

THE EPISCOPAL CHURCH, et al.,)

VS.)

FRANKLIN SALAZAR, et al.)

IN THE DISTRICT COURT OF

TARRANT COUNTY, TEXAS

141ST DISTRICT COURT

FILED
TARRANT COUNTY
2010 DEC 31 AM 11:01
THOMAS A. WILDER
DISTRICT CLERK

**RULE 12 MOTION CHALLENGING AUTHORITY OF
ATTORNEY R. DAVID WEAVER**

TO THE HONORABLE JUDGE OF SAID COURT:

The Local Episcopal Parties, the Local Episcopal Congregations, and The Episcopal Church¹ file this Rule 12 motion and would respectfully show the Court as follows:

¹ This motion is specifically brought by the individual Local Episcopal Parties—the Rt. Rev. C. Wallis Ohl, Robert Hicks, Floyd McKneely, Shannon Shipp, David Skelton, Whit Smith, Margaret Mieuli, Anne T. Bass, Walt Cabe, the Rev. Christopher Jambor, the Rev. Frederick Barber, the Rev. David Madison, Robert M. Bass, the Rev. James Hazel, Cherie Shipp, the Rev. John Stanley, Dr. Trace Worrell, the Rt. Rev. Edwin F. Gulick, Jr., and Kathleen Wells—all of whom are represented by Jonathan D.F. Nelson, Kathleen Wells, and Vinson & Elkins LLP; the Local Episcopal Congregations—The Rev. Christopher Jambor and Stephanie Burk, individually and as representatives of All Saints’ Episcopal Church (Fort Worth); The Rev. ClayOla Gitane and Cynthia Eichenberger as representatives of All Saints’ Episcopal Church (Weatherford); The Rev. ClayOla Gitane and Harold Parkey as representatives of Christ the King Episcopal Church (Fort Worth); Bill McKay and Ian Moore as representatives of Episcopal Church of the Good Shepherd (Granbury); Ann Coleman as a representative of Episcopal Church of the Good Shepherd (Wichita Falls); Constant Roberts Marks, IV and William Davis as representatives of St. Alban’s Episcopal Church (Arlington); Vernon Gotcher and Ken Hood as representatives of St. Stephen’s Episcopal Church (Hurst); Sandra Shockley as a representative of St. Mary’s Episcopal Church (Hamilton); Sarah Walker as a representative of Episcopal Church of the Holy Apostles (Fort Worth); Linda Johnson as a representative of St. Anne’s Episcopal Church (Fort Worth); the Rev. Susan Slaughter and Larry Hathaway individually and as representatives of St. Luke-in-the-Meadow Episcopal Church (Fort Worth); David Skelton as a representative of St. Mary’s Episcopal Church (Hillsboro); All Saints’ Episcopal Church (Fort Worth); All Saints’ Episcopal Church (Wichita Falls); All Saints’ Episcopal Church (Weatherford); Christ the King Episcopal Church (Fort Worth); Episcopal Church of the Good Shepherd (Granbury); St. Alban’s Episcopal Church (Arlington); St. Simon of Cyrene Episcopal Church (Fort Worth); St. Stephen’s Episcopal Church (Hurst); St. Mary’s Episcopal Church (Hamilton); St. Anne’s Episcopal Church (Fort Worth); St. Luke-in-the-Meadow Episcopal Church (Fort Worth); St. Mary’s Episcopal Church (Hillsboro); Episcopal Church of the Ascension & St. Mark (Bridgeport); Episcopal Church of the Good Shepherd (Brownwood); Holy Comforter Episcopal Church (Cleburne); St. Elisabeth’s Episcopal Church (Fort Worth); Holy Spirit Episcopal Church (Graham); Holy Trinity Episcopal Church (Eastland); Our Lady of the Lake Episcopal Church (Laguna Park); Trinity Episcopal Church (Dublin); Trinity Episcopal Church (Henrietta); Iglesia San Juan Apostol (Fort Worth); Iglesia San Miguel (Fort Worth); St. Anthony of Padua Episcopal Church (Alvarado); St. Alban’s Episcopal Church (Hubbard); St. Andrew’s Episcopal Church (Fort Worth); St. Andrew’s Episcopal Church (Breckenridge); St. Andrew’s Episcopal Church (Grand Prairie); St. Barnabas the Apostle Episcopal Church (Keller); St. Gregory’s Episcopal Church (Mansfield); St. John’s Episcopal Church (Fort Worth); St. John’s Episcopal Church (Brownwood); St. John the Divine Episcopal Church (Burkburnett); St. Joseph’s Episcopal Church (Grand Prairie); St. Laurence’s Episcopal Church (Southlake); St. Luke’s Episcopal Church (Mineral Wells); St. Mark’s Episcopal Church (Arlington); St. Matthew’s Episcopal Church (Comanche); St. Michael’s Episcopal Church (Richland Hills); St. Paul’s Episcopal Church (Gainesville); St. Patrick’s Episcopal Church

