

Oral and Videotaped Deposition
Nicolas L. Carayannopoulos
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
NICOLAS L. CARAYANNOPOULOS
June 12, 2008

COPY

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ORAL AND VIDEOTAPED DEPOSITION OF NICOLAS L. CARAYANNOPOULOS, produced as a witness at the instance of the Plaintiffs, and duly sworn, was taken in the above-styled and numbered cause on June 12, 2008, from 10:17 a.m. to 2:10 p.m., before Marion Ward, Certified Shorthand Reporter in and for the State of Texas, at the offices of Fletcher, Farley, Krueger, Shipman & Salinas, LLP, 8750 North Central Expressway, 16th Floor, Dallas, Texas, pursuant to the Texas Rules of Civil Procedure and the provisions stated on the record or attached hereto.

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APPEARANCES

FOR PLAINTIFFS:

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(214) 503-7300

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

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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

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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 the Jury your name, please?

5 A. Nicolas, spelled with C-O instead of a C-H, L.
6 Carayannopoulos.

7 Q. And are you a doctor?

8 A. I have a Ph.D.

9 Q. And what is your Ph.D. in?

10 A. Physics.

11 Q. Okay.

12 And can you tell us your address, please?

13 A. 6918 Spanky Branch, Dallas, Texas, 75248.

14 Q. And your date of birth?

15 A. 1/27/55.

16 Q. I'm sure I'm going to not say your name
17 correctly during this deposition --

18 A. Okay.

19 Q. -- is -- Dr. "Carayannopoulos", is it okay?

20 A. Oh, yeah, you did very well.

21 Q. Okay.

22 Dr. Carayannopoulos, do you consider
23 Nicholas Katinas your friend?

24 A. Yes, in the following way: I mean, I was
25 involved in the Parish Council for many years. But

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Examination by Ms. Tahira Khan Merritt

1 A. Yeah, by the whole Parish.

2 Q. Okay.

3 Just so that we can understand the
4 structure of the Parish Council --

5 A. Yes.

6 Q. -- tell me what the General Assembly is; is
7 that the entire Parish community?

8 A. All right, the Parish Council and the -- I
9 don't know, you have the by-laws --

10 Q. Uh-huh.

11 A. -- in 1981 I was a Vice-President and I wrote
12 also the by-laws -- I mean, the committee -- not me
13 personally; there is a long committee -- a large
14 committee.

15 Q. So there are separate by-laws from --

16 A. Yeah, under the Uniform Parish Regulations.
17 And the key sentence is the following: You write your
18 by-laws because -- it depends. You know, if the Parish
19 is very large, they might have 15, 17 or 21 members, or
20 very small. But whatever you include in your by-laws
21 should be not in conflict with the Uniform Parish
22 Regulations. If there is a conflict, the Uniform
23 Parish Regulations control.

24 Q. Okay.

25 All right, so let's go ahead and mark this

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1 so we can -- because we are going to talk about the
2 Special Regulations and --

3 A. The regulations, yeah.

4 Q. -- Uniform Parish Regulations?

5 A. Yeah, right.

6 Q. Okay.

7 A. If, by any chance, you are in contradiction,
8 then these things govern.

9 *(Exhibit 1 marked.)*

10 Q. All right.

11 Mr. Carayannopoulos, let me hand you what
12 I've marked as Exhibit No. 1 to your deposition and see
13 if you can identify this document for me.

14 A. Yeah, these were the Uniform Parish
15 Regulations. Like, there was another that came in 1993
16 and this one in 2005.

17 Q. Uh-huh.

18 A. The Archdiocese puts these document together,
19 and that is approved by -- in the Congress. And also
20 it has to -- the final approval has to come from the
21 Ecumenical Patriarchate.

22 Q. Which is the --

23 A. Yeah.

24 Q. -- person in Istanbul?

25 A. Right; they have to approve it. Then it

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1 can -- then it is distributed and used by the Parishes.

