

IN THE COURT OF COMMON PLEAS OF ALLEGHENY COUNTY, PENNSYLVANIA

CALVARY EPISCOPAL CHURCH,
PITTSBURGH, PENNSYLVANIA, a
Pennsylvania Non-Profit Corporation; *et al.*

Plaintiffs,

v.

THE RIGHT REVEREND ROBERT
WILLIAM DUNCAN, Bishop of The
Episcopal Diocese of Pittsburgh, *et al.*

Defendants.

CIVIL DIVISION

No. GD-03-020941

**MOTION TO STRIKE PRAECIPE
FOR ENTRY OF APPEARANCE**

Filed on behalf of Defendants

Counsel for these parties:

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CIVIL/FAMILY DIVISION
ALLEGHENY COUNTY PA

covered by the October 14, 2005 Stipulation and Order,¹ it cannot enter this litigation and attempt to “resolve” these issues by pretending to be the Defendant Diocese.

BACKGROUND

The Original Parties

1. On October 24, 2003, Plaintiffs Calvary Episcopal Church, its rector and senior warden (collectively “Calvary” or “Plaintiffs”) filed a Complaint in Equity (the “Complaint”) against the controlling members of the Diocese, including the Bishop, Assistant Bishop, members of the Board of Trustees, and member of the Standing Committee.

2. Calvary’s Complaint alleged that the Defendants had breached their fiduciary obligations by improperly assuming or permitting others to assume control over purported property interests of The Episcopal Church (and its members), the Diocese, and Calvary. Plaintiffs further alleged that the Defendants had threatened to transfer property contrary to such interests. *See* Complaint in Equity, ¶ 13.

3. The Complaint purported to include as a named plaintiff “the Episcopal Diocese of Pittsburgh, an unincorporated association, by Calvary Episcopal Church, as Trustee Ad Litem.”

4. On December 30, 2003, the Diocese filed a Petition to Intervene, stating that Calvary had no authority to bring a claim on behalf of the diocese and that the diocese’s interest were more appropriately represented by the Defendants in this lawsuit. *See* Petition to Intervene, ¶¶ 3-6.

¹ Obviously, the Defendants would not object to Mr. Roman’s entry of appearance on behalf of this new diocese *after* it has properly intervened in this action.

5. On January 16, 2004, Plaintiffs filed a motion for partial summary judgment seeking a declaration that Calvary had the authority to serve as trustee ad litem for the Diocese. In support of this Motion, Plaintiffs argued the Defendants could not adequately represent the interests of the Diocese because of a purported conflict of interest. *See* Motion for Summary Judgment, ¶ 6.

6. On March 5, 2004, the Court denied Plaintiffs' request to serve as the trustee ad litem for the Diocese.

7. On that same day, the Court granted the Diocese's Petition to Intervene.

8. From the time it petitioned to intervene in this case, Dickie, McCamey & Chilcote P.C. ("Dickie McCamey") represented the Diocese (and all of the other Defendants), until the undersigned entered their appearance in February 2007. Since that date, Montgomery, McCracken, Walker & Rhoads, LLP ("Montgomery McCracken") and Pepper Hamilton LLP ("Pepper Hamilton") have represented the Diocese.

The Stipulation and Order

9. The parties through counsel entered a Stipulation, approved by this Court on October 14, 2005. Dickie McCamey executed the Stipulation on behalf of the "Defendants," which included the Diocese. Paragraph 1 of the Stipulation and Order provides as follows:

Property, whether real or personal (hereinafter "Property"), held or administered by the Episcopal Diocese of Pittsburgh of the Episcopal Church of the United States of America (hereinafter "Diocese") for the beneficial use of the parishes and institutions of the Diocese, shall continue to be so held or administered by the Diocese regardless of whether some or even a majority of the parishes in the Diocese might decide not to remain in the Episcopal Church of the United States of America. For the purposes of this paragraph, Property as to which title is legitimately held in the name of a parish of the Diocese shall not be deemed Property held or administered by the Diocese.

Stipulation and Order, ¶ 1 (attached hereto as Ex. 1).

10. At the time the Stipulation was signed, the formal name of the Diocese was “The Episcopal Diocese of Pittsburgh.” The Diocese has continued to have that name. At the time the Stipulation was signed, the Diocese was member of “The Protestant Episcopal Church in the United States of America otherwise known as The Episcopal Church.” At the time that the Stipulation was signed, this entity informally referred to itself as “ECUSA” and subsequently changed its informal name to “The Episcopal Church” (“TEC”). The Stipulation, therefore, at the time it was signed, properly described the Diocese as then being a member of TEC. That this was intended merely as a descriptive statement is shown by the fact that the parties did not even use the correct names of either the Diocese or TEC.

