

Oral and Videotaped Deposition - Basil Peter Xeros
June 12, 2008

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CAUSE NO. 0703807D

JOHN DOE I, JOHN DOE II,) IN THE DISTRICT COURT
THROUGH HIS MOTHER AS)
NEXT FRIEND OF JOHN DOE)
II, A VULNERABLE (NON)
COMPOS MENTIS) ADULT AND)
JOHN DO III,)

Plaintiffs,

v.

DALLAS COUNTY, TEXAS

REVEREND NICHOLAS E.)
KATINAS, PASTOR (FORMERLY))
OF HOLY TRINITY GREEK)
ORTHODOX CHURCH; HOLY)
TRINITY GREEK ORTHODOX)
CHURCH; THE GREEK ORTHODOX)
METROPOLIS OF DENVER BY)
AND THROUGH BISHOP ISAIAH)
OF DENVER IN HIS OFFICIAL)
CAPACITY, AND THE GREEK)
ORTHODOX ARCHDIOCESE OF)
AMERICA BY AND THROUGH)
ARCHBISHOP DEMETRIOS IN)
HIS OFFICIAL CAPACITY,)

Defendants.

95TH JUDICIAL DISTRICT

***** CONFIDENTIAL *****

ORAL AND VIDEOTAPED DEPOSITION

BASIL PETER XEROS

June 12, 2008

ORIGINAL

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1 ORAL AND VIDEOTAPED DEPOSITION OF BASIL
2 PETER XEROS, produced as a witness at the instance of
3 the Plaintiffs, and duly sworn, was taken in the
4 above-styled and numbered cause on June 12, 2008, from
5 2:40 p.m. to 4:00 p.m., before Marion Ward, Certified
6 Shorthand Reporter in and for the State of Texas, at
7 the offices of Fletcher, Farley, Krueger, Shipman &
8 Salinas, LLP, 8750 North Central Expressway, 16th
9 Floor, Dallas, Texas, pursuant to the Texas Rules of
10 Civil Procedure and the provisions stated on the record
11 or attached hereto.

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June 12, 2008

APPEARANCES

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FOR PLAINTIFFS:

Ms. Tahira Khan Merritt
TAHIRA KHAN MERRITT PLLC
8499 Greenville Avenue
Suite 206
Dallas, Texas 75231
(214)503-7300

FOR DEFENDANT HOLY TRINITY GREEK ORTHODOX CHURCH:

Mr. Richard G. Miller
FLETCHER, FARLEY, KRUEGER, SHIPMAN & SALINAS, LLP
8750 N. Central Expressway
16th Floor
Dallas, Texas 75231
(214)987-9600

*FOR DEFENDANTS GREEK ORTHODOX METROPOLIS OF DENVER AND
THE GREEK ORTHODOX ARCHDIOCESE OF AMERICA:*

Mr. James W. Grau
GRAU KOEN, P.C.
2711 N. Haskell Avenue
Suite 2000
Dallas, Texas 75204
(214)521-4145

ALSO PRESENT:

Monte Fite
Mother of John Doe II
Videographer - Aaron Alfrey

Basil Peter Xeros - June 12, 2008
Examination by Ms. Tahira Khan Merritt

1 nothing but the truth, testified under oath as follows:

2 EXAMINATION

3 BY MS. MERRITT:

4 Q. Would you tell us your name, please?

5 A. Basil Peter Xeros.

6 Q. And where do you reside?

7 A. 9215 Rayford [phonetic spelling] Drive,
8 Dallas, Texas, 75243.

9 Q. And who lives with you there?

10 A. My wife.

11 Q. And what is her name?

12 A. Elaine.

13 Q. Okay.

14 Mr. Xeros, it is my understanding that
15 you've held several positions with Holy Trinity Greek
16 Orthodox Church here in Dallas. What was the first --
17 first of all, when did you and your wife become
18 parishioners at Holy Trinity, in what year?

19 A. The year we were married.

20 Q. What year was that?

21 A. That was in 1956, along that line.

22 Q. And who was the Pastor of the Church that
23 year?

24 A. It was a Priest in Wichita, Kansas came to
25 Salina, Kansas to marry us.

Basil Peter Xeros - June 12, 2008
Examination by Ms. Tahira Khan Merritt

1 Q. And was Father Bithos still the Priest or are
2 we into --

3 A. Yes.

4 Q. -- Father Nicholas' time?

5 A. Father Bithos.

6 Q. Okay.

7 Acolyte service, what would that entail?

8 A. Boys go into the altar, and they serve with
9 the Priest and do various things. It is a divine
10 drama, and there are certain things they do at certain
11 times -- make motions, movements, processions, and do
12 things of that nature.

13 Q. And your position was to assist in the
14 training of the altar servers to do those things?

15 A. Not then.

16 Q. Okay.

17 A. Not then. It came later.

18 Q. So back then with the acolyte service, what
19 was your function with the Church?

20 A. Well, the other function I was going to add on
21 is I was -- the Catechetical School responsibility that
22 Father Bithos request that I take. And the boys that
23 were eligible by age to go into the acolyte service, I
24 would just select so many of them to go in that I
25 thought would be necessary to assist in that service.

