



Anglican Church in North America

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**BEFORE THE PROVINCIAL TRIBUNAL
OF THE ANGLICAN CHURCH IN NORTH AMERICA
IN RE: THE RT. REV. STEWART RUCH III, Petitioner**

PT-2023-1

**THE ARCHBISHOP AND PROVINCIAL OFFICERS
OF THE ANGLICAN CHURCH IN NORTH AMERICA**

MOTION to RECONSIDER, VACATE, AND DISMISS

TO THE MEMBERS OF THE PROVINCIAL TRIBUNAL:

The Archbishop and the undersigned Provincial Officers hereby respectfully submit this *Motion to Reconsider, Vacate, and Dismiss* in accordance with the Provincial Tribunal's directions at the Status Conference on June 29, 2023.¹

There have been significant new factual and canonical developments related to this proceeding that require reconsideration of the Provincial Tribunal's June 6, 2023 Decision and Order, based upon (among other things) the actions of the ACNA College of Bishops on June 20-21, 2023, and of the ACNA Provincial Council on June 22-23, 2023. These developments include (but are not limited to) the amendment to Title IV, Canon 5 of the ACNA Canons adopted unanimously by the College of Bishops on June 22, 2023, and approved by the ACNA Provincial

¹ The Archbishop and Provincial Officers submit this *Motion to Reconsider, Vacate, and Dismiss* subject to and in reliance upon their previous position statements that the Provincial Tribunal does not have "subject matter jurisdiction" here and they hereby expressly reserve all such rights and positions.

Council on June 23, 2023, the signed and sworn confirmation by Bishops Gillin, Hunter, and Ross (the three “Presenting Bishops”) that their signatures on the Presentment were intended to swear to the charges therein in accordance with Canon IV.4.1, and their withdrawal of the Addendum to the Presentment. On that basis, the Archbishop and Provincial Officers hereby respectfully request that the Provincial Tribunal:

- (1) reconsider the June 6, 2023 *Decision and Order of Provincial Tribunal* (the “*PT Decision*”);
- (2) vacate both the June 6, 2023 *PT Decision* and the Provincial Tribunal’s *Stay Order* executed February 4, 2023 and issued February 5, 2023 (the “*PT Stay Order*”); and
- (3) dismiss this proceeding and all orders, petitions, requests, motions, and other filings (by the Tribunal and by all parties) in this proceeding.

The reasons for this Motion and these requests are explained below.

I. INTRODUCTION AND FACTUAL BACKGROUND.

Our original *Motions to Dismiss and to Disqualify* likened this proceeding to *Marbury v. Madison*. But that analogy understates the challenges that the Tribunal faced in addressing the first pleadings ever filed with the Tribunal. The United States Supreme Court first assembled in 1790, the year after the Judiciary Act of 1789 had been enacted into law, its earliest sessions were devoted to organizational proceedings, and it did not hear its first cases until 1791. *Marbury* was argued and decided in 1803, twelve years later and after more than 70 cases had been considered by the Court. Chief Justice John Marshall was the fourth Chief Justice of the Court.

Here, in contrast, Bishop Ruch’s and Chancellor Philbrick’s (“Petitioners”) *Request for Declarations* dated January 31, 2023 (“*Request*”) and *Amended Petition for Declarations* dated February 15, 2023 (“*Petition*”), and other filings forced this Tribunal to address multiple complex matters of first impression with Petitioners asserting (but never providing an evidentiary basis establishing) claims of urgency and irreparable injuries. The Tribunal was pressured to take actions

not provided for by canon nor by Rules of Court, and the Tribunal could not adopt any new rule of procedure due to Canon IV.5.7. The Tribunal's consideration of such important issues as legislative history was necessarily limited to those resources within the possession of its members and the limited information included in our initial *Motions to Dismiss and to Disqualify*. And the Tribunal's consideration of the practical application of the positions that the Petitioners were urging was limited to the experience of those currently serving on the Tribunal, rather than the much broader perspectives afforded by the full College of Bishops.

