

**UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS**

MICHAEL CHECHILE and SONIA LOPEZ,
individually, and as Representatives of a Class of
Participants and Beneficiaries of the Baystate
Heath, Inc. Retirement Plan,

Plaintiffs,

v.

BAYSTATE HEALTH, INC. AND
BOARD OF DIRECTORS OF BAYSTATE
HEALTH, INC.,

Defendants

Civil Action No. 3:22-cv-30155-KAF

JOINT STATUS REPORT

Pursuant to the Court’s Order dated January 18, 2023 (ECF. No. 11), Plaintiffs Michael Chechile and Sonia Lopez (“Plaintiffs”) and Defendants Baystate Health, Inc. (“Baystate”) and the Board of Trustees of Baystate Health, Inc. (collectively, “Defendants”)¹ (“Plaintiffs” and “Defendants” collectively referred to as the “Parties”), submit this Joint Status Report, stating as follows:

1. On November 17, 2022, Plaintiffs commenced an action in this Court under the Employee Retirement Income Security Act of 1974 (“ERISA”), alleging that Defendants breached their fiduciary duties owed to the Baystate Health, Inc. Retirement Plan (“Plan”).

(ECF No. 1.)

2. On January 17, 2023, the Parties filed a proposed joint stipulation to stay litigation pending mediation (ECF No. 9), and on the next day, the Court granted a stay and

¹ The Complaint incorrectly names the Board of Directors of Baystate Health, Inc. as a Defendant; Baystate has a Board of Trustees not a Board of Directors.

ordered that the Parties submit a status report no later than February 17, 2023.² (ECF. No. 11.)

3. On February 10, 2023, the Parties mediated before a private mediator and reached a settlement in principle to resolve this litigation.

4. The Parties will draft the terms of a class action settlement agreement over the next several weeks, and Plaintiffs intend to file a motion for preliminary approval of the class action settlement no later than March 31, 2023.

5. Accordingly, the Parties request that the Court continue the stay in this matter until the filing of Plaintiffs' motion for preliminary approval of the settlement.

Dated: February 19, 2023

Respectfully submitted,

/s/ Paul M. Secunda

WALCHESKE & LUZI, LLC
Paul M. Secunda (*admitted pro hac*)
235 N. Executive Drive, Suite 240
Brookfield, Wisconsin 53005
Telephone: (414) 828-2372
Facsimile: (262) 565-6469
Email: psecunda@walcheskeluzi.com

/s/Russell Hirschhorn

PROSKAUER ROSE LLP
Russell Hirschhorn (*admitted pro hac*)
Eleven Times Square
New York, NY 10036
Telephone: (212) 969-3286
Facsimile: (212) 969-2900
Email: rhirschhorn@proskauer.com

Jonathan Feigenbaum
BBO #546686
184 High Street, Suite 503
Boston, MA 02110
Telephone: (617) 357-9700
Email: jonathan@erisaattorneys.com

PROSKAUER ROSE LLP
Tulio D. Chirinos (*admitted pro hac*)
2255 Glades Road
Suite 421 Atrium
Boca Raton, FL 33431
Telephone: (561) 995-4737
Facsimile: (561) 241-7145
Email: tchirinos@proskauer.com

Counsel for Plaintiffs

PROSKAUER ROSE LLP
Thomas B. Fiascone (Bar No. 703409)
One International Place, 22nd Floor
Boston, MA 02110-2600
Telephone: (617) 526-9600
Facsimile: (617) 526-9899
tfiascone@proskauer.com

Counsel for Defendants

² Plaintiff's attorney apologizes to the Court for filing this joint status report two days after the deadline. The status report was inadvertently not filed on Friday, February 17, 2023, through no fault of Defendants' counsel.