I. INTRODUCTION

This motion is a companion to the Rule 12 Motion filed by the Local Episcopal Parties and the Local Episcopal Congregations against attorneys J. Shelby Sharpe, Kendall M. Gray, and Scott A. Brister and their law firms, who purport to represent the “The Episcopal Diocese of Fort Worth” and “The Corporation of the Episcopal Diocese of Fort Worth.”² For the same reasons stated in the Rule 12 Motion against Sharpe, Gray, and Brister, the pleadings and motions of attorney R. David Weaver and his law firm, The Weaver Law Firm, P.C., who purport to represent 48 historic Parishes and Missions of the Diocese, should also be stricken under Texas Rule of Civil Procedure 12.

While the aforementioned Rule 12 Motion focuses on representation of the Diocese and its Corporation, this companion Motion concerns representation of the Parishes and Missions involved in this case, each of which has been affiliated with The Episcopal Church since its formation. As with the Diocese and its Corporation, each of these Parishes and Missions has two factions—one that has remained in The Episcopal Church (the “Local Episcopal Congregations”) and another that has left the Church and is in communion with breakaway Bishop Iker and a South American church (the “breakaway congregants”). For each entity (Parish or Mission),

(Bowie); St. Peter-by-the-Lake Episcopal Church (Graford); St. Peter and St. Paul Episcopal Church (Arlington); St. Phillip the Apostle Episcopal Church (Arlington); St. Thomas the Apostle Episcopal Church (Jacksboro); St. Timothy’s Episcopal Church (Fort Worth); and St. Vincent’s Episcopal Church (Bedford); St. Stephen’s Episcopal Church (Wichita Falls); Holy Apostles (Fort Worth); and Episcopal Church of the Good Shepherd (Wichita Falls)—all of whom are represented by Frank Hill and Hill Gilstrap, P.C; and The Episcopal Church. This motion is brought in the alternative and without waiving any other relief.

² Sharpe, Gray, and Brister represent Defendants, a breakaway faction that left The Episcopal Church and affiliated with a South American church, but still claims to be “The Episcopal Diocese of Fort Worth” and its “Corporation of The Episcopal Diocese of Fort Worth.” As shown in that Motion, Sharpe, Gray, and Brister (the breakaway-faction attorneys) lack authority to represent the Episcopal Diocese or Corporation for two reasons: First, under the Court of Appeals’ mandamus ruling, until this Court determines on the merits which faction has legal authority to act for the Diocese and Corporation, neither faction has authority to bring this suit against the other in the name of the Diocese and Corporation; and second, once this Court reaches the merits of the identity question, it is indisputable that only the Local Episcopal Parties have legal authority to act on behalf of the Diocese, the Corporation, and the Diocesan institutions.

both factions purport to have authority to represent the entity. Because there is a dispute over which of these factions may properly represent each of these Parishes and Missions—indeed, this dispute lies at the heart of the present litigation—and following the Fort Worth Court of Appeals’ June 25, 2010 mandamus opinion (discussed below), the Local Episcopal Congregations and individuals have appeared in this case seeking to clarify the Local Episcopal Congregations’ rights vis-à-vis their particular Parishes and Missions.

