: 8/17/2020 12:20 PM Envelope: 2706072 Reviewer: Zoila C.

### Special Master and Permanent In Rem Receiver's First Interim Report and Request for Fees

## Exhibit J

Filed in Providence/Bristol County Superior Court

Submitted: 6/47/2020/02:1429:270MPM

Envelope: 2606983 Reviewer: Zbelæ CG.

STATE OF RHODE ISLAND AND Justice Offidep



### **RECEIVERSHIP CITATION**

Office of the Clerk of the Superior Court

PC: 2020-03954

To the Sheriffs of our Several Counties, or to their Deputies,

| You are hereby required to notify:                                                                                                                                                                                                                                                                                      |
|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| REAL PROPERTY LOCATED AT 610 SMITHFIELD ROAD, NORTH PROVIDENCE, RHODE ISLAND 02904                                                                                                                                                                                                                                      |
| Respondent                                                                                                                                                                                                                                                                                                              |
| of the filing in this office of a petition by                                                                                                                                                                                                                                                                           |
| LAWRENCE GATES, in his capacity as a partner of HOPKINS HEALTH CENTER, a Rhode Island general partnership, and HOPKINS HEALTH CENTER, a Rhode Island General Partnership  Petitioners                                                                                                                                   |
| representing, among other things, that the respondent corporation is insolvent in that it is unable to meet its obligations as they mature in the ordinary course of business and that the appointment of a Receiver is advisable to conserve and protect the assets and effects from potential suits and attachments   |
| AND PRAYING                                                                                                                                                                                                                                                                                                             |
|                                                                                                                                                                                                                                                                                                                         |
| and also cite the said respondent to appear before our Superior Court, at <u>Providence</u> in the County of <u>Providence</u> on <u>25<sup>th</sup> day of June, 2020, A.D.</u> at 9:30 o'clock AM, that s(he) may then and there show cause, if any s(he) has, why the prayer of said petition should not be granted. |
|                                                                                                                                                                                                                                                                                                                         |

Hereof fail not and make true return of this writ with your doings thereon.

Witness, the Seal of our SUPERIOR COURT, this 27th day of May, 2020 A.D



.../s/ SUSAN M DIGGINS..., CLERK

Filed in Providence/Bristol County Superior Court

Submitted; 6/47/2000/02:1429276MPM

Envelope: 2006982 Reviewer: Zibelæ@G.

### STATE OF RHODE ISLAND AND



### **SUPERIOR COURT**

| LAWRENCE GATES, in his capacity as a partner of HOPKINS HEALTH         | Civi |  |
|------------------------------------------------------------------------|------|--|
| CENTER, a Rhode Island general partnership, and HOPKINS HEALTH CENTER, |      |  |
| a Rhode Island General Partnership                                     |      |  |
| Petitioners                                                            |      |  |

l Action File Number 2020-03954

VS

REAL PROPERTY LOCATED AT 610 SMITHFIELD ROAD, NORTH PROVIDENCE, RHODE ISLAND 02904

Respondents

| PROOF OF SERVICE                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                               |                                |
|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|--------------------------------|
| I hereby certify that on the date below I served a copy of the Citation dated                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                  | received                       |
| herewith upon the Defendant,papers in the following manner:                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                    | by delivering or leaving said, |
| ☐ With the Defendant personally.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                               | Annual Designation of the last |
| At the Defendant's dwelling house or usual place of abode with a person then residing therein. 374 PUTHAM PIKE CHERATCHET RIName of person of suitable age and discretion JEFFERY                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                              | 028117                         |
| Address of dwelling house or usual place of abode                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                              | 1302BS OIRIT BLOHOE HALL       |
| ONETGIA                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                        |                                |
| Age                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                            |                                |
| ☐ I was unable to make service after the following reasonable attempts:                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                        |                                |
| GEDANCE DATE COLOR OF THE STATE |                                |
| SERVICE DATE: 5 / 30 / 2020 8 ; 12 Am SERVICE FEE S<br>Month Day Year                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                          | 70                             |
| Signature of SHERIFF or DEPUTY SHERIFF or CONSTABLE                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                            |                                |
| anthone Calalu 0139                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                            |                                |

RHODE ISLAMA CONSTAPI ANTHONY CATALLA 0135

Case Number: PC-2020-03953
Filed in Providence/Bristol County Superior Court
Submitted; 8/4//2020/2149/PM
Envelope: 26/06083

Reviewer: Zabeikea CG.



Filed in Providence/Bristol County Superior Court

Submitted: 6/47/2020/21/4927/MPM

Envelope: 2006982 Reviewer: ZbekaCG.





### **RECEIVERSHIP CITATION**

Office of the Clerk of the Superior Court

PC: 2020-03954

To the Sheriffs of our Several Counties, or to their Deputies,

| You are hereby required to notify:                                                                                                                                                                                                                                                                                                      |
|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| REAL PROPERTY LOCATED AT 608 SMITHFIELD ROAD, NORTH PROVIDENCE, RHODE ISLAND 02904                                                                                                                                                                                                                                                      |
| Respondent                                                                                                                                                                                                                                                                                                                              |
| LAWRENCE GATES, in his capacity as a partner of HOPKINS HEALTH CENTER, a Rhode Island general partnership, and HOPKINS HEALTH CENTER, a Rhode Island General Partnership  Petitioners                                                                                                                                                   |
| representing, among other things, that the respondent corporation is insolvent in that it is unable to meet its obligations as they mature in the ordinary course of business and that the appointment of a Receiver is advisable to conserve and protect the assets and effects from potential suits and attachments                   |
|                                                                                                                                                                                                                                                                                                                                         |
| and also cite the said respondent to appear before our Superior Court, at <u>Providence</u> in the County of <u>Providence</u> on <u>25<sup>th</sup> day of June</u> , <u>2020</u> , <u>A.D.</u> at 9:30 o'clock AM, that s(he) may then and there show cause, if any s(he) has, why the prayer of said petition should not be granted. |

Hereof fail not and make true return of this writ with your doings thereon.

Witness, the Seal of our SUPERIOR COURT, this 27th day of May, 2020 A.D



.../s/ SUSAN M DIGGINS..., CLERK

Filed in Providence/Bristol County Superior Court

Submitted: 6/47/2020/21/4927/MPM

Envelope: 2006982 Reviewer: Zbeike CG.

#### STATE OF RHODE ISLAND AND



#### **SUPERIOR COURT**

| The state of the s |
|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| a Rhode Island General Partnership                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                             |
| CENTER, a Rhode Island general partnership, and HOPKINS HEALTH CENTER,                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                         |
| LAWRENCE GATES, in his capacity as a partner of HOPKINS HEALTH                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                 |

Civil Action File Number PC-2020-03954

#### **Petitioners**

VS

REAL PROPERTY LOCATED AT 608 SMITHFIELD ROAD, NORTH PROVIDENCE, RHODE ISLAND 02904

Respondents

| PROOF OF SERVICE                                                                                                                                                                                                                                                                    |  |  |
|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|--|--|
| I hereby certify that on the date below I served a copy of the Citation datedreceived                                                                                                                                                                                               |  |  |
| herewith upon the Defendant,,by delivering or leaving said papers in the following manner:                                                                                                                                                                                          |  |  |
| With the Defendant personally.  What the Defendant's dwelling house or usual place of abode with a person of suitable age and discretion                                                                                                                                            |  |  |
| That the Defendant's dwelling house or usual place of abode with a person of suitable age and discretion then residing therein. 374 PUTHAM PIKE CHERRY SU 028/14  Name of person of suitable age and discretion JEPERY SU 130 WSS OUR TO BLOWNE WARR  DID NOT SIGN DUE TO COMO - 19 |  |  |
| Address of dwelling house or usual place of abode                                                                                                                                                                                                                                   |  |  |
| ODE ISLP                                                                                                                                                                                                                                                                            |  |  |
| Age Relationship to the Defendant                                                                                                                                                                                                                                                   |  |  |
| ☐ I was unable to make service after the following reasonable attempts:                                                                                                                                                                                                             |  |  |
| SERVICE DATE: 5 /30 / 2020 8:12Am SERVICE FEE \$                                                                                                                                                                                                                                    |  |  |
| Month Day Year                                                                                                                                                                                                                                                                      |  |  |
| Signature of SHERIFF or DEPUTY SHERIFF or CONSTABLE                                                                                                                                                                                                                                 |  |  |

RHODE ISLAND CONSTABLE ANTHONY CALABRO 0139 Case Number: PC-2020-03953
Filed in Providence/Bristol County Superior Court
Submitted: 8/4/1/2000/02:4/2927/NPM

Envelope: 2606982 Reviewer: Zabeikea CG.



Case Number: PC-2020-03**953**Filed in Providence/Bristol County Superior Court

Submitted: 8/5//2/2020102220ARM

Envelope: 2000032 Reviewer: ZibekaCG.

# STATE OF RHODE ISLAND PROVIDENCE

SUPERIOR COURT

LAWRENCE GATES, in his capacity as a partner of HOPKINS HEALTH CENTER,) a Rhode Island general partnership, and HOPKINS HEALTH CENTER, a Rhode Island General Partnership,

Petitioners,

V.

REAL PROPERTY LOCATED AT 608
SMITHFIELD ROAD, NORTH
PROVIDENCE, RHODE ISLAND 02904,
and 610 SMITHFIELD ROAD,
PROVIDENCE, RHODE ISLAND 02904,
Respondent.

C.A. No. PC-2020-03954

## **AFFIDAVIT OF SERVICE OF RECEIVERSHIP CITATIONS**

I, Christopher J. Fragomeni, Esq., hereby certify that I made service of the Receivership Citations issued in the above-captioned matter, which are attached hereto as <u>Exhibit A</u>, upon Lawrence Gates outside the State by mailing said Receivership Citations to him at 150 Bradley Place, Apt. 113, Palm Beach, FL 33480, by certified mail, return receipt requested, in accordance with Superior Court Rule of Civil Procedure 4(f)(1). The return receipt, which is attached hereto as <u>Exhibit B</u>, indicates that the Receivership Citations were accepted on June 1, 2020.

[SIGNATURE PAGE AND ACKNOWLEDGEMENT TO FOLLOW]

Case Number: PC-2020-03953 Filed in Providence/Bristol County Superior Court Submitted: 8/5/2/2020 02220ARM Envelope: 2600832 Reviewer: Zibelæ CG.

Subscribed and sworn to me this 5th day of June 2020.

ally Charette Notary Public:

Christopher J. Fragomeni (#9476) Shechtman Halperin Savage, LLP 1080 Main Street, Pawtucket, RI 02860 P: 401-272-1400 | F: 401-272-1403 cfragomeni@shslawfirm.com

My Commission Expires:

ALLISON Y. CHAREETE, NOTARY PUBLIC STATE OF RHODE ISIAND MY COMM. EXPINES 10/22/20 ID # 758422

Case Number: PC-2020-03958
Filed in Providence/Bristol County

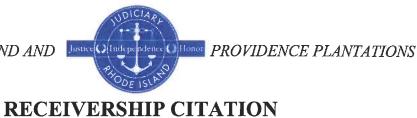
Filed in Providence/Bristol County Superior Court

Submitted: 6/57/2/2020 02220ARM

Envelope: 20020324 Reviewer: ZbekaCG.







Office of the Clerk of the Superior Court

PC: 2020-03954

To the Sheriffs of our Several Counties, or to their Deputies,

| You are hereby required to notify:                                                                                                                                                                                                                                                                                       |
|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| REAL PROPERTY LOCATED AT 608 SMITHFIELD ROAD, NORTH PROVIDENCE, RHODE ISLAND 02904  Respondent                                                                                                                                                                                                                           |
| LAWRENCE GATES, in his capacity as a partner of HOPKINS HEALTH CENTER, a Rhode Island general partnership, and HOPKINS HEALTH CENTER, a Rhode Island General Partnership                                                                                                                                                 |
| Petitioners                                                                                                                                                                                                                                                                                                              |
| representing, among other things, that the respondent corporation is insolvent in that it is unable to meet its obligations as they mature in the ordinary course of business and that the appointment of a Receiver is advisable to conserve and protect the assets and effects from potential suits and attachments.   |
| AND PRAYING.                                                                                                                                                                                                                                                                                                             |
|                                                                                                                                                                                                                                                                                                                          |
|                                                                                                                                                                                                                                                                                                                          |
| and also cite the said respondent to appear before our Superior Court, at <u>Providence</u> in the County of <u>Providence</u> on <u>25<sup>th</sup> day of June</u> , 2020, A.D. at 9:30 o'clock AM, that s(he) may then and there show cause, if any s(he) has, why the prayer of said petition should not be granted. |

Hereof fail not and make true return of this writ with your doings thereon.

Witness, the Seal of our SUPERIOR COURT, this 27th day of May, 2020 A.D



.../s/ SUSAN M DIGGINS..., CLERK

Filed in Providence/Bristol County Superior Court

Submitted: 6/57/2/2020/10/22/20AR/M

Envelope: 2002832 Reviewer: ZbekeCG.

