

HAMPDEN, ss

COMMONWEALTH OF MASSACHUSETTS

SUPERIOR COURT
CIV. NO. 05-0602

THE ROMAN CATHOLIC BISHOP OF SPRINGFIELD
Plaintiff

v

TRAVELERS PROPERTY CASUALTY COMPANY, et al.
Defendants

HAMPDEN COUNTY
SUPERIOR COURT
FILED
JUL 20 2006

Marie Shroyer
CLERK-MAGISTRATE

SCHEDULING ORDER FOR DISCOVERY

After having reviewed the defendants' Proposed Deposition Schedule and the objections submitted by counsel, the Court enters the following Discovery Order.

PRELIMINARY CONSIDERATIONS

1. For all Rule 30(b)(6) depositions, the parties shall provide appropriate notices and describe with reasonable particularity the matter on which the examination is requested, as well as the documents to be produced. These notices shall be exchanged on or before August 7, 2006, with the understanding that the notices may be added or amended as discovery evolves.
2. On or before August 31, 2006, all parties, including underlying claimants, shall file any anticipated discovery motions. A schedule for briefing and argument will issue upon review of the motions.

FIRST PHASE OF DISCOVERY

1. The parties shall depose all of the individuals named in the Joint Defendants' list entitled "Lay witness/Investigative Deponents" from July 24, 2006 through September 29, 2006.
2. The parties shall depose all of the individuals named in the Joint Defendants' list entitled "Lay Diocese Personnel Deponents" from October 2, 2006 through November 30, 2006.
3. The parties shall depose all of the individuals named in the Joint Defendants' list entitled "Clergy Deponents" from December 4, 2006 through March 31, 2007.
4. The parties shall depose all of the entities named in Attorney Kevin Withers's letter dated December 1, 2005, from October 2, 2006 through March 31, 2007.

Given the number of individuals to be deposed, the cooperation of the parties is paramount and will be greatly appreciated. Should any party seek to expand the list of deponents within each category, court approval will not be necessary unless there is an objection. It is unlikely that the discovery period will be expanded so the parties should use the time wisely.

On the first business day of each month commencing on September 5, 2006, Morrison Mahoney LLP, on behalf of all parties, will submit to the Court a written report identifying the depositions that have been completed, the depositions that have been scheduled and the dates thereto.

SECOND PHASE OF DISCOVERY

With respect to the issue of "Claimant Depositions", I have reviewed and considered the arguments submitted by the parties, and have decided to defer those depositions until the above discovery is completed and the parties are in a better position to assess their needs for these depositions. I am mindful that the Insurers and the Insolvency Fund may need some discovery of this nature to determine coverage and to evaluate any settlement or proposed settlement of monetary damages. I am also aware that sometimes complaints for declaratory judgment regarding insurance coverage are resolved without the need to depose claimants. In any event, I expect by allowing the "dust to settle" after the above discovery, we will be in a better position to assess the need for depositions of the claimants.

