

IN THE COURT OF COMMON PLEAS OF ALLEGHENY COUNTY, PENNSYLVANIA

CALVARY EPISCOPAL CHURCH,
PITTSBURGH, PENNSYLVANIA, a
Pennsylvania Non-profit Corporation;
SAINT STEPHEN'S PROTESTANT
EPISCOPAL CHURCH OF
WILKINSBURG, PENNSYLVANIA,
a Pennsylvania Non-profit Corporation;

THE REVEREND DR. HAROLD T.
LEWIS, Rector, Calvary Episcopal
Church, Pittsburgh, Pennsylvania; and
PHILIP RICHARD ROBERTS, Senior
Warden, Calvary Episcopal Church,
Pittsburgh, Pennsylvania, and
HERMAN S. HARVEY,

Plaintiffs,

v.

THE RIGHT REVEREND ROBERT
WILLIAM DUNCAN, Bishop of The
Episcopal Diocese of Pittsburgh; THE
RIGHT REVEREND HENRY
SCRIVEN, Assistant Bishop of The
Episcopal Diocese of Pittsburgh;

BABATUNDE FAPOHUNDA,
ROBERT MANSON, JAMES
MOORE, JOHN MORGAN, LYNN
PATTERSON, DONALD PEPLER,
THOMAS RAMPY, BRUCE G.
SEILING, JOHN STEVENSON,
RICHARD THOMAS, and DOUGLAS
WICKER, all of whom are members of
the Board of Trustees of The Episcopal
Diocese of Pittsburgh;

THE REV. CATHERINE BRALL,
KATHLEEN MARKS, THE REV. J.
DOUGLAS McGLYNN, THE REV.
SCOTT T. QUINN, and WILLIAM
ROEMER, all of whom are members of

CIVIL DIVISION

No. GD-03-020941

NOTICE OF APPEAL

Counsel for these Parties:

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500 Grant Street, 50th Floor
Pittsburgh, PA 15219-2502
Tel: (412) 454-5000
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the Standing Committee of the
Episcopal Diocese of Pittsburgh; and

THE EPISCOPAL DIOCESE OF
PITTSBURGH, an unincorporated
association

Defendants,

and

THE EPISCOPAL CHURCH, an
unincorporated association, by THE
RIGHT REVEREND JOHN C.
BUCHANAN, as Trustee *Ad Litem*,

Plaintiff-in-Intervention.

NOTICE OF APPEAL

Notice is hereby given that the defendants The Episcopal Diocese of Pittsburgh, The Right Reverend Robert William Duncan, The Right Reverend Henry Scriven, Babatunde Fapohunda, Robert Manson, Kathleen Marks, The Rev. J. Douglas McGlynn, James Moore, John Morgan, Lynn Patterson, Donald Pepler, Thomas Rampy, William Roemer, Bruce G. Seiling, John Stevenson, Richard Thomas, and Douglas Wicker hereby appeal to the Commonwealth Court of Pennsylvania from the order entered January 29, 2010 (Docket Nos. 150, 151 and 152), the opinion and order entered October 6, 2009 (Docket No. 148), the order entered April 21, 2009 (dated April 17, 2009) denying Defendants' Motion to Strike Praecipe for Entry of Appearance (Docket No. 129) and the order entered on May 9, 2007 (dated May 8, 2007) denying Defendants' Motion to Dismiss or Strike Petition (Docket No. 85).

These orders have been entered in the docket as evidenced by the attached copies of the docket entries. The complete transcripts of the hearings relating to the order entered May

9, 2007, the order entered April 21, 2009 and the order entered October 6, 2009 are already lodged of record. The complete transcript relating to the order entered January 29, 2010 has been requested and received as evidenced by the attached Request for Transcript, Certification and Waiver and Notice of Proof of Filing or Delivery.

Dated: February 25, 2010

Respectfully submitted,



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Counsel for Defendants

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GD-03-020941

Calvary Episcopal Church etal vs Duncan etal

Filing Date: **10/24/2003**

Case Type: **Equity**

Filing Time: **09:26:31**

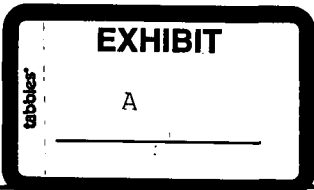
Court Type: **General Docket**

Related Cases: **--**

Judge: **James Joseph M**

Jury Requested:

Amount In Dispute: **\$.00**



*Click on PartyID hyperlink to see Alternative name for the party.