Mr. Weaver, however, has filed suit in this case only in the names of the Parishes and Missions themselves. As shown below, this directly violates the Fort Worth Court of Appeals’ June 25, 2010 opinion and is also contrary to the unavoidable conclusion that former Episcopalians may not hijack Episcopal Parishes and Missions or their property for use in another denomination. Accordingly, this Motion is brought against R. David Weaver and his law firm, who purport to represent the Parishes and Missions at the behest of the breakaway congregants.

In this suit, Weaver purports to represent All Saints’ Episcopal Church (Fort Worth), which is a Parish that has been affiliated with The Episcopal Church since its inception.³ Weaver also purports to represent 47 other Parishes and Missions of the Episcopal Diocese of Fort Worth, calling them the “Intervening Congregations”⁴ and identifying them as

³ Defendant All Saints’ Episcopal Church’s Original Answer to Third Amended Counterclaim by Third-Party Defendants (filed 12/7/10), at 4; Defendant All Saints’ Episcopal Church’s Original Answer to Individual Plaintiffs’ Fifth Amended Original Petition (filed 12/7/10), at 4.

⁴ The so-called “Intervening Congregations,” affiliated with Defendants’ breakaway faction (hereafter, the breakaway congregants), list themselves as the following: St. Anthony of Padua Church (Alvarado), St. Alban’s Church (Arlington), St. Mark’s Church (Arlington), Church of St. Peter & St. Paul (Arlington), Church of St. Philip the Apostle (Arlington), St. Vincent’s Cathedral (Bedford), St. Patrick’s Church (Bowie), St. Andrew’s Church (Breckenridge), Good Shepherd Church (Brownwood), St. John’s Church (Brownwood), Church of St. John the Divine (Burkburnett), Holy Comforter Church (Cleburne), St. Matthew’s Church (Comanche), Trinity Church (Dublin), Holy Trinity Church (Eastland), Christ The King Church (Ft. Worth), Holy Apostles Church (Ft. Worth), Iglesia San Juan Apostol (Ft. Worth), Iglesia San Miguel (Ft. Worth), St. Andrew’s Church (Ft. Worth), St. Anne’s Church (Ft. Worth), Church of St. Barnabas The Apostle (Ft. Worth), St. John’s Church (Ft. Worth), St. Michael’s Church (Richland Hills), Church of St. Simon of Cyrene (Ft. Worth), St. Timothy’s Church (Ft. Worth), St. Paul’s

congregations “in union with the Convention of the Episcopal Diocese of Fort Worth.”⁵

II. ARGUMENT

For the same two independent reasons that Sharpe, Gray, and Brister have no authority under Rule 12 to represent the Episcopal Diocese and Corporation, Weaver lacks authority to represent the historic Episcopal Parishes and Missions “in union with the Convention of the Episcopal Diocese of Fort Worth.” The pleadings filed by Weaver purportedly on behalf of the Intervening Congregations’ and All Saints’ Episcopal Church (Fort Worth) should be stricken under Rule 12.

A. Weaver cannot represent the historical Episcopal Parishes or Missions under the reasoning of the Fort Worth Court of Appeals’ June 25, 2010 mandamus opinion.

First, Weaver lacks authority to represent the historical Parishes and Mission of the Episcopal Diocese of Fort Worth because two factions claim authority to represent these Parishes and Missions, and the Fort Worth Court of Appeals has held that neither of two competing factions may litigate in the name of entities whose identity and control is disputed. The resolution of the dispute over authority to represent the Parishes and Missions of the Diocese depends on the resolution of the dispute over authority to represent the Diocese. Under the Fort

