

**THE EPISCOPAL DIOCESE OF
FORT WORTH, THE CORPORATION OF
THE EPISCOPAL DIOCESE OF FORT
WORTH, and THE EPISCOPAL CHURCH,**

Plaintiffs

v.

**FRANKLIN SALAZAR, JO ANN PATTON,
WALTER VIRDEN III, ROD BARBER,
CHAD BATES, JACK LEO IKER, and THE
ANGLICAN PROVINCE OF THE
SOUTHERN CONE'S "DIOCESE OF FORT
WORTH," holding itself out as "THE
EPISCOPAL DIOCESE OF FORT WORTH,"**

Defendants/Third-Party Plaintiff

v.

**EDWIN F. GULICK, JR., MARGARET
MIEULI, WALT CABE, ANNE T. BASS,
J. FREDERICK BARBER, CHRISTOPHER
JAMBOR, DAVID MADISON and KATHLEEN
WELLS,**

Third-Party Defendants

**THE CORPORATION OF THE EPISCOPAL
DIOCESE OF FORT WORTH,**

Intervenor/ Third-Party Plaintiff

v.

**EDWIN F. GULLICK, JR., ROBERT M. BASS,
JAMES HAZEL, CHERIE SHIPP, JOHN
STANLEY AND TRACE WORRELL,**

Third-Party Defendants

IN THE DISTRICT COURT

TARRANT COUNTY, TEXAS

141ST JUDICIAL DISTRICT

**FIRST MOTION FOR CONTINUANCE OF
PLAINTIFFS' MOTION FOR PARTIAL SUMMARY JUDGMENT**

TO THIS HONORABLE COURT:

Movants, Franklin Salazar, Jo Ann Patton, Walter Virden, III, Rod Barber, Chad Bates, Jack Leo Iker, and The Episcopal Diocese of Fort Worth, wrongly identified in Plaintiffs' Original Petition and Plaintiffs' First Amended Original Petition, Defendants/Third-Party Plaintiff, joined by The Corporation of The Episcopal Diocese of Fort Worth, Intervenor/Third-Party Plaintiff, file this first motion for continuance.

1.

This case is not currently set for trial.

2.

Discovery in this suit is in its very early stages. Except for service of request for disclosures by Plaintiffs on Movant Defendants and Movant Defendants on Plaintiffs to which responses have been made, no other discovery has occurred.

3.

On August 19, 2009, Movant Intervenor/Third-Party Plaintiff The Corporation of The Episcopal Diocese of Fort Worth filed its Plea in Intervention and Third-Party Petition suing Third-Party Defendants Edwin F. Gulick, Jr., Robert M. Bass, James Hazel, Cherie Shipp, John Stanley and Trace Worrell. Service was had on these third-party defendants by serving Jonathan D. F. Nelson, who agreed in a telephone conversation with Movants' attorney on August 19, 2009, to accept service for these third-party defendants. Service was had on Nelson on August 20, 2009, making the answer due on Monday, September 14, 2009. As of the filing of this

motion, no answer has been filed for these third-party defendants, although Nelson informed Movants' attorney in a telephone conversation on September 17, 2009, he will do so soon.

4.

Movant Defendant/Third-Party Plaintiff The Episcopal Diocese of Fort Worth filed its motion for leave to file third-party petition accompanied by the third-party petition, which is pending a hearing because Plaintiffs requested a continuance of the hearing on that motion originally set for September 9, 2009, and Movant The Episcopal Diocese of Fort Worth agreed to continue that hearing, which is now set to be heard on October 2, 2009. Assuming that motion is granted on October 2, 2009, Third-Party Defendants Edwin F. Gulick, Jr., Margaret Mieuli, Walt Cabe, Anne T. Bass, J. Frederick Barber, Christopher Jambor, David Madison and Kathleen Wells will be entitled to Monday next after twenty-one (21) days from the granting of the motion to file their answer. Their answer date would be well after the current hearing date of Plaintiffs' motion for partial summary judgment of October 15, 2009.

5.

Since Plaintiffs' motion was served on Movant Defendant/Third-Party Plaintiff and to the date of this motion there has been no opportunity to attempt to do any discovery, including most importantly the depositions of the third-party defendants who are the alleged officials of the Plaintiffs calling themselves The Episcopal Diocese of Fort Worth and The Corporation of The Episcopal Diocese of Fort Worth as to the events surrounding their election, including the meeting where they were elected.