Parties

-- Litigants --

| ID | LName | FName | MI | Type | Address | Initial Service Completion | Attorney |
|----------|--|-----------------|---------|------------|-------------------------------------|----------------------------|---------------------------------------|
| @1187814 | Calvary Episcopal Church | --- | --- | Plaintiff | No Default Address Available | -- | Deforest III Walter P, |
| @1053133 | Episcopal Diocese of Pittsburgh | --- | --- | Plaintiff | No Default Address Available | -- | Deforest III Walter P,Roman Andrew M, |
| @1199087 | Harvey | Herman | --- | Plaintiff | 201 Grant Street Sewickley PA 15143 | -- | -- |
| @1187818 | Lewis | Harold Rev. Dr. | T. | Plaintiff | No Default Address Available | -- | Deforest III Walter P, |
| ALLPLTF | Plaintiffs | All | --- | Plaintiff | No Default Address Available | -- | -- |
| @1187819 | Roberts | Philip | Richard | Plaintiff | No Default Address Available | -- | Deforest III Walter P, |
| @1218738 | St. Stephens Protestant Episcopal Church | --- | --- | Plaintiff | No Default Address Available | -- | -- |
| @1632712 | Episcopal Church | --- | --- | Intervenor | No Default Address Available | -- | -- |
| @1187835 | Brall | Catherine Rev. | --- | Defendant | No Default Address Available | -- | Otto Wilbur McCoy, |
| ALLDEFT | Defendants | All | --- | Defendant | No Default Address Available | -- | -- |
| ALLDEFT | Defendants | All | --- | Defendant | No Default Address Available | -- | -- |
| @1187821 | Duncan | Robert Rev. | William | Defendant | No Default Address Available | -- | Otto Wilbur McCoy, |
| @1187824 | Fapohunda | Babatunde | --- | Defendant | No Default Address Available | -- | Otto Wilbur McCoy, |

| | | | | | | | |
|----------|-----------|------------|---------|-----------|------------------------------|----|--------------------|
| @1187825 | Manson | Robert | --- | Defendant | No Default Address Available | -- | Otto Wilbur McCoy, |
| @1187836 | Marks | Kathleen | --- | Defendant | No Default Address Available | -- | Otto Wilbur McCoy, |
| @1187837 | McGlynn | J. Rev. | Douglas | Defendant | No Default Address Available | -- | Otto Wilbur McCoy, |
| @1187826 | Moore | James | --- | Defendant | No Default Address Available | -- | Otto Wilbur McCoy, |
| @1187827 | Morgan | John | --- | Defendant | No Default Address Available | -- | Otto Wilbur McCoy, |
| @1187828 | Patterson | Lynn | --- | Defendant | No Default Address Available | -- | Otto Wilbur McCoy, |
| @1187829 | Pepler | Donald | --- | Defendant | No Default Address Available | -- | Otto Wilbur McCoy, |
| @1187838 | Quinn | Scott Rev. | T. | Defendant | No Default Address Available | -- | Otto Wilbur McCoy, |
| @1187830 | Rampy | Thomas | --- | Defendant | No Default Address Available | -- | Otto Wilbur McCoy, |
| @1187839 | Roemer | William | --- | Defendant | No Default Address Available | -- | Otto Wilbur McCoy, |
| @1187823 | Scriven | Henry Rev. | --- | Defendant | No Default Address Available | -- | Otto Wilbur McCoy, |
| @1187831 | Seiling | Bruce | G. | Defendant | No Default Address Available | -- | Otto Wilbur McCoy, |
| @1187832 | Stevenson | John | --- | Defendant | No Default Address Available | -- | Otto Wilbur McCoy, |
| @1187833 | Thomas | Richard | --- | Defendant | No Default Address Available | -- | Otto Wilbur McCoy, |
| @1187834 | Wicker | Douglas | --- | Defendant | No Default Address Available | -- | Otto Wilbur McCoy, |

-- Attorney --

| ID | LName | FName | MI | Type | Address | Phone |
|-------|--------------|--------|-------|----------------------|---|---------------|
| 05009 | Deforest III | Walter | P | Plaintiff's Attorney | No Default Address Available | -- |
| 01524 | Otto | Wilbur | McCoy | Defendant's Attorney | Dickie, McCamey & Chilcote Two PPG Place Suite 400 Pittsburgh PA 15222-5402 | (412) 2817272 |
| 23617 | Roman | Andrew | M | Defendant's Attorney | 625 Liberty Avenue Pittsburgh PA 15222 | -- |

| | | | | | | |
|-------|----------|----------|----|----------|---|------------------|
| 75544 | Fletcher | Andrew | K | Attorney | 200 S. Broad Street Suite 850 Philadelphia PA 19102 | (215) 7359092 |
| 78664 | Watson | Jennifer | E. | Attorney | No Default Address Available | -- |
| 90958 | Weibley | Richard | M | Attorney | No Default Address Available | (412) 4545000 |

-- Non Litigants --

| ID | LName | FName | MI | Type | Address | Phone |
|----------|---------|----------|------|----------------|---|------------------|
| @962979 | Banos | Kathleen | M. | Court Reporter | Court Reporter County Office Building Pittsburgh PA 15219 | -- |
| @1084683 | Holbein | Kimberly | --- | Court Reporter | Court Report Pittsburgh PA 15219 | -- |
| @660227 | Perko | Mary | Beth | Court Reporter | Court Reporter 415 County Office Building Pittsburgh PA 15219 | -- |
| @880854 | Re | Noreen | A | Court Reporter | Court Reporter County Office Building Pittsburgh PA 15219 | -- |
| @908989 | Sporrer | Jane | E | Court Reporter | Court Reporter Pittsburgh PA 15219 | -- |
| JJAMES | James | Joseph | M | Judge | 710 City-County Building Pittsburgh PA 15219 | (412) 3505598 |
| JJAMES | James | Joseph | M | Judge | 710 City-County Building Pittsburgh PA 15219 | (412) 3505598 |

***Click on DocketType hyperlink to see Judgments for that Docket.**

Document numbers in the DOCUMENT column may not be consecutive.

