

HEARING PANEL OF THE DISCIPLINARY BOARD OF THE EPISCOPAL CHURCH IN CONNECTICUT

**THE EPISCOPAL CHURCH }
IN CONNECTICUT }
V } ECCT Title IV Matter 2021-1
} }
THE REVEREND AMJAD SAMUEL }
RESPONDENT }**

DISCOVERY PLAN AND SCHEDULING ORDER

On consideration of the Proposed Discovery Plan and Scheduling Order submitted and agreed upon by Counsel for the Respondent and the Church Attorney, the President of the Hearing Panel issues the following Order pursuant to Canon IV. 13.5(c):

1. Mandatory Disclosures:

- a. The time for the parties to exchange mandatory disclosures pursuant to Canon IV.13.5(a) expired on April 26, 2022.
- b. The parties agree to supplement mandatory disclosures upon discovery of such material pursuant to Canon IV.13.5(a).

2. Preliminary Motions:

- a. Preliminary motions shall be filed with the President of the Hearing Panel and served on opposing counsel no later than 45 days after the date of the entry of this Order.
- b. Any response to any such motion shall be filed with the President of the Hearing Panel and served on opposing counsel no later than fifteen (15) days after receipt of the motion.

- c. The moving party shall file any papers responsive to the opposition within ten (10) days after service.
- d. The Hearing Panel shall promptly set the matter for a hearing on the motion, in person or by Zoom conference. The hearing shall be recorded, whether in person or by Zoom conference.
- e. The Hearing Panel shall rule on the matter within three (3) days of the hearing.
- f. The Hearing Panel shall provide a written transcript of the motion hearing upon request of the Church Attorney or Respondent at the cost of the Diocese.

3. Timing of Discovery:

- a. The Church Attorney has identified Michael Savage, Cindy Savage, Jill Parkowich, Kathy Bronson, Ron Kelly, [REDACTED] as Complainants. The Church Attorney and Respondent's Counsel are each authorized to take up to two depositions and propound up to twenty interrogatories regarding each of the complainants.
- b. Interrogatories shall be served within forty-five (45) days of the date of this Order.
- c. Answers to Interrogatories shall be provided within sixty (60) days of service.
- d. Depositions shall be completed within ninety (90) days after service of Answers to Interrogatories on not less than fifteen (15) days notice to the deponent and to counsel for the other party.
- e. If a party taking a deposition anticipates presenting the witness' deposition testimony in lieu of live testimony at the Hearing, the party shall give advanced notice thereof to the opposing party and such deposition shall be videotaped. Depositions to be used in lieu of live testimony must be taken at least 30 days prior to the Hearing, unless otherwise agreed or Ordered.
- f. Any deposition may be videotaped on request at the expense of the requesting party.

4. Close of Discovery:

- a. Discovery shall close on November 21, 2022, unless extended by the President of the Hearing Panel.

5. Pre-Hearing Matters:

- a. The Church Attorney and counsel for the Respondent shall make every effort, in good faith, to cooperate fully with discovery requests and to resolve any differences or disputes.
- b. To the extent the Church Attorney and Counsel for the Respondent cannot resolve a dispute related to a discovery matter, one or both of the attorneys may inform the President of the Hearing Panel. The President of the Hearing Panel shall resolve the dispute in such a manner as he deems appropriate, which may include a Zoom conference, written submissions, and/or a hearing.
- c. Pre-hearing motions and challenges, other than discovery motions, may be filed with the Hearing Panel at any time, but not later than thirty (30) days prior to the Hearing Date. All responses shall be filed by the non-moving party within 15 days of receipt of the motion or challenge. The moving party shall file any papers responsive to the opposition within ten (10) days after service.
- d. Upon receipt of a motion or challenge, the Hearing Panel will promptly set the matter for an in-person hearing on the motion or challenge. After consideration of the argument of the parties, the Hearing Panel shall render a decision within three days of the hearing, the decision shall be final as to all procedural matters. Decisions on evidentiary matters are preliminary and may be reconsidered by the Hearing Panel during the course of the hearing if warranted by the evidence.
- e. The decision shall be provided to the parties and placed on the record of the proceedings. The Hearing Panel shall provide a written transcript of the hearing on the argument or challenge upon request of the Church Attorney or Respondent at the cost of the Diocese.

6. Pre-Hearing Disclosures:

- a. At least 15 days before the hearing, the Church Attorney and Respondent's counsel shall each provide to the other and to the Hearing Panel final pre-hearing disclosures including (1) the name, address, and telephone number of each witness expected to be called to testify at the hearing; (2) identification of each document or other tangible object expected to be used as an exhibit in the hearing; and (3) requests, if any, to have all or portions of the hearing closed to the public.
- b. If any testimony is to be presented at the Hearing by way of deposition testimony rather than live presentation of a witness, the counsel who intends to present such deposition testimony shall designate the testimony to be presented, by page and line of the transcript, no later than thirty (30) days prior to the Hearing. Counsel for the opposing party will serve any objections and counter designations of deposition testimony no later than fifteen (15) days prior to the Hearing.

7. Pre-Hearing Zoom conference:

- a. A Pre-Hearing Zoom conference will be held no later than fifteen (15) days before the Hearing Date. The Pre-Hearing Zoom conference shall address issues relating to the Hearing, including, but not limited to (a) the anticipated number of witnesses to be called and anticipated length of time needed to examine and cross-examine those witnesses; (b) plans for opening statements and closing arguments, including time limitations or other limitations on those presentations; (c) any proposed sequestration of witnesses; and (d) other matters relating to the Hearing.

8. Hearing:

- a. The Hearing Date will be set by the President of the Hearing Panel after consultation with the Church Attorney and Counsel for the Respondent.
- b. The tentative date for the Hearing shall be January 25, 2023. The date may be modified

by the President of the Hearing Panel after consultation with the Church Attorney and Counsel for the Respondent.

- c. The location of the Hearing shall be set by the President of the Hearing Panel after consultation with the Church Attorney and Counsel for the Respondent.
- d. The Church Attorney and Counsel for the Respondent will be given at least thirty (30) days notice before the final date and place for the Hearing are set.

9. General Provisions Relating to Discovery and to the Hearing:

- a. Any pleading, request, or notice to be served in this matter shall be served by electronic mail to both the Church Attorney and Counsel for the Respondent which shall be deemed to be personal delivery.
- b. Any of the deadlines set forth herein may only be modified by consent of the President of the Hearing Panel. Any Counsel may seek an extension of any deadline, except for any deadline set by Canon, if they first confer and seek consent from the other Counsel, whereupon the requesting Counsel shall submit the request to the President of the Hearing Panel. As to modifications of deadlines set by Canon, both sides must agree and submit such request to the President of the Hearing Panel. The President of the Hearing Panel may rule on the request in the manner he deems appropriate, which may include a Zoom conference or written submission.

So Ordered:

Dated: May 5, 2022

s/ *The Rev. Joseph Shepley*

The Rev. Joseph Shepley
President of Hearing Panel