

**THE PROTESTANT EPISCOPAL CHURCH
IN THE UNITED STATES OF AMERICA**

Before the Disciplinary Board for Bishops

Hearing Panel

**In the Matter of the Rt. Rev. Samuel Johnson Howard
(Financial Matter)**

Scheduling Order

Pursuant to Title IV, Section 13.5.c of the Canons of the General Convention of the Episcopal Church ("the Canons"), the Hearing Panel convened a Scheduling Conference for April 7, 2025. In advance of the Scheduling Conference, the President of the Panel requested that the parties confer and provide a joint scheduling order to the Panel no later than April 3, 2025 and further required that if the parties could not agree on all terms to provide a letter explaining their differences. On April 3, 2025, the Panel received a Proposed Joint Scheduling Order and explanatory letter from The Episcopal Church ("TEC") (Craig Merritt, Esq. appearing) ("Mr. Mell'itt"), but failed to receive any response from the Respondent. On the evening of April 6, 2025, the Advisor for the Panel, Diane E. Sammons, Esq. ("Ms. Sammons") received an email correspondence from Counsel for Respondent, Mr. Stephen Busey, Esq. ("Mr. Busey") indicating his decision to withdraw as Counsel for Respondent, citing personal reasons and further conveying that while he was unable to appear in a representative capacity for Respondent at the Scheduling Conference, he would nevertheless attend as a courtesy to the Panel. As such, the Scheduling Conference was convened with Mr. Merritt, Mr. Busey, Ms. Sammons and the Hearing Panel President, the Right Reverend Jennifer Brooke-Davidson (Bishop Brooke-Davidson). Bishop Brooke Davidson heard from all in attendance, wherein Mr. Busey again represented that he was not at liberty to represent Respondent at the conference, that he was aware that Respondent had not secured substitute counsel, and that he had no knowledge of Respondent's timeframe for so doing. Mr. Busey advised the attorneys for TEC and the Panel that they should correspond directly with the Respondent until such time as a new attorney makes an appearance on behalf of Respondent. Upon consideration of the above, the Hearing Panel ("Panel"), acting through its

President, upon good cause, enters this Scheduling Order ("Order") pursuant to Canon IV.12.5.c. In consideration of the Respondent's circumstances, the Panel has extended all requirements as originally proposed by TEC in its Proposed Joint Scheduling Order by two weeks to allow a reasonable opportunity for Respondent to secure substitute counsel:

It is hereby **ORDERED** that:

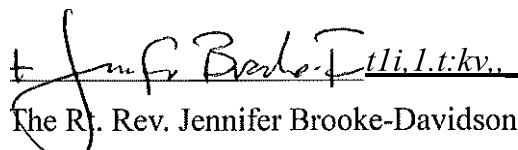
- I. The hearing in this matter shall be scheduled in a future order. The hearing will proceed in accordance with the requirements of the Canons, including but not limited to the procedures set forth in Canon IV.13.10.
2. Written discovery in this matter shall commence immediately and must be served on the opposing party by **April 21, 2025**. All documents in the possession, custody, or control of the parties that are material to the claims and defenses in the matter shall be produced to the opposing party by reasonable means and at a reasonable time.
3. All documents shall be produced, and all interrogatories shall be answered, no later than **May 30, 2025**. The parties are under a continuing duty to supplement their responses to disclose material facts that are discovered after this deadline.
4. All disputes concerning the scope of written discovery, the production of documents, or claims of privilege relating to written discovery or document production, shall be resolved by agreement of the parties after they meet and confer and make a good faith effort at resolution. The parties shall submit any unresolved issues concerning written discovery, including disputes concerning claims of privilege, to the Panel for resolution no later than **June 13, 2025**.
5. The Episcopal Foundation, Inc. ("Diocesan Foundation") and the Episcopal Diocese of Florida are hereby instructed to cooperate with the Panel by timely providing complete records in response to requests from the Church Attorney and counsel for the Respondent. A copy of this Order shall be delivered promptly to the Chancellor of the Diocese of Florida and the Chair of the Diocesan Foundation.

6. All discovery motions concerning the claimed failure of non-party Members of the Church to cooperate with reasonable requests by the Church or the Respondent for the production of relevant documents shall be presented to the Panel for consideration and resolution no later than **June 13, 2025**.
7. As provided by Canon IV.13.5.d., the Church and the Respondent may each take **two (2)** depositions of fact witnesses. Depositions of fact witnesses shall be completed no later than **July 25, 2025**. A party seeking to conduct the deposition of a Member of the Church shall immediately advise the Hearing Panel of the failure of such Member to respond to a notice to take that person's deposition or to agree to appear for a deposition.
8. The parties may call one or more experts to offer opinions at the hearing. The Church shall identify each person it intends to call as a witness to offer expert opinions no later than **July 8, 2025**, and shall provide at that time a succinct written summary of the expected testimony of each witness, along with a current *curriculum vitae* of each witness. The Respondent shall identify each person he intends to call to offer expert opinions no later than **July 21, 2025**, and shall at that time provide a succinct written summary of the expected testimony of each witness, along with a *curriculum vitae* of each witness. The Church shall identify any expert witness it intends to call in rebuttal to the Respondent's expert witness(es) no later than **August 4, 2025**, and shall provide at that time a succinct written summary of the expected testimony of each rebuttal witness, along with a *curriculum vitae* of each witness. In addition to the depositions provided for in Paragraph 7 above, each party may take the deposition of each expert witness identified by the adverse party, with each deposition to last no more than **six (6) hours**. All expert depositions shall be completed by **August 18, 2025**. Expert depositions may be conducted by audio-visual means.
9. No later than **thirty (30)** days before the hearing date to be established in Paragraph 1 of this Order, each party shall serve on the other and file with the Panel (a) a list of witnesses it expects to call in its case in chief at the hearing; and (2) a list of the exhibits that it may

offer at the hearing. Rebuttal witnesses and documents that may be used for the impeachment of a witness need not be included on the lists. If a party intends to offer a witness in its case in chief through his or her deposition testimony, the witness must be identified on this date. The reasons why the witness is unavailable and the relevant portions of the deposition transcript or video to be offered must be identified.

10. All requests for the appearance of any witness at the hearing by audio-visual means must be submitted no later than **thirty (30) days** before the hearing date established in Paragraph 1 of this Order, along with a brief motion stating why the witness is unavailable to appear in person and why good cause exists to permit remote, rather than in person, testimony. No party may offer any witness to testify before the Panel at the hearing by audio-visual means without prior leave of the Panel and for good cause shown.
11. All objections to a witness or exhibit identified in Paragraph 9 above shall be submitted to the Panel in writing no later than **twenty-one (21) days** before the hearing date established in Paragraph 1 of this Order. The objections shall be accompanied by a certification of counsel that the attorneys for the parties have met and conferred and been unable to resolve their differences over the use of the witness or exhibit. A response in opposition to each such objection must be filed and served no later than **five (5) business days** after the objection is filed and served on opposing counsel.
12. All other pre-hearing motions shall be submitted to the Panel in writing with a supporting brief no later than **twenty-one (21) days** before the hearing date established in Paragraph 1 of this Order. Any brief in opposition to such a motion must be filed and served no later than **seven (7) business days** after the motion is filed and served on opposing counsel. No reply briefs will be permitted.

Dated: April 8, 2025


The Rt. Rev. Jennifer Brooke-Davidson
Hearing Panel President