Docket Entries

| Filing Date | Docket Type | Docket Text | Filing Party | Document |
|-------------|----------------------------|--|----------------|-------------------------------------|
| 01/29/2010 | Order of Court | Dated January 29, 2010, it is hereby ordered that the Order marked "Confidential Version" shall be filed under seal. James J. | James Joseph M | Document 150 |
| 01/29/2010 | Order of Court | Dated January 29, 2010, James J. UNDER SEAL. | James Joseph M | Document Not Viewable from Internet |
| 01/29/2010 | Order of Court | Dated January 29, 2010, see order as specified. James J. | James Joseph M | Document 152 |
| 12/04/2009 | Order of Court | Dated 12/04/08. Ordered that a Conference to review the proposed Master Report is scheduled for 12/08/10 at 10:00 a.m. James J. eodie copies mailed. | James Joseph M | Document 149 |
| 10/06/2009 | Opinion and Order of Court | Dated 10/06/09. Opinion James J. Ordered the authorized representatives of the Episcopal Diocese of Pittsburgh of the Episcopal Church of the United States of America shall hold the administer the real and personal proptery that is subejct to Paragraph One of the stipulation of 10/14/05 subject to the terms of the stipulation. Counsel for all parties shall meet with Special Master within 30 days. The Special Master will reprot to the court within 20 days as specified. The court will retain jurisdiction over the parties as specified. kames J.eodice copie mailed | James Joseph M | Document 148 |
| 08/21/2009 | Transcript of | Hearing dated: 05/27/09 before J. James. Notice of proof of filing | Holbein | Docket Type Not Viewable |

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|------------|---------------------------|---|---------------------------------|--|
| | Proceedings | complete case. | Kimberly | from Internet |
| 07/24/2009 | Reply Brief | Post-Hearing Reply Brief in Support of Order enforcing stipulation & Order of October 14,2005. | Episcopal Diocese of Pittsburgh | Document 146 |
| 07/13/2009 | Appendix | of defendants hearing exhibits referenced in post hearing brief in opposition to the moving parties claim that the diocese violated the stipulation and order by continuing to hold property after validly withdrawing from the Espiscopal Church. | Defendants All | Document 145 |
| 07/10/2009 | Brief in Opposition | TO THE MOVING PARTIES' CLAIM THAT THE DIOCESE VIOLATED THE STIPULATION AND ORDER BY CONTINUING TO HOLD ITS PROPERTY AFTER VALIDLY WITHDRAWING FROM THE EPISCOPAL CHURCH | Duncan Robert Rev. William | Document 144 |
| 06/12/2009 | Brief | post hearing opening brief. | Episcopal Church | Document 139 |
| 06/12/2009 | Brief in Support | post=-hearing brief in support of order enforcing stipulation and order of October 14, 2005. | Episcopal Diocese of Pittsburgh | Document 141 |
| 06/12/2009 | Proposed Findings of Fact | and conclusions of law. PART I | Episcopal Diocese of Pittsburgh | Document 140 |
| 06/12/2009 | Proposed Findings of Fact | and conclusions of law. PART II | Episcopal Diocese of Pittsburgh | Document 142 |
| 06/12/2009 | Proposed Findings of Fact | and conclusions of law. PART III | Episcopal Diocese of Pittsburgh | Document 143 |
| 06/08/2009 | Reply to New Matter | | Episcopal Church | Document 138 |
| 06/02/2009 | Transcript of Proceedings | Hearing dated: 04-17-09 before J.James. Notice of proof of filing complete case. | Re Noreen A | Docket Type Not Viewable from Internet |
| 05/22/2009 | Brief | in Support of the position that the Episcopal Diocese of Pittsburgh's valid withdrawal from the Episcopal Church did not cause a violation of the October 14,2005 stipulation & order. | Defendants All | Document 136 |
| 05/19/2009 | Answer and New Matter | | Defendants All | Document 135 |
| 05/12/2009 | Complaint | | Episcopal Church | Document 134 |
| 05/08/2009 | Brief in Support | Joint Brief of Plaintiffs including the Episcopal Diocese of Pittsburgh of the Episcopal Church,in Support of Order enforcing stipulation & Order of October 14,2005. | Episcopal Diocese of Pittsburgh | Document 133 |
| 04/21/2009 | Order of Court | Dated 04/17/09. Ordered Motion is denied. James J. | Defendants All | Document 128 |
| 04/21/2009 | Order of Court | Dated 04/17/09. Ordered Motion to strike praecipe for entry of appearance is denied. James J. | Defendants All | Document 129 |
| 04/21/2009 | Motion & Order | Dated 04/17/09. Order that the Motion to Admit Pro Hac Vice of Mary Kostel, Esq. is granted. Order that Mary Kostel, Esq., shall be permitted to appear as Co-Counsel for Pltf. in Intervention, The Episcopal Church, an unincorporated association, by the Right Reverend John C. Buchanan, as Trustee Ad Litem. James J. | Episcopal Church | Document 130 |
| 04/21/2009 | Motion & Order | Dated 04/17/09. Order that the Motion to Admit Pro Hac Vice of David Booth Bears, Esq. is granted. Order that David Booth Brears, Esq. shall be permitted to appear as Co-Counsel for Pltf. in Intervention, The Episcopal Church, an unincorporated association, by the Right | Episcopal Church | Document 131 |