11. Plaintiffs later took several positions with respect to this description of the Diocese as a member of TEC: (a) Plaintiffs contended that this descriptive statement was an order prohibiting the Diocese from withdrawing from TEC; (b) Plaintiffs contended that this descriptive statement was an order requiring that the Diocese administer the Property for the benefit of TEC; and (c) Plaintiffs contended that this descriptive statement was an order requiring all Diocesan officers to forfeit their offices if they supported withdrawal of the Diocese from TEC.

The Diocese’s Withdrawal from TEC

12. On December 19, 2006, Plaintiffs filed a Petition for Enforcement of the Stipulation and Order (the “Petition”), alleging that Bishop Robert Duncan’s plans for the Diocese to withdraw from TEC violated Paragraph 1 of the Stipulation and Order because such action would take the Property outside of TEC. *See, e.g.*, Petition, ¶¶ 2, 7-9.

13. Defendants disputed Plaintiffs’ position, asserting that, *inter alia*, the Stipulation and Order does not protect or implicate the rights of TEC. *See, e.g.*, Defendants’ Brief in Support of Motion to Dismiss or Strike Petition, pp. 12-13.

14. *Eleven months later*, the Diocese, acting through its Diocesan Convention, took the first step in formally withdrawing from TEC by passing a resolution to remove from the Diocesan Constitution the “Accession Clause,” which provided that the Diocese acceded to TEC’s Constitution.

15. *Eight months* after this action, Plaintiffs filed a Supplement to their December 19, 2006 Petition, asserting that the Diocese was going to withdraw from TEC, that this withdrawal would violate the Stipulation and Order, and that after withdrawal, the Diocese could not continue to hold or administer Property under Paragraph 1 of the Stipulation and Order. *See, e.g.*, Supplement, ¶¶ 3-6, 10-13, 22.

16. In response to the Supplement, Defendants admitted that the Diocese of was in the process of withdrawing from TEC but asserted the validity of this action pursuant to the Diocese’s Constitution and further denied that the Stipulation and Order in any way limited the Diocese’s right to continue to hold and administer the Property after its withdrawal from TEC. *See, e.g.*, Answer and New Matter to Plaintiffs’ Supplement to December 19, 2006 Petition, ¶¶ 1-5, 1-10 (of New matter).

17. The parties subsequently agreed that Masters could be appointed to prepare an inventory of property held by or administered by the Diocese as of “October 14, 2005, going forward.” *See* Court’s Order dated September 17, 2008, ¶¶ 2-4.

18. On September 17, 2008, the Court entered an Order appointing a Master to prepare an inventory of Property held or administered by the Diocese that was covered by the October 14, 2005 Stipulation and Order . The September 17, 2008 Order used the same phrase “the Episcopal Diocese of Pittsburgh of the Episcopal Church of the United States of America” used in the October 14, 2005 Stipulation and Order.

19. Again, at the time of the September 17, 2008 Order, the Diocese was still a member of TEC.

20. On October 4, 2008, the Diocese completed its withdrawal from TEC, voting to remove its accession clause to TEC's constitution and thereafter aligned with the Anglican Province of the Southern Cone.

21. A minority of convention deputies of the Diocese voted against this action.

The Minority's Position

22. Mr. Roman, on behalf of this minority within the Diocese, subsequently took the position that the Diocese's withdrawal from TEC was improper, that it no longer had the authority to administer the Property covered by the October 14, 2005 Stipulation and Order, and the minority group of parishes that desired to remain with TEC should be given immediate access to and control over the Property. *See, e.g.*, Letter dated A. Roman to R. Devlin dated October 10, 2008 (attached hereto as Ex. 2).

23. On December 13, 2008, representatives of these minority parishes met at a special convention to form a Pittsburgh diocese aligned with TEC. This newly-created diocese is called "Episcopal Diocese of Pittsburgh of The Episcopal Church in the United States" (the "New Diocese").

24. On January 5, 2009, Andrew Roman of Cohen & Grigsby, P.C. filed a praecipe to enter his appearance in this case on behalf of an entity called "The Episcopal Diocese of Pittsburgh of the Episcopal Church of the United States of America."

25. On January 8, 2009, Plaintiffs and "The Episcopal Diocese of Pittsburgh of the Episcopal Church of the United States of America," as purportedly represented by Mr. Roman, filed a Request to Special Master, asking that Defendants' access to the property subject to Paragraph 1 of the October 14, 2005 Stipulation and Order be terminated and that "The

Episcopal Diocese of Pittsburgh of the Episcopal Church of the United States of America” be granted immediate access to such property.

