

DISTRICT COURT, EL PASO COUNTY, COLORADO
Court Address: 270 S. Tejon (80903)
P.O. Box 2980
Colorado Springs, CO 80901
Phone Number: (719) 448-7577

Plaintiff and Counterclaim Defendant:

GRACE CHURCH & ST. STEPHEN'S, a Colorado nonprofit corporation,

v.

Defendants and Counterclaimants:

THE BISHOP AND DIOCESE OF COLORADO, a Colorado nonprofit corporation, and THE EPISCOPAL CHURCH,

and

Third Party Counterclaimants:

THE DIOCESE OF COLORADO IN THE EPISCOPAL CHURCH; GRACE AND ST. STEPHEN'S EPISCOPAL CHURCH; and GRACE CHURCH AND ST. STEPHEN'S, a Colorado religious society and corporation,

v.

Counterclaim Defendants:

REV. DONALD ARMSTRONG III; et al.

Additional Counterclaim Defendant:

Rt. Rev. Robert J. O'Neill

Attorneys for Defendant and Counterclaimants:

L. Martin Nussbaum, Atty. Reg. #15370

ROTHGERBER JOHNSON & LYONS LLP

90 South Cascade Avenue, Suite 1100

Colorado Springs, CO 80903

Phone No.: (719) 386-3000 Fax No.: (719) 386-3070

E-mail: mnussbaum@rothgerber.com

• COURT USE ONLY •

Case No. 2007CV1971

Div.: COM5

**EPISCOPAL CHURCH SIDE TRIAL WITNESS LIST
(Commercial Docket)**

The Episcopal Church Side, by their attorneys and pursuant to C.R.C.P. 16(f)(2)(B), list the following witnesses whom they will or may call at trial, exclusive of rebuttal witnesses, together with the anticipated length of each witness's testimony, including cross examination:

A. Will Call Witnesses

1. Father Donald S. Armstrong, 601 N. Tejon Street, Colorado Springs, CO 80903. [2.5 hours]
2. The Rev. Kenneth Burton, 472 Crystal Hills Boulevard, Manitou Springs, CO 80829, 719-685-5766. [15 minutes]
3. Sharon Caulfield, 1800 Broadway, Suite 200, Boulder, CO 80302, 303-443-8010. [2. hours]
4. Mark Chopko, Stradley, Roan, Stevens & Young LLP, 1250 Connecticut Avenue N.W., Washington, D.C. 20036, 202-419-8410, as an expert witness. [4.5 hours]
5. Father Alan R. Crippen II, 601 N. Tejon Street, Colorado Springs, CO 80903. [3.0 hours]
6. Clelia deMoraes, 1202 W. Pikes Peak, Colorado Springs, CO 80904, 719-633-6807. [3 hours]
7. Chad Friese, 511 N. Tejon Street, Suite 100, Colorado Springs, CO 80903, 719-442-6789. [1.5 hours]
8. Gracemary Greenleaf, 4321 E. Hale #301, Denver Colorado 80220, 303-988-1419, as an expert witness. [3.0 hours]
9. Timothy Fuller, 115 East San Miguel Street, Colorado Springs, CO 80903, 719-389-6000. [2.5 hours]
10. Ken Geddes, 530 S. Nevada Avenue, Colorado Springs, CO 80903, 719-475-7090. [1.0 hours]
11. Father Robert Hewitt, P.O. Box 1132, Westcliffe, CO 81252, 719-793-9693. [no trial time - testimony by video and transcript]
12. Terry Lilly, 150 Miramar Drive, Colorado Springs, CO 80906, 719-579-0705. [2.5 hours]