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| | | Reverend John C. Buchanan, as Trustee Ad Litem. James J. | | |
| 04/21/2009 | Motion & Order | Dated 04/17/09. Order that the Motion to Admit Pro Hac Vice of Soyong Cho, Esq. is granted. Order that Soyong Cho, Esq., shall be permitted to appear as Co-Counsel for Pltf. in Intervention, The Episcopal Church, an unincorporated association, by the Right Reverend John C. Buchanan, as Trustee Ad Litem. James J. | Episcopal Church | Document 132 |
| 04/16/2009 | Consent | to Intervention by the Episcopal Church | Calvary Episcopal Church | Document 127 |
| 04/15/2009 | Objection | & Response to Petition to Intervene. | Duncan Robert Rev. William | Document 125 |
| 04/14/2009 | Opposition | to "Amended Motion to Restore & preserve status quo & Motion to establish procedure for adjudication of challenges). | Calvary Episcopal Church | Document 123 |
| 04/14/2009 | Reply | in Support of request for Special Master. | Calvary Episcopal Church | Document 124 |
| 04/13/2009 | Response | of the Episcopal Diocese of Pittsburgh of the Episcopal Church of the USA to Motion to Strike for Entry of Appearance | Episcopal Diocese of Pittsburgh | Document 122 |
| 03/09/2009 | Amended | motion to restore and preserve status quo and motion to establish procedure for adjudication of challenges | Duncan Robert Rev. William | Document 121 |
| 02/13/2009 | Notice of Intervention | | Episcopal Church | Document 120 |
| 01/20/2009 | Motion to Strike | Praecipe for entry of appearance | Defendants All | Document 117 |
| 01/20/2009 | Motion | To restore and preserves status quo and preclude interference with diocesan property | Duncan Robert Rev. William | Document 118 |
| 01/20/2009 | Motion | To strike request to special master and notice to plead | Episcopal Diocese of Pittsburgh | Document 116 |
| 01/16/2009 | Notice | To plead | Calvary Episcopal Church | Document 115 |
| 01/08/2009 | Request | to special master. | Calvary Episcopal Church | Document 114 |
| 01/05/2009 | Praecipe for Appearance | of Andrew M.Roman,Esquire on behalf of Episcopal Diocese of Pittsburgh o the Episcopal Church of the United States of America. | Episcopal Diocese of Pittsburgh | Document 113 |
| 11/03/2008 | Notice of Proof | of Filing or Delivery of: of Request to Terminate Escrow Account of Hearing on 10/23/08 Before Hon. Joseph James, J. | Banos Kathleen M. | Document 112 |
| 11/03/2008 | Transcript of Proceedings | of Request to Terminate Escrow Account of Hearing on 10/23/08 Before Hon. Joseph James, J. | Banos Kathleen M. | Docket Type Not Viewable from Internet |
| 10/23/2008 | Order of Court | Dated 10/23/08. Order also filed by Pltfs., The Reverend Dr. Harold T. Lewis; Philip Richard Roberts and Herman S. Harvey the Pltf's. Request to Terminate Escrow Account that said escrow account is terminated this date and that counsel for Pltfs. is authorized to disburse said funds as directed by Pltf., Calvary. James J. | Calvary Episcopal Church | Document 110 |
| | | | Calvary | |

