



Oct 28 2008  
11:33AM

DISTRICT COURT, COUNTY OF EL PASO, COLORADO  
Court Address: El Paso County District Court  
270 South Tejon Street  
Colorado Springs, CO 80903

**Plaintiff and Counterclaim Defendant:**  
**GRACE CHURCH & ST. STEPHEN'S, a Colorado Nonprofit Corporation,**

v.

**Defendant and Counterclaimant: THE BISHOP AND DIOCESE OF COLORADO, a Colorado Nonprofit Corporation.**

and

**Third Party Counterclaimants: THE DIOCESE OF COLORADO IN THE EPISCOPAL CHURCH, and GRACE CHURCH AND ST. STEPHEN'S, a Colorado religious society and corporation,**

v.

**Counterclaim Defendants: REV. DONALD ARMSTRONG III; CHARLES C. BROWN; DARELEEN SCHAFFER; JON WROBLEWSKI; MARGE GOSS; CRAIG WHITNEY; ROBERT C. BALINK; CHAD FRIESE; MICHAEL BARBER; KEITH STAMPHER; JASON HUNTLEY; EMILY KLINE; RIP HOLLISTER; JACK GLORIOD; EDWIN J. MONTGOMERY, JR.; KEVIN DIBBLE; SUSAN SPENCER; and ALAN CRIPPEN II**

**Additional Counterclaim Defendant: ROBERT J. O'NEILL**

**Additional Defendant Counterclaimant: THE EPISCOPAL CHURCH**

**Attorney for Plaintiff**

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**Case #07CV1971**

**DIV. COM5**

**PLAINTIFF'S REQUEST FOR PRODUCTION OF DOCUMENTS TO DEFENDANT AND THIRD PARTY COUNTER CLAIMANTS, THE BISHOP AND DIOCESE OF COLORADO AND THE EPISCOPAL CHURCH**

PLAINTIFFS, Grace Church, submits the following Request for Production of Documents pursuant to C.R.C.P. 33 and 34, to Defendant and Third Party Counterclaimants, The Bishop and Diocese of Colorado and The Episcopal Church.

**DEFINITIONS AND INSTRUCTIONS**

- A. "You" and "your" refers to any party in this case represented by Mr. Nussbaum or Mr. Rychener.
- B. "Document(s)" includes all of the times mentioned in C.R.C.P. 34(a)(1) of which you have possession, custody or control, as well as copies of documents which are not identical duplicates of the originals.
- C. "Identify," when used in reference to a documents, means to either (1) describe the type of document (letter, memorandum, e-mail, etc.) state the date of the document, and identify the author(s), address(es), and all other recipients of the document, or (2) produce a copy of the document indicating the Interrogatory to which it is responsive.
- D. As used herein, "person" or "persons" include all types of business and other entities as well as natural persons.
- E. "Financial Institution" shall mean past or present banks, savings and loans associations, credit unions, brokerage or mutual funds fines, investment houses, insurers, or other financial institutions.
- F. When producing documents responsive to these requests, please segregate the documents into groups, each of which corresponds to a single production request, and identify the group of documents that responds to each request.
- G. If you are unable to produce a requested document but are aware of its location, please identify the person in possession, custody, or control of the document and state where the document can be found.
- H. If you consider any document(s) falling within the scope of the Request for Production of Documents to be privileged from discovery, the Bishop and Diocese of Colorado requests that within 30 days from service hereof, you serve a written list of documents withheld from production, identifying each document as follows: the request to which the document pertains; date; addressor's and author's name, title and address; addressee's name, title and address; the name and address of each other person to whom a copy of the document was sent or shown; the general character of

the document; and the basis on which the document is considered to be privileged from discovery. If you know that any document falling within the scope of the Request for Production of Documents has been destroyed or lost, or is unavailable for any reason, the Bishop and Diocese of Colorado requests that within 30 days of service hereof, you serve a written list of any document(s) so unavailable, identifying each document as follows: the request to which the document pertains; date; addressor's or author's name, title and address; addressee's name, title and address; the name and address of each other person to whom the document was sent or shown; the general character of the document; and the reason for its present unavailability.

I.

The following Requests for Production of Documents are continuing. In the event that any information or document not included in a response hereto comes to your attention, such additional information or document shall be furnished to the undersigned counsel for the Bishop and Diocese of Colorado immediately upon receipt thereof.

### **REQUEST FOR PRODUCTION OF DOCUMENTS**

1. Produce all documents--including without limitation correspondence, e-mails, faxes, notes, and memoranda--received or sent by your bishop, rector, priests, vestry members, wardens, employees, legal counsel, accountants, or other representatives to or from any financial institution, trust, trustee, or financial institution or trust legal counsel from March 1, 2007 to the present.
2. Produce all documents--including without limitation correspondence, e-mails, faxes, notes, and memoranda--received or sent by your bishop, rector, priests, vestry members, wardens, employees, legal counsel, accountants, or other representatives--and any government entity including without limitation, the Internal Revenue Service, the Colorado Department of Revenue, any other taxing authority, or any law enforcement agency from January 1, 2007 to the present.
3. Produce all "governing documents" and other documents sent to Chuck Theobald in response to his email to L.R. Hitt dated November 19<sup>th</sup> 2003. This would include any documents sent by Sharon Caulfield, L.R. Hitt, Kay Hutchinson or any other representative of the responding parties.
4. Produce all records of financial contributions by Grace Church & St. Stephens to the Bishop and Diocese of Colorado.
5. Produce all records of financial contributions by the Diocese of Colorado to Grace Church and St. Stephens.

Respectfully submitted,

J. GREGORY WALTA, P.C.

/s/ J. Gregory Walta

J. Gregory Walta, #1867  
Attorney for Plaintiff Grace Church

CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of the forgoing was e-served via JusticeLink/CourtLink and or placed in the U.S. Mail this 28<sup>th</sup> day of October, 2008 correctly addressed to the following:

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/s/ Jane M. Thomsen