2 Q. Can a Greek Orthodox Parish function without
3 Exhibit 1?

4 A. No. If it is part of the Archdiocese, no.

5 Q. Okay.

6 And Holy Trinity Greek Orthodox Church
7 here in Dallas is certainly part of --

8 A. Yes.

9 Q. -- the Greek Orthodox Archdiocese --

10 A. Yes.

11 Q. -- of America?

12 A. Right, right.

13 During this time it was the Archdiocese of
14 North and South America.

15 Q. Right; because --

16 A. Now, it is only for America.

17 Q. Okay.

18 And that is because Exhibit 1 is the
19 Special --

20 A. Right.

21 Q. -- Regulations for 1978?

22 A. Right. And on which by-laws of 1981 were part
23 of it.

24 Q. Okay.

25 And how many -- for the by-laws for Holy

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1 Parish? That is what I'm asking.

2 A. No, it is held in the name of the Parish.

3 Q. Okay.

4 And that is required by the Uniform Parish
5 Regulations --

6 A. Right.

7 Q. -- correct?

8 A. Right.

9 Q. But the Archdiocese can come and take the
10 property under certain circumstances?

11 A. They cannot take -- in certain terms, if there
12 is dissolution -- you know, if for some reason that
13 a -- you know, some Parishes just fade away; so what
14 happens to that property?

15 Q. They can come in and declare a Parish in
16 schism, and they can come and take the property,
17 according to these rules?

18 A. Yes, that -- it is not take it. If they are
19 going to leave -- it depends. As I say, it is not a
20 clear cut. If there is a majority or even a minority,
21 that wants to remain, and the other group leaves, then
22 the Metropolitan has the right to appoint a Parish
23 Council. And this group of people that remain attached
24 to the Archdiocese take over the controls.

25 Q. Can Holy Trinity Dallas operate outside of the

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1 Archdiocese of America?

2 A. No. How can they?

3 Q. Okay.

4 A. They are a part of it.

5 Q. Can you sell the property without the
6 permission of the Archdiocese?

7 A. No, no.

8 Q. Okay.

9 Can you buy any additional property
10 without the permission of the Archdiocese?

11 A. No, you have to have their permission.

12 Q. Okay.

13 A. First of all, you have to have the General
14 Assembly approve that you want to do that. I mean, the
15 Parish Council cannot do that by itself -- the General
16 Assembly. Once the General Assembly -- and it requires
17 two-thirds of approval.

18 Q. And does the Archdiocese also direct the --
19 how the -- if you are building a new Church -- how it
20 should look, the architectural plans --

21 A. Yes, we have --

22 Q. -- the placement of icons?

23 A. -- we have to submit all these things, yeah.

24 I believe this is a proper way. I believe in the
25 Hierarchical construction of a Church. I mean, other

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1 A. As I say, I was not involved. I was just --

2 Q. No, as a member of the Parish. You were a
3 member of the Parish when he came on?

4 A. Maybe 300 families.

5 Q. And it is a lot larger community now; isn't
6 it?

7 A. Oh, yeah, yeah. It exceeded --

8 Q. How large is the community now?

9 A. Now, as I say, the level -- we say in good
10 standing -- still in good standing, which would be
11 close to maybe 1100 families.

12 Q. 1100?

13 A. Yeah -- no, no, 700 families.

14 Q. Okay.

15 A. Because if you take on the average four people
16 per family you get that.

17 Q. Under the Uniform Parish Regulations are you
18 cognizant of the financial remuneration that the Parish
19 has to provide to the Priest?

20 A. Well, yeah, there are explicit statements in
21 the UPR what the Parish is responsible for -- I mean,
22 for his insurance, for residence, to provide car and
23 everything. Now, for the salary they give you
24 guidelines, which is like in any profession -- if you
25 have been a lawyer for ten years, what it is expected

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1 versus a two-year lawyer or something like this --

2 Q. I understand.

3 A. -- like an engineer. So they provide some
4 guidelines for -- but the other obligations that you
5 have, like their retirement, their health and all these
6 things are requirements.