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| 10/22/2008 | Reply | to deft's response in opposition to request to terminate escrow account | Episcopal Church | Document 109 |
| 10/09/2008 | Response | in Opposition to Request to Terminate Escrow Account | Defendants All | Document 108 |
| 10/03/2008 | Request | to terminate escrow account. Also filed on behalf of The Reverend Dr. Harold T. Lewis, Philip Richard Roberts and Herman S. Harvey. | Calvary Episcopal Church | Document 107 |
| 09/26/2008 | Order of Court | Dated 09/25/08. Order that Paragraph 5 of the Order dated September 17, 2008 is hereby revised to state as follows: the Diocese shall bear the costs, expenses and reasonable fees of the Masters. James J. | Calvary Episcopal Church | Document 106 |
| 09/22/2008 | Motion | For admendment and clarification of order appointing masters | Plaintiffs All | Document 105 |
| 09/18/2008 | Order of Court | Dated 09/17/08. Ordered Stanley E. Levine, Esq., and the law firm of Campbell & Levine LLC are appointed Masters in the above case. Said Masters shall prepare and inventory of real personal Property held or administered by the Episcopal Diocese of Pittsburgh and Episcopal Church of the United States of America. Said inventory shall include all real and personal Property of said Diocese as of the date of the Stipulation and Order of Oct. 14, 2005 going forward. The Masters shall file perodic reports to the court and advise the court as to any alleged violations of the stipulation and order of Oct. 14, 2005. The parties shall share equally the costs, expenses and reasonable fees of the Master. James J. eodie copies mailed. | James Joseph M | Document 104 |
| 09/09/2008 | Notice of Filing | of answers to requests to admit in furtherance of hearing held on September 8, 2008 | Plaintiffs All | Document 103 |
| 09/05/2008 | Notice of Filing | verification of Bishop robert William duncan to the anser and new matter to plaintiffs supplement to 12/19/06 petition, also filed by Reverend Dr. Harold T. Lewis, Philip Richard Roberts and Herman s. Harvey. | Calvary Episcopal Church | Document 102 |
| 09/05/2008 | Notice of Filing | of discovery in advance of hearing scheduled for September 8, 2008 | Plaintiffs All | Document 101 |
| 09/02/2008 | Order of Court | Dated 08/20/08. Ordered that the Motion is denied in part and granted in part as specified. At the 09/08/08 hearing the parties will argue the relevance of the materials requested in Pltf's. Motion to Compel. James J. eodie copies mailed. | James Joseph M | Document 100 |
| 08/28/2008 | Notice | of presentation and motion to compel production of documents and things. | Calvary Episcopal Church | Document 98 |
| 08/28/2008 | Opposition | to defendants' motion for protective order. Filed on behalf of The reverend Dr. Harold T. Lewis, Philip Richard Roberts and Herman S. Harvey also. | Calvary Episcopal Church | Document 99 |
| 08/25/2008 | Answer | To new matter response to supplement to Dec 19,2008 petition for enforcement of stipulation and order request for appointment of a monitor to inventory and oversee property held or administered by the episcopal diocese of pgh to assure compliance with the court's order of Oct 14, 2005 and request for creation of an additional escrow accounts | Calvary Episcopal Church | Document 97 |
| 08/25/2008 | Motion for Protective Order | | Defendants All | Document 96 |
| 08/07/2008 | Order of Court | Dated 08/07/08. Order that a hearing is scheduled for September 8, 2008 at 10:00 a.m. in Room 330, Frick Bldg. to resolve issues raised in the above pleadings, including but not limited to; 1. Request for appointment of Monitor. 2. Request for creation of escrow accounts; 3. Pltf's. Motion to strike request for a jury trial. James J. eodie copies mailed. | James Joseph M | Document 95 |
| 08/04/2008 | Answer and | | Defendants | Document |

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| | New Matter | | All | 94 |
| 07/07/2008 | Supplement | to 12/9/06 petition for enforcement of stipulation and order: request for appointment of a Monitor to inventory and oversee property held or administered by the Episcopal Diocese of Pittsburgh to assure compliance with this Court's Order of 10/04/05 and request for creation of an additional escrow account(s). | Calvary Episcopal Church | Document 93 |
| 07/09/2007 | Answer | to Defendants' Amended New Matter to Plaintiffs' Petition for Enforcement of Settlement and Order | Calvary Episcopal Church | Document 91 |
| 06/20/2007 | Transcript of Proceedings | | Perko Mary Beth | Docket Type Not Viewable from Internet |
| 06/13/2007 | Amended New Matter | to plaintiffs' petition for enforcement of settlement and order. | Duncan Robert Rev. William | Document 89 |
| 06/12/2007 | Order of Court | Dated 06/06/07. Order the Deft's. consent Motion for Leave to Amend New Matter to Petition is granted. James J. | Defendants All | Document 88 |
| 06/01/2007 | Stipulation and Order of Court | DATED: 05/29/2007 Any and all amounts that have become or become due and payable by Plaintiff to the Episcopal Diocese of Pittsburgh except for payments due to insurance coverage and/or other direct pay benefits obtained by Calvary through the Diocese may be deposited with Plaintiff's counsel in an interest bearing account. See order as specified. James, J. | Calvary Episcopal Church | Document 87 |
| 05/23/2007 | Consent | Consent Motion for Leave to File Amended New Matter to Petition | Defendants All | Document 86 |
| 05/09/2007 | Order of Court | Dated 05/08/07. Ordered that Deft's. Motion to dismiss or strike petition is denied. James J. | Calvary Episcopal Church | Document 85 |
| 04/16/2007 | Reply Brief | Defendants' Reply Brief in Support of Motion to Dismiss or Strike Petition | Defendants All | Document 84 |
| 04/13/2007 | Order of Court | Dated 04/12/07. Ordered briefing on Deft's. Motion to Dismiss or Strike Petition shall be complete according to the following schedule: Defts. shall file their Brief in Support of Motion on/or before 03/20/07. Pltf. shall file their responsive Brief on/or before 04/05/07. Defts. shall file their reply Brief on/or before 04/16/07. A hearing on Deft's. Motion shall be held on 04/25/07 at 10:00 a.m. James J. | Defendants All | Document 83 |
| 04/05/2007 | Response | Plaintiffs' response in opposition to Defendants' Brief in support of motion to dismiss or strike petition. | Calvary Episcopal Church | Document 82 |
| 03/20/2007 | Brief in Support | Defendants' Brief in Support of Motion to Dismiss or Strike Petition | Duncan Robert Rev. William | Document 81 |
| 03/08/2007 | Stipulation | briefing schedule | Defendants All | Document 80 |
| 03/02/2007 | Reply | In opposition to defend motion to dismiss or strike petition | Calvary Episcopal Church | Document 79 |
| 02/12/2007 | Motion | To dismiss or strike petition | Defendants All | Document 78 |
| 02/07/2007 | Substitution of Counsel | filed on behalf Andrew K. Flechter Esq. and Christopher A. Cafardi Esq. | Defendants All | Document 77 |
| 01/29/2007 | Answer to New Matter | answer to defendant's new matter to plaintiffs' petition for enforcement of settlement and order | Calvary Episcopal Church | Document 74 |
| | | | Calvary | |

