



Anglican Diocese *of the* Upper Midwest

Added explanations below in red

**September 13, 2024, Status Update
Ecclesiastical Court for the Trial of a Bishop
Anglican Church in North America**

Court for the Trial of a Bishop Enters Scheduling Order In the Bishop Ruch Matter

On September 4, 2024, the Ecclesiastical Court for the Trial of a Bishop entered a Scheduling Order in the Matter of the Rt. Rev. Stewart Ruch, III, the purpose of which is to expedite the orderly completion of pretrial preparation and setting a trial date. The Court adopted the following schedule for pretrial proceedings in the matter.

1. Trial of this matter shall begin on July 14, 2025, at 9:00 AM Central Time.
2. By January 15, 2025, each party shall have submitted all written discovery to the opposing party. The responding party must serve its answers and any objections within 30 days after being served with interrogatories.
3. By March 31, 2025, all Discovery must be completed. The Court follows the rule that the completion date means that all discovery must be completed by that date. For example, interrogatories must be served more than thirty days prior to the completion date to permit the opposing party to respond before the discovery deadline. Untimely discovery requests are subject to objection on that basis. Counsel, by agreement, may conduct discovery after the formal completion date but should not expect the Court to resolve discovery disputes arising after the discovery completion date.

4. Absent agreement of the parties or Order of the Court to the contrary, the parties shall be limited to no more than fifteen (15) depositions and no more than twenty-five (25) interrogatories per side.

Items 2, 3 and 4 are about discovery. Discovery is a general term for the procedures used to obtain disclosure of evidence before trial. The purpose of discovery is to gather relevant facts and evidence for a case.

There are four main types of discovery requests: (1) interrogatories; (2) requests for admissions; (3) requests for the production of documents; and (4) depositions.

- *Interrogatories are written questions to be responded to in writing and under oath.*
- *Requests for admissions are written requests for a party to admit or deny specific facts about the case.*
- *A request for production of documents is a written list of documents, electronic files, audio/video recordings or physical things that have relevance to the issues in a lawsuit. The party is requested to provide or permit access to such items.*
- *Depositions are out-of-court statement given under oath by a person involved in, or with information relating to, the case. Depositions can be recorded as a written transcript or on video.*

5. By May 6, 2025, each party shall have filed with the Court and served on opposing counsel a list of all fact witnesses (other than rebuttal or impeaching witnesses) who may be called to testify at trial, showing the name, address, and telephone number of each fact witness.

A fact witness is a person who provides testimony under oath, based on their direct experience of an event in a case, without giving opinions or interpretations. A rebuttal or impeaching witness is a person who is called to contradict or disprove the testimony, or challenge the credibility, of a witness called by the opposing party.

6. On May 15, 2025, counsel for each party shall meet with the Court for a pretrial conference to consider all pending pleas, motions, and exceptions, the possibility of obtaining stipulations of fact, any motions in limine, and other matters as directed by the Court.

The court likely intends “pleas” to mean “pleadings”. In simple terms:

- *A pleading requests that the other party do something.*
- *A motion requests that the judge do something.*
- *An exception is an objection by a lawyer raised before the trial begins, challenging a specific aspect of the case.*

· *A stipulation of fact is an agreement between the parties that certain facts are true and will not be disputed during the trial.*

· *A motion in limine is a request that a judge exclude or include specific evidence or arguments during the trial.*

7. By the date of the pretrial conference, each party shall have prepared a list of all anticipated witnesses expected to testify and documentary or other tangible exhibits that may be introduced at trial and shall have filed the list with the Court and provided it to opposing counsel.

8. Parties shall file any designated portion of depositions to be read or shown or played at trial by videotape thirty (30) days before trial. Objections to proposed deposition designations shall be filed twenty (20) days before trial. Counter designations are due ten

(10) days before trial, and objections to counter designations are due seven (7) days before trial.

· *A deposition designation is an identification, by page and line number, of testimony recorded during a witness deposition that a party intends to introduce at trial. Often, these designations are presented in court as video clips from depositions.*

· *Counter designations are additional citations that a party submits to rebut the deposition designations submitted by the other party.*

· *Objections to deposition designations (and counter designations) can be made for a variety of reasons, including that the testimony is inadmissible, irrelevant or unduly prejudicial.*

9. Copies of written interrogatories, answers and objections to interrogatories, notices of oral depositions, transcripts of oral depositions, requests for the production of documents and other things, responses to requests for production, requests for admissions, and responses to requests for admissions shall not be filed with the Court as a matter of course. Discovery materials are filed only in limited circumstances, including if ordered by the Court, if necessary to the presentation or defense of a motion, or if required by law or rule.

The Court is making it clear that copies of most discovery documents (described under Item 4 above) do not need to be filed with the Court. This is likely intended to save time and expense.

10. Correspondence exchanged during the course of litigation either between opposing counsel or between counsel for one party and an unrepresented party should be filed with the Court only to comply with an order of the Court or when necessary to the

presentation and consideration of a motion and only when the filing of traditional discovery material will clearly not suffice for the purpose. Counsel should carefully redact correspondence to exclude irrelevant and prejudicial material.

The Court is making it clear that most lawyer correspondences in connection with the trial do not need to be filed with the Court. In the event a correspondence does need to be filed, the lawyers must strike through/cover up any irrelevant or unnecessary portions.

11. Filing Discovery or other Papers Under Seal. In certain rare circumstances involving confidential information, the Court may order the filing under seal of discovery in order to preserve the integrity of the information. However, the Court wishes to minimize the number of documents filed under seal. No paper may be filed under seal without prior approval by the Court and upon the demonstration of a sufficient legal and factual basis.

The Court may order that certain highly confidential discovery documents be filed under seal –meaning they will not be part of the public record of the trial (unless the seal is later removed by the Court). The Court wishes to limit the number of documents filed under seal.

12. Service – Certificate of Service. A certificate of service shall accompany every pleading and every paper required to be served on any party or nonparty to the litigation. The certificate shall show the date and method of service or the date of acceptance of service and shall show the name and service address of each person upon whom the paper has been served. If one or more persons are served by facsimile transmission or electronic mail (e- mail), the certificate shall also show the telefacsimile number or e-mail address of each person so served in that manner. Each certificate of service shall be signed.

A certificate of service is a signed written document that confirms that a copy of a legal document was delivered to a person in connection with a court case.

13. Counsel shall confer in good faith to resolve any discovery dispute. If counsel are unable to resolve the dispute, they must first file jointly with the court, a concise description of the issues in dispute, each party's position on the disputed issues, and the parties' joint availability for an on-the-record telephone conference. The court will then respond as soon as practicable to schedule a telephone conference and provide the parties with call-in information.

The Court wants the lawyers for the parties to work to resolve discovery disputes themselves. Any discovery disputes the lawyers are unable to resolve must be submitted jointly to the Court for resolution.

[END OF DOCUMENT]