The developments since June 6, 2023 provide significant additional information and clarifications that address both (1) the jurisdictional issues before the Tribunal raised by our Motions and (2) the underlying substantive issues asserted by Petitioners but as to which the Archbishop and Provincial Officers expressly reserved all arguments (due to our challenges to jurisdiction and requests for recusal/disqualification). Those developments are summarized in Section II below. The reasons those developments require reconsideration, vacating, and dismissal are addressed in Section III.

II. GROUNDS FOR RECONSIDERATION.

The specific grounds for this *Motion to Reconsider, Vacate, and Dismiss* and the relief requested herein include (without limitation) the following:

(A) Clarifying Amendment of Title IV, Canon 5, Section 4 of the ACNA Canons.

On June 20-21, 2023, the ACNA College of Bishops met in Plano, Texas. At this meeting, the College, meeting in private, considered this proceeding and related issues. To confirm its understanding of the relevant language of the ACNA Canons and to avoid misunderstandings, the College of Bishops unanimously approved the following clarifying amendment to Canon IV.5.4.1:

Section 4 – Concerning the Provincial Tribunal

1. There shall be a Provincial Tribunal as provided in the Constitution of the Church. The Provincial Tribunal shall serve: (1) as a court of review in the case of a conviction after trial of a Bishop, Presbyter, or Deacon; and (2) as a court of original jurisdiction: (a) to hear and decide matters in dispute arising from the Constitution and Canons of the Province, except in Title IV prior to the role assigned to it in clause (1) above, (b) to hear and decide disputes between Dioceses, (c) to hear and decide appeals by a bishop pursuant to Canons I.3.3(d) and III.8.7(d) and (d) to issue nonbinding advisory opinions on issues submitted by the College of Bishops, the Provincial Council, or the Provincial Assembly.

On June 22, 2023, this clarifying amendment was presented to the Provincial Council by Archbishop Emeritus Robert Duncan. After full debate by the Council and additional comments from Archbishop Duncan, an overwhelming majority of the Council voted to approve this amendment in accordance with ACNA Canon V. The amendment will be presented to the 2024 Provincial Assembly for ratification in accordance with ACNA Canon V.

(B) Clarification of Legislative History and Intent of Canon IV.5.4 by All Members of the Original Title IV Subcommittee of the Governance Task Force.

Since the Tribunal issued its Decision on June 6, 2023, addressing the interpretation and legislative history of Canon IV.5.4, the interpretation, intent, and application of Canon IV.5.4 have been clarified by all four members of the original Title IV subcommittee of the Governance Task Force that drafted Title IV of the Canons in 2008-2009, including the then-Chair of the GTF, Chancellor Emeritus Hugo Blankingship. Most notably, Hugo Blankingship and Wicks Stephens provided a statement to Archbishop Beach that he read to the College of Bishops on Tuesday, June 20, 2023. The most relevant portion of that statement is the final paragraph, where they state:

We close with the thought that any challenge by an accused that the process has failed to meet the requirements of the Canons can and should be raised first at the trial level, if and when the matter becomes a matter for trial. Allowing the Provincial Tribunal to intervene as it has here, even before the selection of a Board of Inquiry and the completion of that Board's investigation of the charges, would set the wrong precedent. If allowed, at any point in the disciplinary process, the

accused could cause the proceedings to be removed directly to the Tribunal, thus thwarting the orderly functioning of the canonical disciplinary process.

In drafting the amendment to Canon IV.5.4.1, Archbishop Emeritus Duncan, who was a key leader in the GTF throughout the drafting of the Constitution and Canons in 2008 and 2009 (and thereafter), demonstrated a similar understanding of the correct interpretation and underlying intent of Canon IV.5.4.1. The other two members of the Title IV subcommittee, Bishop John Guernsey and Chancellor Scott Ward, have previously embraced the same understanding of the text, structure, legislative history, and framers' intent of Canon IV.5.4.1. Thus, the five members of the GTF most involved in drafting Title IV and most familiar with its intent, interpretation, and operation have all stated a position that differs from that set forth in the June 6, 2023 *PT Decision*.

