

**ECCLESIASTICAL TRIAL COURT
EPISCOPAL DIOCESE OF CENTRAL NEW YORK**

In the Matter of

ORDER

The Episcopal Diocese of Central New York

Presentment against

The Rev. David G. Bollinger

Respondent has moved for an Order precluding the Diocese from introducing evidence in the forthcoming trial and dismissing the Presentment for failure to comply with Church rules of procedure and this Court's directives.

Respondent points out that at a hearing on April 20, 2007, the Church Attorney was directed to produce to Respondent witness lists and copies of documents which were proposed exhibits. This was repeated in the Court's decision of April 26, 2007. On May 2, 2007, the Church Attorney was advised to produce copies of documents to Respondent and again advised to produce them on May 17, 2007.

The Diocese has remained silent and non-responsive.

Rule 7(a) of Appendix A to Canon IV states:

Rule 7: Voluntary Disclosures, Discovery.

(a) Voluntary Disclosures. The Parties shall provide to each other and the Court not later than sixty days prior to trial a list of all the witnesses expected to testify at trial, including the name and address of each witness; and copies of all documents and exhibits intended for use at trial.

Respondent points out that while the Diocese has had his proposed exhibits for nine weeks, he has nothing and this is handicapping his trial preparation. Respondent claims "This is simply not fair, it is not just and not in compliance with the Church's rule".

However, Respondent has had the exhibits contained in the Presentment for an extended period.

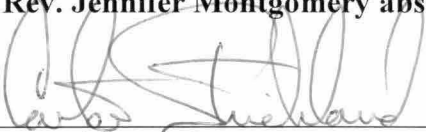
The Court finds that the Diocese's failure to comply has prejudiced the rights of Respondent. The Diocese is in clear violation of Rule 7. The Court therefore rules:

1) The Diocese shall be precluded from introducing into evidence any document that is not annexed as an exhibit to the Presentment.

2) Respondent's motion to dismiss the Presentment is denied.

Dated: May 29, 2007

**For the Ecclesiastical Trial Court of the
Diocese of Central New York
(The Rev. Jennifer Montgomery absent)**

By: 
Presiding Judge