

EXHIBIT W

**UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF MISSISSIPPI**

Will McRaney,

Plaintiff,

v.

The North American Mission Board of the
Southern Baptist Convention, Inc.,

Defendant.

Case No. 1:17-cv-00080-GHD-DAS

PLAINTIFF'S THIRD SET OF REQUESTS FOR PRODUCTION TO DEFENDANT

Pursuant to Federal Rules of Civil Procedure 26 and 34, Plaintiffs requests that Defendant produce the documents requested herein within 30 days at the offices of counsel for Plaintiff, or such other time and place as may be agreed upon by counsel. Pursuant to Federal Rule of Civil Procedure 34(b), unless otherwise specified, all documents must be organized and labeled to correspond to the categories in the associated document request. Corrections and supplemental answers and production of documents are required as provided for in the Federal Rules of Civil Procedure.

DEFINITIONS

The following definitions shall apply to these document requests:

1. "And" and "or" are to be read interchangeably so as to give the broadest possible meaning to a particular request in which either or both is used.
2. "The Baptist Convention of Maryland/Delaware" or "BCMD" includes any predecessors, wholly owned or controlled subsidiaries or affiliates, successors, parents, other

subsidiaries, departments, divisions, joint ventures, other affiliates and any organization or entity that BCMD manages or controls, together with all its present and former directors, officers, board members, employees, agents, attorneys, representatives or any persons acting or purporting to act on its behalf.

3. “Communication” or “Communicated” means, without limitation, any exchange of thoughts, messages, or information, as by speech, signals, writing, or behavior. The phrase “communication between” is defined to include instances where one party addresses the other party but the other party does not necessarily respond.

4. “Document” shall have the same meaning as used in Rule 34 of the Federal Rules of Civil Procedure, and shall be construed in its broadest sense to include, without limitation, the final form and all drafts and revisions of any paper or other substance or thing, original or reproduced, and all copies thereof that are different in any way from the original, on which any words, letters, numbers, symbols, pictures, graphics, or any other form of information is written, typed, printed, inscribed, or otherwise visibly shown, and also every other form of stored or recorded information, whether on film, tape, disks, cards, computer memories, cloud storage, mobile phones or devices, or any other medium and/or device whereby stored information can, by any means whatsoever, be printed or otherwise recovered, generated or displayed in the form of visible, audible, or otherwise perceptible words, letters, numbers, symbols, pictures, or graphics. Documents include ESI as defined in these requests. Each and every draft of a Document is a separate Document for purposes of these document requests.

5. “Electronically stored information” or “ESI” means and refers to computer generated information or data of any kind, stored in or on any storage media located on computers, file servers, disks, the cloud, tape, or other real or virtualized devices or media.

6. “Including” is used to emphasize certain types of Documents requested and should not be construed as limiting the request in any way. Including therefore means “including, but not limited to,” or “including without limitation.”

7. “Policy” or “Procedure” means any rule, practice or course of conduct, guidelines or business methods or traditions whether formal or informal, written or unwritten, recorded or unrecorded, which was recognized or followed, explicitly or implicitly, by You.

8. “Relating to,” “referring to,” “regarding,” “with respect to” or “concerning” mean without limitation the following concepts: concerning, constituting, discussing, describing, reflecting, dealing with, pertaining to, analyzing, evaluating, estimating, constituting, studying, surveying, projecting, assessing, recording, summarizing, criticizing, reporting, commenting, or otherwise involving, in whole or in part, directly or indirectly.

9. “Relevant Time Period” means January 1, 2013, through and including the present.

10. “You” or “Your” mean the Defendant, including any predecessors, wholly owned or controlled subsidiaries or affiliates, successors, parents, other subsidiaries, departments, divisions, joint ventures, other affiliates and any organization or entity that the Defendant manages or controls, together with all present and former directors, officers, board members, employees, agents, attorneys, representatives or any persons acting or purporting to act on their behalf.

DOCUMENT REQUESTS

REQUEST NO. 10: All documents in Your possession, custody or control, mentioning or relating to, any potential, draft or filed version of any amicus brief(s) for this case (including for the U.S. Court of Appeals or Supreme Court of the United States), including any potential, draft or filed version of any amicus brief(s) by the Ethics and Religious Liberty Commission or Thomas More Society.

REQUEST NO. 11: All documents in Your possession, custody or control, mentioning or relating to, potential or actual drafts or the filed version of the letter submitted to the U.S. Court of Appeals for the Fifth Circuit, on or around December 14, 2020, by the Ethics and Religious Liberty Commission and Thomas More Society. See Attachment A, accompanying these Requests.