The members of the College of Bishops are most familiar with how disciplinary processes under Title IV generally operate. It is therefore significant that the College of Bishops voted unanimously to approve this amendment to Canon IV.5.4.1 drafted by Archbishop Emeritus Duncan. As Archbishop Emeritus Duncan noted in his presentation to Provincial Council, the College of Bishops sought to signal that the Tribunal should not be involved in Title IV disciplinary cases before the Board of Inquiry process has been completed and a Presentment has been sent to a Court for trial.

(C) Confirmation by Three Presenting Bishops That They Had Signed and Sworn to the Original Presentment.

Also on June 20, 2023, the three Presenting Bishops submitted a signed declaration confirming (1) that they in fact signed the original Presentment against the Rt. Rev. Stewart Ruch III that Bishop Ruch has challenged in this proceeding, (2) that in doing so they swore to the charges therein in accordance with ACNA Canon IV:4:1, and (3) that they continue to swear to the charges in the Presentment in accordance with ACNA Canon IV:4:1. A copy of this declaration

signed by all three Bishops and witnessed by Archbishop Emeritus Duncan is attached to this Motion as Exhibit 1. The three Presenting Bishops also withdrew the one-page document titled “Addendum: Signing Statement” with the digital signatures of the three Presenting Bishops from December 24, 2022 and December 26, 2022 (the “Addendum”) that had been appended to that Presentment. The statement explicitly confirms the Bishops’ actions and intentions *at the time that they originally signed the Presentment* in December 2022. It *confirms* their original actions; it does *not* make retroactive changes. And it clarifies that what they intended by including the short Addendum, which they have withdrawn, was to reinforce their compliance with Canon IV.4 and to ask the Board of Inquiry to carry out its duties under Canon IV.4. These developments confirmed that the challenges to the Presentment by Petitioners herein were lacking factual foundation.²

III. VACATING THE STAY ORDER AND PT DECISION IS BEST FOR THE TRIBUNAL AND FOR THE PROVINCE.

Based upon the foregoing events, it is appropriate, prudent, and necessary for the Provincial Tribunal to vacate both the June 6, 2023 *PT Decision* and the February 4-5, 2023 *PT Stay Order*. Vacating both the *PT Decision* and the *PT Stay Order* is in the best interests of the Province and the Tribunal itself.

First, the amendment to Canon IV.5.4.1 proposed by the College of Bishops and approved by the Provincial Council provides definitive clarity as to any alleged ambiguities in that Canon that have been raised in this proceeding and that the Tribunal has attempted to address. Because

² The Provincial Officers note that, to this day, they have not briefed or argued on the merits of the Petitioners’ claim whether the Presentment was valid, notwithstanding the Tribunal’s discussion of the merits in its June 6, 2023, *PT Decision*. Rather, the Provincial Officers clearly stated in their *Motions to Dismiss and to Disqualify* that “[t]he undersigned expressly reserve all rights to address the merits and to refute the many legal and factual errors and misrepresentations in the underlying Ruch Request should that become necessary, but it would be inappropriate to do so until all jurisdictional issues and all issues of recusal and disqualification have been fully resolved.” (*Motions to Dismiss and to Disqualify*, pg. 6).

the Canon has been clarified by the College and the Council, the issues addressed in the June 6, 2023 *PT Decision* have been resolved and all grounds for the *PT Stay Order* have been eliminated. Therefore, the *PT Decision* and the *PT Stay Order* are no longer necessary, relevant, or proper. The most appropriate response is to vacate and withdraw those two decisions rather than leave them “on the books” as decisions of the Tribunal. There is no “case or controversy” that requires those decisions. Leaving them in place would be tantamount to rendering an advisory opinion that has not been requested in accordance with ACNA Canon IV.5.4.2(4), which makes clear that the Tribunal can only render advisory opinions (which are non-binding) in response to express requests from the College of Bishops, Provincial Council, or Provincial Assembly.

