

MONTGOMERY, McCRACKEN, WALKER & RHOADS, LLP
BY: JOHN H. LEWIS, JR., DAVID D. LANGFITT and JO A. ROSENBERGER
IDENTIFICATION NOS. 04490, 66588, and 200121
123 South Broad Street
Philadelphia, PA 19109
(215) 772-7596

OFFICE OF THE
PROthonary
MONTGOMERY COUNTY PA
03 MAY - 1 AM 11:43

LAW OFFICES OF WILLIAM R. HOURICAN
BY: WILLIAM R. HOURICAN
IDENTIFICATION NO. 22211
527 Swede Street
Norristown, PA 19401
(610) 278-1950

ATTORNEYS FOR PLAINTIFF

DAVID L. MOYER,	:	COURT OF COMMON PLEAS
	:	MONTGOMERY COUNTY
Plaintiff,	:	
	:	
v.	:	CIVIL ACTION -- LAW AND EQUITY
	:	
CHARLES E. BENNISON, JR.,	:	NO. 02-07147 and
	:	NO. 02-16553 (CASES CONSOLIDATED)
Defendant.	:	
	:	JURY TRIAL DEMANDED

**THIRD AMENDED PRETRIAL STATEMENT
OF PLAINTIFF DAVID L. MOYER**

Dated: May 1, 2008

Pursuant to Rule 212.2 of the Pennsylvania Rules of Civil Procedure and Local Rules 212.1* and 212.2(a)(7)*, Plaintiff David L. Moyer (“Plaintiff”) submits the following Third Amended Pretrial Statement.

1. **NARRATIVE STATEMENT OF THE CASE (RULE 212.2(A)(1))**

INTRODUCTION

1. This case arises out of the fraudulent and collusive scheme of Defendant Charles E. Bennison (“Defendant Bennison” or “Defendant”), motivated by secular animosity against Plaintiff, to injure and damage Plaintiff and to wrongfully force Plaintiff out of his vocation, his church, his congregation and his home.

2. Defendant’s scheme had nothing to do with the doctrine or theology of The Episcopal Church.

3. Defendant, assisted by his Chancellor and some members of his Standing Committee (and therefore by the Diocese) through fraud, concealment, bad faith and collusion, damaged Plaintiff and denied Plaintiff the church trial to which he was entitled. Defendant persisted in the denial of a church trial, fraudulently planned and implemented, and then stubbornly adhered to by Defendant – despite protests by Plaintiff, his congregation, numerous Bishops throughout the United States, the Presiding Bishop of The Episcopal Church, Archbishops from the Anglican Communion, and the Archbishop of Canterbury, the leader of the Anglican Communion.

4. Even if the process chosen by Defendant was proper (which it was not), Plaintiff was entitled to a process free of fraud and bad faith.

5. There is no legitimate First Amendment protection for Defendant – who planned and implemented a fraudulent scheme to deprive Plaintiff of his ability to practice his chosen

profession and then told jokes and had his picture taken smiling as he signed the “Sentence of Deposition,” intending to deprive Plaintiff of all of his rights as a priest. In any event, following the close of discovery, Defendant moved for Summary Judgment, asserting, *inter alia*, a First Amendment objection. This Court (Honorable Tomas Branca), upon review of the evidentiary record, denied the motion for Summary Judgment as to all the causes of action asserted in *Moyer I* and *Moyer II*.

STATEMENT OF FACTS

6. At all material times, Plaintiff was an Episcopal priest and the Rector of The Church of The Good Shepherd, Rosemont, Pennsylvania.

7. On October 16, 2002 (after the “Deposition” of Plaintiff), Defendant filed a verified pleading, stating that “Plaintiff is a priest of the Episcopal Church.” This pleading was verified by Defendant’s counsel (Mary Kohart, Esq.).

8. Defendant Bennison is the Bishop of the Episcopal Diocese of Pennsylvania (“the Diocese”), an unincorporated association organized and existing under the laws of the Commonwealth of Pennsylvania. At all material times, Plaintiff was a clergy member of the Diocese. Executive authority in the Diocese was exercised jointly by Defendant and the Standing Committee of the Diocese (“the Standing Committee”).

9. The Chancellor of the Diocese is the attorney for both the Bishop and the Standing Committee. At all material times, the position of Chancellor was held by William Bullitt, Esq. Mr. Bullitt is the partner of Mary Kohart, Esq.

10. On March 1, 2002, Defendant “inhibited” Plaintiff from acting as an Episcopal priest in the Diocese for a period of six months.