ARGUMENT

26. Mr. Roman’s Praeceptum for Entry of Appearance on behalf of the “The Episcopal Diocese of Pittsburgh of the Episcopal Church of the United States of America” must be stricken.

27. First, Mr. Roman claims to enter his appearance for an entity that is *not* a party to this litigation.

28. Second, the diocese that is a Defendant in this litigation and governed by October 14, 2005 Stipulation and Order and September 17, 2008 Order is represented by Montgomery McCracken and Pepper Hamilton.²

29. Although the Defendant Diocese has withdrawn from TEC and is now aligned with the Province of the Southern Cone, this does not change the fact that the Stipulation and Order can only apply to the parties in this case and that the party, the Episcopal Diocese of Pittsburgh, is represented by the undersigned.

30. Third, the entity for which Mr. Roman claims to appear – “The Episcopal Diocese of Pittsburgh of the Episcopal Church of the United States of America” – is not even the name of his client. Rather, the New Diocese’s name is “Episcopal Diocese of Pittsburgh of *The Episcopal Church in the United States.*”

² Significantly, when Plaintiffs sought discovery in July 2008 regarding enforcement of the October 14, 2005 Stipulation and Order, they served Montgomery McCracken and Pepper Hamilton with discovery requests directed to the Defendant Episcopal Diocese of Pittsburgh. *See* Requests for Production of Documents to the Episcopal Diocese of Pittsburgh Related to Petition of Enforcement of Order Dated October 14, 2005.

31. Whatever name the New Diocese chooses to use does not change the fact that it is not a party to the litigation.

32. The New Diocese may challenge whether the Defendant Diocese properly withdrew from TEC and may further litigate the ownership and/or distribution of the property covered by the October 14, 2005 Stipulation and Order, but it may not proceed as though it is the Diocese identified in the Stipulation and Order.

33. The New Diocese's attempt to adopt a name almost identical to the description contained in the Stipulation and Order and then have its counsel enter his appearance as if the New Diocese was already a party to this litigation is an improper attempt to avoid the major issues contested in this litigation.

34. This case cannot proceed by laying claim to names as the basis for asserting legal rights.

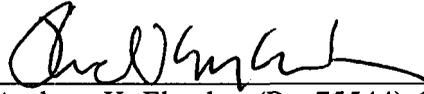
35. To properly participate in this litigation, the New Diocese must petition to intervene pursuant to PA. R. CIV. P. 2327.

36. Defendants would not contest the New Diocese's petition to intervene and certainly would not object to Mr. Roman's entry of appearance on behalf of the New Diocese after it has properly intervened in this action.

37. For the reasons set forth above, Mr. Roman's entry of appearance must be stricken.

WHEREFORE, Defendants respectfully request that this Court enter an order striking the Praecipe for Entry of Appearance of Andrew Roman on behalf of "The Episcopal Diocese of Pittsburgh of the Episcopal Church of the United States of America."

Respectfully submitted,



Dated: January 20, 2009

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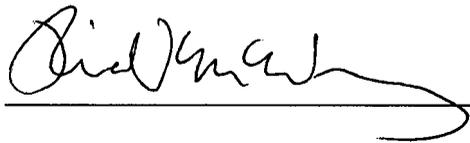
Counsel for Defendants

CERTIFICATE OF SERVICE

I hereby certify that on this 20th day of January, 2009, a true and correct copy of the foregoing to Motion to Strike Entry of Appearance was served via the hand delivery upon the following:

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IN THE COURT OF COMMON PLEAS OF ALLEGHENY COUNTY, PENNSYLVANIA

CALVARY EPISCOPAL CHURCH, PITTSBURGH,
PENNSYLVANIA, a Pennsylvania Non-Profit
Corporation; ST. STEPHEN'S PROTESTANT
EPISCOPAL CHURCH OF WILKINSBURG,
PENNSYLVANIA, a Pennsylvania Non-Profit
Corporation

CIVIL DIVISION

No. GD-03-020941

THE EPISCOPAL DIOCESE OF PITTSBURGH, an
unincorporated association, by Calvary Episcopal Church,
Pittsburgh, Pennsylvania, as Trustee Ad Litem;

STIPULATION BY COUNSEL

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

Calvary Episcopal Church Pittsburgh,
Pennsylvania, et al., Plaintiffs

Plaintiffs,

Counsel for these Parties:

v.

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

THE RIGHT REVEREND ROBERT WILLIAM
DUNCAN, Bishop of The Episcopal Diocese of
Pittsburgh, et al., Defendants

Counsel for these Parties:

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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 the Standing Committee of The
Episcopal Diocese of Pittsburgh; and THE EPISCOPAL
DIOCESE OF PITTSBURGH, an unincorporated
association;

Defendants.