Second, the understanding and interpretation of the relevant language of Canon IV.5.4.1 has now been directly addressed by every “branch” of the Anglican Church in North America. The College of Bishops has sent a clear “signal” (to use Archbishop Emeritus Duncan’s term) of its understanding of how Canon IV.5.4.1 should be understood and applied. The Provincial Council has embraced the understanding urged by the College of Bishops by approving the College’s proposed amendment. Archbishop Beach (with the full support of the Provincial Officers) has previously addressed this same question by his actions and by his filings in these proceedings. Thus, there have been clear statements both by the “legislative branch” and by the “executive branch” of the ACNA about Canon IV.5.4.1. Those statements are clear even though the amendment will not become fully effective until ratified by the Provincial Assembly in 2024. The Tribunal’s judicial interpretation of the same canonical language embodied in the *PT Decision* conflicts with these legislative and executive statements about the meaning of Canon IV.5.4.1. Vacating the *PT Decision* (and the underlying *PT Stay Order*) is the simplest way to remove that conflict. Even more important, doing so will “wipe the slate clean” for the Tribunal to freshly

address the foundations for and limits on its jurisdiction in an appropriate future case with a complete factual record and appropriate full briefing.

Third, the “intent of the framers” of Title IV has been made clear by these developments and the *PT Decision* is not consistent with that original intent. All four members of the original GTF Title IV subcommittee have now gone on record that Title IV, properly understood, does not give the Tribunal jurisdiction over any and all challenges to Title IV disciplinary processes but rather such challenges should be “raised first at the trial level, if and when the matter becomes a matter for trial....” Indeed, the central holding in the *PT Decision* regarding the Tribunal’s jurisdiction is premised upon a “plain and grammatical” reading of Canon IV.5.4.1 (see *PT Decision* at 3 and at 14-15) that conflicts with this understanding articulated by all four members of the Title IV subcommittee and embraced by the College of Bishops and Provincial Council.

Because the statement by the two members of the subcommittee was addressed to the Archbishop and intended only for the College of Bishops, it is not a matter of public record. To leave the *PT Decision* in place as a matter of public record without this important statement regarding the legislative history, intent, and correct interpretation of Canon IV.5.4 would be misleading to the public and potentially confusing to (or susceptible to misuse by) a future litigant. And it is unnecessary to leave the *PT Decision* in place because the actions by the College, by the Council, and by the Presenting Bishops have eliminated any reasonable basis for Petitioners’ challenges to the Presentment at this stage of the Title IV process. The simplest solution is for the Tribunal to vacate and withdraw its *PT Decision* and *PT Stay Order* so that the Tribunal can address important issues such as jurisdiction in an appropriate future case.

Fourth, the amendment to Title IV.5.1 can be understood in two ways. It can be understood as a *corrective* amendment, that is, as a legislative *overruling* of the holding of the *PT Decision*.

Or it can be understood as a *clarifying* amendment, that is, as a resolution of possible ambiguities in the existing language of Canon IV.5.4.1 to eliminate any doubt and to address good faith disagreements about the correct interpretation of that language. The Archbishop and Provincial Officers respectfully submit that it is a *clarifying* amendment, as made clear by the statements by Archbishop Emeritus Duncan and by all four members of the Title IV subcommittee.³ (This view was further reinforced by Bishop Derek Jones in his comments during the debate in Council.)

But in any event, the amendment makes clear that the interpretation embodied in the *PT Decision* is no longer a viable reading of Canon IV.5.4.1. To leave the *PT Decision* and that interpretation “on the books” as a public record decision of the Tribunal would be inaccurate, confusing, and potentially harmful. The most prudent course is to vacate it and to leave that issue as a blank slate for the Tribunal to address in an appropriate future case. This will avoid misunderstandings (or opportunistic misuse) by potential future litigants and will eliminate any inconsistencies between the *PT Decision* and the clarifying amendment to Canon IV.5.4.1.

Fifth, the *PT Decision*'s central holding is that “[i]f *this* is not a ‘matter in dispute,’ it is hard to imagine what one would be.” *PT Decision* at 14-15 (italics added). Yet the College of Bishops, the Provincial Council, and the four members of the subcommittee that drafted Title IV (as well as the Archbishop and Provincial Officers) have all now clearly stated that “this” – a challenge by a Bishop to a Presentment that has not yet reached a Board of Inquiry, let alone been reviewed and voted (by two-thirds majority) to proceed to trial – definitely is **not** a “matter in dispute” under Canon IV.5.4.1 that would give the Tribunal original jurisdiction over such a challenge. Leaving the *PT Decision* as a decision of record rather than vacating it would generate

³ It is also possible to understand the amendment as *both* a clarifying and a corrective amendment, in that it clarifies the original intent of Canon IV.5.4.1 and also canonically overrules an incorrect understanding of that provision articulated in the *PT Decision*.

serious confusion, to say the least, about the precedential authority of that holding. Again, better to wipe this slate clean to be addressed in a future case and/or by amendments to the Canons thoroughly discussed by the full GTF, approved by Council, and ratified by Provincial Assembly.

