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January 31, 2012

**VIA HAND DELIVERY**

Honorable John T. Frey  
Fairfax County Circuit Court  
4110 Chain Bridge Road  
Fairfax, VA 22030

**RE: *In Re: Multi-Circuit Episcopal Church Property Litigation (CL-2007-0248724)***  
**(omnibus case number)**

Dear Mr. Frey:

Enclosed please find the following:

1. Original and one copy of the Opposition to the Motion for Briefing Schedule and Leave to File a Reply Brief, filed by the Episcopal Diocese of Virginia.
2. Original and seven copies of a cover sheet to the Opposition to the Motion for Briefing Schedule and Leave to File a Reply Brief, filed by the Episcopal Diocese of Virginia.

Please date stamp the indicated copies of the Opposition to the Motion and cover sheets and return them to me. If you have any questions, please do not hesitate to contact me. Thank you for your assistance in this regard.

Sincerely,

A handwritten signature in black ink, appearing to read 'T. Prout'.

Tyler O. Prout

Enclosures -

cc: All Counsel of Record (via electronic mail, w/ enclosures)

V0178919.WPD

**VIRGINIA:**

**IN THE CIRCUIT COURT FOR FAIRFAX COUNTY**

**In re:** )  
**Multi-Circuit Episcopal Church** ) **Civil Case Numbers:**  
**Litigation** ) CL 2007-248724,  
 )  
 ) CL 2007-1235,  
 ) CL 2007-1236,  
 ) CL 2007-1238,  
 ) CL 2007-5250,  
 ) CL 2007-5683,  
 ) CL-2007-5682  
 ) CL 2007-5684, and,  
 ) CL 2007-5902

**CANA CONGREGATIONS' OPPOSITION TO  
MOTION FOR BRIEFING SCHEDULE AND LEAVE TO FILE A REPLY BRIEF**

The CANA Congregations (The Falls Church, Truro Church, Church of the Apostles, Church of the Epiphany, St. Margaret's Church, St. Stephen's Church, and St. Paul's Church (hereafter collectively the "CANA Congregations")) by counsel, hereby oppose the Motion for Briefing Schedule and Leave to File a Reply Brief, and state:

1. There is already a briefing schedule in place for the Diocese's Motion for Award of Prejudgment Interest. The Diocese filed its motion, with memorandum, on January 23, 2012. The hearing is scheduled for February 16, 2012. Pursuant to Rule 4:15 (c) of the Rules of the Supreme Court of Virginia, the Congregations' opposing memorandum is due to be filed by February 9, 2012. The Diocese has not proffered any good reason for this Court to vary the general procedure set forth by Rule 4:15 (c) and thereby to reduce the Congregations' time to file their opposition. The Congregations request that the parties be required to follow the briefing schedule set forth in Rule 4:15 (c), which provides ample briefing for a motion of this nature.

2. From time to time in this case, this Court has set a briefing schedule. In doing so, this Court has recognized the inherent fairness of simultaneous briefs which provided for the sides to have the opportunity to file the same number of briefs with the same number of pages. The Diocese's procedure for filing its motion has prevented the court from ordering simultaneous briefs. However, the Diocese has not presented any good reason for this Court to set aside its procedure of providing for equal briefs with equal pages for each side. The Congregations request that the Diocese's Motion to Set Briefing Schedule and for Leave to File Reply Brief be denied so that each side will have one brief and an equal allotment of pages.

3. As a practical matter, the Congregations request the full standard amount of time to complete and file their opposition. The Congregations and their counsel are currently responsible for analyzing and responding to this Court's Letter Opinion, responding to demands from the Diocese, reviewing the terms of a prospective Final Order, and planning for transition from the properties. This Court has consistently required the Congregations to file consolidated pleadings which the Congregations have willingly done in the interests of efficiency. However, the process of filing consolidated pleadings usually requires additional time as numerous counsel in five different law firms must review and approve the final form prior to filing. The Congregations only request that their deadline of February 9, 2012 under Rule 4:15 (c) not be shortened.

4. The Diocese claims that this is an important issue, that it believes that the Congregations will oppose the motion and that the Diocese should have leave to file a reply brief so the Court will have full briefing. These claims all ring hollow. The Diocese originally noticed this motion in a manner which would not have allowed time for a reply brief. The Diocese did not request a special briefing schedule before or at the time of the filing of the motion. The issue is certainly important but it has not become any more important since the

Diocese filed its motion. The Congregations will, indeed, oppose the Diocese's motion but the likelihood of opposition has not increased since the Diocese filed its motion. Finally, any need for full briefing for the Court has not increased since the Diocese filed its motion.