6.

The posture of this case with many parties still to appear and answer and the state of discovery, which is not lacking because of any dilatoriness on the part of Movants, makes a

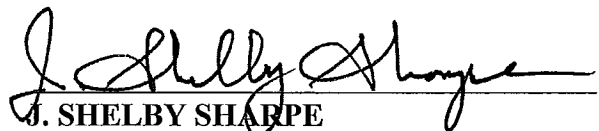
hearing on the motion for partial summary judgment exceedingly premature and utterly unjust if it were to be heard at its current setting.

7.

This motion for continuance is not filed for delay only, but because good cause exists for the granting of a continuance of the hearing on the motion for partial summary judgment so that justice may be served.

WHEREFORE, PREMISES CONSIDERED, Movants pray that following a hearing of this motion for continuance, the Court sign an order continuing the hearing on Plaintiffs' Motion for Partial Summary Judgment until an appropriate time in the future for a resetting.

Respectfully submitted,



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**ATTORNEYS FOR DEFENDANT/
THIRD-PARTY PLAINTIFF AND
INTERVENOR/THIRD-PARTY
PLAINTIFF**

AFFIDAVIT

STATE OF TEXAS §
§
COUNTY OF TARRANT §

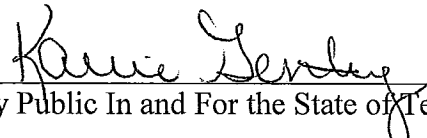
BEFORE ME, the undersigned authority, personally appeared J. Shelby Sharpe, who, after being duly sworn and cautioned, states under oath as follows:

- (1) “My name is J. Shelby Sharpe and I am counsel of record for Movants Franklin Salazar, Jo Ann Patton, Walter Virden, III, Rod Barber, Chad Bates, Jack Leo Iker, and The Episcopal Diocese of Fort Worth, wrongly identified in Plaintiffs’ Original Petition and Plaintiffs’ First Amended Original Petition, who are Defendants/Third-Party Plaintiff and The Corporation of The Episcopal Diocese of Fort Worth, Intervenor/Third-Party Plaintiff.
- (2) I prepared the motion for continuance to which this affidavit is filed and know of my own personal knowledge that every factual statement in it is true.”



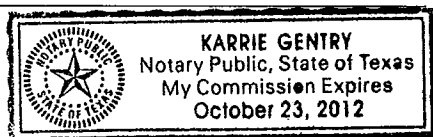
J. SHELBY SHARPE

SWORN TO AND SUBSCRIBED BEFORE ME by the said J. Shelby Sharpe on this 18th day of September, 2009, to certify which witness my hand and seal of office.



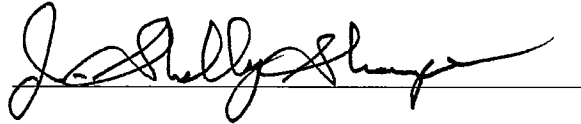
Notary Public In and For the State of Texas

My Commission Expires:



CERTIFICATE OF CONFERENCE

On September 17, 2009, counsel for Movants had a telephone conversation with Plaintiffs' lead counsel, Jonathan D. F. Nelson, who advised that his clients are opposed to any continuance of the current setting of Plaintiffs' Motion for Partial Summary Judgment.

A handwritten signature in black ink, appearing to read "J. Shelby Sharpe", written over a horizontal line.

J. Shelby Sharpe

CERTIFICATE OF SERVICE

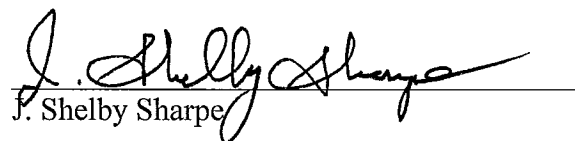
I hereby certify that a true and correct copy of the foregoing FIRST MOTION FOR CONTINUANCE OF HEARING OF PLAINTIFF'S MOTION FOR PARTIAL SUMMARY JUDGMENT has been served as required by Texas Rules of Civil Procedure, by certified mail, return receipt requested, on all attorneys of record on this 18th day of September, 2009 as follows:

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J. Shelby Sharpe