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ALLEGHENY COUNTY

IN THE COURT OF COMMON PLEAS OF ALLEGHENY COUNTY, PENNSYLVANIA

CALVARY EPISCOPAL CHURCH,
PITTSBURGH, PENNSYLVANIA, et al.,

CIVIL DIVISION

v.

No. GD-03-020941

Judge Joseph M. James

THE RIGHT REVEREND ROBERT
WILLIAM DUNCAN, Bishop of The
Episcopal Diocese of Pittsburgh, et al.

STIPULATION BY COUNSEL

In amicable resolution of the above litigation, the undersigned counsel, respectively on behalf of the Plaintiffs, Defendants and the Intervenors, hereby stipulate as follows:

1. Property, whether real or personal (hereinafter "Property"), held or administered by the Episcopal Diocese of Pittsburgh of the Episcopal Church of the United States of America (hereinafter "Diocese") for the beneficial use of the parishes and institutions of the Diocese, shall continue to be so held or administered by the Diocese regardless of whether some or even a majority of the parishes in the Diocese might decide not to remain in the Episcopal Church of the United States of America. For purposes of this paragraph, Property as to which title is legitimately held in the name of a parish of the Diocese shall not be deemed Property held or administered by the Diocese.
2. (a) In the event a parish in the Diocese (hereinafter "Parish Church") shall elect to disaffiliate with the Diocese, the Parish Church shall give written notice of that election to the Diocese by delivering a copy of the notice, signed by the Rector and the Vestry, to the Diocesan Bishop (hereinafter "Bishop"), to the Board of Trustees of the Diocese (hereinafter "Board of Trustees"), to each member of that Parish Church and to the Rector and Vestry of each other Parish Church of the Diocese. Upon receipt of such notice, the Bishop and the Board of Trustees shall meet with representatives of that Parish Church and any other parties expressing an interest to discuss in good faith the disposition of all Property specifically held for or in the name of the Parish Church. If agreement on the disposition of such Property, including the consideration therefore, cannot be reached among such parties, the matter shall be submitted to mediation, with each party bearing its own costs thereof. Failing an agreement through mediation among all interested parties which have come forward to that point, any party having an interest may apply to or petition the Court of Common Pleas with jurisdiction of the matter for a judicial determination of the ownership rights in such Property at issue under and pursuant to the laws of the Commonwealth of Pennsylvania, giving at least 30 days notice of any hearing ordered by the Court.

(b) The terms of any disaffiliation agreed upon by the Parish Church, the Bishop and the Board of Trustees, whether by mediation or otherwise, shall not become effective earlier than forty-five (45) days after written notice of the terms of such agreement has been sent by mail, postage prepaid, by the Diocese to each member of the Parish Church which is

seeking to disaffiliate and to each parish of the Diocese, addressed to the Rector and to the Vestry.

(c) Nothing in this Stipulation shall be deemed to preclude any interested person or entity from seeking in a court of appropriate jurisdiction, at any time, a judicial determination as to any Property rights and obligations in connection with the disaffiliation of a Parish Church from the Diocese.

(d) The above provisions of this paragraph 2 do not apply to Property which is held generally by the Diocese for the beneficial use of the parishes and institutions of the Diocese. Such Property is subject to the provisions of paragraph 1.

3. In the event a Parish Church elects to disaffiliate with the Network of Anglican Dioceses and Parishes ("Network"), it may do so by delivering to the Bishop a written statement of disaffiliation signed by the Rector and Vestry with a copy to the Board of Trustees. Disaffiliation from the Network will not in any manner alter the relationship of the subject Parish Church and the Diocese.
4. Resolution Six, "Title to Property", passed by the September 27, 2003 Special Convention of the Diocese, has been withdrawn and is of no effect.
5. The Defendants have previously advised the Court and Plaintiffs that the November 2004 amendment to Article I, Section 1 of the Constitution of the Diocese merely relates to ecclesiastical matters, and not to Property rights.
6. By prior Stipulation of the parties and the Court Order dated December 23, 2003, certain funds that would have been due and payable by Plaintiff Calvary Episcopal Church ("Calvary") to the Diocese have been deposited in an interest bearing escrow account of counsel for Plaintiff Calvary (the "Escrow Account"). The Escrow Account shall be distributed as follows:
 - (a) Fifty Thousand Dollars shall be paid from the Escrow Account to the Episcopal Diocese of Pittsburgh;
 - (b) the balance of the funds in the Escrow Account on the date of disbursement shall be returned to Plaintiff Calvary Episcopal Church.