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| 01/29/2007 | Motion to Strike | defendants' demand for jury. | Episcopal Church | Document 76 |
| 01/29/2007 | Verification | of the Reverend Dr. Harold T. Lewis. | Calvary Episcopal Church | Document 75 |
| 01/18/2007 | Order of Court | Dated 01/18/07. Ordered that Defts. shall produce discovery responsive to Pltf's. First Request for Production to each Deft. on/or before 01/31/07. James J. eodie copies mailed. | James Joseph M | Document 73 |
| 01/10/2007 | Verification | of Jack Downie. | Defendants All | Document 72 |
| 01/09/2007 | Answer and New Matter | to plaintiffs' petition for enforcement of settlement and order. | Defendants All | Document 71 |
| 12/27/2006 | Transcript | Judge Joseph James DATE: December 22, 2006. | Sporrer Jane E | Docket Type Not Viewable from Internet |
| 12/26/2006 | Order of Court | Dated 12/22/06. Ordered that the Motion is granted in part and Defts. are ordered to answer on/or before 01/09/07. James J. | Calvary Episcopal Church | Document 68 |
| 12/26/2006 | Verification | of the Reverend Dr. Harold T. Lewis | Calvary Episcopal Church | Document 69 |
| 12/20/2006 | Motion | motion for expedited discovery | Calvary Episcopal Church | Document 67 |
| 12/19/2006 | Petition | by plaintiffs for enforcement of settlement and order. | Calvary Episcopal Church | Document 66 |
| 01/06/2006 | Stipulation | | Deforest III Walter P | Document 65 |
| 10/14/2005 | Stipulation and Order of Court | Dated 10/14/05. Stiputation by counsel is or ordered. James J. See File | Episcopal Diocese of Pittsburgh | Document 64 |
| 11/30/2004 | Motion | to enforce confidentiality order. | Episcopal Diocese of Pittsburgh | Document 63 |
| 11/18/2004 | Order of Court | Dated 08/16/04. By stipulation, Pltfs. agree that the documents produced by Defts. in response to Pltf's. Third Request for Production to each Deft. will not be used or published in any manner outside the confines of litigation involving these parties and will not convey said documents or information contained therein to persons other than the parties to such litigation, counsel, counsel support staff copying services, the Prothonotary's Office, Court personnel, personnel involving the recording of deposition witness or potential witnesses (except that potential witnesses other than potential expert witnesses or parties will not be permitted to take possession of the documents or copies thereof) without prior agreement or counsel or further Order of Court. The foregoing does not restrict use of such information or documents in any court filing or proceedings. This order also does not restrict use of any information or documents which have been made publicly available (but not by disclosure by Pltf. in violation of this order or when Pltfs. obtained from sources other than Deft's. production in response to Pltf's. Third request for Production to Each Deft). This order will be continuing in nature and will remain ineffect after conclusion of this litigation unless altered or vacated by Order of Court after Notice to all parties. James J. | Defendants All | Document 62 |
| 11/12/2004 | Response | to motion to vacate stipulation. | Calvary Episcopal | Document |

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| | | | Church | 61 |
| 10/18/2004 | Motion | to vacate stipulation. | Episcopal Diocese of Pittsburgh | Document 60 |
| 04/02/2004 | Transcript of Proceedings | Motin on 3/17/04 before Judge James. Notice of Proof of Filing | Calvary Episcopal Church | Docket Type Not Viewable from Internet |
| 03/22/2004 | Order of Court | Dated 03/17/04. Order upon consideration of the Petition to Intervene filed on behalf of St. Stephens Protestant Episcopal Church of Wilksburg, Pa., said Petition is granted and Petitioner shall be added as a Pltf. in this action. The caption of this action is so amended. James J. | St. Stephens Protestant Episcopal Church | Document 58 |
| 03/12/2004 | Brief in Support | of defendants' response to plaintiff's motion to compel responses to requests for discovery. | Defendants All | Document 56 |
| 03/12/2004 | Response | to plaintiffs' motion to compel responses to requests for discovery. | Defendants All | Document 57 |
| 03/09/2004 | Order of Court | Dated 03/05/04. Order the Motion for Partial Summary Judgment for a Declaration Confirming the Authority of Calvary Episcopal Church to Serve as Trustee Ad Litem for the Episcopal Diocese of Pittsburgh and the Petition to Intervene of the Episcopal Diocese of Pittsburgh this Court finds and Orders, that said Motion is denied. James J. | Calvary Episcopal Church | Document 54 |
| 03/09/2004 | Order of Court | Dated 03/05/04. Order that the Episcopal Diocese of Pittsburgh is granted leave to intervene in the present case. James J. | Episcopal Diocese of Pittsburgh | No Image |
| 03/05/2004 | Supplemental | to plaintiffs' answer in opposition to defendants' petition for rule to show cause why the complaint should not be dismissed. | Calvary Episcopal Church | Document 52 |
| 03/04/2004 | Petition | to Intervene. | Episcopal Diocese of Pittsburgh | Document 55 |
| 03/01/2004 | Answer | in opposition to defendants' petition for rule to show cause why the complaint should not be dismissed. | Calvary Episcopal Church | Document 50 |
| 02/24/2004 | Notice | of argument. | Calvary Episcopal Church | Document 51 |
| 02/24/2004 | Notice of Service | of Def't's First Requests for Production of Documents Directed to Plt's was served upon counsel for Plt's on 2/20/04. | Defendants All | Document 45 |
| 02/23/2004 | Petition | for rule to show cause why the complainit should not be dismissed. | Duncan Robert Rev. William | Document 49 |
| 02/20/2004 | Brief in Support | of motion to compel responses to requests for discovery. | Calvary Episcopal Church | Document 46 |
| 02/20/2004 | Motion to Compel | responses to requests for discovery. | Calvary Episcopal Church | Document 48 |
| 02/20/2004 | Reply Brief | in support of motion for partial summary judgment for declaration confirming the Authority of Calvary Episcopal Church to serve as trustee Ad Litem for the Episocopal Diocese of Pittsburgh. | Calvary Episcopal Church | Document 47 |
| 02/12/2004 | Brief in Support | of response to motion for partial summary judgment. | Defendants All | Document 43 |
| 02/12/2004 | Response | to Plaintiffs' motion for partial summary judgment. | Defendants All | Document 42 |