#### STATE OF RHODE ISLAND AND

LAWRENCE GATES, in his capacity as a partner of HOPKINS HEALTH

CENTER, a Rhode Island general partnership, and HOPKINS HEALTH CENTER,



**Civil Action File Number** 

PC-2020-03954

#### **SUPERIOR COURT**

| a Rhode Island General Partnership                             | 1 C-2020-03934                                  |
|----------------------------------------------------------------|-------------------------------------------------|
| Petitioners                                                    |                                                 |
| VS                                                             |                                                 |
| REAL PROPERTY LOCATED AT 608 SMITHFIELD ROAD, NORTH            |                                                 |
| PROVIDENCE, RHODE ISLAND 02904                                 |                                                 |
| Respondents                                                    |                                                 |
|                                                                |                                                 |
|                                                                |                                                 |
| PROOF OF SERV                                                  | TCE                                             |
|                                                                |                                                 |
| I hereby certify that on the date below I served a copy of the | e Citation datedreceived                        |
| / Aller Aller Mark 1997                                        | Mary Annual Valleting V                         |
| herewith upon the Defendant,                                   | by delivering or leaving said,                  |
| papers in the following manner:                                |                                                 |
|                                                                | PARTIES A 1 TA ANNUAL PROPERTY.                 |
| ☐ With the Defendant personally.                               |                                                 |
|                                                                |                                                 |
| ☐ At the Defendant's dwelling house or usual place of about    | de with a person of suitable age and discretion |
| then residing therein.                                         |                                                 |
| Name of person of suitable age and discretion                  |                                                 |
|                                                                | AND A ST                                        |
| Address of dwelling house or usual place of abode              |                                                 |
| riddiess of a voling house of about place of account           |                                                 |
|                                                                |                                                 |
|                                                                | A N ST                                          |
| Age                                                            | Mary .                                          |
| Relationship to the Defendant                                  |                                                 |
| Relationship to the Berendant                                  |                                                 |
|                                                                |                                                 |
| ☐ I was unable to make service after the following reasonab    | le attempts:                                    |
| _                                                              |                                                 |
|                                                                |                                                 |
|                                                                |                                                 |
| SERVICE DATE: / /                                              | SERVICE FEE \$                                  |
| Month Day Year                                                 |                                                 |
| Signature of SHERIFF or DEPUTY SHERIFF or CONSTABL             | .E                                              |
|                                                                | _                                               |
|                                                                |                                                 |

Case Number: PC-2020-03953
Filed in Providence/Bristol County Superior Court
Submitted: 8/5//2000010220ARM

Envelope: 2602832 Reviewer: Zabeikea CG.



Filed in Providence/Bristol County Superior Court

Submitted: 6/57/2/2/2/2010/22/20ARM

Envelope: 2502832 Reviewer: ZbekeCG.



### RECEIVERSHIP CITATION

Office of the Clerk of the Superior Court

PC: 2020-03954

To the Sheriffs of our Several Counties, or to their Deputies,

| γ, ε                                                                                                                                                                                                                                                                                                                    |
|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| You are hereby required to notify:                                                                                                                                                                                                                                                                                      |
| REAL PROPERTY LOCATED AT 610 SMITHFIELD ROAD, NORTH PROVIDENCE, RHODE ISLAND 02904RespondentRespondent                                                                                                                                                                                                                  |
| of the filing in this office of a petition by                                                                                                                                                                                                                                                                           |
| LAWRENCE GATES, in his capacity as a partner of HOPKINS HEALTH CENTER, a Rhode Island general partnership, and HOPKINS HEALTH CENTER, a Rhode Island General Partnership                                                                                                                                                |
| Petitioners                                                                                                                                                                                                                                                                                                             |
| representing, among other things, that the respondent corporation is insolvent in that it is unable to meet its obligations as they mature in the ordinary course of business and that the appointment of a Receiver is advisable to conserve and protect the assets and effects from potential suits and attachments   |
|                                                                                                                                                                                                                                                                                                                         |
| and also cite the said respondent to appear before our Superior Court, at <u>Providence</u> in the County of <u>Providence</u> on <u>25<sup>th</sup> day of June, 2020, A.D.</u> at 9:30 o'clock AM, that s(he) may then and there show cause, if any s(he) has, why the prayer of said petition should not be granted. |

Hereof fail not and make true return of this writ with your doings thereon.

Witness, the Seal of our SUPERIOR COURT, this 27th day of May, 2020 A.D



.../s/ SUSAN M DIGGINS..., CLERK

Filed in Providence/Bristol County Superior Court

Submitted: 6/57/2/2/2/2010/22/20ARM

Envelope: 2002832 Reviewer: ZbekeCG.

#### STATE OF RHODE ISLAND AND

a Rhode Island General Partnership

LAWRENCE GATES, in his capacity as a partner of HOPKINS HEALTH

CENTER, a Rhode Island general partnership, and HOPKINS HEALTH CENTER,



**Civil Action File Number** 

PC-2020-03954

#### **SUPERIOR COURT**

| vs REAL PROPERTY LOCATED AT 610 SMITHFIELD ROAD, NORT PROVIDENCE, RHODE ISLAND 02904 Respondents | TH .                                                                              |  |  |
|--------------------------------------------------------------------------------------------------|-----------------------------------------------------------------------------------|--|--|
| PROOF OF SE                                                                                      | RVICE                                                                             |  |  |
| I hereby certify that on the date below I served a copy of                                       | the Citation datedreceived                                                        |  |  |
| herewith upon the Defendant,                                                                     | ,by delivering or leaving said abode with a person of suitable age and discretion |  |  |
| AgeRelationship to the Defendant                                                                 |                                                                                   |  |  |
| ☐ I was unable to make service after the following reasonable attempts:                          |                                                                                   |  |  |
| SERVICE DATE: / / Month Day Year                                                                 | SERVICE FEE \$                                                                    |  |  |
| Signature of SHERIFF or DEPUTY SHERIFF or CONSTA                                                 | BLE                                                                               |  |  |

Case Number: PC-2020-03953
Filed in Providence/Bristol County Superior Court
Submitted: 8/5//2000010220ARM

Envelope: 2602832 Reviewer: Zabeikea CG.



Filed in Providence/Bristol County Superior Court

Submitted: 6/57/2/2020/10/22/20AR/M

Envelope: 2000032 Reviewer: ZubekaCG.

STATE OF RHODE ISLAND PROVIDENCE, SC

SUPERIOR COURT

LAWRENCE GATES, in his capacity as a partner of HOPKINS HEALTH CENTER, ) a Rhode Island general partnership, and HOPKINS HEALTH CENTER, a Rhode Island General Partnership,

Petitioners, )

V. )

REAL PROPERTY LOCATED AT 608 SMITHFIELD ROAD, NORTH PROVIDENCE, RHODE ISLAND 02904, ) and 610 SMITHFIELD ROAD,

PROVIDENCE, RHODE ISLAND 02904,

Respondent.

C.A. No. PC-2020-03954

#### ORDER APPOINTING TEMPORARY IN REM RECEIVER

The above captioned matter came before the Honorable Brian P. Stern on May 20, 2020, upon the Verified Petition for the Appointment of a Receiver of Lawrence Gates, in his capacity as a partner of Hopkins Health Center, a Rhode Island general partnership, and Hopkins Health Center, a Rhode Island general partnership (collectively, "Petitioners"). Upon consideration thereof, it is hereby

#### ORDERED, ADJUDGED, AND DECREED

1. That Jonathan N. Savage, Esq., of Shechtman Halperin Savage, LLP, 1080 Main Street, Pawtucket, Rhode Island 02860, be and hereby is appointed Temporary *In Rem* Receiver (the "Receiver") of the real property located at 608 Smithfield Road, North Providence, Rhode Island 02904 and 610 Smithfield Road, North Providence, Rhode Island 02904 (collectively, "Real Property"), as more particularly described in (1) the Warranty Deed from Thomas J. Lough to Hopkins Health Center, a Rhode Island general partnership ("Hopkins"), dated June 5, 1997 and

Filed in Providence/Bristol County Superior Court

Submitted: 8/57/2/02/2010/22/20ARM

Envelope: 2502832 Reviewer: ZbekaCG.

recorded in Book 313 at Page 415 of the North Providence Land Evidence Records; and (2) the

Warranty Deed from Forcier Industries, Inc. to Hopkins dated October 29, 1973 and recorded in

Book 87 at Page 522 of the North Providence Land Evidence Records; including all buildings and

improvements now or hereafter situated thereon; together with all fixtures now or hereafter placed

in or upon the Real Property; all easements, licenses, privileges, hereditaments, and appurtenances

belonging to or inuring to the benefit of the Real Property; all fixtures, machinery, equipment, or

other personal property of every kind, description, and nature whatsoever now or hereafter located

on the Real Property; all insurance proceeds, awards, and other amounts paid for any damage or

loss to the Real Property; all issues, benefits, and profits of the Real Property; all of the right, title,

and interest in and to the leases, subleases, occupancy agreements, licenses, concession

agreements; and all other tenancy agreements; all rents and other payments of any kind due or

payable and to become due and payable by virtue of any lease, use, possession, or occupancy; and

all records and books of account now or hereafter maintained in connection with the Real Property.

2. That said Receiver shall, no later than five (5) days from the date hereof, file a bond

in the sum of \$\_\_\_25,000.00 with any surety company authorized to do business in the

State of Rhode Island as surety thereon, conditioned that the Receiver will well and truly perform

the duties of said office and duly account for all monies and property that may come into the

Receiver's hands and abide by and perform all things that the Receiver will be directed to do by

this Court.

3. That said Receiver is authorized to take possession and charge of the Real Property

and to seek to sell the Real Property and, in the interim, to collect the rents and otherwise manage

the Real Property, all for the benefit of the creditors of the Real Property.

Filed in Providence/Bristol County Superior Court

Submitted: 6/57/2/2020/1022/20AR/M

Envelope: 2606632 Reviewer: Zobeka CG.

4. That said Receiver be and hereby is authorized until further Order of this Court, in

the Receiver's discretion and as the Receiver deems appropriate and advisable, to take title to and

manage the Real Property, to borrow money from time to time, to purchase for cash or upon credit,

merchandise, materials, and other property, to engage counsel, and to engage employees and

assistants, clerical or otherwise, and to do and perform or cause to be done and performed all other

acts and things as are appropriate. Said Receiver shall obtain authorization from this Court before

retaining accountants, business consultants, appraisers, and special counsel.

5. The Receiver and the law firm of which the Receiver is a member are hereby

engaged as general counsel to said Receiver.

6. That the Receiver shall have no responsibility or obligation to file any federal, state,

or other tax returns. The payment of any federal or state taxes arising out of any sale shall be the

sole responsibility of the owner of the Real Property.

7. This Court finds that the designation of the aforesaid person as Receiver herein is

warranted and required because of said Receiver's specialized expertise and experience in

managing real property in receivership and in administering non-routine receiverships that involve

unusual or complex legal, financial, or business issues.

8. 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 or affecting the Real 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 the Real Property or any property comprising part of the Real Property, or the taking or

Filed in Providence/Bristol County Superior Court

Submitted: 8/5/2/2020102220ARM

Envelope: 2608632 Reviewer: Zibekea CG.

attempting to take into possession of the Real Property or any property comprising part of the Real

Property, or the cancellation at any time during the Receivership proceeding herein of any

insurance policy, lease, or other contract for the benefit of or relating to the Real Property, by any

of such parties as aforesaid, other than the Receiver designated as aforesaid, or the termination of

telephone, electric, gas, or other utility service to the Real Property, by any public utility, without

obtaining prior approval thereof from this Honorable Court, in which connection said Receiver

shall be entitled to prior notice and an opportunity, to be heard, are hereby restrained and enjoined

until further Order of this Court.

9. That Citation be issued to said Real Property and its owner returnable to the

Superior Court sitting at Providence County, Providence, Rhode Island, on

9:30 a.m./p.m. at which time and place this cause is set down for hearing on the

prayer for the appointment of a Permanent In Rem Receiver; that the Clerk of this Court shall give

Notice of the pendency of the Petition herein by publishing this Order Appointing Temporary In

Rem Receiver once in The Providence Journal on or before \_\_\_\_\_\_, 2020, and the

Receiver shall give further notice by mailing, on or before \_\_\_\_\_\_ June 8 \_\_\_\_\_, 2020 a copy

of said Order Appointing Temporary In Rem Receiver to each of the Real Property's creditors and

stockholders whose address is known or may become known to the Receiver.

ENTERED as an order of this Court on the <u>22nd</u> day of May, 2020.

**ENTERED:** 

BY ORDER:

Brian P. Stern, J.

/s/ Carin Miley Deputy Clerk I

Deputy Clerk

May 22, 2020

Filed in Providence/Bristol County Superior Court

Submitted: 6/57/2/02/00/02/20ARM

Envelope: 2602832 Reviewer: ZbeikaCG.