Church (Gainesville), Good Shepherd Church (Granbury), Church of the Holy Spirit (Graham), St. Andrew’s Church (Grand Prairie), St. Joseph’s Church (Grand Prairie), St. Laurence’s Church (Southlake), St. Mary’s Church (Hamilton), Trinity Church (Henrietta), St. Mary’s Church (Hillsboro), St. Alban’s Church (Hubbard), St. Stephen’s Church (Hurst), Church of St. Thomas the Apostle (Jacksboro), Church of Our Lady of The Lake (Laguna Park), St. Gregory’s Church (Mansfield), St. Luke’s Church (Mineral Wells), Church of St. Peter by the Lake (Graford), All Saint’s Church (Weatherford), All Saint’s Church (Wichita Falls), Church of the Good Shepherd (Wichita Falls), Church of St. Francis of Assisi (Willow Park), and Church of the Ascension & St. Mark (Bridgeport).

⁵ First Amended Original Plea in Intervention (filed 11/12/10), at 2. In the pleadings filed by Weaver, these parties are sometimes identified by the exact names of the historic congregations that have been a part of the Episcopal Diocese of Fort Worth since 1983 and, for some congregations, a part of The Episcopal Church for much longer; other times, the word “Episcopal” is dropped from their names (for example, one group in the breakaway congregants identified itself as “St. Alban’s Episcopal Church (Arlington)” in their Response to Request for Disclosures, but they identified themselves only as “St. Alban’s Church (Arlington)” in their First Amended Original Plea in Intervention).⁵ Despite the fluctuating names, it is clear that the breakaway congregants, though they claim no affiliation with The Episcopal Church, imply that they have authority to act as the historic Episcopal congregations that have existed as parts of The Episcopal Church, some since the mid-19th Century, and under its Episcopal Diocese of Fort Worth since as early as 1983, both by claiming to be in union with the Episcopal Diocese, and by claiming the historic names of the Episcopal congregations.

Worth Court of Appeals' June 25, 2010 mandamus opinion, until this Court determines on the merits which faction has legal authority to act for the Diocese and Corporation, neither faction has authority to bring suit against the other in the name of the contested institutions. The same is true for the Parishes and Missions.

1. **The Fort Worth Court of Appeals held that, in this case, neither of two competing factions may litigate in the names of entities whose identity and control is disputed.**

The Court of Appeals held: (1) "There is a single Fort Worth Diocese and Corporation, which both a majority and a minority faction claim to control";⁶ (2) "a lawyer may not be hired to represent a corporation by one of two factions in the organization against the other faction";⁷ and (3) "[t]he trial court did not determine on the merits which Bishop and which Trustees are the authorized persons within the Corporation and the Fort Worth Diocese, nor do we. The question of 'identity' remains to be determined in the course of the litigation."⁸ Accordingly, under the law of this case, neither faction currently has legal authority to hire counsel on behalf of the Diocese and Corporation in this litigation until the identity question is answered.

The Court of Appeals' legal foundation for this holding necessarily applies with equal force to all parties on both sides of this dispute:

Because a corporation cannot sue itself, the trier of fact will be unnecessarily confused by presentations from two opposing factions who claim to be the Corporation and the Fort Worth Diocese. Unless the trial court's order is modified to strike the pleadings filed by Mr. Nelson and Ms. Wells on behalf of the Corporation and the Fort Worth Diocese and to bar those attorneys from appearing in the underlying cause as attorneys of record for the Corporation and the Fort Worth Diocese, **confusion in the litigation will be perpetuated, including the appearance that the issue is already resolved in favor of one party before the**

⁶ *In re Salazar*, 315 S.W.3d 279, 285 (Tex. App.—Fort Worth 2010, orig. proceeding).

⁷ *Id.* at 286.

⁸ *Id.*

questions of identity and title to the property held by the Corporation and the Fort Worth Diocese are determined in the course of the litigation.⁹

Allowing Weaver and the breakaway congregants to prosecute the case using the names of the Episcopal Diocese's historic congregations directly violates the Court of Appeals' mandate against suggesting "that the [identity] issue is already resolved in favor of one party." Under the Court of Appeals' analysis, no party can create the appearance of advantage over the other parties by claiming the "identity" of the Diocese and the Corporation when the trial court has yet to determine that question under substantive law on the merits. It follows that the breakaway congregants cannot create the appearance of advantage over the Local Episcopal Congregations by claiming the "identity" of any historical Episcopal Parish or Mission of the Diocese.