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|------------|-----------------------|---|---------------------------------|-----------------------------|
| 02/12/2004 | Reply | to Plaintiffs' response in opposition to petition to intervene of the Episcopal Diocese of Pittsburgh. | Duncan Robert.Rev. William | Document 44 |
| 02/04/2004 | Verification | in support of answer and new matter of the Rev. J. Douglas McGlynn. | McGlynn J. Rev. Douglas | Document 39 |
| 02/04/2004 | Verification | in support of the answer and new matter of the Rev. Scott T. Quinn. | Quinn Scott Rev. T. | No Image |
| 02/04/2004 | Verification | in support of and answer and new amtter of the Rev. Scott T. Quinn. | Quinn Scott Rev. T. | Document 41 |
| 01/20/2004 | Answer to New Matter | | Calvary Episcopal Church | Document 38 |
| 01/16/2004 | Brief in Support | of motion for partial summary judgment for a declaration confirming the authority confirming the authority of Calvary Episcopal Church to serve as trustee AD Litem for teh Epscopal Diocese of Pittsburgh. | Calvary Episcopal Church | Document 35 |
| 01/16/2004 | Motion | for partial summary judgment for a declaration the Authority of Calvary Episcopal Church to serve as trustee AD Litem for the Epscopal Diocese of Pittsburgh. | Calvary Episcopal Church | Document 36 |
| 01/16/2004 | Response | in opposition to petition to intervene of the Episcopal Diocese of Pittsburgh. | Calvary Episcopal Church | Document 37 |
| 01/06/2004 | Verification | in support of answer and new amtter of William Roemer. | Roemer William | Document 34 |
| 01/06/2004 | Verification | in support of answer and new matter of John Stevenson. | Stevenson John | Document 33 |
| 12/30/2003 | Brief in Support | of petitioni to intervene | Episcopal Diocese of Pittsburgh | Document 31 |
| 12/30/2003 | Petition | to intervene | Episcopal Diocese of Pittsburgh | Document 32 |
| 12/29/2003 | Answer and New Matter | | Brall Catherine Rev. | Document 28 |
| 12/29/2003 | Answer and New Matter | | Duncan Robert Rev. William | Document 27 |
| 12/29/2003 | Answer and New Matter | | Fapohunda Babatunde | Document 26 |
| 12/29/2003 | Answer and New Matter | | Manson Robert | Document 25 |
| 12/29/2003 | Answer and New Matter | | Marks Kathleen | Document 24 |
| 12/29/2003 | Answer and New Matter | | McGlynn J. Rev. Douglas | Document 13 |
| 12/29/2003 | Answer and New Matter | | Moore James | Document 23 |
| 12/29/2003 | Answer and New Matter | | Morgan John | Document 22 |
| 12/29/2003 | Answer and New Matter | | Patterson Lynn | Document 14 |
| 12/29/2003 | Answer and New Matter | | Pepler Donald | Document 21 |