The December 23, 2003 Court Order relieving Calvary from making future payments to the Diocese is terminated effective November 1, 2005. Calvary shall not owe (nor be considered delinquent or in arrears to the Diocese regarding or deemed a Transition Parish by reason of) the payments made into the Escrow Account by Calvary (for the period prior to November 1, 2005) and distributed to Calvary and the Diocese under this paragraph.

7. It is expressly agreed that no party hereto, by entering into this Stipulation, has made any admission of wrongdoing or improper conduct in any way.

8. Without adversely affecting the validity and enforceability of the Court's Order below, the parties agree that their claims in this action have been settled and resolved, with the exception of the right of Plaintiffs to pursue herein their claim for recovery of attorneys fees, expenses, and costs.

Plaintiffs

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Approved and So Ordered:

Joseph M. James
President Judge Joseph M. James

Date: 10/14/05

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FAX COVER SHEET

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NUMBER OF PAGES (including cover sheet): 15

COMMENTS:

CLIENT/MATTER NO.: 9999.201

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ANDREW M. ROMAN
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October 10, 2008

VIA E-MAIL, FACSIMILE AND
FIRST CLASS MAIL

Robert G. Devlin, Esq.
900 Oliver Building
535 Smithfield Street
Pittsburgh, PA 15222

Re: Episcopal Diocese of Pittsburgh

Dear Mr. Devlin:

I am writing this letter in my capacity as Chancellor of the Episcopal Diocese of Pittsburgh of The Protestant Episcopal Church in the United States of America.

I understand that you are acting as attorney for the group that claims control of certain property and assets of the Episcopal Diocese of Pittsburgh, notwithstanding that the group claims to be aligned with the Anglican Province of the Southern Cone and to have no affiliation or connection with The Protestant Episcopal Church in the United States of America.

As you may be aware, yesterday, the Presiding Bishop and Primate of The Episcopal Church, The Most Reverend Dr. Katharine Jefferts Schori, formally recognized the Standing Committee consisting of The Reverend Dr. James Simons, The Reverend Jeff Murph, and Ms. Mary Roehrich, as the rightful Standing Committee of the Episcopal Diocese of Pittsburgh, and as the Ecclesiastical Authority of the Diocese. Enclosed you will find copies of the documentation regarding this recognition.

You and the group that you represent are requested to take no action that is inconsistent with this determination, and to preserve and protect all assets and property of the Episcopal Diocese of Pittsburgh until you complete an orderly transition of control to the rightful Standing Committee or their designees. I trust that you will comply with this request and not make it necessary to seek the court's intervention.

In the meantime, and recognizing that the transition cannot occur overnight, I am also asking for your and your group's cooperation by providing the rightful Standing Committee or their designees with access to Diocesan files and mailing lists (including

cohen&grigsby

Robert G. Devlin, Esq.

October 10, 2008

Page 2

electronic mail) and by cooperating with any other requests they may make for access to or use of Diocesan resources. We also ask that you assure us that all participation will continue in the various Diocesan insurance plans for all individuals and parishes currently participating. We will not later argue that your and your group's cooperation with such requests represents any admission against interest.

Thank you for your attention to these matters, and I look forward to working with you on what should be an orderly transition.

Very truly yours,

COHEN & GRIGSBY, P.C.

By 

Andrew M. Roman

AMR:lwv

Enclosures

cc: Rev. Dr. James B. Simons (via e-mail) (w/o enc.)

Rev. Jeff Murph (via e-mail) (w/o enc.)

Ms. Mary Roehrich (via e-mail) (w/o enc.)

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THE EPISCOPAL CHURCH

The Most Reverend Katharine Jefferts Schori
Presiding Bishop and Primate

October 9, 2008

The Rev. Dr. James B. Simons
St. Michael's of the Valley Episcopal Church
P.O. Box 336
Ligonier, Pennsylvania 15658

Dear Jim:

Thank you for your letter of 8 October 2008, advising that you have appointed the Rev. Jeff Murph and Ms. Mary Roehrich to the Standing Committee, and that you are working together to lead the reorganization of the Episcopal Diocese of Pittsburgh. I give thanks for your efforts, and I pledge my support and that of this Office in this vital task.

As a first step, and in response to the specific request in your letter, I have asked the Rt. Rev. F. Clayton Matthews, Bishop for Pastoral Development, to meet with you and your colleagues on the Standing Committee to assist in obtaining appropriate episcopal assistance for the Diocese in the coming months.

I give thanks for the work that the Standing Committee has undertaken and look forward to learning of your progress as you move forward in this mission. You and the people of the Episcopal Diocese of Pittsburgh continue in my prayers and those of Episcopalians across this Church. I remain

Your servant in Christ,

A handwritten signature in cursive script that reads "Katharine Jefferts Schori".