Sixth, the central analysis at pages 14-15 of the *PT Decision* rests the meaning of the operative phrase “matters in dispute” upon (non-legal) dictionary definitions of the terms “matter” and “dispute” to conclude that “[t]aken in its plain and grammatical sense, ‘matter in dispute’ may also be used synonymously with ‘the thing argued about.’” *PT Decision* at p.14 & n.31. Under that analysis, the mere fact that someone files *any* initial pleading with the Tribunal asserting that the petitioner disagrees with another person who is acting pursuant to the Constitution or Canons would be sufficient to create a “matter in dispute” giving the Tribunal original jurisdiction to consider and resolve that disagreement.⁴

The *PT Decision*'s analysis is a prescription for original jurisdiction without meaningful limits. If consistently applied, it would permit anyone to invoke the Tribunal's original jurisdiction to challenge any action taken by a Bishop, Presbyter, Deacon, Vestry member, or other person so long as the action was allegedly based upon the Canons. Practically, this would result in frequent intrusions into and serious delays in Title IV proceedings, canonical investigations, godly admonitions, and even much episcopal and pastoral oversight. And such intrusions would occur even where (as here) the Canons provided existing remedies designed to address the same concerns.⁵ No less concerning, the *PT Decision*'s analysis practically would also result in the

⁴ The Provincial Officers disagree with this analysis for canonical, legal, textual, and precedential reasons, but focus here on the *practical* implications of this part of the *PT Decision*'s analysis.

⁵ That was the case here, where the concerns that Petitioners raised about the Presentment could have been fully addressed by the Presenting Bishops, or then by the Board of Inquiry (where a two-thirds majority vote is required), or then by the Court for the Trial of Bishop, or then after a Trial Court conviction by the Tribunal under its appellate jurisdiction. And here those concerns about the Presentment turn out to have

clogging of the Tribunal’s docket with original jurisdiction challenges to such actions taken pursuant to the Canons, rather than leaving the Tribunal free to devote its limited time to weightier matters of the law. The College of Bishops recognized these practical dangers (and some were discussed during the debate in Provincial Council) posed by this part of the *PT Decision*’s analysis of Canon IV.5.4.1 and took action to avoid such an outcome by unanimously recommending the amendment to clause (2) of Canon IV.5.4.1.

Seventh, the *PT Decision* should be vacated because the legislative history of Canon IV.5.4 included in the Appendix to the *PT Decision* is incomplete and therefore will be confusing or misleading to (or susceptible to misuse by) a future litigant. That legislative history was developed using the limited resources readily accessible to members of the Tribunal, but it did not have the benefit of the complete legislative record and of broader perspectives. Just as one example, only one of the seven current members of the Tribunal served on the Governance Task Force in 2008-2009 (or, we believe, at any time from 2008 to the present). That member had access to his own notes, emails, and other files. But the Tribunal did not have access to the full records and notes of the GTF, to the recollection and insights from all four members of the Title IV subcommittee, nor to the full records of the Title IV subcommittee that were kept by Chancellor Ward in his capacity as a member of that subcommittee and an assistant to GTF Chair Blankingship.

