

**THE PROTESTANT EPISCOPAL CHURCH IN THE UNITED STATES OF AMERICA
BEFORE THE COURT FOR THE TRIAL OF A BISHOP**

**In the Matter of the Presentment Against
The Right Reverend Edward H. MacBurney
Retired Bishop of the Diocese of Quincy, Illinois**

ANSWER TO PRESENTMENT

1. Answering paragraph (1) of the Presentment, Respondent is without knowledge or information sufficient to form a belief as to the truth of the allegations contained thereon, and placing his denial on that ground, denies generally and specifically each and every allegation contained therein.
2. Answering paragraph (2) of the Presentment, Respondent admits the allegations thereof.
3. Answering paragraph (3) of the Presentment, Respondent admits that at no time material to the Presentment was he canonically resident in the Episcopal Diocese of San Diego (hereinafter the "Diocese of San Diego").
4. Answering paragraph (4) of the Presentment, Respondent alleges that in 2007 he received and accepted an invitation to attend and participate in holy services at Holy Trinity Parish on Sunday, June 3, 2007. Further answering said paragraph, Respondent alleges that at all times material hereto, Holy Trinity Parish was not a part of or under the authority of The Episcopal Church or the Episcopal Diocese of San Diego. Further answering said paragraph, Respondent denies generally and specifically each and every allegation therein not herein alleged.
5. Answering paragraph (5) of the Presentment, Respondent alleges that Holy Trinity Parish, though not a parish of The Episcopal Church or the Diocese of San Diego, is geographically located within the physical boundaries claimed by the Diocese of San Diego. Further answering said paragraph, Respondent denies generally and specifically each and every allegation contained therein not herein alleged.
6. Answering paragraphs (6), (7) and (8) of the Presentment, Respondent alleges that he received in the ordinary course of the mails a letter from Bishop James R. Mathes, the Episcopal Bishop of the Diocese of San Diego, dated May 15, 2007, a true and correct copy of which is appended hereto as Exhibit A. Further answering said paragraphs, Respondent denies generally and specifically each and every allegation thereof not herein alleged.

7. Answering paragraphs (9), (10), (11), (12), (13) and (14) of the Presentment, Respondent admits the allegations thereof, except Respondent denies that Holy Trinity Parish was Holy Trinity Episcopal Church at any time material to this Presentment.
8. Answering paragraph (15) of the Presentment, Respondent admits the allegations thereof.
9. Answering paragraph (16) of the Presentment, Respondent alleges that on June 3, 2007 he performed confirmations at Holy Trinity Parish. Further answering said paragraph, Respondent denies generally and specifically each and every allegation contained therein not herein alleged.
10. Answering paragraphs (17) and (18) of the Presentment, Respondent admits the allegations thereof.
11. Answering paragraphs (19) and (20) of the Presentment, Respondent denies generally and specifically each and every allegation therein.
12. Answering paragraph (21) of the Presentment, Respondent admits the allegations thereof.
13. Answering paragraph (22) of the Presentment, Respondent alleges that he performed confirmations and participated in holy services at Holy Trinity Parish on June 3, 2007. Further answering said paragraph, Respondent denies generally and specifically each and every allegation contained therein not herein alleged.
14. Answering paragraphs (23) and (24) of the Presentment, Respondent admits the allegations thereof.
15. Answering paragraphs (25) and (26) of the Presentment, Respondent denies generally and specifically each and every allegation therein.
16. The Conclusion (Prayer) not being a part of the Presentment (pleadings), no response to it is required and, therefore, none is offered.

FIRST AFFIRMATIVE DEFENSE

17. The facts contained in the Presentment are insufficient to establish an Offense for which relief can be granted.

SECOND AFFIRMATIVE DEFENSE

18. This Court for the Trial of a Bishop lacks subject matter jurisdiction in that the actions complained of in the Presentment occurred at Holy Trinity Parish which is not a part of the Episcopal Diocese of San Diego or of The Protestant Episcopal Church in the

United States of America (herein "TEC"). The Episcopal Diocese of San Diego, although defined for convenience in terms of a geographical area, is not constituted by nor does it include every church or institution within that area but rather only those which are in union with the Episcopal Diocese of San Diego and the General Convention of TEC.

THIRD AFFIRMATIVE DEFENSE

19. The acts, if any, performed by Bishop MacBurney on June 3, 2007 at Holy Trinity Parish were performed with permission of and under the authority of the Bishop of the Anglican Communion having jurisdiction over Holy Trinity Parish. The Anglican Communion Province in which the Bishop resides is in communion with TEC, and therefore with the Diocese of San Diego.

FOURTH AFFIRMATIVE DEFENSE

20. Respondent is informed and believes, and thereupon alleges, that TEC has waived the right to seek enforcement of the subject provisions of the Constitution & Canons of the General Convention of TEC against a bishop in good standing in TEC's House of Bishops by virtue of its unwillingness and repeated failure over the past decades to enforce open and flagrant violations of TEC's Constitution & Canons by other members of that House.

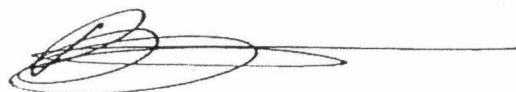
FIFTH AFFIRMATIVE DEFENSE

21. Respondent is informed and believes, and thereupon alleges, that any relief sought against Respondent by the Presentment is barred by the equitable doctrine of unclean hands.

WHEREFORE, Respondent prays that the Presentment be dismissed for the reasons set forth above, or, in the alternative, that this Court find for Respondent on the charges in the Presentment, and grant to Respondent such other and further relief as may be just and proper.

Dated: April 11, 2008

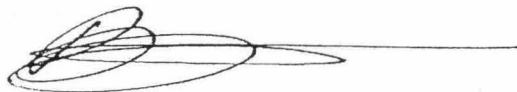
R. Wicks Stephens II
535 Smithfield Street, Suite 910
Pittsburgh, PA 15222
Tel: (412)325-8900
Fax: (412)325-8902



Attorney for Respondent

CERTIFICATE OF SERVICE

I hereby certify that on April 11, 2008, I served the foregoing Answer to Presentment upon counsel for Complainant, The Protestant Episcopal Church in the United States of America, Lawrence White, Esq., One South Broad Street, Suite 1850, Philadelphia, PA 19107-3418 and upon the Clerk of the Court, Bradford S. Babbitt, 280 Trumbull Street, Harford, CT 06103-3597 , by first class mail postage prepaid, and electronically at lwconsulting@gmail.com, and bbabbitt@rc.com respectively.



R. Wicks Stephens II