Katharine Jefferts Schori



<kjefferts@episcopalchurch.org>
10/09/2008 09:50 AM

To :<ARoman@cohenlaw.com>
<dbeers@goodwinproctor.com>,
cc :<mkostel@goodwinproctor.com>,
<jsimons@stmichaelsligonier.org>
bcc
Subject RE: Episcopal Diocese of Pittsburgh

I do recognize the Rev. James Simons and the two persons he has appointed as the rightful Standing Committee of the Episcopal Diocese of Pittsburgh. I am currently away from the office, but will provide a letterhead confirmation of same when I return.

I give thanks for your assistance in this and related matters. I remain

Your servant in Christ,
Katharine Jefferts Schori

-----Original Message-----

From: ARoman@cohenlaw.com [mailto:ARoman@cohenlaw.com]
Sent: Wednesday, October 08, 2008 6:32 PM
To: Katharine Jefferts Schori
Cc: dbears@goodwinproctor.com; mkostel@goodwinproctor.com; James Simons
Subject: Episcopal Diocese of Pittsburgh

The Most Rev. Dr. Katharine Jefferts Schori,

Please see the attached letter that I am sending at the request of the Rev. Dr. James Simons.

Respectfully,

Andrew M. Roman
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(See attached file: Letter.pdf)

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St. Michael's of the Valley Episcopal Church

James B. Simons, Rector

October 8, 2008

VIA E-MAIL AND
FIRST CLASS U.S. MAIL

The Most Rev. Dr. Katharine Jefferts Schori
Presiding Bishop and Primate
815 Second Avenue
New York City, NY 10017
E-mail: kjefferts@episcopalchurch.org

Re: The Episcopal Diocese of Pittsburgh of the Protestant Episcopal Church in the
United States of America

Dear Presiding Bishop:

I know that you are aware of the actions taken on Saturday, October 4, 2008 by the Convention of the Episcopal Diocese of Pittsburgh in amending the Diocesan Constitution to remove the "accession" clause and in accepting the invitation of the Archbishop of the Southern Cone to "join" that Province.

I am on record as having opposed those actions before the Convention convened and I requested at the Convention that my opposition to these actions be noted in the Convention minutes. Immediately after the vote was announced, I left the Convention, addressed the media, and informed them that as one member of the Diocesan Standing Committee I would seek to determine with certainty if any other Standing Committee members remained committed to The Episcopal Church. Under Article IV of the Episcopal Church's Constitution and Articles XIII and IX of the Diocesan Constitution, the Standing Committee became the Ecclesiastical Authority of the Diocese upon Bishop Duncan's deposition.

On Monday, October 6, 2008, I sent by electronic mail and Certified U.S. Mail individual letters to the seven other members of the Standing Committee of the Episcopal Diocese of Pittsburgh, photocopies of which are enclosed. These letters asked each of these other members of the Standing Committee to inform me by 5:00 p.m. on Wednesday, October 8 if, contrary to my understanding, he or she did not support the actions of the Convention in amending the Diocesan Constitution to remove the "accession" clause and in accepting the invitation of the Archbishop of the Southern Cone to "join" that Province.

None of the other members of the Standing Committee communicated with me a contradiction of my understanding by 5:00 p.m. on Wednesday, October 8.

The Most Rev. Dr. Katharine Jefferts Schori
Page 2
October 8, 2008

The Constitution of the Episcopal Diocese of Pittsburgh provides in Article IX, Section 5 as follows:

The Standing Committee shall fill all vacancies that may occur during the recess of the Convention, in their own body, or in any Committee appointed to sit during the recess of the Convention, and also in such offices as are held by annual election.

As the only member of the Standing Committee to oppose amending the Diocesan Constitution to remove the "accession" clause and to oppose accepting the invitation of the Archbishop of the Southern Cone to "join" that Province, I have invoked the authority contained in Article IX, Section 5 of the Constitution of the Episcopal Diocese of Pittsburgh, and I have appointed the Reverend Jeff Murph and Ms. Mary Roehrich to join me on the Standing Committee, filling the vacancies created by the clergy and lay members, respectively, whose terms would expire on December 31, 2011.

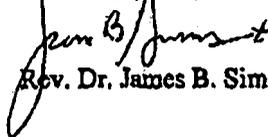
Episcopal Church Canon I.2.4(a)(3) provides in part that the Presiding Bishop shall:

In the event of an Episcopal vacancy within a Diocese, consult with the Ecclesiastical Authority to ensure that adequate interim Episcopal Services are provided.