> Presented by: Counsel to the Receiver,

/s/ Christopher J. Fragomeni

Christopher J. Fragomeni, Esq. (9476) SHECHTMAN HALPERIN SAVAGE, LLP 1080 Main Street, Pawtucket, RI 02860 P: 401-272-1499 | F: 401-272-1403

cfragomeni@shslawfirm.com

Filed in Providence/Bristol County Superior Court Submitted: 8/5/2/2020102220ARM Envelope: 2808832 1900695 Reviewer Miner COMPLETE THIS SECTION COMPLETE THIS SECTION ON DELIVERY Complete items 1, 2, and 3. A. Signature Print your name and address on the reverse Agent so that we can return the card to you. Addressee Attach this card to the back of the mailpiece, B. Received by (Printed Name) C. Date of Delivery or on the front if space permits. 6-1-20 1. Article Addressed to: Lawrence Gates
150 Bradley Place, Apt 113
Palm Beach, FL
33480 If YES, enter delivery address below: 3. Service Type ☐ Priority Mail Express® ☐ Adult Signature
☐ Adult Signature Restricted Delivery ☐ Registered Mail™ ☐ Registered Mail Restricted M Certified Mail®

Certified Mail Restricted Delivery 9590 9402 5513 9249 0446 31 Delivery Return Receipt for Merchandise ☐ Collect on Delivery
☐ Collect on Delivery Restricted Delivery 2. Article Number (Transfer from service label) ☐ Signature Confirmation™ Insured Mail ☐ Signature Confirmation Insured Mail Restricted Delivery (over \$500) Restricted Delivery 7019 1120 0002 2312 3835 PSF Domestic Return Receipt

Case Number: PC-2020-03953



Filed in Providence/Bristol County Superior Court

Submitted: 6/10/2020 12420PRM

Envelope: 2606032 Reviewer: ZabekaaCG.

STATE OF RHODE ISLAND PROVIDENCE, SC

SUPERIOR COURT

LAWRENCE GATES, in his capacity as a partner of HOPKINS HEALTH CENTER,) a Rhode Island general partnership, and HOPKINS HEALTH CENTER, a Rhode Island General Partnership,

Petitioners,

V.

REAL PROPERTY LOCATED AT 608 SMITHFIELD ROAD, NORTH PROVIDENCE, RHODE ISLAND 02904, and 610 SMITHFIELD ROAD, NORTH PROVIDENCE, RHODE ISLAND 02904, and 610 SMITHFIELD ROAD, NORTH PROVIDENCE, RHODE ISLAND 02904, and 610 SMITHFIELD ROAD, NORTH PROVIDENCE, RHODE ISLAND 02904, and 610 SMITHFIELD ROAD, NORTH PROVIDENCE, RHODE ISLAND 02904, and 610 SMITHFIELD ROAD, NORTH PROVIDENCE, RHODE ISLAND 02904, and 610 SMITHFIELD ROAD, NORTH PROVIDENCE, RHODE ISLAND 02904, and 610 SMITHFIELD ROAD, NORTH PROVIDENCE, RHODE ISLAND 02904, and Respondent.

C.A. No. PC-2020-03954

#### AFFIDAVIT OF SERVICE OF RECEIVERSHIP CITATIONS

I, Christopher J. Fragomeni, Esq., hereby certify that I made service of the Receivership Citations issued in the above-captioned matter, which are attached hereto as **Exhibit A**, upon Robert R. Forcier outside the State by mailing said Receivership Citations to him at 6365 Bahia Del Mar Boulevard, Apt. 213, St. Petersburg, Florida 33715, by certified mail, return receipt requested, in accordance with Superior Court Rules of Civil Procedure 4(f)(1). The return receipt, which is attached hereto as **Exhibit B**, indicates that the Receivership Citations were accepted on June 1, 2020.

[SIGNATURE PAGE AND ACKNOWLEDGEMENT TO FOLLOW]

Case Number: PC-2020-03953
Filed in Providence/Bristol County Superior Court

Submitted: 8/10/2020 12420PPM

Envelope: 2500032 Reviewer: ZbeikaCG.

> Christopher J. Fragomeni (#9476) SHECHTMAN HALPERIN SAVAGE, LLP 1080 Main Street, Pawtucket, RI 02860 P: 401-272-1400 | F: 401-272-1403 cfragomeni@shslawfirm.com

Subscribed and sworn to me this

\_day of June 2020.

otary Public:

My Commission Expires:

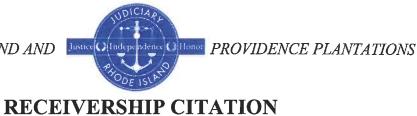
Deborah A. Galasso Notary Public State of Rhode Island ID # 50853 My Comm Expires 1/9/2023 Case Number: PC-2020-03953 Filed in Providence/Bristol County Superior Court

Submitted: 6/10/2020 12420PRM

Envelope: 2800032 Reviewer: Zibekea CG.







Office of the Clerk of the Superior Court

PC: 2020-03954

To the Sheriffs of our Several Counties, or to their Deputies,

Hereof fail not and make true return of this writ with your doings thereon.

Witness, the Seal of our SUPERIOR COURT, this 27th day of May, 2020 A.D



.../s/ SUSAN M DIGGINS..., CLERK

Filed in Providence/Bristol County Superior Court

Submitted: 6/10/2020 12420PRM

Envelope: 2000032 Reviewer: ZbekeCG.

#### STATE OF RHODE ISLAND AND

a Rhode Island General Partnership

LAWRENCE GATES, in his capacity as a partner of HOPKINS HEALTH

CENTER, a Rhode Island general partnership, and HOPKINS HEALTH CENTER,



**Civil Action File Number** 

PC-2020-03954

#### **SUPERIOR COURT**

| Petitioners                                                |                                                    |
|------------------------------------------------------------|----------------------------------------------------|
| VS REAL PROPERTY LOCATED AT 608 SMITHFIELD ROAD, NORT      | H                                                  |
| PROVIDENCE, RHODE ISLAND 02904                             |                                                    |
| Respondents                                                | AA                                                 |
|                                                            |                                                    |
| PROOF OF SEI                                               | RVICE                                              |
| I hereby certify that on the date below I served a copy of | the Citation datedreceived                         |
| herewith upon the Defendant,                               | by delivering or leaving said,                     |
| papers in the following manner:                            |                                                    |
| ☐ With the Defendant personally.                           | dence ( Honor                                      |
| ☐ At the Defendant's dwelling house or usual place of a    | abode with a person of suitable age and discretion |
| then residing therein.                                     |                                                    |
| Name of person of suitable age and discretion              | /6/                                                |
| Address of dwelling house or usual place of abode          |                                                    |
| Address of dwelling house of dadar place of abode          |                                                    |
|                                                            |                                                    |
|                                                            |                                                    |
| Age Relationship to the Defendant                          |                                                    |
| relationship to the Defendant                              |                                                    |
| ☐ I was unable to make service after the following reason  | able attempts:                                     |
|                                                            |                                                    |
|                                                            | 1                                                  |
| SERVICE DATE:/                                             | SERVICE FEE \$                                     |
| Month Day Year                                             |                                                    |
| Signature of SHERIFF or DEPUTY SHERIFF or CONSTAI          | BLE                                                |

Case Number: PC-2020-03953
Filed in Providence/Bristol County Superior Court
Submitted: 8/10/2020 1242(PRM)

Envelope: 2000032 Reviewer: Zabeikea CG.



Filed in Providence/Bristol County Superior Court

Submitted: 6/10/2020 12420PRM

Envelope: 2000032 Reviewer: ZbekaCG.



### RECEIVERSHIP CITATION

Office of the Clerk of the Superior Court

PC: 2020-03954

To the Sheriffs of our Several Counties, or to their Deputies,

| You are hereby required to notify:                                                                                                                                                                                                                                                                                                        |
|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| REAL PROPERTY LOCATED AT 610 SMITHFIELD ROAD, NORTH PROVIDENCE, RHODE ISLAND 02904                                                                                                                                                                                                                                                        |
| of the filing in this office of a petition by                                                                                                                                                                                                                                                                                             |
| LAWRENCE GATES, in his capacity as a partner of HOPKINS HEALTH CENTER, a Rhode Island general partnership, and HOPKINS HEALTH CENTER, a Rhode Island General Partnership                                                                                                                                                                  |
| Petitioners                                                                                                                                                                                                                                                                                                                               |
| representing, among other things, that the respondent corporation is insolvent in that it is unable to meet  its obligations as they mature in the ordinary course of business and  that the appointment of a Receiver is advisable to conserve and protect the assets and effects  from potential suits and attachments                  |
|                                                                                                                                                                                                                                                                                                                                           |
| and also cite the said respondent to appear before our Superior Court, at <u>Providence</u> in the County of <u>Providence</u> on <u>25<sup>th</sup> day of June</u> , <u>2020</u> , <u>A.D.</u> , at 9:30 o'clock AM, that s(he) may then and there show cause, if any s(he) has, why the prayer of said petition should not be granted. |

Hereof fail not and make true return of this writ with your doings thereon.

Witness, the Seal of our SUPERIOR COURT, this 27th day of May, 2020 A.D



.../s/ SUSAN M DIGGINS..., CLERK

Filed in Providence/Bristol County Superior Court

Submitted: 6/10/2020 12420PRM

Envelope: 2000032 Reviewer: ZbekeCG.

#### STATE OF RHODE ISLAND AND

a Rhode Island General Partnership

LAWRENCE GATES, in his capacity as a partner of HOPKINS HEALTH

CENTER, a Rhode Island general partnership, and HOPKINS HEALTH CENTER,



**Civil Action File Number** 

PC-2020-03954

#### **SUPERIOR COURT**

| Petitioners vs REAL PROPERTY LOCATED AT 610 SMITHFIELD ROAD, NORT PROVIDENCE, RHODE ISLAND 02904 Respondents                                                                   | Н                              |  |  |
|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|--------------------------------|--|--|
| PROOF OF SERVICE                                                                                                                                                               |                                |  |  |
| /40000 47000                                                                                                                                                                   |                                |  |  |
| I hereby certify that on the date below I served a copy of                                                                                                                     | the Citation datedreceived     |  |  |
| herewith upon the Defendant,                                                                                                                                                   | by delivering or leaving said, |  |  |
| papers in the following manner:                                                                                                                                                |                                |  |  |
| ☐ With the Defendant personally.                                                                                                                                               | dence ( ) Honor                |  |  |
| ☐ At the Defendant's dwelling house or usual place of abode with a person of suitable age and discretion then residing therein.  Name of person of suitable age and discretion |                                |  |  |
| Address of dwelling house or usual place of abode                                                                                                                              |                                |  |  |
| ODE                                                                                                                                                                            | el P                           |  |  |
| AgeRelationship to the Defendant                                                                                                                                               |                                |  |  |
| ☐ I was unable to make service after the following reasonable attempts:                                                                                                        |                                |  |  |
| SERVICE DATE: / /                                                                                                                                                              | SERVICE FEE \$                 |  |  |
| Month Day Year                                                                                                                                                                 |                                |  |  |
| Signature of SHERIFF or DEPUTY SHERIFF or CONSTAI                                                                                                                              | BLE                            |  |  |

Case Number: PC-2020-03953
Filed in Providence/Bristol County Superior Court
Submitted: 8/10/2020 1242(PRM)

Envelope: 2000032 Reviewer: Zabeikea CG.



Filed in Providence/Bristol County Superior Court

Submitted: 6/10/2020 12420PRM

Envelope: 2000032 Reviewer: Zobeika CG.

STATE OF RHODE ISLAND PROVIDENCE, SC

**SUPERIOR COURT** 

LAWRENCE GATES, in his capacity as a partner of HOPKINS HEALTH CENTER, ) a Rhode Island general partnership, and HOPKINS HEALTH CENTER, a Rhode Island General Partnership,

Petitioners, )

v. )

REAL PROPERTY LOCATED AT 608 SMITHFIELD ROAD, NORTH PROVIDENCE, RHODE ISLAND 02904, and 610 SMITHFIELD ROAD, )

PROVIDENCE, RHODE ISLAND 02904,

Respondent.