13. Helen McCullough, 55 East Cheyenne Mountain Boulevard, Colorado Springs, CO 80906, 719-576-5732. [1.5 hours]
14. Marianna McJimsey, 119 E. San Miguel Street, Colorado Springs, CO 80903, 719-471-1765. [3 hours]
15. Robert McJimsey, 119 E. San Miguel Street, Colorado Springs, CO 80903, 719-471-1765, as both an expert and fact witness. [5 hours]
16. Dr. Robert Mullin, The General Theological Seminary, 175 Ninth Avenue, New York, NY 10011, 212-243-5150, as an expert witness. [5 hours]
17. Peter Nagel, 999 Eighteenth Street, Suite 1745, Denver, CO 80202, 303-296-4840, as an expert witness. [6.0 hours]
18. Right Reverend Robert J. O'Neill, 1300 Washington Street, Denver, CO 80203, 303-837-1173. [5 hours]
19. Dr. E.R. Peterson, 1455 La Mesa Street, Colorado Springs, CO 80904, 719-635-2345. [1.5 hours]
20. Robert C. Royce, Esq., 1908 Inverness Lane, Wilmington, NC 28405, 910-256-4655, as an expert witness. [5 hours]
21. Frear Simons, 1602 West Kiowa, Colorado Springs, CO 80904, 719-632-1678. [2 hours]
22. Jerry Teske, 2414 E. Caramillo, Colorado Springs, CO 80909. [1.5 hours]
23. Father Robert G. Thompson, 9987 W. Oregon Place, Lakewood CO 80323, 303-988-5836. [1.5 hours]
24. Thomas Vandezande, 303 Oakhurst Lane, Colorado Springs, CO 80906, 719-576-8764. [1.5 hours]
25. David Watts, 1014 West Cheyenne Road, Colorado Springs, CO 80907, 719-473-7366. [1.5 hours]
26. Nancy Woodward, 1360 Birch Street, Denver, CO 80220, 303-377-4074. [3 hours]

27. Jon Wroblewski, 17710 Merryhill Court, Monument, CO 80132, 719-481-9307. [5 hours]

28. Deacon Sally Ziegler, 3305 Paseo del Oro, Colorado Springs, CO 80904, 719-573-9350. [2.5 hours]

B. May Call Witnesses

1. Derry Adams, 2 N. Cascade Avenue, Suite 100, Colorado Springs, CO 80903, 719-633-8500. [2.5 hours]

2. The Rev. Dr. Ian T. Douglas, Episcopal Divinity School, 99 Brattle Street, Cambridge, MA 02138, 617-868-3450, as an expert witness. [4.5 hours]

3. Hal Haddon, 150 E. 10th Avenue, Denver, CO 80203, 303-831-7364, as an expert witness, if needed for rebuttal. [2.5 hours]

4. Dr. Robert E. Jones, 22 Friendship Lane, Colorado Springs, CO 80904. [2.0 hours]

5. Paul McCusker, 2925 Helmsdale Drive, Colorado Springs, CO 80920. (719) 266-6242. [1.5 hours]

6. Roland Paulson, 2205 Patrician Way, Colorado Springs, CO 80909, 719-636-1896. [2 hours]

7. George Wing, 8 S. Nevada Avenue, Colorado Springs, CO 80901, 719-635-4716. [2 hours]

8. Others as needed for rebuttal.

DATED this 2nd day of February, 2009.

Respectfully submitted,

ROTHGERBER JOHNSON & LYONS LLP

/s L. Martin Nussbaum

L. Martin Nussbaum Atty. Reg. # 15370
Attorneys for Defendant and Counterclaimants
other than The Episcopal Church

CERTIFICATE OF SERVICE

On February 2, 2009, I served, via LexisNexis File & Serve, a copy of the **EPISCOPAL SIDE TRIAL WITNESS LIST** on:

J. Gregory Walta
J. Gregory Walta, P.C.
105 E. Moreno Avenue, Suite 101
Colorado Springs, CO 80903

Bruce M. Wright
Flynn, Wright & Fredman LLC
111 South Tejon Street, Suite 202
Colorado Springs, CO 80903-2246

Dennis W. Hartley
Law Office of Dennis W. Hartley, P.C.
1749 S. Eighth Street, Suite 5
Colorado Springs, CO 80906

Brent E. Rychener
Holme Roberts & Owen LLP
90 South Cascade Avenue, Suite 1300
Colorado Springs, CO 80903

Geri O'Brien Williams
Douglas Dent
Dworkin, Chambers, Williams, York, Benson
& Evans, P.C.
3900 E. Mexico Avenue, Suite 1300
Denver, CO 80210

On February 2, 2009, I mailed a copy of the foregoing to:

Chad Friese, Junior Warden
Grace Church & St. Stephen's,
a Colorado unincorporated nonprofit association
c/o Argent Company
511 N. Tejon, Suite 100
Colorado Springs, CO 80903

Adam Chud
Goodwin Proctor
901 New York Avenue NW
Washington, D.C. 20001

s/Karen Lutterschmidt

Karen Lutterschmidt