I am therefore requesting that you, in your capacity as the Presiding Bishop of The Episcopal Church, recognize the Standing Committee of the Episcopal Diocese of Pittsburgh (myself, the Reverend Jeff Murph and Ms. Mary Roehrich) as the Ecclesiastical Authority of the Episcopal Diocese of Pittsburgh so that we may begin the consultation process provided for in Canon I.2.4(a)(3).

Thank you for your attention to this matter. I look forward to working with you and your office as we continue to reorganize the Episcopal Diocese of Pittsburgh.

Faithfully yours,


Rev. Dr. James B. Simons



St. Michael's of the Valley Episcopal Church

James B. Simons, Rector

SENT BY EMAIL AND
CERTIFIED U.S. MAIL

October 6, 2008

The Rev. Geoffrey Chapman
St. Stephen's Episcopal Church
405 Frederick Avenue
Sewickley, PA 15143

Dear Geoff:

I am sending this letter to each member of the Standing Committee.

I am sure you are aware that I did not support Saturday's actions of the Convention of the Diocese of Pittsburgh of the Episcopal Church in amending the diocesan Constitution to remove the "accession" clause and in accepting the invitation of the Archbishop of the Southern Cone to "join" that Province. On the other hand, it is my understanding that you did support those measures. If I am wrong in that understanding and you are in a position to demonstrate to me that you opposed and publicly repudiated those actions, I would appreciate you letting me know promptly. I shall assume that I am correct if you do not communicate to me a contradiction of my understanding by 5 p.m. on Wednesday, October 8th.

Despite the tensions of the recent past I have greatly appreciated the opportunity to serve the mission of Christ with you in our capacities as members of the Standing Committee, and I pray that your ministry will be faithful and rewarding in the time ahead.

Rev. Dr. James B. Simons

cc: Mr. Robert G. Devlin



St. Michael's of the Valley Episcopal Church

James B. Simons, Rector

SENT BY EMAIL AND
CERTIFIED U.S. MAIL

October 6, 2008

Mr. Kenneth Herbst
530 West Main Street
Saxonburg, PA 16056

Dear Ken:

I am sending this letter to each member of the Standing Committee.

I am sure you are aware that I did not support Saturday's actions of the Convention of the Diocese of Pittsburgh of the Episcopal Church in amending the diocesan Constitution to remove the "accession" clause and in accepting the invitation of the Archbishop of the Southern Cone to "join" that Province. On the other hand, it is my understanding that you did support those measures. If I am wrong in that understanding and you are in a position to demonstrate to me that you opposed and publicly repudiated those actions, I would appreciate you letting me know promptly. I shall assume that I am correct if you do not communicate to me a contradiction of my understanding by 5 p.m. on Wednesday, October 8th.

Despite the tensions of the recent past I have greatly appreciated the opportunity to serve the mission of Christ with you in our capacities as members of the Standing Committee, and I pray that your ministry will be faithful and rewarding in the time ahead.

Faithful-ly:

Rev. Dr. James B. Simons

cc: Mr. Robert G. Devlin



St. Michael's of the Valley Episcopal Church

James B. Simons, Rector

SENT BY EMAIL AND
CERTIFIED U.S. MAIL

October 6, 2008

Dr. Theresa Newell
315 Kenney Drive
Sewickley, PA 15143

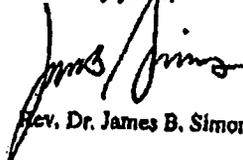
Dear Theresa:

I am sending this letter to each member of the Standing Committee.

I am sure you are aware that I did not support Saturday's actions of the Convention of the Diocese of Pittsburgh of the Episcopal Church in amending the diocesan Constitution to remove the "accession" clause and in accepting the invitation of the Archbishop of the Southern Cone to "join" that Province. On the other hand, it is my understanding that you did support those measures. If I am wrong in that understanding and you are in a position to demonstrate to me that you opposed and publicly repudiated those actions, I would appreciate you letting me know promptly. I shall assume that I am correct if you do not communicate to me a contradiction of my understanding by 5 p.m. on Wednesday, October 8th.

Despite the tensions of the recent past I have greatly appreciated the opportunity to serve the mission of Christ with you in our capacities as members of the Standing Committee, and I pray that your ministry will be faithful and rewarding in the time ahead.

Faithfully yours,



Rev. Dr. James B. Simons

cc: Mr. Robert G. Devlin



St. Michael's of the Valley Episcopal Church

James B. Simons, Rector

SENT BY EMAIL AND
CERTIFIED U.S. MAIL

October 6, 2008

Mr. Wicks Stephens
1603 Craig Court
Coraopolis, PA 15108

Dear Wicks:

I am sending this letter to each member of the Standing Committee.