The Appendix thus reflects the understanding of a key member of the GTF about the “legislative history” of Canon IV.5.4. But it does not reflect the comprehensive and representative view of the legislative history and context that could be developed given more time and opportunity. Principles of judicial restraint and of sound scholarly practices strongly counsel against leaving an incomplete legislative history “on the books” as a public record with unclear

been without proper factual foundation. Yet the Title IV process here has now been delayed for more than five months entirely as a result of Petitioners pursuing their claims in the Tribunal.

precedential impact. Legislative history is usually more complete, objective, and helpful when it can be done without time constraints and outside the demands and exigencies of a specific case.⁶

In an appropriate future proceeding, the Tribunal could request full briefing by the parties to develop this legislative history and context more fully, and the members of the Title IV subcommittee (and others with relevant factual knowledge) could submit amicus briefs to provide relevant materials and perspectives. The instant proceeding did not afford such an opportunity. (Even if it had, Petitioners were uninvolved in the drafting and adoption of Title IV and would have limited ability at best to brief such important issues.) By vacating and withdrawing the *PT Decision*, the Tribunal “keeps its powder dry” about this legislative history for a future case and allows time and space for the development of valuable secondary resources.

Finally, and as an independent ground for vacating both the *PT Decision* and the *PT Stay Order*, the factual allegations made by Petitioners, which were the only grounds for their invoking the Tribunal’s jurisdiction, have been shown to have been without proper factual foundation.

Petitioners alleged that the signature block on the Presentment was invalid under Canon IV.4.1 because the Presenting Bishops did not “swear to” the facts of the Presentment. But that claim is completely refuted by the confirmation signed by all three Presenting Bishops and witnessed by Archbishop Emeritus Duncan stating that those signatures were “to swear the charges of the Presentment.” That is exactly what Canon IV.4.1 requires. (“Such charges shall be in writing, signed and sworn to....”) That signed confirmation also refutes the undocumented hearsay contention of Petitioners about an oral communication by one of the three Presenting Bishops. And

⁶ There is wisdom to be gleaned from Judge Harold Leventhal’s observation that the invocation of legislative history during contested litigation can become like “looking over a crowd and picking out your friends.” See Patricia Wald, *Some Observations on the Use of Legislative History in the 1981 Supreme Court Term*, 68 IOWA L. REV. 195, 214 (1983). See also Antonin Scalia, *A MATTER OF INTERPRETATION: FEDERAL COURTS AND THE LAW*, at 35-37 (Princeton University Press) (1997).

the withdrawal by the three Bishops of the Addendum to the Presentment eliminates that document as affording any basis to challenge the Presentment. In other words, the sole and entire predicate for the Petitioners' attempts to invoke the jurisdiction of the Tribunal was their assertion of these purported flaws in the Presentment. Those assertions have now been demonstrated to be contrary to the facts of the Presentment and thus without foundation.

It is possible to consider these specific developments related to the Presentment as having rendered moot all of Bishop Ruch's challenges to the Presentment. Such mootness would provide sufficient grounds for dismissal of all Bishop Ruch's *Requests, Petitions, Motions*, and other pleadings, and for dismissal of this entire proceeding. But dismissal solely based on mootness is insufficient. It fails to do justice to the multiple historically significant issues of canonical interpretation, jurisdiction, and disciplinary processes under Canon IV.5.4. Those issues were the primary reason that all four original drafters of Title IV found it necessary to make clear statements of their understanding of the operative canonical language and that the College of Bishops voted unanimously to send the "signal" that the Council then endorsed by approving the amendment to Canon IV.5.4.1. To dismiss the case based solely on mootness would be ineffective, inefficient, and incomplete. It leaves ambiguities that will lead to future misunderstandings and misinterpretations, and even to misuse by an eager potential litigant. Dismissal for mootness only without vacating the *PT Decision* and *PT Stay Order* would be like cutting the roots of a tree while leaving the tree still standing. Without proper roots, the unrooted and unhealthy tree will slowly wither and die, and its subsequent fall will do completely avoidable damage to those around it.

The foregoing also establishes that the *Request for Declarations* dated January 31, 2023 (the "*Request*"), the *Amended Petition for Declarations* dated February 15, 2023 (the "*Amended Petition*"), and the *Motion for Summary Judgment* dated June 9, 2023 (the "*Motion*") submitted to

the Provincial Tribunal on behalf of Bishop Ruch by Chancellor Charles Philbrick should be dismissed by the Provincial Tribunal. The actions by the College of Bishops and the clarifying amendment to Canon IV.5.4.1 approved by Provincial Council establish that the *Request*, the *Amended Petition*, the *Motion*, and all other submissions by or on behalf of Bishop Ruch in this proceeding are not within the jurisdiction of the Provincial Tribunal under Canon IV.5.4.1. This dismissal should be **with** prejudice as to any **original** jurisdiction of the Provincial Tribunal under clause (2) of Canon IV.5.4.1 but would be **without** prejudice as to the **appellate** jurisdiction of the Provincial Tribunal under clause (1) of Canon IV.5.4.1.