C.A. No. PC-2020-03954

#### ORDER APPOINTING TEMPORARY IN REM RECEIVER

The above captioned matter came before the Honorable Brian P. Stern on May 20, 2020, upon the Verified Petition for the Appointment of a Receiver of Lawrence Gates, in his capacity as a partner of Hopkins Health Center, a Rhode Island general partnership, and Hopkins Health Center, a Rhode Island general partnership (collectively, "Petitioners"). Upon consideration thereof, it is hereby

#### ORDERED, ADJUDGED, AND DECREED

1. That Jonathan N. Savage, Esq., of Shechtman Halperin Savage, LLP, 1080 Main Street, Pawtucket, Rhode Island 02860, be and hereby is appointed Temporary *In Rem* Receiver (the "Receiver") of the real property located at 608 Smithfield Road, North Providence, Rhode Island 02904 and 610 Smithfield Road, North Providence, Rhode Island 02904 (collectively, "Real Property"), as more particularly described in (1) the Warranty Deed from Thomas J. Lough to Hopkins Health Center, a Rhode Island general partnership ("Hopkins"), dated June 5, 1997 and

Filed in Providence/Bristol County Superior Court

Submitted: 6/10/2020 12420PRM

Envelope: 2800032

Reviewer: Zibeikea CG.

recorded in Book 313 at Page 415 of the North Providence Land Evidence Records; and (2) the

Warranty Deed from Forcier Industries, Inc. to Hopkins dated October 29, 1973 and recorded in

Book 87 at Page 522 of the North Providence Land Evidence Records; including all buildings and

improvements now or hereafter situated thereon; together with all fixtures now or hereafter placed

in or upon the Real Property; all easements, licenses, privileges, hereditaments, and appurtenances

belonging to or inuring to the benefit of the Real Property; all fixtures, machinery, equipment, or

other personal property of every kind, description, and nature whatsoever now or hereafter located

on the Real Property; all insurance proceeds, awards, and other amounts paid for any damage or

loss to the Real Property; all issues, benefits, and profits of the Real Property; all of the right, title,

and interest in and to the leases, subleases, occupancy agreements, licenses, concession

agreements; and all other tenancy agreements; all rents and other payments of any kind due or

payable and to become due and payable by virtue of any lease, use, possession, or occupancy; and

all records and books of account now or hereafter maintained in connection with the Real Property.

2. That said Receiver shall, no later than five (5) days from the date hereof, file a bond

in the sum of \$\_\_\_25,000.00 with any surety company authorized to do business in the

State of Rhode Island as surety thereon, conditioned that the Receiver will well and truly perform

the duties of said office and duly account for all monies and property that may come into the

Receiver's hands and abide by and perform all things that the Receiver will be directed to do by

this Court.

3. That said Receiver is authorized to take possession and charge of the Real Property

and to seek to sell the Real Property and, in the interim, to collect the rents and otherwise manage

the Real Property, all for the benefit of the creditors of the Real Property.

Filed in Providence/Bristol County Superior Court

Submitted: 6/10/2020 12420PRM

Envelope: 2000032 Reviewer: ZabekaaCG.

4. That said Receiver be and hereby is authorized until further Order of this Court, in

the Receiver's discretion and as the Receiver deems appropriate and advisable, to take title to and

manage the Real Property, to borrow money from time to time, to purchase for cash or upon credit,

merchandise, materials, and other property, to engage counsel, and to engage employees and

assistants, clerical or otherwise, and to do and perform or cause to be done and performed all other

acts and things as are appropriate. Said Receiver shall obtain authorization from this Court before

retaining accountants, business consultants, appraisers, and special counsel.

5. The Receiver and the law firm of which the Receiver is a member are hereby

engaged as general counsel to said Receiver.

6. That the Receiver shall have no responsibility or obligation to file any federal, state,

or other tax returns. The payment of any federal or state taxes arising out of any sale shall be the

sole responsibility of the owner of the Real Property.

7. This Court finds that the designation of the aforesaid person as Receiver herein is

warranted and required because of said Receiver's specialized expertise and experience in

managing real property in receivership and in administering non-routine receiverships that involve

unusual or complex legal, financial, or business issues.

8. 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 or affecting the Real 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 the Real Property or any property comprising part of the Real Property, or the taking or

Filed in Providence/Bristol County Superior Court

Submitted: 8/10/2020 12420PRM

Envelope: 2600032 Reviewer: Zibekea CG.

attempting to take into possession of the Real Property or any property comprising part of the Real

Property, or the cancellation at any time during the Receivership proceeding herein of any

insurance policy, lease, or other contract for the benefit of or relating to the Real Property, by any

of such parties as aforesaid, other than the Receiver designated as aforesaid, or the termination of

telephone, electric, gas, or other utility service to the Real Property, by any public utility, without

obtaining prior approval thereof from this Honorable Court, in which connection said Receiver

shall be entitled to prior notice and an opportunity, to be heard, are hereby restrained and enjoined

until further Order of this Court.

9. That Citation be issued to said Real Property and its owner returnable to the

Superior Court sitting at Providence County, Providence, Rhode Island, on

9:30 a.m./p.m. at which time and place this cause is set down for hearing on the

prayer for the appointment of a Permanent In Rem Receiver; that the Clerk of this Court shall give

Notice of the pendency of the Petition herein by publishing this Order Appointing Temporary In

Rem Receiver once in The Providence Journal on or before \_\_\_\_\_\_, 2020, and the

Receiver shall give further notice by mailing, on or before \_\_\_\_\_\_ June 8 \_\_\_\_\_, 2020 a copy

of said Order Appointing Temporary In Rem Receiver to each of the Real Property's creditors and

stockholders whose address is known or may become known to the Receiver.

ENTERED as an order of this Court on the <u>22nd</u> day of May, 2020.

**ENTERED:** 

BY ORDER:

Brian P. Stern, J.

Deputy Clerk I

/s/ Carin Miley

Deputy Clerk

May 22, 2020

Case Number: PC-2020-03953
Filed in Providence/Bristol County Superior Court

Submitted: 6/10/2020 12420PMM

Envelope: 2000032 Reviewer: Zabeka CG.

> Presented by: Counsel to the Receiver,

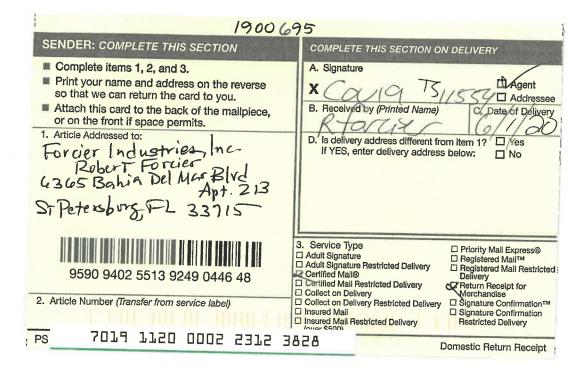
/s/ Christopher J. Fragomeni Christopher J. Fragomeni, Esq. (9476) SHECHTMAN HALPERIN SAVAGE, LLP 1080 Main Street, Pawtucket, RI 02860 P: 401-272-1499 | F: 401-272-1403

cfragomeni@shslawfirm.com

Case Number: PC-2020-03953 Filed in Providence/Bristol County Superior Court

Submitted: 6/10/2020 12420PRM

Envelope: 2800032 Reviewer: Zibelkea CG.



Case Number: PC-2020-03413 Filed in Providence/Bristol County Superior Court Submitted: 8/17/2020 12:20 PM Envelope: 2706072 Reviewer: Zoila C.

## Special Master and Permanent In Rem Receiver's First Interim Report and Request for Fees

## Exhibit K

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Savage

Shechtman Halperin

Section-Page-Zone(s):

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Insertion Number:

Ad Number:

The Providence Journal

Monday, June 8, 2020

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Envelope: 2706072

Reviewer: Zoila C.

## **LEGALS**

STATE OF
SHOULD ENAMO

CA. As De C. 2000-1959

C. A. As De C. 2000-1959

C. A. BORD C. 2000-1959

BY ORDER:

Presented by:
Counsel to the Receiver,
Counsel to the Receiver,
Ulcrisospher J. Fragomeni
Christopher J. Fragomeni
Christopher J. Fragomeni
Christopher J. Fragomeni
Christopher J. Fragomeni
SHE CHTMAN HALPERN
SAVAGE, LIP.
1060 SAun Street, Pawtucker,
RI 02860
P. 401-772-1499 JF: 401-2721403
ofragomeni@shsiawimn.com

ofragomenicifichias wifm.com

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R.L. Human Rights Commission 401-222-2661

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nder "The Unite" Trade Practice and Contumer vironces-ral's Division of Constrain Protection. This Division investigates con facturers, who leasters are restauers as well as all ferres of deceptive metallices in advertising, if you have a complaint or would like informaer complaints agains! menuta le practice éscalaing micreprese you may call (401) 222-2104. real egiste advertising is subject to the federal Fair Housing Act of 1966, as amended, which as it illegal to advertise "any grietinence, invalution, or disposinishing based on take, color, religion, national organ, handcap of tamilial statutes or any interestion to make any suctin preference, finally

Advertisements pertaining to public accommodations are covered by the R.L. Statute on Public Acc modations. Discrimination on the basis of race, color, religion, national origin, say or sexual one tion, gender indentity or expression, age or transfer to prohibited. iverisements pertaining to credit are covered by the jederal Equal Credit Opportunity Act. This is calable plazimisation on the basis of race, color, religion, national graph, eac. marfiel status, an exprevided that a person has the capacity to enter hird a binding contraction. B employment advertising in this neverageer is activied to the State of Rhodo Island Falt Employment incloses Act. It is a violation of said law to portal or guidalph or cause to be printed or politished any no collabor or discussionable of political plant of the printed or political political

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Jöurnal www.providencejournal.com/homes

VETERANS VOICE

#### Here's advice from a vet on searching for a job



Mary R. Talbot

n the face of record-breaking unemployment across the United States, active military separating from service face a difficult road as they transition to civilian life.

So veterans organiza-tions across the country are tions across the country are stepping up their virtual training for employment counseling, resumé writing and interview workshops to assist job seekers in today's challenging economy. Operation Stand Down Rhode Island was the host of one such information-sharing session last week.

The featured speaker was Shane Matlock (U.S. Army, Ret.) who was active duty for 10 years and had two tours in Afghanistan. He was a member of the 10th Mountain Division noth Mountain Division for four years and also worked at a NATO base in France. Matlock now is the owner and founder of The Burgundian: Coffee and Waffles, a Rhode Island-based food truck and catering company that originated at the culinary incubator Hope & Main and will soon be expanding to include a storefront at 55 Park St. in Attleboro.

Park St. in Attleboro. When he returned to the United States, Matlock got United States, Matlock got his MBA and went to work in private industry. It was in the process of obtaining that first civilian job, he said, that he "started to understand how much I didn't know about how much the civilian world didn't know."

Rank structure, job responsibilities and assignments were foreign languages to the recruiters

languages to the recruiters with whom Matlock interacted. He wasn't advancing in the interview process for many of the jobs he had applied for, so he took a

step back and reassessed his strategy. After speaking with After speaking with civilian family members and friends, Matlock said, he "realized it was really incumbent upon me to translate a lot of my resumé, my background, to fit the different lobs, and the different environment." He needed to decode his resumé and put it into resumé and put it into "civilian speak."

"civilian speak."

By removing acronyms, and explaining ranks and job responsibilities, he was able to make prospective employers understand the skills that he could bring to bear for their company. Lack of familiarity with

Lack of familiarity with military duties and responsibilities among the general public may contribute to the lack of knowledge in hiring situations. The Pew Research Center published actudy, "The Military-Civilian Gap: Fewer Family Connections" that found that of adults under the age of 50, only 57 percent age of 50, only 57 percent of those between 30-40 have an immediate family member who served and only 33 percent of those between 18 and 20 have a family connection to military service.

In the end, Matlock said, his job search was eye-opening.
"I thought coming from the military would be something almost special about me. That I would want to keep and highlight on a regular basis.... Honestly, at the end of the day, it wasn't.
"Every business has their own culture and they want

own culture and they want you to fit into that culture. They want you to take your skills but adapt it to a new

Takeaways from Shane Matlock's session

· Remove military jargon from

your resumé.

- Underscore the skills you've acquired through your military experience
- Research the company you're interested in working for, so you know witich skills are transferrable and valued in its culture.

#### Meetings

June 10, 11 a.m., Women's Veberans Network Group via teleconference. Discussion to be led by Women Veterans Program Manager Tonya McConnell, call (401) 919-2820 to pre-register.

culture.... "You need to learn how your organization works," he said, adding, "Don't try to force your organization into a framework that you're comfortable with."

Tyrone A. Smith, director of employment and
housing for Operation Stand
Down Rhode Island, facilitated the workshop. He said
in an interview later that he
understands how "coming
back from active duty, you
feel displaced. Out of place.
It's an awkward time. You
wonder, how do I function
within this different society"
I'm well qualified, but I'm
getting rejected from jobs."
Operation Stand Down. Tyrone A. Smith, direc-

Operation Stand Down welcomes veterans, or family members living in a veteran household, to make an appointment to visit them in Johnston for help. them in Johnston for help. Each client is assigned a caseworker who will meet with them, review their resumé, provide feedback, and help them identify any potential issues. Veterans will feel wel-come at Operation Stand Down, he said, because the non-profif's employees

non-profit's employees are veterans or their family members, and are aware of — and sympathetic to — the obstacles veterans face, "We've all been there in some shape or form, and most of us hit a road bump in

mean druss haire at road bump in transitioning.
"If they want to work,
we're here to help them,"
Smith added. "We will sit
down, figure out their barriers to employment, whether
it be childene, education,
certifications, transportation or anything else. We'll
figure out what grant covers
those issues and help get
them to work."
Smith said Operation
Stand Down builds rela-

Stand Down builds rela-tionships with potential tionships with potential employers continually. "We have been active in going out into the community and staking hands with prospective employers. They know us, and we have a direct line to them. Likewise, they let us know when they have jobs available."

