

FILED  
TARRANT COUNTY  
2011 MAR 24 11:11 AM  
THOMAS A. HILL  
DISTRICT CLERK

CAUSE NO. 141-237105-09

THE EPISCOPAL CHURCH, et al. )  
 )  
VS. )  
 )  
FRANKLIN SALAZAR, et al.<sup>1</sup> ) 141<sup>ST</sup> DISTRICT COURT  
IN THE DISTRICT COURT OF  
TARRANT COUNTY, TEXAS

**RULE 11 AGREEMENT TO PRESERVE DOCUMENTS**

In consideration of the mutual promises and obligations set forth herein, and other good and valuable consideration, the "Local Episcopal Parties,"<sup>2</sup> the "Local Episcopal Congregations,"<sup>3</sup> and the Defendants<sup>4</sup> (collectively, the "Parties") enter into the following Rule 11 Agreement (the "Agreement") as follows:

1. This Agreement is immediately effective when signed by all of the Parties and will remain effective until modified by further written agreement or until all claims in the above-captioned matter are finally and completely resolved, with no further right to appeal.
2. Defendants will preserve and safeguard all documents in their possession relating to bank accounts, endowments, trusts, investment accounts, investments, real, personal, or intellectual property, expenditures, income, finances, transactions, taxes, and any and all other

<sup>1</sup> The style has been shortened at the request of the Clerk's office. It does not imply that any parties are omitted or dropped from the case.

<sup>2</sup> The term "Local Episcopal Parties" means the Rt. Rev. C. Wallis Ohi, Robert Hicks, Floyd McKneely, Shannon Shipp, David Skelton, Whit Smith, Margaret Mileuli, Anne T. Bass, Walt Cabe, the Rev. Christopher Jambor, the Rev. Frederick Barber, the Rev. David Madison, Robert M. Bass, the Rev. James Hazel, Cherie Shipp, the Rev. John Stanley, Dr. Trace Worrell, the Rt. Rev. Edwin F. Gulick, Jr., and Kathleen Wells, as well as their successors, attorneys, agents, and any other person(s) acting on their behalf.

<sup>3</sup> The term "Local Episcopal Congregations" means the parties represented by Frank Hill who filed the First Amended Original Plea in Intervention of Episcopal Congregations on November 15, 2010, as well as their successors, attorneys, agents, and any other person(s) acting on their behalf.

<sup>4</sup> The term "Defendants" means the parties that filed "Defendants' Motion for Summary Judgment" on December 23, 2010, as those parties listed themselves therein, as well as their successors, attorneys, agents, and any other person(s) acting on their behalf. Reference to the defendants who have identified themselves as "The Episcopal Diocese of Fort Worth" and "The Corporation of The Episcopal Diocese of Fort Worth" does not imply any concession on the part of The Episcopal Church, the Local Episcopal Parties, or the Local Episcopal Congregations that Defendants have authority to control those entities or their assets or that these parties are a diocese and corporation, respectively, as contended.

documents requested in "Plaintiff The Rt. Rev. C. Wallis Ohl's First Request for Production," served November 9, 2010, or in "Local Episcopal Parties First Requests for Production of Documents," served February 8, 2011. This includes all documents currently existing and all documents created after the effective date of this agreement as well as any and all electronically-stored documents, emails (with attachments), and hidden system files and metadata presently located on or contained in a free standing computer or laptop, or on any part of a server, CPU or digital device that may contain data storage capabilities. To the extent any such documents are subject to a destruction schedule or would otherwise be destroyed or disposed of in the ordinary course of business, Defendants will suspend such destruction schedule or business practices and instead retain and preserve the documents.

3. The Local Episcopal Parties and the Local Episcopal Congregations will also preserve and safeguard any and all documents in their possession or control that correspond to the documents described in paragraph 2.

4. Defendants, the Local Episcopal Parties, and the Local Episcopal Congregations further represent that, since this lawsuit was filed on April 14, 2009, they have not destroyed or otherwise disposed of any of the documents described in paragraph 2.

5. A signed copy of this Rule 11 Agreement will be filed of record in this case. Facsimile or scanned signatures are considered as original signatures and given the same effect. The Parties do not make any admission or waive any right by entering into this agreement except as provided herein. Any disputes about a party's compliance with this Rule 11 agreement may be presented to the Court for determination. The Parties' attorneys' signatures on this document are conclusive evidence of the Parties' intent that this document constitute a Rule 11 Agreement enforceable upon filing with the Court. TEX. R. CIV. P. 11.

Signed and effective as of this 14<sup>th</sup> day of March, 2011.



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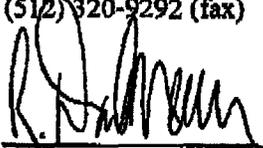
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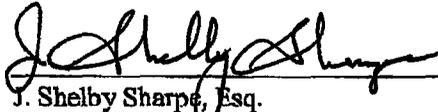
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