

**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)**

Amended Scheduling Order

WHEREAS, pursuant to Title IV, Section 13.5.c of the Canons of the General Convention of the Episcopal Church (“the Canons”), the Hearing Panel (“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 and;

WHEREAS 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. Merritt”) 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 his inability to appear in a representative capacity for Respondent at the Scheduling Conference, but his willingness to appear as a courtesy to the Panel.

WHEREAS, the Scheduling Conference was convened with Mr. Merritt, Mr. Busey, Ms. Sammons and the Panel President, the Right Reverend Jennifer Brooke-Davidson (“Bishop Brooke-Davidson”). Bishop Brooke Davidson heard from all in attendance wherein Mr. Busey again represented he was not at liberty to represent Respondent at the conference, but he was aware that Respondent had not secured substitute counsel and that he had no knowledge of Respondent’s time frame for so doing. Upon consideration of the above, the Hearing Panel (“Panel”), acting through its President, upon good cause, entered a Scheduling Order (“Order”) dated April 8, 2025, pursuant to Canon IV.12.5.c. In consideration of the Respondent’s circumstances, the Panel extended all deadlines recommended by TEC in its Proposed Joint Scheduling Order by two weeks to allow a reasonable opportunity for Respondent to secure substitute counsel.

WHEREAS, said Order was emailed to the Church Attorney and Respondent with a request for acknowledgement by the parties. Having received no acknowledgement from the Respondent, on April 8, 2025, a letter was sent to Respondent’s home via Certified Mail, Return Receipt Requested and on May 3, 2025, the Panel received a green post card confirming that the Order was received by a signature appearing to be that of Respondent.

WHEREAS, on June 8, 2025 the Panel emailed a letter request for a discovery status update to both parties. The communication emphasized the obligation of the parties to respond; the email was followed by a copy of the letter mailed Certified Mail, Return Receipt Requested to Respondent's home; and on June 13, the United Postal Service delivered a notice to pick up to Respondent's home, but Respondent never claimed the letter.

WHEREAS, on June 24, after soliciting the Parties by email for a convenient date for a Scheduling Conference and Respondent not responding, the Panel emailed the parties setting a July 9, 2025 date for a Scheduling Conference and followed the email correspondence with a June 25 letter mailed vial Certified Mail, Return Receipt Requested to Respondent's home, which the Hearing Panel learned on June 30, 2025 was refused at Respondents home.

WHEREAS, on July 9, 2025, the President of the Panel, after the above-described convened a Scheduling Conference by audio-visual means that was attended by the Church Attorney but not attended by the Respondent or any counsel acting on his behalf. As deadlines in the initial Order have now passed without action by the Respondent, and as the Respondent has sought no relief from or extension of those deadlines, the Panel enters this Amended Scheduling Order ("Amended Order") to bring this matter to a final hearing and to provide the opportunity for the parties to conduct necessary pre-hearing proceedings.

It is hereby **ORDERED** that:

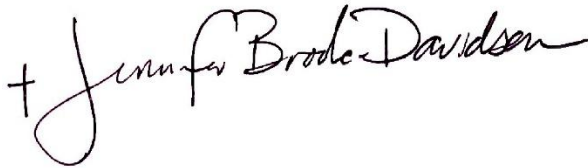
1. The hearing in this matter shall commence on **November 10, 2025**, at a location to be specified in Jacksonville, Florida by further order of this Panel. The hearing will proceed in accordance with the requirements of the Canons, including but not limited to the procedures set forth in Canon IV.13.10.
2. Written discovery in this matter was to be served on the opposing party by **April 21, 2025**. Having served no written discovery and sought no extension of time to respond, the Respondent has waived the opportunity to do so. 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 no later than **August 29, 2025**.
3. All unresolved discovery motions pending at the date of the entry of this Order shall be heard no later than **August 22, 2025**, on a date to be established by the Panel in consultation with the parties.
4. All interrogatories served by the Church shall be answered no later than **August 29, 2025**.
5. 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 **September 5, 2025**. Such submission shall be made by written motion stating in a clear and succinct manner the relief sought and the grounds for such relief. Briefs in opposition

to such motions shall be submitted no later than **September 12, 2025**. With the written consent of the parties, such motions may be resolved on the basis of the parties' written briefs, with the Panel reserving the right to hear oral argument on the motions notwithstanding the agreement of the parties to waive oral argument. Argument on such motions shall be conducted as soon as practicable, but no later than **September 19, 2025**.

6. 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.
7. 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 submitted to the Panel for consideration and resolution no later than **August 15, 2025**. Such submission shall be made by written motion stating in a clear and succinct manner the relief sought and the grounds for such relief. Briefs in opposition to such motions shall be submitted no later than **August 22, 2025**. With the written consent of the parties and the person or entity opposing the motion, such motions may be resolved on the basis of the written briefs, with the Panel reserving the right to hear oral argument on the motions notwithstanding the agreement of the parties and persons opposing the motion to waive oral argument. Argument on such motions shall be conducted as soon as practicable, but no later than **August 29, 2025**.
8. 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 **September 19, 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.
9. The parties may call one or more experts to offer opinions at the hearing. Each party shall identify each person it intends to call as a witness to offer expert opinions no later than **September 26, 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. No expert depositions will be permitted.
10. No later than **fifteen (15) days** before the hearing, each party shall serve on the other and file with the Panel (1) 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, and (3) any request to have the hearing, or any part of the hearing, closed to the public, in compliance with the requirements of Canon IV.13.9. 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.

11. All requests for the appearance of any witness at the hearing by audio-visual means must be submitted no later than **fifteen (15) days** before the hearing, along with a supporting brief 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.
12. All objections to a witness or exhibit identified in Paragraph 9 above shall be submitted to the Panel in writing no later than **three (3) business days** after service of the disclosure by the opposing party. The objections and the responses thereto shall be addressed by the Panel at a final pre-hearing conference to be conducted by audio -visual means on a date in **October 2025**, to be determined
13. All other pre-hearing motions and challenges shall be submitted to the Panel in writing with a supporting brief no later than **twenty-one (21) days** before the hearing. Any brief in opposition to such a motion must be filed and served within **fifteen (15) days** of the filing of the motion in accordance with Canon IV.13.7. All motions not previously resolved will be addressed at a final pre-hearing conference to be conducted by audio visual on a date to be determined in **October 2025** .

Dated: August 11, 2025

A handwritten signature in black ink, reading "Jennifer Brooke-Davidson". The signature is written in a cursive, flowing style. A small plus sign (+) is written to the left of the first letter of the first name.

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