Most of the veterans looking for jobs also qualify for assistance on other fronts, and Operation Stand Down is prepared to help there, too, whether with clothing, food, housing or legal assistance. The organization has 88 housing units throughout the state for transition or permanent use, and also provides accommodations for veterans in

modations for veterans in recovery. Operation Stand Down Rhode Island can be reached at (401) 383-4730 and on Facebook at facebook. com/standdownri.

Do you know a veteran with an interesting story? Do you offer a program or service focus on serving retired military? Are you planning an event aimed at veterans or their families? Email Mary K. Talbot at ThoseWhoServedAmerica@ Case Number: PC-2020-03413 Filed in Providence/Bristol County Superior Court Submitted: 8/17/2020 12:20 PM Envelope: 2706072 Reviewer: Zoila C.

## Special Master and Permanent In Rem Receiver's First Interim Report and Request for Fees

## Exhibit L

| STA | TE   | OF  | RHC  | DE | <b>ISLA</b> | ND |
|-----|------|-----|------|----|-------------|----|
| PRC | )VII | DEN | ICE. | SC |             |    |

SUPERIOR COURT

| PROVIDENCE, SC                                                                                                                                                                          |                                    |
|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|------------------------------------|
| LAWRENCE S. GATES, in his capacity as Secretary of Hopkins Manor, Ltd., and as Managing Member of Hopkins Health Center LLC,  Petitioner,                                               | )<br>)<br>)<br>)<br>)              |
| VS.                                                                                                                                                                                     | ) C.A. No. PC-2020-03413           |
| HOPKINS MANOR, LTD., a Rhode Island<br>Corporation, and HOPKINS HEALTH<br>CENTER LLC, a Rhode Island Limited<br>Liability Corporation,<br>Respondents,                                  | )<br>)<br>)<br>)<br>)              |
|                                                                                                                                                                                         | administratively consolidated with |
| LAWRENCE GATES, in his capacity as a partner of HOPKINS HEALTH CENTER, a Rhode Island general partnership, and HOPKINS HEALTH CENTER, a Rhode Island General Partnership,  Petitioners, | )<br>)<br>)<br>)<br>)              |
| v.                                                                                                                                                                                      | ) C.A. No. PC-2020-03954           |
| REAL PROPERTY LOCATED AT 608 SMITHFIELD ROAD, NORTH PROVIDENCE, RHODE ISLAND 02904, and 610 SMITHFIELD ROAD, NORTH PROVIDENCE, RHODE ISLAND 02904, Respondent.                          | )<br>)<br>)<br>)<br>)<br>)         |

#### ORDER APPOINTING PERMANENT IN REM RECEIVER

This matter came before the Honorable Brian Stern on June 25, 2020 on the Petition for Appointment of a Permanent *in rem* Receiver for the real property and improvements thereon at 608 and 610 Smithfield Road, North Providence, Rhode Island, as the same is more particularly identified in the Petition commencing PC-2020-03954 (collectively, the "Real Property") in these

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Environment Superior Court

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consolidated proceedings, and it appearing that the notice provided by the earlier-entered Order of

this Court upon such Petition has been given, and upon consideration thereof, it is now hereby

ORDERED, ADJUDGED AND DECREED:

1. That Jonathan N. Savage, Esq., of Shechtman Halperin Savage, LLP, 1080 Main

Street, Pawtucket, Rhode Island, be and hereby is appointed Permanent Receiver (the "Receiver")

of the Real Property with all the powers conferred upon the Receiver by the Rhode Island General

Laws, by this order, or otherwise, and with all powers incidental to the Receiver's said Office in

respect thereto;

2. That said Receiver has filed herein a bond in the amount of \$10,000.00 with

corporate surety thereon authorized to do business in the State of Rhode Island conditioned that

the Receiver will well and truly perform the duties of said office;

3. That said Receiver be and hereby is authorized, empowered and directed to take

possession and charge of the Real Property, and is hereby vested with title to the same, with full

power to prosecute, defend, adjust and compromise all claims and suits of, by, or against such Real

Property and to appear, intervene or become a party in all suits, actions or proceedings relating

thereto as may in the judgment of the Receiver be necessary or desirable for the protection,

maintenance and preservation of the Real Property.

4. That this appointment is made in succession to the appointment of Temporary

Receiver heretofore made by order of this Court, and the Receiver shall take and be vested with

the title to the Real Property and all chooses-in-action in respect thereto which have heretofore

accrued to the Temporary Receiver with power to confirm and ratify in writing such agreements

as are entered into by such Temporary Receiver and to carry out and perform the same.

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Reviewer: Rachel L.

5. That the Receiver is authorized, in the Receiver's discretion, to manage and secure

the Real Property until further order of this Court, and to incur expenses for goods and services

and to purchase for cash such merchandise, supplies and materials as in the Receiver's discretion

may be desirable or necessary for the management and security thereof.

6. The Receiver herein is also the Special Master in the companion case of PC-2020-

03413. For consistency and to avoid any conflict between them, the terms, conditions, and

provisions of the Order Appointing Permanent Special Master in PC-2020-03413 ("Order

Appointing Permanent Special Master") are incorporated into this Order and, notwithstanding

anything in this Order to the contrary, shall apply with equal effect to the Receiver herein,

including in respect to all matters relating to the engagement and payment of any professionals.

7. The Real Property shall be sold in conformance with and subject to the provision

of the Order of this Court authorizing its sale, along with other assets, in these consolidated

proceedings (the "Sale Order"); and, notwithstanding anything herein to the contrary, nothing in

this Order shall be read or construed to modify the terms, conditions or provisions of the Sale

Order.

8. That said Receiver 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.

9. In fulfillment of the reporting requirements set forth in Rule 66(e) of the Superior

Court Rules of Civil Procedure, the Receiver shall file with the Court the Reports referred to in

said Rule, as and when the Receiver deems necessary or advisable under the circumstances, or, in

any event, as and when required by Order of this Court. In addition, the Receiver shall file with

Case Number: PC-2020-03413 Filed in Providence/Bristol County Superior Court

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Reviewer: Rachel L.

the Court, on or before May 1st and October 1st of each year, a Receivership Control Calendar Report in accordance with Rhode Island Superior Court Administrative Order No. 98-7.

10. That the Receiver shall continue to discharge said Receiver's duties and trusts hereunder until further order of this Court; that the right is reserved to the Receiver and to the parties hereto to apply to this Court for any other or further instructions to said Receiver 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.

That, pursuant to and in compliance with Rhode Island Supreme Court Executive 11. Order No. 95-01, this Court finds that the designation of the aforedescribed person for appointment as Receiver is warranted and required because of said Receiver's specialized expertise and experience.

That the commencement, prosecution, or continuance of the prosecution, of any 12. 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 or otherwise in respect to the Real 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 the Real Property, or the taking or attempting to take into possession the Real Property or any interest therein, or the cancellation at any time during the Receivership proceeding herein of any insurance policy, lease or other contract regarding the Real Property, by any of such parties as aforesaid, other than the Receiver designated as aforesaid, or the termination of telephone, electric, gas or other utility service to the Real Property, by any public utility, without obtaining prior approval thereof from this Honorable Court, in which connection said Receiver

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Reviewer: Rachel L.

shall be entitled to prior notice and an opportunity to be heard, are hereby restrained and enjoined until further Order of this Court.

If necessary, the Receiver is hereby authorized to conduct tests, remove and/or 13. dispose of any hazardous substance, (collectively, the "Hazardous Substances") located on the Real Property.

14. That the provisions of 42 U.S.C. §9601(20)(A) and (20)(D), §9607 (d)(2) and §9601(35)(A) in tandem with §9607(b)(3) of the Comprehensive Environmental Responsive Compensation and Liability Act ("CERCLA") are applicable to the within Receivership proceeding, and the Receiver is not an "owner" or "operator" as defined under said statutory provisions and falls within the scope of §9601(35)(A) in tandem with §9607(b)(3), and the Receiver, in removing and disposing of the Hazardous Substances, would be acting as one "rendering care or advice" as provided in 42 U.S.C. §9607(d)(1) and (d)(2) and the applicable federal regulations pertaining to the aforesaid statutory provisions set forth in 57 Fed. Reg. 18385, codified at 40 C.F.R. §300.1105(a), as supplemented by the official comments thereto in 57 Fed. Reg. 18344, 19380-18382.

- 15. That the Receiver is hereby afforded the immunity provided by the aforesaid statutory provisions and regulations, and shall have no personal liability resulting from the removal and/or disposal of the Hazardous Substance and no liability under CERCLA and/or Resource Conservation and Recovery Act ("RCRA").
- That the Receiver is hereby authorized to execute, solely in his fiduciary capacity 16. as Receiver of the Real Property, any and all documents necessary to effectuate the removal and disposal of said Hazardous Substances, including but not limited to, Uniform Hazardous Waste Manifests and all documents needed to obtain an Emergency Waste Generator's Certificate and

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Reviewer: Rachel L.

Number, and the execution of any such documents by the Receiver is hereby deemed to be executed by him as an officer of this Court and not as a generator of the Hazardous Substances nor as an "owner" and/or "operator", as those terms are defined in 42 U.S.C. §9601(20)(A) and (20)(D) and applicable federal regulations.

- 17. That in addition to the foregoing statutory provisions, the Receiver is hereby declared to be acting pursuant to 42 U.S.C. §9607(d)(1) and (d)(2) and all applicable federal regulations as "rendering care and advice" in removing and disposing of the Hazardous Substances, and is entitled to the protections from liability afforded by said statutory provisions and applicable federal regulations in addition to any other defenses and protections that may be available to the Receiver, and falls within the scope of 42 U.S.C. §9601(35)(A) in tandem with §9607(b)(3) and all applicable federal regulations.
- All creditors or other claimants hereby are ordered to file under oath with the 18. Receiver at 1080 Main Street, Pawtucket, Rhode Island 02860 on or before the \_\_, 2020, 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.
- 19. Notice will be given of the entry of the Order Appointing Permanent Receiver by the Clerk of this Court by publication in *The Providence Journal* on 20th day of July \_\_, 2020, and by the Receiver mailing on the \_\_20th \_\_day of \_\_\_\_\_\_, July \_\_\_\_\_\_, 2020, a copy of said Receivership Notice to each creditor holding claims against or in respect to the Real

Property known as such to the Receiver, or appearing as such on the books related to the Real Estate, addressed to each such creditor at last known address.

21. 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.

3rd day of July

ENTERED as an Order of this Court this \_\_\_\_\_day of June, 2020.

ENTERED:

BY ORDER:

/s/ Carin Miley Deputy Clerk I July 3, 2020

Deputy Clerk, Superior Court

Brian P. Stern, J.

July 3, 2020

Jointly Presented by:

Counsel to the Special Master and Receiver

/s/ Christopher J. Fragomeni

Christopher J. Fragomeni, Esq. (9476) Shechtman Halperin Savage, LLP 1080 Main Street, Pawtucket, RI 02860

P: 401-272-1400 F: 401-272-1403

cfragomeni@shslawfirm.com

Counsel to Walker and Dunlop, LLC

/s/ Matt McGowan

Matthew McGowan, Esq.
Salter McGowan Sylvia & Leonard, Inc.
56 Exchange Terrace, Suite 500
Providence, RI 02903
P: 401.600.0140

F: 401.453.0073

mmcgowan@smsllaw.com

/s/ Jeffrey Marks

Jeffrey Marks, Esq., *Pro Hac Vice* Vorys, Sater, Seymour and Pease LLP P: 513.723.4482

jamarks@vorys.com

Reviewer: Rachel L.

#### **CERTIFICATE OF SERVICE**

I hereby certify that on June 30, 2020, I have this date filed the foregoing document through the Court's electronic filing system. Such papers, having been electronically served, are available for viewing and/or downloading from the Rhode Island Judiciary's Electronic Filing System. Those who have entered their appearance electronically or who are otherwise entitled to receive such papers electronically through such system have or will receive the foregoing papers through such system.

/s/ Christopher J. Fragomeni, Esq.

Case Number: PC-2020-03413 Filed in Providence/Bristol County Superior Court Submitted: 8/17/2020 12:20 PM Envelope: 2706072 Reviewer: Zoila C.

# Special Master and Permanent In Rem Receiver's First Interim Report and Request for Fees

### **Exhibit M**

Reviewer: Zoila C.

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# The Providence Journal Monday, July 20, 2020

**JOBLESS** 

From Page A1

will provide the same level of help to the unemployed.

What will the end of the \$600 payments mean for Rhode Islanders whose jobs have not returned from lockdown and the economy as a whole? The Journal asked Rhode Island Labor Department Director Scott Jensen on Friday and got an update on efforts to end the difficulty some residents are experiencing getting their claims resolved.

Do you expect fewer people to file for unemployment when the \$600 bonus goes away, especially folks whose regular benefit is pretty small?