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| 12/29/2003 | Answer and New Matter | | Quinn Scott Rev. T. | Document 15 |
| 12/29/2003 | Answer and New Matter | | Rampy Thomas | Document 20 |
| 12/29/2003 | Answer and New Matter | of William Roemer. | Roemer William | Document 16 |
| 12/29/2003 | Answer and New Matter | | Scriven Henry Rev. | Document 19 |
| 12/29/2003 | Answer and New Matter | | Seiling Bruce G. | Document 18 |
| 12/29/2003 | Answer and New Matter | | Stevenson John | Document 17 |
| 12/29/2003 | Answer and New Matter | | Thomas Richard | Document 29 |
| 12/29/2003 | Answer and New Matter | | Wicker Douglas | Document 30 |
| 12/24/2003 | Order of Court | Dated 12/23/03. Order the Petition to Intervene filed on behalf of Herman Harvey is granted and Mr. Harvey shall be added as a Pltf. in this action. The caption of this action is so amended. James J. | Harvey Herman | Document 12 |
| 12/23/2003 | Order of Court | Dated 12/23/03. As discussed in Conference before Judge James on 11/24/03. Pltf., Calvary Episcopal Church by its undersigned counsel and Defts. by their undersigned counsel hereby stipulate as follows: In light of the current pending claims in this action as set forth in the Complaint in Equity and until further Order of Court any and all amounts that become due and payable by Pltf., Calvary to the Episcopal Diocese of Pittsburgh except for payments due for insurance coverage and/or other direct pay benefits obtained by Calvary through the Diocese may be deposited with Pltf.'s counsel in an interest bearing escrow. Promptly after deposit of any such payment into escrow counsel for Pltf., Calvary shall provide Notice to counsel for Defts. of the date and amount of such deposit. Payment into escrow by Pltf., Calvary of funds due and payable to the Diocese shall be treated as payment to the Diocese of such funds on the date of such payment for any and all purposes related to the good standing rights, responsibilities and/or privileges of the Pltf., Calvary as a member of the Diocese and in accord with such payments, Pltf., Calvary shall not be considered delinquent or in arrears in its payments to the Diocese or for that reason deemed a Transitional Parish. Any assessment or other funding that Pltf., Calvary has been paying or pays directly to the Protestant Episcopal Church in the United States shall affect or be affected by this Stipulation and may continue without bearing on the instant action or Pltf., Calvary good standing rights, responsibilities and/or privilege as a member of the Diocese. Upon the court's final Judgment or other Order counsel for Pltf., Calvary shall promptly disburse all sum deposited in escrow in accordance with the Court's ruling and instructions. James J. | Calvary Episcopal Church | Document 11 |
| 12/18/2003 | Petition | to intervene. | Calvary Episcopal Church | Document 9 |
| 12/18/2003 | Stipulation | | James Joseph M | Document 10 |
| 12/02/2003 | Motion to Withdraw Appearance | of Scott G. Dunlop, Esquire | Defendants All | Document 7 |
| 12/02/2003 | Order of Court | Dated 11/26/03. Order the equity case is assigned to Judge James as Chancellor. James J. | James Joseph M | Document 6 |
| 11/24/2003 | Praecipe for Appearance | by Scott G. Dunlop, Esq. | Defendants All | Document 5 |

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|------------|-------------------------|-------------------------------|----------------------------|-------------------|
| 11/24/2003 | Acceptance of Service | of process on 11/21/03. | Duncan Robert Rev. William | <u>Document 8</u> |
| 11/20/2003 | Praecipe for Appearance | by Wilbur McCoy Otto, Esq, | Defendants All | <u>Document 4</u> |
| 10/31/2003 | Motion | for assignment of chancellor. | Calvary Episcopal Church | <u>Document 2</u> |
| 10/31/2003 | Notice | of presentation. | Calvary Episcopal Church | <u>Document 3</u> |
| 10/24/2003 | Complaint | Returnable 11/23/03. | Calvary Episcopal Church | <u>Document 1</u> |

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IN THE COURT OF COMMON PLEAS OF ALLEGHENY COUNTY, PENNSYLVANIA

Calvary Episcopal Church, et al

Plaintiff

vs.

Duncan, et al

Defendant

Requested by:
ANDREW K. FLETCHER
PEPPER HAMILTON LLP
By LINDA NELSON
Telephone: 412-454-5825

Division: _____

Case No.: GD-03-020941

REQUEST FOR TRANSCRIPT, CERTIFICATION
AND WAIVER

Nature of Proceeding: Hearing on Sp. Master's Report

Date: 1/27/10

Court Reporter: Mary Beth Perko

Judge: James

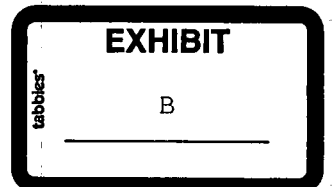
| | ORDER | WAIVE |
|---------------------|-------------------------------------|--------------------------|
| Complete Proceeding | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
| Plaintiff's Case | <input type="checkbox"/> | <input type="checkbox"/> |
| Defendant's Case | <input type="checkbox"/> | <input type="checkbox"/> |
| Charge | <input type="checkbox"/> | <input type="checkbox"/> |
| Closing Argument | <input type="checkbox"/> | <input type="checkbox"/> |
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IN THE COURT OF COMMON PLEAS OF ALLEGHENY COUNTY, PENNSYLVANIA

Calvary Episcopal

Durcan et al

DIVISION:

CIVIL

CASE NO.:

GD 03-020941

NOTICE OF PROOF OF FILING OR DELIVERY

Proceeding:

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Date:

1/27/10

Plaintiff's Case

Defendant's Case

Judge:

James

Charge

Closing Argument

Other

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DISTRICT ATTORNEY

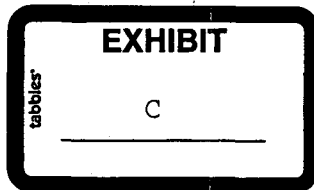
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