

STATE OF VERMONT
PROFESSIONAL RESPONSIBILITY BOARD

PRB-124-2022, PRB-076-2023

In re: W. MICHAEL NAWRATH

MOTION TO AMEND SCHEDULING ORDER

NOW COME the parties, Petitioner, the State of Vermont, by and through Special Disciplinary Counsel, Samantha Lednicky, Esq.; and Respondent, W. Michael Nawrath, by and through Counsel, Alexander M. Dean, Esq.; and hereby submit this motion respectfully asking the Hearing Panel to accept the attached *Proposed Amended Scheduling Order (Ex. A)* and continue the merits hearing currently scheduled for July 15 and 16, 2024 for good cause. The parties submit the following in support of their motion.

1. On May 24, 2024, Mr. Nawrath, among other witnesses potentially relevant to PRB File No. 2022-124, provided sworn testimony before the Bennington County Probate Division in *Trust Estate Of: G.G.*, No. 22-PR-03055, a matter which is directly relevant to the factual dispute in this action.
2. On the record, the Probate Division denied the Petitioner, S.G.'s, *Petition to Commence a Trust Proceeding, Remove & Replace Trustee*. A written decision with additional findings of fact and conclusions of law is expected by July 15, 2024. Disciplinary Counsel intends to obtain the transcript of the contested probate hearing for use at the final hearing before the Panel, which is currently scheduled for July 15 and 16, 2024.
3. The parties therefore agree that additional time is necessary to receive and review the written order and transcript of that proceeding in advance of the final hearing.
4. The parties have propounded all written discovery requests and disclosures, and neither party requested depositions prior to the deposition deadline and only request that this Hearing Panel extend the deadlines for pretrial filings, and the ready-date for the merits hearing, for good cause, for the preceding reasons.

WHEREFORE the parties jointly and respectfully request that the Hearing Panel accept the attached *Proposed Amended Scheduling Order (Ex. A)* and continue the merits hearing currently scheduled for July 15 and 16, 2024 for 45 days for good cause.

Dated: June 24, 2024



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Dated: June 24, 2024



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W. Michael Nawrath.

SO ORDERED:

Dated June 25, 2024

Hearing Panel No. 5



Sarah Star, Esq., Chair



Devin McLaughlin, Esq.



Traci Cherrier, Public Member