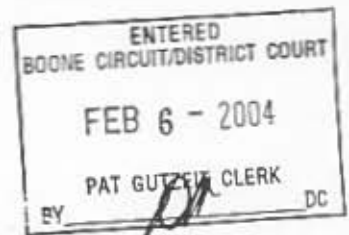


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Commonwealth of Kentucky  
Boone Circuit Court  
No. 03-CI-00181

Carl Coe et. al.

Plaintiffs

ORDER

v.

Roman Catholic Diocese et., et al.

Defendants

Date February 5, 2004

Proceeding: Pretrial and  
Hearing on

Plaintiffs' Motion to file Fourth Amended Complaint

Ms. Bonar's Motion to Withdraw

Motion to Substitute Ms. Oldfather as Class counsel.

Issues raised by Court's order of November 19, 2003

- a. Whether Ms. Huff can continue Pro Hac Vice
- b. Whether Ms. Huff and Mr. Guilfoyle should be held in contempt

Present: Mr. Guilfoyle  
Ms. Huff  
Mr. Chesley  
Mr. Steinberg  
Mr. O'Hara  
Ms. Oldfather  
Ms. Bonar

Recorded: Tape No. 04-13 Time 09:02:25

The Plaintiffs' Motion to file Fourth Amended complaint, Ms. Bonar's Motion to Withdraw, and Motion to Substitute Ms. Oldfather as Class Counsel were **GRANTED** without objection. Separate orders were entered as to the first two motions.

The plaintiff's did not object to Ms. Huff remaining as counsel. The court has reviewed the response to the show cause order and finds that she has shown good cause why her pro hac vice status should not be revoked.

The Plaintiff's believed that the issue of Contempt against Ms. Huff and Mr. Guilfoyle should be held in abeyance. The court took the issue under submission and

after reviewing the written response finds that good cause has been shown why they should not be held in contempt.

Other issues raised in the status reports filed with the court were discussed.

The parties were able to agree upon the proposed order for the Kentucky Cabinet for Human Resources

The parties have been unable to resolve a discovery dispute regarding certain documents the defendants were withholding on the grounds of privilege. As the court understood it, these documents related primarily to treatment records of priests and abused parishioners. The court urged the parties to discuss their disagreements in detail so that when the plaintiff's filed a motion to compel it would accurately describe the issues and the nature of the documents withheld. A briefing schedule was designed. Ms. Bonar indicated that some of the records may relate to persons she represents and who have opted out of the class. The court suggested that she be allowed to respond to the Motion to Compel.

The Plaintiffs have questions about the defendants past and future contact with class members. The Court requested two motions (one dealing with past conduct and the other with future conduct), and a briefing schedule was arranged.

The Defendants indicated that at some time they intended to file a motion to decertify the class. The court did not believe it realistically could set a briefing schedule now and asked that the parties attempt to agree upon how such a motion should be handled.

After discussing the case with the parties, the court felt it would be helped if the plaintiff would prepare an outline of how they envisioned the case proceeding and what issues would be decided at what stages.

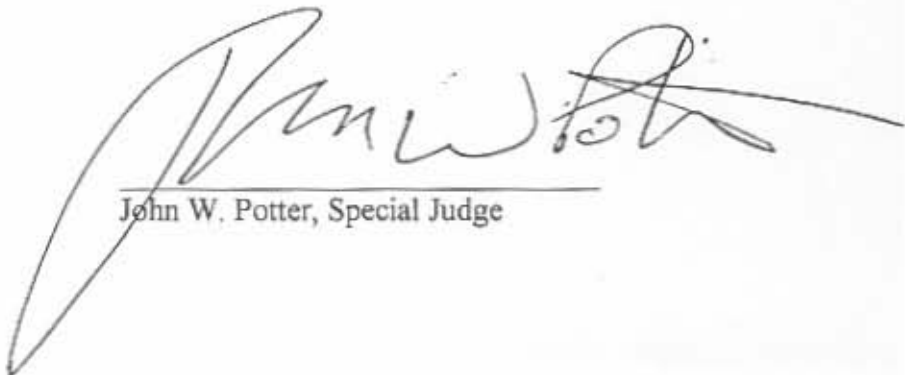
Both parties believe it would be in their interest to settle this case on agreeable and fair terms. To date they have not agreed upon a procedure or process to facilitate such a resolution.

For the Above Reasons IT IS HEREBY ORDERED:

1. Hon. Ann Oldfather is substituted for Hon. Barbara Bonar as Class Counsel.
2. Hon. Carrie Huff may continue to practice *pro hac vice*.
3. Hon.. Carrie Huff and Hon. Mark Guilfoyle are not in contempt of the Court.
4. If the plaintiffs file a motion to compel the production of the treatment records of priests and parishioners, it shall be accompanied by a memorandum in support. It shall also be served on Ms. Bonar. The Defendants shall have 15 days to respond; the plaintiffs shall have 10 days to file a reply and the motions shall stand


submitted upon receipt by the court of an AOC form 280 (a copy of which should be mailed to Judge Potter's home).

5. If the plaintiffs file a motion regarding the defendants contact with class members, it shall be accompanied by a memorandum in support. The Defendants shall have 15 days to respond; the plaintiffs shall have 10 days to file a reply and the motions shall stand submitted upon receipt by the court of an AOC form 280 (a copy of which should be mailed to Judge Potter's home).
6. Within 20 days the Plaintiffs shall prepare a detailed outline of how they envision the case proceeding, which outline shall contain concrete questions or proposed instruction that would be used at each stage. The plaintiffs may present alternate pathways.
7. The case is set for a further pretrial on April 6, 2004 at 9:30am.
8. Prior to the pretrial the parties shall meet and attempt to devise a process acceptable to both which would facilitate the agreed resolution of this case and failing that, each shall file with the court five days before the pretrial a process which that party believes will lead to an agreed resolution.
9. Any party may notice a motion to be heard at the pretrial provided it is filed 15 days in advance.

  
John W. Potter, Special Judge

CC: Mr. Chesley  
Mr. O'Hara  
Ms. Oldfather  
Mr. Guilfoyle  
Ms. Huff  
Ms. Bonar  
Judge Potter

CERTIFICATE

I, PAT CHITTERT, Clerk of the Doone District Court  
do hereby certify that the foregoing is a true and correct copy of the  
original as filed with me and that I have filed the same with the  
court.   
Date: 4/1/04

PAT CHITTERT  
DOONE DISTRICT COURT CLERK  
 D.C.