Basil Peter Xeros' - June 12, 2008
Examination by Ms. Tahira Khan Merritt

1 A. I don't know if they were minutes. They were
2 just kind of verbal progress reports, if you will.

3 Q. Okay.

4 Was a proposal on a child safety program
5 put down in written form and proposed to the Parish
6 Council and the Priest?

7 A. A proposal was made and presented. It was not
8 a final draft. It was just a rough draft.

9 Q. And what is the status of that proposal today?

10 A. It is dead.

11 Q. Why is it dead?

12 A. Well, we are not sure how to handle it.

13 Q. Did that proposal call for background checks
14 on the Priests as well as lay volunteers?

15 A. Uh-huh, yes, Ma'am.

16 Q. Was Father Chris Constantinides -- was he part
17 of that Child Safety Committee?

18 A. No.

19 (Exhibit 2 marked.)

20 Q. Let me show you what I've marked as Xeros
21 Exhibit 2 and ask you if this is the proposed policies
22 of -- for child safety that the committee proposed.

23 A. Yes, Ma'am.

24 Q. Okay.

25 Were you in support of the proposal or

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1 I, Marion Ward, Certified Shorthand Reporter
2 in and for the State of Texas, hereby certify to the
3 following:

4 That the witness, BASIL PETER XEROS, was
5 duly sworn and that the transcript of the deposition is
6 a true record of the testimony given by the witness;

7 That the deposition transcript was duly
8 submitted on 6/16/08 to the witness or the
9 attorney for the witness for examination, signature,
10 and return to me by 7/7/08.

11 That pursuant to information given to the
12 deposition officer at the time said testimony was
13 taken, the following includes all parties of record and
14 the amount of time used by each party at the time of
15 the deposition:

16 Ms. Tahira Khan Merritt (01h20m)
17 Attorney for Plaintiffs
18 Mr. Richard G. Miller (00h00m)
19 Attorney for Defendant Holy Trinity Greek
20 Orthodox Church
21 Mr. James W. Grau (00h00m)
22 Attorney for Defendants Greek Orthodox
23 Metropolis of Denver and The Greek
24 Orthodox Archdiocese of America

25 FOR PLAINTIFFS:
Ms. Tahira Khan Merritt
TAHIRA KHAN MERRITT PLLC
8499 Greenville Avenue
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(214) 503-7300

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1 FOR DEFENDANT HOLY TRINITY GREEK ORTHODOX CHURCH:
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2 FLETCHER, FARLEY, KRUEGER, SHIPMAN & SALINAS, LLP
8750 N. Central Expressway
3 16th Floor
Dallas, Texas 75231
4 (214)987-9600

5 FOR DEFENDANTS GREEK ORTHODOX METROPOLIS OF DENVER AND
THE GREEK ORTHODOX ARCHDIOCESE OF AMERICA:

6 Mr. James W. Grau
GRAU KOEN, P.C.
7 2711 N. Haskell Avenue
Suite 2000
8 Dallas, Texas 75204
9 (214)521-4145

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15 That a copy of this certificate was served on all
16 parties shown herein on _____ and filed
17 with the Clerk.

18 I further certify that I am neither counsel
19 for, related to, nor employed by any of the parties in
20 the action in which this proceeding was taken, and
21 further that I am not financially or otherwise
22 interested in the outcome of this action.

23 Further certification requirements pursuant
24 to Rule 203 of the Texas Code of Civil Procedure will
25 be complied with after they have occurred.

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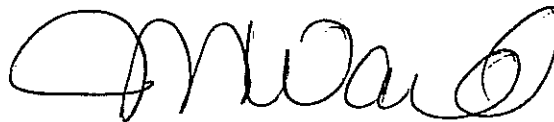
1 Certified to by me on this 12th day of

2 June, 2008.

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5



6

Marion Ward, CSR
Texas CSR 876, Firm No. 126
Expiration: 12/31/08
MWA Reporters
6440 North Central Expressway
Suite 318
Dallas, Texas 75206

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FURTHER CERTIFICATION UNDER TRCP RULE 203

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The original deposition was/was not returned
16 to the deposition officer on 6/26/08.

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18

If returned, the attached Changes and
Signature page(s) contain(s) any changes and the
19 reasons therefor.

20

21

If returned, the original deposition was
delivered to Ms. Tahira Khan Merritt, Custodial
22 Attorney.

23

24

\$ 499.00 is the deposition officer's charges
to the Plaintiffs for preparing the original deposition
25 transcript and any copies of exhibits.

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June 12, 2008

1 The deposition was delivered in accordance
2 with Rule 203.3, and a copy of this certificate, served
3 on all parties shown herein, was filed with the Clerk.

4 Certified to by me on this 27th day of

5 June, 2008.

6
7
8 

9 Marion Ward, CSR
10 Texas CSR 876, Firm No. 126
11 Expiration: 12/31/08
12 MWA Reporters
13 6440 North Central Expressway
14 Suite 318
15 Dallas, Texas 75206