Let's hypothetically say nothing passed Congress; I think it would have an enormous impact on the workforce and the state. Challenges on the economy post-COVID would all of a sudden become extremely real. And we would see even more economic hardship affecting our businesses because of decreased spending.

I can't characterize exactly what it would look like because I am not an economist. When we had to shut down the economy, the idea we weren't going to have lasting impact from that - nobody believes that, and now we are going to be finding out in the coming months what that is going to look like, even if we reopen. The CARES ACT has been very effective in keeping our country moving. Without stimulus it is going to be even harder for everyone, businesses and employees alike.

Do you think the \$600 payments have created a disincentive to go back to work?

Of course there are people who look at what they want to do through the sheer lens of where am I getting more money, but most people want to work. Work is not just about your paycheck. It is about what you do and what you're contributing. There is a strong incentive for people wanting to go back to work ... and this is a temporary thing even if it is extended ... nobody believes you are going to get paid \$800 a week for the rest of your career. Someday this will end. and I don't think people are fooled by that. Is there some disincentive? Certainly. It is abstract in many instances, and I have heard anecdotally more conversations about companies worried about it than wholesale instances of it.

There are instances for sure and if we find out about them, if you are staying home because you are making more money and we find out about it, we are going to cut your benefits.

Is your agency in a good place to react quickly and tweak the system if Congress changes things in the next couple of weeks?

Depends on what they do. If the \$600 is (renewed), that's very easy. If it is completely canceled, that is easy.

**POLICE DIGEST** 

E. Providence man killed

PROVIDENCE - An East

Providence man crashed his

motorcycle near the Brown

University campus and died

The 27-year-old man,

whose identity has not

been released, was riding

south on Hope Street around

8:45 p.m., according to a

police report provided by

Commander Thomas Verdi.

struck a wall on the oppo-

site side of the street and

was thrown from the bike.

He hit his head on the curb

and landed in the street in

front of Brown's Meehan

Auditorium. He was taken

to Rhode Island Hospital,

where he was pronounced

The motorcycle was an

off-road vehicle that is not

dead.

He crossed the centerline,

in motorcycle crash

Saturday night.

If the number goes down or up - \$400 or \$800 - that'smoderately easy.

If Congress decides to do something like, a person who makes so much money, we will use that to make a formula and cap their benefit. That becomes very tricky ... from a perspective of coding that into system. But worse, to do something like that is predicated on having good data. We have good tax data, but there are always glitches in it. There are a lot more appeals and adjudications. That is manual and takes

Last week's jobs report showed that about a third of the jobs lost at peak lockdown have come back. Do we know how many many of the Rhode Island jobs lost to COVID are permanent?

Not yet in any specific way. A good rule of thumb is 75 to 80% will come back, but maybe a quarter to 20% will not come back.

A key thing is the usual statistical models we usually use are not as relevant, they are not built for this scenario.

The other things is we are pushing on 300,000 initial claims. That's a lot of people claiming and almost 200,000 people have gotten some unemployment benefit since the pandemic started. That is just a tidal wave. As we are coming off that, putting 21,000 jobs back this month feels great. I am glad I am in a state where COVID is being handled well, but 21,000 is not full recovery.

We had a giant rise in claims, then they came down and were leveling off, and then popped back up a little bit. It hasn't gone down to under 1,000 claims per week. It is staying up there a bit, which means the people who are filing claims are not doing it because the governor closed an industry. They are applying because an industry is having to make adjustments after a pandemic, and that is worrysome.

There was a pretty big decline in public-sector jobs in June. Do you know what jobs those are?

We think that is the National Guard returning home after being deployed.

We keep hearing that if people have a complex claim or there is some kind of problem, they literally cannot speak to someone at DLT and are stuck. Is there anything you are doing to fix that or are we just going to have to live with it until claims subside?

It is not possible, I hate to say it, to put enough people on telephones to answer those calls. You would need thousands of people in the call center. While we are getting more support, that cannot be the solution. Our system, like every other system, was built with the tail wagging the dog. Technology was limited in the 1980s and 1990s when these systems were designed and with cloud-based computing we can go back to customer-based service model because we have the computing capacity to have multiple touchpoints. So people can know where their claim is and actively help it

legal for use on city streets,

CRANSTON - An

89-year-old Cranston man

died after rescue crews pulled

him from a swimming pool

Saturday at 13 Linden Ave.

at about 5:30 p.m., the police

When firefighters arrived,

they found Ernest Saraiva,

of Linden Avenue, floating

face down in the swimming

pool. Emergency personnel

removed him, began per-

forming and continued

lifesaving measures while

taking Saraiva to Rhode Island

Hospital, where he was later

pronounced dead, police said.

— Linda Borg

the police said.

- Patrick Anderson

dies after pool rescue

Cranston man, 89,

move along without having to call a person. That is the only way to do it.... We are building that capacity now with Amazon Web Services. We were forced to make radical changes just to deal with the volume, and we are bringing our system bit by bit into the cloud and changing that customer experience.

That will be eight months to mabe a year, but you can alread ee pieces of it. it look like, more

like

ught this shirt Exact vesterday nd it was a great experient ou could see where your order was and when it shipped and what UPS centers it was shipped to and where it was. That kind of numerous points of interaction will also allow us to better protect the [unemployment] trust fund from fraud. Do you need more money

to complete this?

Never ask a director if they need more money. But right now I think we can finish what we are doing with what we have.

Administrative funding for [unemployment] goes up with more people on [unemployment], so there is more money coming from the federal government, But what makes me nervous is the trust fund. We still have money in the trust fund. We have paid out \$1.4 billion since the pandemic started. About two-thirds is federal money, so the state is not picking all of it

But in the coming months in Rhode Island, like everywhere else, the trust fund is going to go negative. We will have to borrow from the federal government. People getting benefits STATE OF RHODE ISLAND SUPERIOR COURT

don't have to worry. The problem is it needs to be paid back - so does the whole trust fund. When the economy gets going that's when the tax bills get going. When Congress considers a coming stimulus package, they should be thinking of those ramifications and smart ways to help out states with situations like

providencejournal.com (401) 277-7384 On Twitter: @PatrickAnderso

**LEGALS** 

UNITED STATES OF AMERICA FEDERAL ENERGY REGULATORY COMMISSION

Blackstone Hydro, Inc.

Project No. 3023-014

City of Woonsocket, Rhode Island Project No. 2972-027

> NOTICE OF AVAILABILITY OF ENVIRONMENTAL ASSESSMENT (July 10, 2020)

In accordance with the National Environmental Policy Act of 1969 and the Federal Energy Regulatory Commission's (Commission) regulations, 18 CFR Part 380, the Office of Energy Projects has reviewed the application for a new license for he Blackstone Hydroelectric Project No. 3023 (Blackstone Project), and the application for a subsequent license for the Woonsocket Falls Hydroelectric Project No. 2972 (Woonsocket Project), and has prepared an Environmental Assessment (EA) for both projects. The Blackstone Project is located on the Blackstone River in Providence County, Rhode Island and Worchester County, Massachusetts. The Woonsocket Project is located on the Blackstone River in the City of Woonsocket, rovidence County, Rhode Island.

The EA contains staff's analysis of the potential environmental effects of the projects and concludes that licensing the projects with appropriate environmental protective measure would not constitute a major federal action that would signifi

cantly affect the quality of the human environment.

The Commission provides all interested persons with an opportunity to view and/or print the EA via the Internet through the Commission's Home Page (http://www.ferc.gov) using the "eLibrary" link. Enter the docket number, excluding the last three digits in the docket number field, to access the document. At this time, the Commission has suspended access to the Com mission's Public Reference Room, due to the proclamation de claring a National Emergency concerning the Novel Coronavirus Disease (COVID-19), issued by the President on March 13, 2020. For assistance, contact FERC Online Support at FERCOnlineSupport@ferc.gov or toll-free at (866) 208-3676, or for TTY, (202) 502-8659.

You may also register online at https://ferconline.ferc.gov/e Subscription aspx to be notified via email of new filings and ssuances related to this or other pending projects. For assisance, contact FERC Online Support.

Any comments should be filed within 30 days from the date

The Commission strongly encourages electronic filings. Please file comments using the Commission's eFiling system at https://ferconline.ferc.gov/eFiling.aspx. Commenters can sub-mit brief comments up to 6,000 characters, without prior regis-tration, using the eComment system at https://ferconline.ferc.go v/QuickComment.aspx. You must include your name and contact information at the end of your comments. For assistance please contact FERC Online Support. In lieu of electronic filing, you may submit a paper copy. Submissions sent via the U.S. Postal Service must be addressed to: Kimberly D. Bose, Secretary, Federal Energy Regulatory Commission, 888 First Street NE, Room 1A, Washington, DC 20426. Submissions sent via any other carrier must be addressed to: Kimberly D. Bose, Secretary, Federal Energy Regulatory Commission, 12225 Wilkins Avenue, Rockville, Maryland 20852. On the first page of your filing, please put the docket number P-3023-014 for the Blackstone Project and/or the docket number P-3023-073 023 for the Warnesolet Psyciet. 2972-027 for the Woonsocket Project

8621 or by email at erin.kimsey@ferc.gov

MORTGAGEE'S SALE ASSESSOR'S PLAT# 34 AND LOT# 35 33 George Waterman Road Johnston, Rhode Island

the mortgage will be sold subject to all encumbrances and prior liens on August 05, 2020 at 12:00 PM on the premises by virtue of the Power of Sale in said mortgage made by Francis R. Fracassa and Barbara A. Fracassa dated August and recorded in Book 1621 at Page 4, et seq. of the Johnston Land Evidence Records, the condition of said mortgage having been

oken: \$5,000.00 by bank check certified check at time of sale is required to bid; other terms will be announced at

Bendett & McHugh General Partnership 270 Farmington Avenue, Ste. 151 Farmington, CT 06032 Attorney for the present

Holder of the Mortgage MORTGAGEE'S SALE 233 Waterman Avenue

Plat 20, Lot 671 The premises described in the mortgage will be sold subject to all encumbrances and prior liens on August 7, 2020 at 12:00 PM on the premises, virtue of the power of sale contained in a mortgage by Brian E. Priest, Lillian M Priest, Jean A. Priest dated August 17, 2005 and recorded in the Town of North Providence Land Evidence Records in Book 2147, Page 27 and as affected by a judgment dated November 1, 2019 and recorded with said Registry on November 4, 2019, in Book No. 3368, at Page 321, the conditions of said mortgage having

been broken. \$5,000.00 in cash, certified or bank check is required to bid. Other terms will be an-HARMON LAW OFFICES

Attorney for the Holder of the Mortgage 150 California Street Newton, MA 02458

**GLOCESTER** 0.23 acres, 100' frontage, \$15,000; 1 acre, corner, \$57,500; 3.24 acres, \$69,500. Long Realty 647-5454

**Furnished** 

**Apartments** 

Place Your Ad In-Paper at 401.277.7700 or Online 24/7 @ providencejournal.com/marketplace **Providence Lots For Sale** 

County

Burrillville, Cumberland,

Foster, Glocester, Lincoln, No. Smithfield, Scituate,

Smithfield, Woonsocket

Automobiles For Sale

CADILLAC 2003 Seville SLS 60k miles, 1 owner, pearl white, \$6000.00 401-413-2610

Ford 2007 Taurus SE Fully Equipped Warranty Inspected Must See Gorgeous \$3975 Call 401-263-5023 Lic# 578

**Autos/Trucks** Wanted JUNK CARS WANTED \$CASH PAID\$ from \$100 up to \$1000. 401-418-4521, Lic. 61 www.bigbucksjunkcars.com

The Highest CASH Payouts In CT/MA/RI No Title/keys OK Free Pick Up 401-648-9300 **Wanted To Buy** 

WANTED TO BUY: Comic Books, toys, records, video games, trading cards and collectibles. Store 401-781-5017

GLOCESTER 1007 sq ft Cottage, needs total rehab, 3 beds, 1 bath, oil hot heat, 0.23 acres,

SCITUATE Historic Capel 12 rooms, 2 baths, 4 fireplaces, wide board floors, updated utilit ies, barn, 14.6 acres, majestic setting, abuts Scituate Watershed, \$425,000. Long Realty 401-647-5454.

SCITUATE Unique Opportunity 2 houses, 1773 sq ft and 1410 sq ft, 2 car garage, barn, 2200 sq ft building with some commer cial possibilities, 27.9 acres,

pond, some open, \$630,000 Long Realty 401-647-5454

EAST PROVIDENCE PRIME WATERFRONT 1 bed, fully furnished & equipped, great views from deck, A/C, ideal for one person, 10 mins. to Prov. \$995 includes heat. 401-437-9005 rovidencejournal.com/home

Jöurnal

POLICY STATEMENT
cept any advertising which is in violation of the law. Our reade
ments in this newspaper are available on an equal opportun

All real estate advertising is subject to the federal Fair Housing Act of 1968, as amended, which are stillegal to advertise "any preference, limitation, or discrimination based on race, color, religion sex, national origin, handicap or familial status or any intention to make any such preference, limita There Rhode Island law is applicable, discrimination on the basis of marital status, age, sexual orie tition, gender identity or expression and handicap is also prohibited. Discrimination in Rhode Island iso prohibited on the basis that a tenant or applicant, or a member of the household, has obtained, put or is seeking, relief from any court in the form of a restraining order for protection from dome cabuse.

dvertisements pertaining to public accommodations are covered by the R.I. Statute on Public Accom lodations. Discrimination on the basis of race, color, religion, national origin, sex or sexual orienta on, gender identity or expression, age or handicap is prohibited.