September 5, 2022

Respectfully Submitted,

Scott E. Gant

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Lisa Eiland

From: cmecf_caseprocessing@ca5.uscourts.gov
Sent: Monday, December 14, 2020 7:24 PM
To: Lisa Eiland
Subject: 19-60293 Will McRaney v. N Amer Mission Bd So Baptist "Letter Filed"

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United States Court of Appeals for the Fifth Circuit

Notice of Docket Activity

The following transaction was entered on 12/14/2020 at 7:24:22 PM CST and filed on 12/14/2020

Case Name: Will McRaney v. N Amer Mission Bd So Baptist
Case Number: 19-60293
Document(s): Document(s)

Docket Text:

LETTER filed by Amici Curiae Ethics and Religious Liberty Commission and Thomas More Society referencing Court Order [9379465-2]. Requesting guidance on correcting brief amici curiae.. Date of Service: 12/14/2020 via email - Attorney for Appellant: Barton; Attorney for Appellees: Butterfield, Carrington, Jacobs, Martens, Sasser, Wiener; Attorney for Amici Curiae: Crampton, Thompson [19-60293] (Stephen M. Crampton)

Notice will be electronically mailed to:

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The following document(s) are associated with this transaction:

Document Description: Letter Filed
Original Filename: ERLC letter to court - Final 12.14.pdf
Electronic Document Stamp:

[STAMP acecfStamp_ID=1105048708 [Date=12/14/2020] [FileNumber=9462734-0]

[5f37747236eb4335ae3229b2a31668ff5de1a390d4bb28f49742b1659bf7bd7f2ab5eb3122534cff3f4b52ba1d282b182ecc
de98daafd466704caa0e11cd12a4]]

Re: *McRaney v. North American Mission Board*, No. 19-60293, 5th Cir., Nov. 25, 2020.

On August 21, 2020, the Thomas More Society and the Ethics and Religious Liberty Commission (“Amici”) submitted the Brief of Amici Curiae of the Thomas More Society and the Ethics and Religious Liberty Commission in Support of Defendant-Appellee’s Petition for Rehearing En Banc (“Brief Amici Curiae”) in the above case. Since that time, it has come to the attention of Amici that the Brief Amici Curiae includes certain factual statements that inaccurately describe the Southern Baptist Convention’s polity and theology of cooperative ministry. Amici do not view those statements to be material to the legal focus of the brief. The legal issues addressed in the brief included: (1) the constitutionality of secular court intrusion into ecclesiastical matters such as church governance, faith and doctrine; and (2) the consequent need for secular courts to determine that abstention is appropriate at the earliest possible point in litigation.

Out of an abundance of caution, Amici seek to notify the Court of these errors and request direction from the Court. *See* Model Rules of Prof. Conduct R. 3.3 (“A proceeding has concluded within the meaning of this Rule when a final judgment in the proceeding has been affirmed on appeal or the time for review has passed.”).

Specifically, the Brief Amici Curiae reflects three factual errors. First, it refers to the Baptist Convention of Maryland and Delaware as a “state convention member of the Southern Baptist Convention.” Brief, p. 3. Second, it suggests that state conventions govern Southern Baptist churches. *Id.* at 4. Third, it refers to the Southern Baptist Convention as the “umbrella Southern Baptist governing body of Southern Baptist Churches” and suggests a “hierarchy” between Baptist Conventions. *Id.* at 10. Upon further review, Amici believe these statements do not accurately paraphrase the portions of the record cited in support of them. During their drafting and review of the Brief Amici Curiae before filing, Amici did not identify or correct the foregoing inaccuracies.

Amici affirmatively show that Article VI of *The Baptist Faith and Message 2000* states:

A New Testament church of the Lord Jesus Christ is an autonomous local congregation of baptized believers, associated by covenant in the faith and fellowship of the gospel; observing the two ordinances of Christ, governed by His laws, exercising the gifts, rights, and privileges

invested in them by His Word, and seeking to extend the gospel to the ends of the earth.

Further, Article XIV states:

Christ's people should, as occasion requires, organize such associations and conventions as may best secure cooperation for the great objects of the Kingdom of God. Such organizations have no authority over one another or over the churches.

All Southern Baptist churches are autonomous, self-determining, and subject only to the Lordship of Christ—no local, state, or national entity may exercise control or authority over any Southern Baptist church. Baptists reject the idea of a religious “hierarchy” or “umbrella” superior to the local church, or that any Baptist Convention is in a hierarchy or governing relationship over another Convention.

The record establishes the relationship between the parties. ERLC and other Southern Baptist entities have long argued that Baptist organizations are ecclesiastical organizations by virtue of their relationship to the churches, and therefore deserving of all the protections of the church autonomy doctrine. Brief of Amici Curiae the Ethics & Religious Liberty Commission of the Southern Baptist Convention and National Association of Evangelicals in Support of Movant-Appellant and Vacatur, p. 12, *Whole Woman's Health v. Smith*, 896 F.3d 362 (2018) (“Religious deliberations over doctrine and mission and morality are just as protected by the church autonomy doctrine for congregational churches like the Baptists as for any other religious organization.”).

As this Court has already denied the Petition For Rehearing En Banc and the case has been remanded to the District Court, Amici request direction from the Court on the filing of a corrected brief or other remedial action.

Amici regret the above-referenced errors and await the direction of the Court.

Respectfully submitted,

/s/ Stephen M. Crampton

Stephen M. Crampton

Counsel of Record

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