

EPISCOPAL DIOCESE OF MILWAUKEE
BEFORE THE ECCLESIASTICAL TRIAL COURT

The Standing Committee of the
Episcopal Diocese of Milwaukee,

Presenter,

-v-

The Reverend Martha Englert,

Respondent.

ORDER

The Court having communicated with counsel for both parties, and having conferred among itself, IT IS HEREBY ORDERED, as follows:

1. Johanna Woodbury is hereby appointed Clerk of the Court, and Richard J. Hoskins, Esq., is hereby appointed Lay Assessor. The mailing address and email address of the Clerk will be promptly provided to counsel by the Court. In order to avoid ex parte communications, any communication to the Court or Lay Assessor shall be directed to the Clerk and shall be by email or U.S. mail, with simultaneous copy to opposing counsel.
2. This matter is set for initial pretrial conference on June 24, 2006, at 10:00 a.m. at St. Paul's Episcopal Church, Milwaukee, Wisconsin.
3. The trial is set for October 12, 13, and 14, 2006, at a location to be determined.
4. With respect to motion practice, any memorandum in support of a motion must be filed and served with the motion. Any response must be filed and served within 14 days. There shall be no reply brief or further briefing without leave of Court; nor shall there be any oral argument of motions unless ordered by the Court, except that counsel should be prepared to address and, if requested, argue any motions pending on the date of a pretrial conference. In order to expedite the completion of motion practice, the parties are encouraged to file any motions before the initial pretrial conference. The deadline for the filing and service of all non-dispositive motions shall be July 14, 2006. The parties shall inform the Court at the initial pretrial conference which additional motions, if any, will be filed.
5. Filing and service of all papers may be done electronically on the due date, with filing accomplished by electronic delivery to the Clerk of the Court, with simultaneous electronic service on opposing counsel. This shall be followed within the next business day by filing with the Court of the original, executed document. This post-electronic filing shall be accomplished

by mailing (or comparable delivery) to the Clerk of the Court, at the address above, the original, executed document, for preservation in the official file of the Court.

6. The Church Attorney is directed to file and serve, no later than June 21, 2006, a preliminary list of witnesses to be called at trial. This list may be modified and amended, without leave of Court, at any time until 30 days before trial, and shall represent a good-faith effort to give the Court and opposing counsel a sense of the number and identity of witnesses who will be called at trial, and who therefore may be subject to discovery.

7. At the initial pretrial conference, the Court will expect counsel to be prepared to address all issues pertaining to the trial of the case, including length of trial, number and identity of trial witnesses, whether testimony will be offered in any manner other than live testimony, and the volume and identity of likely documentary evidence. The Court will also expect counsel to be prepared to discuss whether any disposition of the case before trial, such as by voluntary submission to discipline or otherwise, is likely or has been discussed between the parties or counsel.

8. The Court will record the trial electronically and this electronic recording will constitute the official record of the trial. Either party may record the trial stenographically at its own expense.

9. The Court considers that the trial and any pretrial conferences (other than by telephone) will be open to any member of the Episcopal Church. The Orders of this Court shall be public documents, unless otherwise specified. Depositions, on the other hand, will be closed to all persons except parties and their counsel, the witness being deposed and his or her counsel or personal representative (who cannot be a witness in the case), a stenographic reporter if any, and any other person whose presence is agreed to by the parties. If the parties disagree with this policy, any disagreement should be voiced at the initial pretrial conference.

10. The Court has received and considered an informal request from counsel for the Respondent that the Presiding Judge recuse himself from the case. That request is declined. The parties are free to make a formal motion for the recusal of the Presiding Judge or any other Judge of this Court, but such motion must be filed no later than Wednesday, June 21, 2006.

Dated: June 2, 2006

SO ORDERED:

The Ven. Thomas F. Winslow
Presiding Judge