

STATE OF VERMONT
PROFESSIONAL RESPONSIBILITY PROGRAM

In Re: Daniel W. Ewald
PRB File No. 013-2023

STIPULATED MOTION TO AMEND SCHEDULING ORDER

NOW COME Petitioner Office of Disciplinary Counsel and Respondent Daniel W. Ewald and respectfully move to extend by approximately three months certain discovery and other pre-hearing deadlines set forth in the December 15, 2023 Scheduling Order in this matter, as reflected in the attached Proposed First Amended Scheduling Order. In support hereof, the parties state as follows:

1. Based on the agreement of the parties, the Hearing Panel entered a Scheduling Order in this matter on December 15, 2023 directing, in part, that discovery be concluded by May 1, 2024 and that the matter be ready for a Merits Hearing by June 1, 2024.
2. On January 3, 2024, the Hearing Panel noticed a remote Merits Hearing for August 5-6, 2024.
3. On February 26, 2024, the parties requested continuance of the Merits Hearing until a time on or after August 15, 2024 due to the unavailability of anticipated witnesses Audie and Lisa Bellimer.
4. Accordingly, on March 18, 2024, the Hearing Panel noticed a continued Merits Hearing, to be held in person, on September 26-27, 2024.
5. Although Disciplinary Counsel and Respondent's counsel have worked productively and cooperatively to complete discovery in this matter, they have experienced delays in scheduling the requested in-person depositions of Mr. and Mrs. Bellimer, who returned only recently from a lengthy stay in Florida, as well as the in-person deposition of

Respondent.

6. Therefore, in order to complete discovery and prepare for the Merits Hearing, Disciplinary Counsel and Respondent respectfully request the extension by approximately three months of the deposition, other discovery, motion and witness list deadlines set by the December 15, 2023 Scheduling Order.
7. This is the parties' first request for extension of the non-hearing deadlines in this matter.
8. This requested extension of interim pre-hearing deadlines will not delay the continued Merits Hearing to be held September 26-27, 2024.
9. This requested extension of interim pre-hearing deadlines will enable the parties to more fully and efficiently utilize all the additional pre-hearing time allowed by the continued Merits Hearing.

WHEREFORE, Petitioner Office of Disciplinary Counsel and Respondent Daniel W. Ewald respectfully move to extend by approximately three months certain discovery and other pre-hearing deadlines set forth in the December 15, 2023 Scheduling Order in this matter, as reflected in the attached Proposed First Amended Scheduling Order.

Dated at Burlington, Vermont this 15th day of May 2024.

OFFICE OF DISCIPLINARY COUNSEL

/s/ Jon T. Alexander

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Counsel*

Dated at Springfield, Vermont this 15th day of May 2024.

BOYLAN ASSOCIATES, P.C.

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Counsel for Respondent Daniel W. Ewald

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CERTIFICATE OF SERVICE

I certify that on May 15, 2024, Respondent Daniel W. Ewald, Esq. was served with the parties' Stipulated Motion to Amend Scheduling Order and Proposed First Amended Scheduling Order via email to his attorney John J. Boylan, III, Esq. at jboylan@boylanlaw.com in accordance with A.O. 9, Rule 18(B) and Vermont Rule of Civil Procedure 5.

Dated at Burlington, Vermont this 15th day of May 2024.

OFFICE OF DISCIPLINARY COUNSEL

/s/ Jon T. Alexander

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