I am sure you are aware that I did not support Saturday's actions of the Convention of the Diocese of Pittsburgh of the Episcopal Church in amending the diocesan Constitution to remove the "accession" clause and in accepting the invitation of the Archbishop of the Southern Cone to "join" that Province. On the other hand, it is my understanding that you did support those measures. If I am wrong in that understanding and you are in a position to demonstrate to me that you opposed and publicly repudiated those actions, I would appreciate you letting me know promptly. I shall assume that I am correct if you do not communicate to me a contradiction of my understanding by 5 p.m. on Wednesday, October 8th.

Despite the tensions of the recent past I have greatly appreciated the opportunity to serve the mission of Christ with you in our capacities as members of the Standing Committee, and I pray that your ministry will be faithful and rewarding in the time ahead.

Faithfully yours,

Rev. Dr. James B. Simons

cc: Mr. Robert G. Devlin



St. Michael's of the Valley Episcopal Church

James B. Simons, Rector

SENT BY EMAIL AND
CERTIFIED U.S. MAIL

October 6, 2008

The Rev. David Wilson
St. David's Episcopal Church
905 East McMurray Road
Venetia, PA 15367

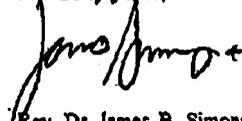
Dear David:

I am sending this letter to each member of the Standing Committee.

I am sure you are aware that I did not support Saturday's actions of the Convention of the Diocese of Pittsburgh of the Episcopal Church in amending the diocesan Constitution to remove the "accession" clause and in accepting the invitation of the Archbishop of the Southern Cone to "join" that Province. On the other hand, it is my understanding that you did support those measures. If I am wrong in that understanding and you are in a position to demonstrate to me that you opposed and publicly repudiated those actions, I would appreciate you letting me know promptly. I shall assume that I am correct if you do not communicate to me a contradiction of my understanding by 5 p.m. on Wednesday, October 8th.

Despite the tensions of the recent past I have greatly appreciated the opportunity to serve the mission of Christ with you in our capacities as members of the Standing Committee, and I pray that your ministry will be faithful and rewarding in the time ahead.

Faithfully yours,


Rev. Dr. James B. Simons

cc: Mr. Robert G. Devlin



St. Michael's of the Valley Episcopal Church

James B. Simons, Rector

SENT BY EMAIL AND
CERTIFIED U.S. MAIL

October 6, 2008

The Rev. Karen Stevenson
Trinity Church
550 South Main Street
Washington, PA 15301-6972

Dear Karen:

I am sending this letter to each member of the Standing Committee.

I am sure you are aware that I did not support Saturday's actions of the Convention of the Diocese of Pittsburgh of the Episcopal Church in amending the diocesan Constitution to remove the "accession" clause and in accepting the invitation of the Archbishop of the Southern Cone to "join" that Province. On the other hand, it is my understanding that you did support those measures. If I am wrong in that understanding and you are in a position to demonstrate to me that you opposed and publicly repudiated those actions, I would appreciate you letting me know promptly. I shall assume that I am correct if you do not communicate to me a contradiction of my understanding by 5 p.m. on Wednesday, October 8th.

Despite the tensions of the recent past I have greatly appreciated the opportunity to serve the mission of Christ with you in our capacities as members of the Standing Committee, and I pray that your ministry will be faithful and rewarding in the time ahead.

FID~U7J:+

Rev. Dr. James B. Simons

cc: Mr. Robert G. Devlin



St. Michael's of the Valley Episcopal Church

James B. Simons, Rector

SENT BY EMAIL AND
CERTIFIED U.S. MAIL

October 6, 2008

Mrs. Gladys Hunt-Mason
1307 Centennial Street
McKeesport, PA 15132

Dear Gladys:

I am sending this letter to each member of the Standing Committee.

I am sure you are aware that I did not support Saturday's actions of the Convention of the Diocese of Pittsburgh of the Episcopal Church in amending the diocesan Constitution to remove the "accession" clause and in accepting the invitation of the Archbishop of the Southern Cone to "join" that Province. On the other hand, it is my understanding that you did support those measures. If I am wrong in that understanding and you are in a position to demonstrate to me that you opposed and publicly repudiated those actions, I would appreciate you letting me know promptly. I shall assume that I am correct if you do not communicate to me a contradiction of my understanding by 5 p.m. on Wednesday, October 8th.

Despite the tensions of the recent past I have greatly appreciated the opportunity to serve the mission of Christ with you in our capacities as members of the Standing Committee, and I pray that your ministry will be faithful and rewarding in the time ahead.

Faithfully yours,



Rev. Dr. James B. Simons

cc: Mr. Robert G. Devlin