7 Q. Is the Parish required to provide insurance,
8 health insurance?

9 A. We pay, but it isn't -- the Archdiocese asks
10 for all the Priests some kind of insurance.

11 Q. Some kind of program or plan?

12 A. Yeah, yeah.

13 Q. And what about the housing allowance, would
14 that --

15 A. This is our -- the responsibility of the
16 Parish.

17 Q. Okay.

18 And would that include buying a residence
19 for the Priest or, if he already has a residence,
20 providing payments for that house?

21 A. If the Parish has a residence, that it belongs
22 to the Parish, and then the Priest was there, it is
23 different. But usually now is the Priest goes and buys
24 a home or his personal things, and we compensate him
25 for this residence. He has no constraint that he

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1 should live in any house, that if the Parish owns or
2 anything like this; it is free. We -- our Parish does
3 not own any homes.

4 Q. Okay.

5 A. So the Priest can go and buy a house, rent a
6 house, whatever, but we have to compensate him for
7 that.

8 Q. Would the Parish provide for any homeowner's
9 insurance for the Priest?

10 A. I think it is covered under that package of
11 underwriting his residence.

12 Q. Okay.

13 And is it also -- does it also provide for
14 payment of -- the Uniform Parish Regulations, payment
15 of utilities for the home?

16 A. As I say, the utilities and everything, it is
17 a lump sum that we give for his residence that will be
18 used for all these expenses.

19 Q. And the automobile expenses and maintenance,
20 do you purchase an automobile for the Priest?

21 A. There is no need. If he wants to rent a car,
22 he rents it; we pay. I mean, everything that pertains
23 to his transportation, the Parish is responsible.

24 Q. So if I wanted to find out the exact payments
25 that were made to Katinas during the years he was a

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1 Pastor, what documents, Parish documents, would I look
2 to to delineate automobile expenses, insurance to the
3 home, housing allowance --

4 A. I think you should look in the detail in the
5 subject when they say about expenses pertaining to the
6 Priest.

7 Q. So the budget for those particular years, is
8 that what I need to --

9 A. Yes.

10 Q. -- look to?

11 A. Yes.

12 Q. And the budget that we've seen, that you've
13 already explained to us -- I think is Exhibit No. 3 --
14 is that generated every year and is that a requirement
15 by the Archdiocese?

16 A. Oh, yeah. This is the budget that we have to
17 present through the General Assembly to approve it so
18 we know how to function. Because in the General
19 Assembly somebody can say "All right, we do not need an
20 additional Priest. We do not need these things."

21 So in that case -- and if it is voted, it
22 is -- you know, it has to be removed. The General
23 Assembly makes the final decision, and then we'll
24 present it to the Archdiocese.

25 Q. What if the Priest owned his own -- owned the

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1 home, his own home, would there still be a housing
2 allowance given to him every year?

3 A. Yes, yes.

4 Q. Regardless of whether he owned it outright?

5 A. Oh, yeah. For his expenses of -- you know,
6 the mortgage that he paid and many other things.

7 Q. The utilities?

8 A. Right, right.

9 Q. Okay.

10 Would the Priest submit any papers in
11 terms of the mortgage payments, the insurance,
12 homeowner's insurance, utility payments --

13 A. I think we do have these papers developed.

14 Q. Okay.

15 A. In the latter years. I don't know. You know,
16 now it is more sophisticated, the whole transaction.

17 Q. In terms of -- for example, let me pick a
18 year, 1981. Would we be able to look at the Parish
19 documents and determine what type of expenses would be
20 allocated to Father Katinas --

21 A. Yes --

22 Q. -- for housing --

23 MR. MILLER: Objection -- wait a minute, wait
24 a minute. Objection, form.

25 Q. (By Ms. Merritt) Go ahead.

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1 A. Right.

2 MR. MILLER: Objection, form.

3 Q. (By Ms. Merritt) Are the duties of a Parish
4 Council Board similar to the President of a
5 corporation, Vice-President of a corporation?