The pleadings filed by Weaver in the names of the historical Episcopal Parishes or Missions of the Diocese listed at note 1 should be stricken under Rule 12. This procedural act should in no way impede or delay the January 14, 2011 summary judgment hearing on the diocesan-level motions, insofar as those motions are brought *by* individuals *against* individuals, and against persons purporting to act at the diocesan and corporate level, not at the congregational level.

B. Weaver lacks authority to represent the historical Episcopal Parishes and Missions because the Local Episcopal Congregations, not the breakaway congregants, are recognized as the historical Episcopal congregations by The Episcopal Church.

Second, Weaver lacks authority to prosecute or defend this case on behalf of congregations "in union" with the Episcopal Diocese or using historic Episcopal Parish or Mission names because, once this Court reaches the merits of the "identity" question, it is

⁹ *Id.* at 287 (emphasis added).

indisputable that only the Local Episcopal Parties have legal authority to act on behalf of the Diocese and Corporation, and only the Local Episcopal Congregations are in union with the Episcopal Diocese and have authority to use the historic Episcopal congregation names.

The law and evidence supporting this position are set forth in the Local Episcopal Parties' Amended Motion for Partial Summary Judgment and The Episcopal Church's Motion for Summary Judgment, both set for hearing on January 14, 2011, and in their Joint Appendix, their Supplemental Summary Judgment Evidence, and their Second Supplemental Summary Judgment Evidence, as well as in Plaintiffs' responses to the original Rule 12 motions¹⁰ and evidence attached thereto and the Rule 12 hearing transcripts,¹¹ which are incorporated herein by reference.

The summary judgment briefs are comprehensive, but the matter is simple: Under 100 years of bedrock First Amendment and Texas law, only The Episcopal Church can answer the strictly religious question of which faction represents the Episcopal Diocese and its Corporation. The United States Supreme Court has held that "questions of church discipline and the composition of the church hierarchy are at the core of ecclesiastical concern."¹² The Fort Worth Court of Appeals affirmed: "Civil courts are bound to accept the decisions of the highest judicatories of a religious organization of hierarchical polity on matters of discipline, faith, internal organization, or ecclesiastical rule, custom, or law."¹³ The Supreme Court of Texas held in 1909, and reaffirmed in 2007, that "whenever the questions of discipline or of faith or ecclesiastical rule, custom, or law have been decided by the highest of these church judicatories

¹⁰ Plaintiffs' Response to Defendant's Motion Challenging Attorneys' Authority (filed 9/8/09); Plaintiffs' Supplemental Response to Defendant's Motion Challenging Authority of Attorneys (filed 9/15/09).

¹¹ Transcripts on Rule 12 Hearings (9/9/09 & 9/16/09).

¹² *Serbian E. Orthodox Diocese for U.S. of Am. & Canada v. Milivojevich*, 426 U.S. 696, 717 (1976).

¹³ *Patterson v. Sw. Baptist Theological Seminary*, 858 S.W.2d 602, 605-06 (Tex. App.—Fort Worth 1993, no writ) (emphasis added) (citing *Milivojevich*, 426 U.S. at 713).

to which the matter has been carried, the legal tribunals must accept such decisions as final, and as binding on them, in their application to the case before them.”¹⁴ In breakaway-faction scenarios like this one, Texas law, applying unchanging First Amendment doctrine, “requires deference to [the mother church’s] identity of [one party], the loyal group, as the representative of the local church.”¹⁵

Here, it is undisputed that The Episcopal Church, at its highest levels of authority, recognizes only the Local Episcopal Parties named in note 1 as the leaders and representatives of the Episcopal Diocese of Fort Worth.¹⁶ And only the Local Episcopal Congregations named in note 1 are in union with the Local Episcopal Parties and recognized by The Episcopal Church and its Diocese as the historic continuing Episcopal congregations. The breakaway congregants do not and cannot dispute this. They expressly severed ties with The Episcopal Church, went with breakaway Bishop Iker to join a church in South America, and are not in union with the Episcopal Diocese of Fort Worth or the Corporation of the Episcopal Diocese of Fort Worth recognized by The Episcopal Church.