Because the precedential value of the *PT Decision* and *PT Stay Order* has been overruled and/or clarified by the “legislative” and “executive” branches of the Province, those orders should not be left available for citation in future cases. Therefore the dockets and submissions in this proceeding of the Provincial Tribunal should first be vacated, removing them from public record. Following the Provincial Tribunal’s vacating of its June 6, 2023 *PT Decision* and of its February 4-5, 2023 *Stay Order* and the dismissal of Bishop Ruch’s *Request, Amended Petition, Motion for Summary Judgment*, and other submissions, the Tribunal should dismiss and close this proceeding.

IV. PRAYER FOR RELIEF.

Therefore, for the reasons set forth above, the Archbishop and Provincial Officers hereby respectfully request that the Provincial Tribunal take all the following actions:

1. Enter an Order vacating in their entirety:
 - a. the June 6, 2023 *PT Decision*,
 - b. the February 4-5, 2023 *PT Stay Order*, and
 - c. all other orders and actions of the Provincial Tribunal in this proceeding.

2. Enter an Order dismissing the *Request*, the *Amended Petition*, the *Motion*, and all other filings submitted to the Provincial Tribunal by or on behalf of Bishop Ruch, with prejudice as to any original jurisdiction of the Provincial Tribunal under clause (2) of Canon IV.5.1.
3. After having taken the actions set forth above, enter an Order dismissing the pending proceeding PT-2023-1 in its entirety with prejudice.

We continue in prayer for this matter, for the Provincial Tribunal and its members, and for all who are affected by these issues.

Respectfully submitted,

/s/ Foley T. Beach
The Most Rev. Dr. Foley T. Beach
Archbishop and Primate
Anglican Church in North America

/s/ Scott J. Ward
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Anglican Church in North America

/s/ John A.M. Guernsey
The Rt. Rev. John A. M. Guernsey
Dean of Provincial Affairs
Anglican Church in North America

EXHIBIT 1

When I "docu-signed" the Presentment, my intention was to swear to the charges of the Presentment. I, hereby, confirm my swearing to this Presentment.

Bishop Chuck Gillin + Rt. Rev. R. Charles Dini

Bishop Todd Hunter Rt. Rev. Todd Hunter

Bishop Ken Ross + Rt. Rev. Ken Ross

Witness: + The Most Rev. Robert Duncan

Archbishop Robert Duncan

Date: 20 June, A.D. 2023

EXHIBIT 2

Proposed Canonical Amendment from the College of Bishops
June 21, 2023

Resolved that Title IV, Canon 5, Section 4 is hereby amended to read as follows:

Section 4 - *Concerning the Provincial Tribunal*

1. There shall be a Provincial Tribunal as provided in the Constitution of the Church. The Provincial Tribunal shall serve: (1) as a court of review in the case of a conviction after trial of a Bishop, Presbyter, or Deacon; and (2) as a court of original jurisdiction: (a) to hear and decide matters in dispute arising from the Constitution and Canons of the Province, except in Title IV prior to the role assigned to it in clause (1) above, (b) to hear and decide disputes between Dioceses, (c) to hear and decide appeals by a bishop pursuant to Canons I.3.3(d) and III.8.7(d) and (d) to issue nonbinding advisory opinions on issues submitted by the College of Bishops, the Provincial Council, or the Provincial Assembly.
2. The Provincial Tribunal shall consist of seven members who shall be appointed by the Provincial Council. At least two members shall be Bishops; the senior Bishop in date of consecration shall serve as the President of the Court. At least two members shall be lawyers, knowledgeable in canon and ecclesiastical law. The term of each member of the Court shall be three years or until a successor is elected and qualified.