Il employment advertising in this newspaper is subject to the State of Rhode Island Fair Employmer ractices Act. It is a violation of said law to print or publish or cause to be printed or published any no se of advertisement relating to employment or membership indicating any preference, limitation, spe-cation or discrimination based upon race or color, religion, sex or sexual orientation, gender identi r expression, handicap, age or country of ancestral origin.

**Dollars and Cents** 



Figure out your monthly mortgage payments by using our online Mortgage Calculator.

www.providencejournal.com/homes

Journal Journal

INVITATION TO BID RFP for Plexiglass-Type Poll Workers

Sealed bids, in duplicate plainly marked, "Sealed Bid' with the above title will be received until 4:30 p.m., prevailing time, Thursday, July 30, 2020 at the office of the Purchasing Agent, Room 202, City Hall, Cranston, R.I.

must be obtained at the above office on and after July 20, 2020 between the hours of 8:30 a.m. and 4:30 p.m. No bid may be withdrawn for a period of sixty (60) days subsequent to the opening

thereof without permission of the Board of Contract & Purchase.

The city reserves the right to reject any or all bids, waive any informalities in the bid-ding, or accept the bid deemed to be in the best interest of the

> Mark J. Marchesi Purchasing Agent

STATE OF RHODE ISLAND AND PROVIDENCE PLANTATIONS North Providence, RI

ENVIRONMENTAL MANAGEMENT OFFICE OF WATER RESOURCES
PUBLIC NOTICE OF CATEGORICAL EXCLUSIONS Whereas, the Director of the Rhode Island Department

Environmental ment has reviewed for approval requests for a Categorical Exclusion determination for WWTF Headworks Improvements and Oakland Pump Station Resiliency Improvements. as proposed by the Town of rillville, under the authority of Chapters 42-17.1 and 46-12 of the General Laws of Rhode Island, 1956, as amended, and has determined there are no significant environmental impacts associated

with these projects,
Therefore, the Director of
the Rhode Island Department
of Environmental Management is hereby giving notice of intent to issue Categorical Exclusions for the aforementioned projects pursuant to the forth in Chapter 46-12.2 of the General Laws of Rhode Island, 1956, as amended, and the "Rules and Regulations for the State Revolving Loan Fund (SRF) Program", dated

In accordance with Chapter 42-35-3 of the Rhode Island General Laws, DEM has determined the projects identified for the Categorical Exclusions will not result in significant adverse economic impact on small businesses or cities and towns.

Copies of the Categorical Exclusions can be obtained by calling 277-3961 weekdays from 8:30a,m. to 4:00 p.m., downloaded from the internet at http://www.dem.ri.gov/prog rams|benviron/water/finance/s rf/index.htm or by writing to the Office of Water Resources, 235 Promenade Street, Providence, RI 02908-5767. All material submitted for review is available for public inspection during the above hours at the above location. Written comments regarding each Categorical Exclusion each Categorical should be sent to the Office of Water Resources within thirty (30) days of the date of this

A public hearing on either rical Exclusion will be held if DEM receives such requests from twenty- five (25) quests from wenty- five (23) people, a governmental agency or subdivision, or an association having not less than twenty-five (25) members. If a public hearing is held, a public notice will be published an-nouncing the date, time, and place of such hearing. A stenographic record of the hearing will be made, and the public record will be kept open for seven (7) days following the conclusion of the public hearing to allow additional time for the submission of written comments. The location of the public hearing will be accessible to the handicapped. Interpreter services for the hearing impaired or audiotapes for the vision impaired will be made available. Signed this 16 day of July,

Susan Kiernan. Deputy Administrator Office of Water Resources

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Journal

panderson@

LAWRENCE S. GATES, in

nis capacity as Secretary of

Hopkins Manor, Ltd., and as Managing Member of Hopkins Health Center LLC,

Petitioner.

HOPKINS MANOR, LTD., a

hode Island Corporation, and HOPKINS HEALTH

CENTER LLC, a Rhode Island Limited Liability

Corporation,

administratively

consolidated with

LAWRENCE GATES, in his

capacity as a partner of HOPKINS HEALTH

CENTER, a Rhode Island

general partnership, and HOPKINS HEALTH

General Partnership,

Petitioners,

REAL PROPERTY

LOCATED AT 608 SMITHFIELD ROAD,

NORTH PROVIDENCE, RHODE ISLAND 02904, and

610 SMITHFIELD ROAD,

NORTH PROVIDENCE, RHODE ISLAND 02904,

Respondent. **NOTICE OF ORDER** 

APPOINTING PERMANENT IN REM

RECEIVER

Please take notice that on July 3, 2020, an Order Ap-pointing Permanent In Rem

Receiver was entered by the

Providence County Superior

Court in the above-captioned

matters. Said Order appointed Jonathan N. Savage, Esq. as Permanent In Rem Receiver

(the "Receiver") of 608 and 610 Smithfield Road, North

Providence, Rhode Island, as

the same is more particularly identified in the Petition com-

mencing PC-2020-03954 (collectively, the "Real Prop-

erty"), and specified that said Receiver had already given a

Surety Bond in the amount of \$10,000.00 with respect to the faithful performance of the

duties conferred upon said Re-

Said Order, the original of which is on file in the Office

of the Clerk of the Providence

County Superior Court, and which Order is incorporated

herein by reference as if it were set forth in full in this

Receivership Notice, contains, inter alia, the following provi-

"The Real Property shall

be sold in conformance with and subject to the provision of the Order of this Court author-

izing its sale, along with other

assets, in these consolidated

proceedings (the "Sale Order"); and, notwithstanding

anything herein to the contra-ry, nothing in this Order shall

be read or construed to modify

the terms, conditions or provisions of the Sale Order."

"That the commencement

prosecution, or continuance of

the prosecution, of any action, suit, arbitration proceeding,

reclamation or repossession

proceeding, both judicial and

non-judicial, or any other pro-ceeding, in law, or in equity or

under any statute, or other-

wise, against or otherwise in

respect to the Real Property.

in any Court, agency, tribunal or elsewhere, or before any ar

bitrator, or otherwise by any

creditor, stockholder, corpora-

tion, partnership or any other person, or the levy of any at-

tachment, execution or other

process upon or against the

Real Property, or the taking or

attempting to take into posses-sion the Real Property or any

interest therein, or the cancellation at any time during the

Receivership proceeding here-

in of any insurance policy

ease or other contract regard-

ing the Real Property, by any of such parties as aforesaid

other than the Receiver designated as aforesaid, or the ter-

mination of telephone, elec-tric, gas or other utility service

to the Real Property, by any public utility, without obtain-ing prior approval thereof

from this Honorable Court, in

which connection said Receiver shall be entitled to prior no-tice and an opportunity to be

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heard, are hereby restrained and enjoined until further Order of this Court." "All creditors or other AND claimants hereby are ordered to file under oath with the Receiver at 1080 Main Street, SATURDAY Pawtucket, Rhode Island 02860 on or before the 3rd day of November, 2020, a statement setting forth their claims, including, but without limiting the great of the company of the claims, including, but without limiting the great of the company of AND ONLINE limiting the generality of the foregoing, the name and address of the claimant, the nature and amount of such claim, a statement of any se-curity or lien held by the claimant to which such claim-

ant is or claims to be entitled and also a statement as to any the claimant claims to be entitled to over the claims of any other or all other claimants or

ENTERED as an Order of this Court this 3rd day of July, ENTERED: /s/ Brian P Stern Associate Justice

/s/ Susan M. Diggins, Clerk

BY ORDER:

Journal

providencejournal.com



Case Number: PC-2020-03413 Filed in Providence/Bristol County Superior Court Submitted: 8/17/2020 12:20 PM Envelope: 2706072 Reviewer: Zoila C.

# Special Master and Permanent In Rem Receiver's First Interim Report and Request for Fees

## **Exhibit N**

Case Number: PC-2020-03413
Filed in Providence Bristol County Superior Court
Submitted in Providence Bristol County Superior Court
Envelopment of Providence Bristol County Superior Court
Envelopment of Styles of County Superior Court
Reviewer 2000757
Reviewer: Alexa G.

STATE OF RHODE ISLAND PROVIDENCE, SC

SUPERIOR COURT

LAWRENCE S. GATES, in his capacity as Secretary of Hopkins Manor, Ltd., and as Managing Member of Hopkins Health Center LLC,

Petitioner,

VS.

HOPKINS MANOR, LTD., a Rhode Island Corporation, and HOPKINS HEALTH CENTER LLC, a Rhode Island Limited

C.A. No. PC-2020-03413

LAWRENCE GATES, in his capacity as a partner of HOPKINS HEALTH CENTER, ) a Rhode Island general partnership, and HOPKINS HEALTH CENTER, a Rhode Island General Partnership, Petitioners,

v.
REAL PROPERTY LOCATED AT 608

Liability Corporation, *Respondents*,

SMITHFIELD ROAD, NORTH PROVIDENCE, RHODE ISLAND 02904, and 610 SMITHFIELD ROAD, PROVIDENCE, RHODE ISLAND 02904,

Respondent.

C.A. No. PC-2020-03954

#### **ORDER**

It is hereby ordered, adjudged, and decreed that Lawrence S. Gates, et al. v. Hopkins Manor, Ltd., et al. (PC-2020-03413) is administratively consolidated with Lawrence Gates, et al.

Case Number: PC-2020-03413 Filed in Providence/Bristol County Superior Court Submitted & 1220 1220 PM 3 En√ਫੀਊਰੇਜ਼ ਏ79ਰੀ∳2ce/Bristol County Superior Court Reਐੱਢਐਵਾਂਕਿਰੀਜ਼ਿੰਟੀ/2020 2:45 PM Envelope: 2600757

Reviewer: Alexa G.

v. Real Property Located at 608 Smithfield Road, North Providence, Rhode Island, 02904, et al. (PC-2020-03954).

June Entered as an order of this Court on the 9th day of May, 2020.

**ENTERED**:

BY ORDER:

Brian P. Stern, Stern, J.

Date: June 9, 2020

/s/ Carin Miley

Clerk Date:

Deputy Clerk I June 9, 2020

Presented by:

/s/ Christopher J. Fragomeni

Christopher J. Fragomeni, Esq. (9476) Counsel to the Receiver and Special Master SHECHTMAN HALPERIN SAVAGE, LLP 1080 Main Street, Pawtucket, RI 02860 P: 401-272-1400 | F:401-272-1403 cfragomeni@shslawfirm.com

Case Number: PC-2020-03413
Filed in Providence/Bristol County Superior Court
Subrate (1977) 122-2020 13413
Envelope: 270:059:02/Bristol County Superior Court
Revelope: 2600757
Reviewer: Alexa G.

#### **CERTIFICATE OF SERVICE**

I hereby certify that on May 27, 2020, I have this date filed the foregoing document through the Court's electronic filing system. Such papers, having been electronically served, are available for viewing and/or downloading from the Rhode Island Judiciary's Electronic Filing System. Those who have entered their appearance electronically or who are otherwise entitled to receive such papers electronically through such system have or will receive the foregoing papers through such system.

/s/ Christopher J. Fragomeni, Esq.

Case Number: PC-2020-03413
Filed in Providence Bristol County Superior Court
Submite dusp 97-020 42-90 98.7
Envelope: Providence Bristol County Superior Court
Reviewel 15/27/2020 2:47 PM
Envelope: 2600779
Reviewer: Alexa G.

STATE OF RHODE ISLAND PROVIDENCE, SC

SUPERIOR COURT

LAWRENCE S. GATES, in his capacity as Secretary of Hopkins Manor, Ltd., and as Managing Member of Hopkins Health Center LLC, Petitioner,

VS.

HOPKINS MANOR, LTD., a Rhode Island Corporation, and HOPKINS HEALTH CENTER LLC, a Rhode Island Limited Liability Corporation, Respondents,

C.A. No. PC-2020-03413

LAWRENCE GATES, in his capacity as a partner of HOPKINS HEALTH CENTER, ) a Rhode Island general partnership, and HOPKINS HEALTH CENTER, a Rhode Island General Partnership, Petitioners, )

v.
REAL PROPERTY LOCATED AT 608

SMITHFIELD ROAD, NORTH PROVIDENCE, RHODE ISLAND 02904, and 610 SMITHFIELD ROAD, PROVIDENCE, RHODE ISLAND 02904,

Respondent.