Thus, if the Court is inclined at this moment, based on all of the information before it in the record, to reach the merits of the identity question, the legal analysis is straight-forward: this Court, like all civil courts, should recognize, defer to, and apply the purely religious determination of The Episcopal Church that the Local Episcopal Parties represent the Episcopal Diocese of Fort Worth and its institutions, and only the Local Episcopal Congregations are in

¹⁴ *Brown v. Clark*, 116 S.W. 360, 363 (Tex. 1909) (quoting *Watson v. Jones*, 80 U.S. 679, 727 (1871)) (internal quotation marks omitted), cited with approval in *Westbrook v. Penley*, 231 S.W.3d 389, 398 (Tex. 2007).

¹⁵ *Schismatic & Purported Casa Linda Presbyterian Church in Am. V. Grace Union Presbytery, Inc.*, 710 S.W.2d 700, 707 (Tex. App.—Dallas 1986, writ ref’d n.r.e.).

¹⁶ Indeed, the Local Episcopal Parties and The Episcopal Church are aligned in this case. And detailed evidentiary support for this conclusion is set forth in the Local Episcopal Parties’ Amended Motion for Partial Summary Judgment at note 15 and Sections VII(E)-(F).

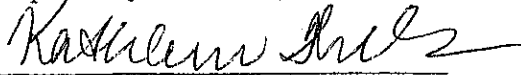
union with the Local Episcopal Parties and can act for the historic Episcopal congregations named at note 1 *supra*. The breakaway congregants do not and cannot in good faith suggest that they are affiliated with the Diocese or Corporation recognized by The Episcopal Church.

Accordingly, on the merits, no one with legal authority in any Parish or Mission, nor in the actual Diocese or Corporation, has hired or retained Weaver or his firm to prosecute this suit on behalf of any Parish or Mission in union with the actual Episcopal Diocese or bearing the historic names of the Episcopal congregations listed at note 1. Again, the pleadings filed by Weaver for entities "in union with the Convention of the Episcopal Diocese of Fort Worth" or in the name of the historic Episcopal congregations, including All Saints' Episcopal Church (Fort Worth) should be stricken.

V. PRAYER

BASED ON THE ABOVE, Movants respectfully request that R. David Weaver and his law firm, The Weaver Law Firm, P.C., be cited to appear before the Court and show their authority to act in this case and that upon hearing, the Court find that R. David Weaver and The Weaver Law Firm, P.C. have no authority to prosecute or defend in this case on behalf of the named congregations "in union with the Convention of the Episcopal Diocese of Fort Worth," in the name of the historic Episcopal congregations named in note 1, or All Saints' Episcopal Church (Fort Worth), and strike their pleadings in the name of those entities, and for such other and further relief as the Court may deem just.

Respectfully submitted,

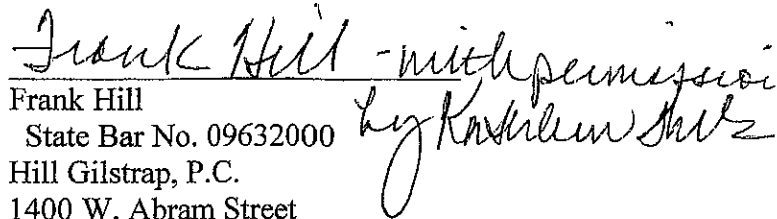


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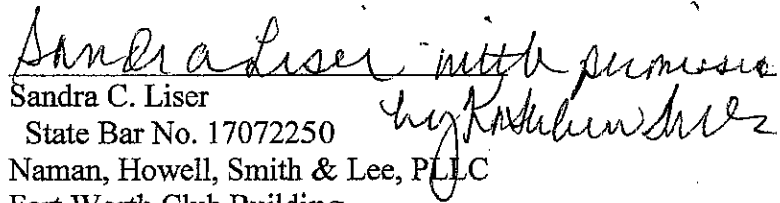
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Attorneys for The Episcopal Church


