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March 9, 2015

***Via E-Service***

R. David Weaver, Esq.  
The Weaver Law Firm, P.C.  
1521 N. Cooper Street, Suite 710  
Arlington, Texas 76011

Re: *The Episcopal Church, et al. v. Franklin Salazar, et al.*, Cause No. 141-252083-11 in  
the 141st District Court of Tarrant County, Texas

Dear Mr. Weaver:

I write in response to your e-mail of March 6, 2015, and Defendant Jack Leo Iker's letter to All Saints' Episcopal Church (Fort Worth) ("All Saints") of the same date. In addition, we propose below a procedural roadmap to resolve the case for appeal in an efficient and cost-effective manner.

At the summary-judgment hearing, the Court suggested that the parties mediate the case as to All Saints, and we believe the parties agreed to do so. Plaintiffs contacted Defendants and suggested a mediator. We were informed that you tentatively agreed to that mediator and even suggested that the parties expand the scope of mediation to include several other parishes that have chosen to remain in The Episcopal Church. Mediation as to All Saints—which the Court had urged—seemed imminent.

Your letter of March 6, however, suggests that Defendants are declining to mediate. Instead, Defendants are now demanding that All Saints submit to Defendants' so-called Canon 32 procedure, in which Defendant Iker suggests he would serve not only as an interested party but as judge and jury of the contested issues before the Court. This is obviously not the mediation before a neutral mediator agreed to at the hearing.

Defendants' Canon 32 has no application here for several reasons, including the following. Defendant Iker already admitted in sworn testimony that All Saints remains a parish of The Episcopal Church and is not a part of his newly-formed "ACNA" denomination. Defendants' ACNA "Canon 32" has no relevance or application to an Episcopal parish. Second, Defendant Iker has no authority to call a meeting on property whose deed reads, as All Saints' does, "in trust for the use and benefit of the Protestant Episcopal Church." Third, the Court specifically did not grant summary judgment as to the claims relating to All Saints; Defendants have no basis to claim that anything in the summary-judgment order justifies their unilateral conduct here. And fourth, Defendant Iker lacks authority to force this process on Plaintiffs even under his own ACNA canon. That canon provides that "the Rector and a majority of the members of the [parish's] Vestry" may

initiate discussion by “petition[ing] the Bishop” and “provid[ing] a reasonable opportunity” for the Bishop to visit the parish. All Saints’ Rector and a majority of the members of its vestry have not petitioned Defendant Iker to serve as mediator of his own dispute, and they do not do so now. For these and numerous other reasons, Canon 32 has no application here. There will be no meeting called by Defendant Iker at All Saints on March 26, 2015, and we ask that you notify those to whom Defendant Iker’s letter was sent.

Plaintiffs remain ready and willing to conduct an actual mediation before a neutral mediator, as Defendants previously agreed to do. Hopefully, Defendants will return to their prior agreement and mediation can commence in short order, as the Court urged.

In addition to following the Court’s urging to mediate, we would like to propose the following steps to bring the case to resolution in the trial court as efficiently and cost-effectively as possible so that the parties may pursue an appeal, unless the Court should decide to follow its prior procedure and stay the remaining claims during an appeal:

- ***Address the remaining claims in Cause No. 141-252083-11 through further summary judgment proceedings, as Mr. Sharpe proposed.*** Please let us know whether you need additional discovery on these claims. We are currently reviewing the summary-judgment record to determine whether we need discovery, and we should be able to confer with you on that issue in the next few days.
- ***Lift the stay in Cause No. 141-237150-09 and resolve the claim against Jude Funding along with the remaining claims in the live case.*** Please let us know whether you are willing to agree to a lifting of the stay for this purpose. We believe that taking up all claims in both cases on appeal is the most efficient way forward, and the claim against Jude Funding can be handled similarly to the remaining ’11 claims.
- ***If mediation regarding All Saints is unsuccessful, conduct additional discovery, if needed.*** Please let us know whether you still anticipate needing additional discovery regarding All Saints as you stated in your letter dated February 27, 2015, which was filed March 2, 2015. We may also need discovery in that event.
- ***Continue the trial setting, which is currently set for the week of March 23, 2015.*** In order to mediate the claims relating to All Saints, in light of an anticipated agreement to file summary-judgment motions with respect to the remaining claims, and in light of the existing conflicts below, please let us know whether you would agree, in the event mediation is not successful, to a few months’ continuance of the trial of the remaining claims and the claims relating to All Saints. I am due in the Texas Supreme Court on March 25, 2015, to second-chair a young lawyer’s first argument at that Court on a case on which I have

served as lead counsel on appeal, and am also committed to an accreditation visit at a law school in Chicago on behalf of the ABA from March 28 through April 1, 2015.

- ***If the claims relating to All Saints go to trial, submit the claims on the current summary judgment record and any additional evidence that the parties want to submit.*** For efficiency, we propose that we agree that the Court made the same evidentiary rulings made in its Order of February 19, 2015 (without agreeing to those rulings) and then submit the case on the current record and any additional evidence the parties submit.

As for your proposed severance, we do not think we should spend the time and effort to sever the claims, at least until after mediation has achieved a settlement or reached an impasse. Even if we ultimately may agree to a severance, we cannot agree to your current motion to sever because of the language about inapplicable Canon 32 and because there is no pleading to support the grant of relief under Canon 32, among other reasons.

I look forward to your response.

Sincerely,



Thomas S. Leatherbury

US 3379300

cc: Scott A. Brister, Esq.  
J. Shelby Sharpe, Esq.  
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