WHEREFORE, The CANA Congregations respectfully request that the Diocese's Motion for Briefing Schedule and Leave to File a Reply Brief be denied.

Dated: January 31, 2012

Respectfully submitted,

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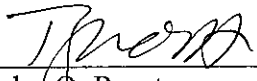
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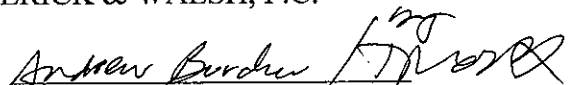
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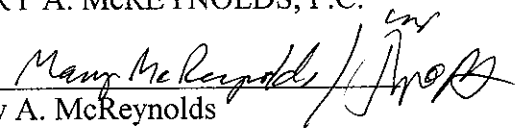
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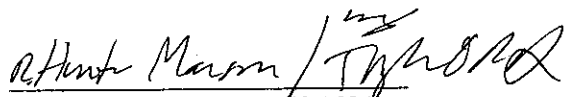
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**CERTIFICATE OF SERVICE**

I HEREBY CERTIFY that on this 31<sup>st</sup> day of January, 2012, a copy of the foregoing CANA Congregations' Opposition to Motion for Briefing Schedule and Leave to File a Reply Brief was sent by electronic mail to:

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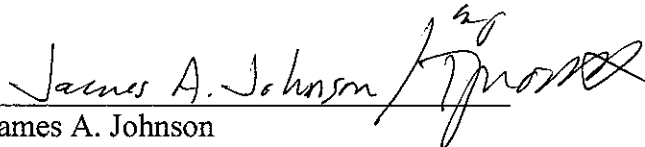
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**VIRGINIA:  
IN THE CIRCUIT COURT FOR FAIRFAX COUNTY**

<b>In re: Multi-Circuit Episcopal Church Litigation</b>	) ) <b>Civil Case Numbers:</b> ) CL 2007-248724, ) CL 2007-1625, ) CL 2007-1235, ) CL 2007-1236, ) CL 2007-1238, ) CL 2007-5250, ) CL 2007-5683, ) CL-2007-5682 ) CL 2007-5684, and, ) CL 2007-5902
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**ONE-PAGE COVER SHEET TO  
CANA CONGREGATIONS' OPPOSITION TO  
MOTION FOR BRIEFING SCHEDULE AND LEAVE TO  
FILE A REPLY BRIEF**

This acts as a one-page cover sheet reference pleading to the complete CANA Congregations' Opposition to Motion for Briefing Schedule and Leave to File a Reply Brief which was filed in CL 2007-248724 (the omnibus case file), on January 31, 2012. This one-page reference pleading applies to the Omnibus case number: CL 2007 – 248724 and

1. *The Protestant Episcopal Church in the Diocese of Virginia v. Truro Church*  
(Circuit Court of Fairfax County; CL 2007-1236);
2. *The Protestant Episcopal Church in the Diocese of Virginia v. Church of the Apostles* (Circuit Court of Fairfax County; CL 2007-1238);
3. *The Protestant Episcopal Church in the Diocese of Virginia v. Church of the Epiphany, Herndon* (Circuit Court of Fairfax County; CL 2007-1235);
4. *The Protestant Episcopal Church in the Diocese of Virginia v. St. Paul's Church, Haymarket* (Circuit Court of Prince William County Case No. CL 73466)(Circuit Court of Fairfax County; CL 2007-5683);

5. *The Protestant Episcopal Church in the Diocese of Virginia v. St. Margaret's Church* (Circuit Court of Prince William Case No. CL 73465)(Circuit Court of Fairfax County; CL 2007-5682);
6. *The Protestant Episcopal Church in the Diocese of Virginia v. Church of the Word* (Circuit Court of Prince William County Case No. CL 73464)(Circuit Court of Fairfax County; CL 2007-5684);
7. *The Protestant Episcopal Church in the Diocese of Virginia v. The Church at The Falls – The Falls Church* (Circuit Court of Arlington County Case No. 07-125)(Circuit Court of Fairfax County; CL 2007-5250);
8. *The Protestant Episcopal Church in the Diocese of Virginia v. St. Stephen's Church* (Circuit Court of Northumberland County Case No. CL 07-16)(Circuit Court of Fairfax County; CL 2007-5902); and
9. *The Episcopal Church v. Truro Church et al.* (Circuit Court of Fairfax County; CL 2007-1625).

Dated: January 31, 2012

Respectfully submitted,

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