

**HEARING PANEL OF THE DISCIPLINARY BOARD OF THE
EPISCOPAL DIOCESE OF MASSACHUSETTS**

THE EPISCOPAL DIOCESE OF MASSACHUSETTS

v.

THE REVEREND DOUGLAS E. ANDERSON,

RESPONDENT.

**DISCOVERY PLAN AND
SCHEDULING ORDER**

On consideration of the Proposed Discovery Plan and Scheduling Order jointly submitted by the Church Attorney and by Counsel for the Respondent, the President of the Hearing Panel issues the following Order pursuant to Canon IV. 13.5(c):

1. **Mandatory Disclosures:**

- a. The parties have exchanged mandatory disclosures pursuant to Canon IV.13.5(a).
- b. The duty to supplement mandatory disclosures pursuant to Canon IV.13.5(a) is

on-going.

2. **Preliminary Motions:**

a. Any Preliminary motions relating to the Written Statement of Offenses such as a motion to dismiss or to strike any portion of the Written Statement of Offenses, or as to any other preliminary matter may be filed with the President of the Hearing Panel and served on opposing counsel no later than July 1, 2023.

b. Any response to any such motion must be filed with the President of the Hearing Panel and served on opposing counsel no later than fifteen (15) days after receipt of the motion, but in any event, not later than July 16, 2023.

c. Any reply to such response must be filed with the President of the Hearing Panel and served on opposing counsel no later than ten (10) days after receipt of the response, but in any event, not later than July 26, 2023

d. The Hearing Panel shall promptly set the motion for a hearing, in person or by ZOOM. The hearing shall be recorded, whether in person or by ZOOM. The Hearing Panel shall rule on the motion within three (3) days of the hearing on the motion.

3. Timing of Discovery:

a. The Church Attorney and Respondent's Counsel are each authorized to take up to two depositions and propound up to twenty interrogatories regarding each of the complainants.

b. Interrogatories shall be served within forty-five (45) days of the date of this Order.

c. Answers to Interrogatories shall be provided within thirty (30) days of service.

d. Depositions shall be completed within sixty (60) days after service of Answers to Interrogatories on not less than fifteen (15) days notice to the deponent and to opposing counsel.

e. If a party taking a deposition anticipates presenting the witness' deposition testimony in lieu of live testimony at the Hearing, the party shall give advanced Notice thereof to the opposing party and such deposition shall be videotaped. Depositions to be used in lieu of live testimony must be taken at least 30 days prior to the Hearing, unless otherwise agreed or Ordered.

f. Any deposition may be videotaped on request at the expense of the requesting party.

4. Close of Discovery:

a. Discovery shall close on November 1, 2023, unless extended by the President of

the Hearing Panel.

5. Pre-Hearing Matters:

a. The Church Attorney and counsel for the Respondent shall make every effort, in good faith, to cooperate fully with discovery requests and to resolve any differences or disputes.

b. To the extent the Church Attorney and Counsel for the Respondent cannot resolve a dispute related to a discovery matter, one or both of the attorneys may inform the President of the Hearing Panel. The President of the Hearing Panel shall resolve the dispute in such a manner as she deems appropriate, which may include a conference call, written submissions, and/or a hearing.

c. Pre-hearing motions and challenges, other than discovery motions, may be filed with the Hearing Panel at any time, but not later than thirty (30) days prior to the Hearing Date. All responses shall be filed by the non-moving party within 15 days of receipt of the motion or challenge. Upon receipt of a motion or challenge, the Hearing Panel will promptly set the matter for hearing. After consideration of the argument of the parties, the Hearing Panel shall render a decision within three days of the hearing, the decision shall be final as to all procedural matters. Decisions on evidentiary matters are preliminary and may be reconsidered by the Hearing Panel during the course of the hearing if warranted by the evidence. The decision shall be provided to the parties and placed on the record of the proceedings.

6. Pre-Hearing Disclosures:

a. At least 15 days before the hearing, the Church Attorney and Respondent's counsel shall each provide to the other and to the Hearing Panel final pre-hearing disclosures including (1) the name, address, and telephone number of each witness expected to be called to testify at the hearing; and (2) identification of each document or other tangible object expected to be used

as an exhibit in the hearing.

b. If any testimony is to be presented at the Hearing by way of deposition testimony rather than live presentation of a witness, the counsel who intends to present such deposition testimony shall designate the testimony to be presented, by page and line of the transcript, no later than thirty (30) days prior to the Hearing. Counsel for the opposing party will serve any objections and counter designations of deposition testimony no later than fifteen (15) days prior to the Hearing.

7. Pre-Hearing Conference:

a. A Pre-Hearing Conference will be held no later than fifteen (15) days before the Hearing Date. The Pre-Hearing Conference shall address issues relating to the Hearing, including, but not limited to (a) the anticipated number of witnesses to be called and anticipated length of time needed to examine and cross-examine those witnesses; (b) plans for opening statements and closing arguments, including time limitations or other limitations on those presentations; (c) any proposed sequestration of witnesses; and (d) other matters relating to the Hearing.

8. Hearing:

a. The Hearing Date will be set by the President of the Hearing Panel after consultation with the Church Attorney and Counsel for the Respondent.

b. The tentative date for the Hearing shall be February 1, 2024. The date may be modified by the President of the Hearing Panel after consultation with the Church Attorney and Counsel for the Respondent.

c. The location of the Hearing shall be set by the President of the Hearing Panel after consultation with the Church Attorney and Counsel for the Respondent.

d. The Church Attorney and Counsel for the Respondent will be given at least thirty (30) days notice before the final date and specific place for the Hearing are set.

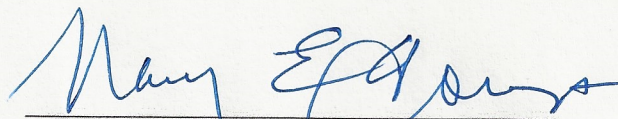
9. General Provisions Relating to Discovery and to the Hearing:

a. Any pleading, request, or notice to be served in this matter shall be served by electronic mail to both the Church Attorney and Counsel for the Respondent which shall be deemed to be personal delivery.

b. All requests for extensions to deadlines sought herein must be through a request to the President of the Hearing Panel. Any party seeking a request must first seek the consent of the other party before seeking and submitting such a request to the President of the Panel.

So Ordered:

Dated: 4/3/23



The Reverend Nancy E. Gossling
President of Hearing Panel
The Diocese of Massachusetts