THE STATE OF OKLAHOMA **
 **
COUNTY OF CLEVELAND **

BEFORE ME, the undersigned notary public, on this day personally appeared C. WALLIS OHL, who being by me duly sworn, upon oath deposed and said:

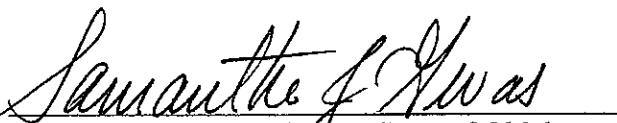
“I am over the age of 18 years and competent to make this affidavit and have personal knowledge of the facts stated herein. I am a party to this lawsuit. Since November 14, 2009, I have been the Provisional Bishop of the Episcopal Diocese of Fort Worth and the Chairman of the Board of Trustees of the Corporation of The Episcopal Diocese of Fort Worth. I have been recognized as such by The Episcopal Church, and, under the Church’s canons, I have all the authority of a Diocesan Bishop. As Provisional Bishop, I have episcopal oversight over each of the Parishes and Missions in union with the Diocese, including the historic Episcopal congregations listed at note 1, *supra*. This verification is based on my personal knowledge.

I have reviewed Section II of the Intervening Congregations’ First Amended Original Plea in Intervention (filed 11/12/10), which alleges that the breakaway congregants calling themselves “Intervening Congregations” are ‘under the episcopal oversight of The Rt. Rev. Jack Leo Iker, a Defendant in this cause.’ Neither Bishop Iker, no longer a bishop in The Episcopal Church or its Episcopal Diocese of Fort Worth, nor the breakaway congregants affiliated with Defendant Iker represent Parishes or Missions in union with the Convention of the Episcopal Diocese of Fort Worth. The breakaway congregants affiliated with Defendant Iker do not have authority to retain or request R. David Weaver or The Weaver Law Firm, P.C. to appear in these proceedings on behalf of Parishes or Missions in union with the Convention of the Episcopal Diocese of Fort Worth, including the historic Episcopal congregations listed at note 1, *supra*.

As Provisional Bishop of the Episcopal Diocese of Fort Worth, I am the authorized representative of all Missions within the Diocese. None of these Missions has authorized R. David Weaver or The Weaver Law Firm, P.C. to appear in these proceedings on its behalf. I have personal knowledge that the individuals appearing on behalf of Parishes within the Diocese, as listed in note 1, *supra*, are the individuals authorized to represent the Parishes on whose behalf they have appeared. I also have personal knowledge that, with respect to each of the historical Episcopal Parishes and Missions listed in note 1, *supra*, there is a dispute about the governance of the Parish or Mission and a dispute about which faction represents the historic Episcopal congregation of that name.”


C. Wallis Ohl

SUBSCRIBED AND SWORN TO BEFORE ME this 30th day of December, 2010, to certify which witness my hand and seal of office.


Notary Public in and for the State of Oklahoma



CERTIFICATE OF CONFERENCE

Counsel for the Local Episcopal Parties has conferred with Mr. Weaver, and counsel could not agree on the foregoing motion.



CERTIFICATE OF SERVICE

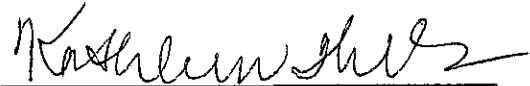
This is to certify that a true and correct copy of the foregoing Rule 12 Motion Challenging Authority of Attorney R. David Weaver has been sent this 31st day of December, 2010, by facsimile and electronic mail to:

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