C.A. No. PC-2020-03954

#### **ORDER**

It is hereby ordered, adjudged, and decreed that Lawrence S. Gates, et al. v. Hopkins Manor, Ltd., et al. (PC-2020-03413) is administratively consolidated with Lawrence Gates, et al.

Case Number: PC-2020-03413
Filed in Providence/Bristol County Superior Court
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Re New Itaglia (27/2020 2:47 PM
Envelope: 2600779
Reviewer: Alexa G.

v. Real Property Located at 608 Smithfield Road, North Providence, Rhode Island, 02904, et al. (PC-2020-03954).

June Entered as an order of this Court on the 9th day of Mey, 2020.

**ENTERED:** 

BY ORDER:

/s/ Brian P. Stern, J.

Stern, J.

Date: June 9, 2020

/s/ Carin Miley

Clerk Date:

Deputy Clerk I June 9, 2020

Presented by:

/s/ Christopher J. Fragomeni

Christopher J. Fragomeni, Esq. (9476)
Counsel to the Receiver and Special Master
SHECHTMAN HALPERIN SAVAGE, LLP
1080 Main Street, Pawtucket, RI 02860
P: 401-272-1400 | F:401-272-1403
cfragomeni@shslawfirm.com

Reviewer: Alexa G.

#### **CERTIFICATE OF SERVICE**

I hereby certify that on May 27, 2020, I have this date filed the foregoing document through the Court's electronic filing system. Such papers, having been electronically served, are available for viewing and/or downloading from the Rhode Island Judiciary's Electronic Filing System. Those who have entered their appearance electronically or who are otherwise entitled to receive such papers electronically through such system have or will receive the foregoing papers through such system.

/s/ Christopher J. Fragomeni, Esq.

Case Number: PC-2020-03413 Filed in Providence/Bristol County Superior Court Submitted: 8/17/2020 12:20 PM Envelope: 2706072 Reviewer: Zoila C.

# Special Master and Permanent In Rem Receiver's First Interim Report and Request for Fees

# **Exhibit O**

Filed in Providence/Bristol County Superior Court

Submitted: 8/17/2020 12:20 PM

Envelope: 2706072 Reviewer: Zoila C.

STATE OF RHODE ISLAND PROVIDENCE, SC

SUPERIOR COURT

LAWRENCE S. GATES, in his capacity
as Secretary of Hopkins Manor, Ltd.,
and as Managing Member of Hopkins
Health Center LLC,
Petitioner,

VS.

HOPKINS MANOR, LTD., a Rhode Island
Corporation, and HOPKINS HEALTH
CENTER LLC, a Rhode Island Limited
Liability Corporation,
Respondents,

C.A. No. PC-2020-03413

#### **ORDER**

The above-captioned matter came before the Honorable Brian P. Stern on an *ex parte* request of Jonathan N. Savage, Esq, solely in his capacity as Temporary Special Master ("Special Master") of Hopkins Manor, Ltd. ("Hopkins Manor") and Hopkins Health Center, LLC, to engage Stefan Gravenstein, M.D. ("Dr. Gravenstein") as a patient care ombudsman. After consideration of the Special Master's request, it is hereby

#### ORDERED, ADJUDGED, AND DECREED

- 1. That the Special Master's ex parte request to engage Dr. Gravenstein is GRANTED;
- 2. That the Special Master is authorized to engage Dr. Gravenstein as a patient care ombudsman;
- 3. That Dr. Gravenstein shall be compensated on an hourly basis at a rate to be negotiated by the Special Master that does not exceed \$300 per hour;

Filed in Providence/Bristol County Superior Court

Submitted: 8/17/2020 12:20 PM

Envelope: 2706072 Reviewer: Zoila C.

4. That as patient care ombudsman, Dr. Gravenstein shall, on an as-needed basis, (1) report to the Special Master about the adequacy of the patient care provided to the residents of Hopkins Manor; and (2) consult the Special Master on effective means, best practices, and the implementation of operating procedures to attempt to control or mitigate the spread of the COVID-

19 virus;

5. That the Special Master is authorized to enter into and execute an agreement with

Dr. Gravenstein that encompasses the terms of his engagement set forth herein;

6. That all the Special Master's acts and doings relative to the retention and

engagement of Dr. Gravenstein are confirmed and ratified.

ENTERED as an order of this Court on this 12th day of May, 2020.

**ENTERED:** 

BY ORDER:

Date: May 12, 2020

/s/ Carin Miley

/s/ Brian P. Stern, J.

Stern, J.

Date: May 12, 2020

Deputy Clerk I
Deputy Clerk, Superior Court

Presented by:

Counsel to the Special Master,

/s/ Christopher J. Fragomeni

Christopher J. Fragomeni, Esq. (9476)

SHECHTMAN HALPERIN SAVAGE, LLP

1080 Main Street, Pawtucket, RI 02860

P: 401-272-1400 | F: 401-272-1403

cfragomeni@shslawfirm.com

Case Number: PC-2020-03413 Filed in Providence/Bristol County Superior Court Submitted: 8/17/2020 12:20 PM Envelope: 2706072 Reviewer: Zoila C.

# Special Master and Permanent In Rem Receiver's First Interim Report and Request for Fees

# **Exhibit P**

Filed in Providence/Bristol County Superior Court

Submitted: 8/17/2020 12:20 PM

Envelope: 2706072 Reviewer: Zoila C.

# STATE OF RHODE ISLAND PROVIDENCE, SC

SUPERIOR COURT

C.A. No. PC-2020-03413

#### **ORDER**

The above-captioned matter came before the Honorable Brian P. Stern on the *ex parte* request of Jonathan N. Savage, Esq, solely in his capacity as Temporary Special Master ("Special Master") of Hopkins Manor, Ltd. and Hopkins Health Center, LLC, to engage Blum, Shapiro & Company, P.C. ("Blum Shapiro") for tax, audit, and accounting services. After consideration of the Special Master's request, it is hereby

#### ORDERED, ADJUDGED, AND DECREED

- 1. That the Special Master's ex parte request to engage Blum Shapiro is GRANTED;
- 2. That the Special Master is authorized to engage Blum Shapiro for tax, audit, and accounting services;
- 3. That Blum Shapiro shall be compensated at an hourly rate not to exceed \$150 per hour; provided, however, that the cumulative compensation authorized in this order shall not exceed \$8,250 without further authorization from the Court;

Filed in Providence/Bristol County Superior Court

Submitted: 8/17/2020 12:20 PM

Envelope: 2706072 Reviewer: Zoila C.

4. That the Special Master is authorized to enter into and execute an agreement with Blum Shapiro that encompasses the terms of the engagement set forth herein;

5. That all the Special Master's acts and doings relative to the retention and engagement of Blum Shapiro are approved, confirmed, and ratified.

ENTERED as an order of this Court on this 22nd day of May, 2020.

**ENTERED:** 

Brian P. Stern, J.

Stern, J.

Date: May 22, 2020

Presented by:

Counsel to the Special Master,

/s/ Christopher J. Fragomeni

Christopher J. Fragomeni, Esq. (9476) SHECHTMAN HALPERIN SAVAGE, LLP 1080 Main Street, Pawtucket, RI 02860

P: 401-272-1400 | F: 401-272-1403

cfragomeni@shslawfirm.com

BY ORDER:

/s/ Carin Miley Deputy Clerk I

Deputy Clerk, Superior Court

Date: May 22, 2020

Filed in Providence/Bristol County Superior Court

Submitted: 8/17/2020 12:20 PM

Envelope: 2706072 Reviewer: Zoila C.

# STATE OF RHODE ISLAND PROVIDENCE, SC

SUPERIOR COURT

LAWRENCE S. GATES, in his capacity as Secretary of Hopkins Manor, Ltd., and as Managing Member of Hopkins Health Center LLC, Petitioner, C.A. No. PC-2020-03413 v. HOPKINS MANOR, LTD., a Rhode Island Corporation, and HOPKINS HEALTH CENTER LLC, a Rhode Island Limited Liability Corporation, Respondents. Administratively consolidated with LAWRENCE GATES, in his capacity as a partner of HOPKINS HEALTH CENTER,) a Rhode Island general partnership, and HOPKINS HEALTH CENTER, a Rhode Island General Partnership, Petitioners, C.A. No. PC-2020-03954 v.

REAL PROPERTY LOCATED AT 608
SMITHFIELD ROAD, NORTH
PROVIDENCE, RHODE ISLAND 02904, and 610 SMITHFIELD ROAD, NORTH
PROVIDENCE, RHODE ISLAND 02904, Respondents.

#### **ORDER**

The above-captioned administratively consolidated matters came before the Honorable Brian P. Stern on the *ex parte* request of Jonathan N. Savage, Esq. ("Special Master"), solely in his capacity as Permanent Special Master of Hopkins Manor, Ltd. and Hopkins Health Center,

Filed in Providence/Bristol County Superior Court

Submitted: 8/17/2020 12:20 PM

Envelope: 2706072 Reviewer: Zoila C.

LLC, that the Court amend its May 22, 2020 Order ("May 22, 2020 Order") to increase the total

authorized compensation to Blum, Shapiro & Company, P.C. ("Blum Shapiro") by \$12,000. After

consideration of the Special Master's ex parte request, it is hereby

ORDERED, ADJUDGED, AND DECREED

1. That the May 22, 2020 Order is hereby amended by increasing the cumulative

authorized compensation to Blum Shapiro by \$12,000; provided however, that the cumulative

authorized compensation to Blum Shapiro shall not exceed \$20,250 without further authorization

from the Court; and

2. That the remainder of the May 22, 2020 Order remains in full force and effect.

ENTERED as an Order of this Court this 9th day of July, 2020.

**ENTER:** 

BY ORDER:

/s/ Carin Miley Deputy Clerk I July 9, 2020

Clerk, Superior Court

Brian P. Stern, J.

Presented by:

Counsel to the Special Master,

/s/ Christopher J. Fragomeni, Esq.

Christopher J. Fragomeni, Esq. (9476)

Shechtman Halperin Savage, LLP

1080 Main Street, Pawtucket, RI 02860

P: 401-272-1400 | F: 401-272-1403

cfragomeni@shslawfirm.com

Case Number: PC-2020-03413 Filed in Providence/Bristol County Superior Court Submitted: 8/17/2020 12:20 PM Envelope: 2706072 Reviewer: Zoila C.

# Special Master and Permanent In Rem Receiver's First Interim Report and Request for Fees

Exhibit Q

Filed in Providence/Bristol County Superior Court

Submitted: 8/17/2020 12:20 PM

Envelope: 2706072 Reviewer: Zoila C.

STATE OF RHODE ISLAND PROVIDENCE, SC

Respondents,

SUPERIOR COURT

LAWRENCE S. GATES, in his capacity as Secretary of Hopkins Manor, Ltd., and as Managing Member of Hopkins Health Center LLC, Petitioner,

VS.

HOPKINS MANOR, LTD., a Rhode Island Corporation, and HOPKINS HEALTH CENTER LLC, a Rhode Island Limited Liability Corporation,

C.A. No. PC-2020-03413

#### **ORDER**

The above-captioned matter came before the Honorable Brian P. Stern on the *ex parte* request of Jonathan N. Savage, Esq, solely in his capacity as Temporary Special Master ("Special Master") of Hopkins Manor, Ltd. and Hopkins Health Center, LLC, to engage Whelan Corrente & Flanders, LLP ("WCF") as attorneys for the Special Master for employment-related matters. After consideration of the Special Master's request, it is hereby

#### ORDERED, ADJUDGED, AND DECREED

- 1. That the Special Master's *ex parte* request to engage WCF is GRANTED;
- 2. That the Special Master is authorized to engage WCF as his attorneys for employment-related matters;
  - 3. That WCF shall be compensated on an hourly basis as provided herein.
- 4. That in providing services to the Special Master, the attorneys of WCF may charge a reasonable hourly rate commensurate with their experience and expertise; provided, however, that no attorney shall charge in excess of \$435 per hour;

Filed Providence Superior Court May 22, 2020 Carin Miley, Deputy Clerk I

Filed in Providence/Bristol County Superior Court

Submitted: 8/17/2020 12:20 PM

Envelope: 2706072 Reviewer: Zoila C.

That the Special Master is authorized to enter into and execute an agreement with
 WCF that encompasses the terms of the engagement set forth herein;

6. That all the Special Master's acts and doings relative to the retention and engagement of WCF are approved, confirmed, and ratified.

ENTERED as an order of this Court on this 22nd day of May, 2020.

**ENTERED:** 

Brian P. Stern, J.
Stern, J.

Date: May 22, 2020

Presented by:

Counsel to the Special Master,

/s/ Christopher J. Fragomeni

Christopher J. Fragomeni, Esq. (9476) SHECHTMAN HALPERIN SAVAGE, LLP 1080 Main Street, Pawtucket, RI 02860

P: 401-272-1400 | F: 401-272-1403

cfragomeni@shslawfirm.com

BY ORDER:

/s/ Carin Miley Deputy Clerk I

Deputy Clerk, Superior Court

Date: May 22, 2020