6 MR. MILLER: Objection, form.

7 MR. GRAU: Join.

8 A. I have never been in the position of any --

9 Q. (By Ms. Merritt) Okay.

10 A. -- corporation. But fundamentally, our duties
11 are explicitly stated here.

12 Q. Do they have -- for example, as a President do
13 you have a duty of prudence, to be prudent in your
14 decisions?

15 A. To be what?

16 Q. Prudent in your decisions.

17 MR. MILLER: Objection, form.

18 A. Prudence?

19 MR. MILLER: Wait a minute, wait a minute.

20 Objection to the form of the question. Now you may
21 answer.

22 A. Prudence is a must in everything.

23 Q. (By Ms. Merritt) Well, you certainly wouldn't
24 want to make a decision that would be --

25 A. Sure --

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Examination by Ms. Tahira Khan Merritt

1 Q. -- hurtful to the Parish; correct?

2 A. Sure, sure. I mean, you have to be prudent.

3 Q. You have to be prudent. You have to act in
4 good faith?

5 A. Right.

6 MR. MILLER: Objection, form.

7 MR. GRAU: Join.

8 Q. (By Ms. Merritt) You have to use good
9 judgement; is that right?

10 MR. MILLER: Objection, form.

11 A. Yes.

12 Q. (By Ms. Merritt) You have to be honest in your
13 dealings?

14 A. Yes.

15 Q. You have to make sure, according to the
16 Exhibit 1, that you have no conflict of interest?

17 A. Right.

18 MR. MILLER: Objection, form.

19 Q. (By Ms. Merritt) That you --

20 MR. MILLER: Wait a minute, wait a minute,
21 wait a minute. Okay, if I speak, stop --

22 THE WITNESS: Okay.

23 MR. MILLER: -- until I'm finished. Because
24 right now what is happening is three people are talking
25 at one time, and that makes it --

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JOHN DOE I, JOHN DOE II,) IN THE DISTRICT COURT
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Defendants.) 95TH JUDICIAL DISTRICT

***** CONFIDENTIAL *****

REPORTER'S CERTIFICATE

ORAL AND VIDEOTAPED DEPOSITION OF

NICOLAS L. CARAYANNOPOULOS

June 12, 2008

Oral and Videotaped Deposition
Nicolas L. Carayannopoulos
June 12, 2008

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, NICOLAS L.
5 CARAYANNOPOULOS, was duly sworn and that the transcript
6 of the deposition is a true record of the testimony
7 given by the witness;

8 That the deposition transcript was duly
9 submitted on 6/11/08 to the witness or the
10 attorney for the witness for examination, signature,
11 and return to me by 7/7/08.

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

17
18 Ms. Tahira Khan Merritt (03h06m)

19 Attorney for Plaintiffs

20 Mr. Richard G. Miller (00h00m)

21 Attorney for Defendant Holy Trinity Greek
Orthodox Church

22 Mr. James W. Grau (00h00m)

23 Attorney for Defendants Greek Orthodox
Metropolis of Denver and The Greek
Orthodox Archdiocese of America
24
25

Oral and Videotaped Deposition
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1 FOR PLAINTIFFS:

2 Ms. Tahira Khan Merritt
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(214) 503-7300

5 FOR DEFENDANT HOLY TRINITY GREEK ORTHODOX CHURCH:

6 Mr. Richard G. Miller
7 FLETCHER, FARLEY, KRUEGER, SHIPMAN & SALINAS, LLP
8 8750 N. Central Expressway
16th Floor
Dallas, Texas 75231
(214) 987-9600

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

11 Mr. James W. Grau
12 GRAU KOEN, P.C.
13 2711 N. Haskell Avenue
14 Suite 2000
15 Dallas, Texas 75204
16 (214) 521-4145

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

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

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

Oral and Videotaped Deposition
Nicolas L. Carayannopoulos
June 12, 2008

1 Certified to by me on this 16th day of

2 June, 2008.

3
4 

5
6 Marion Ward, CSR
7 Texas CSR 876, Firm No. 126
8 Expiration: 12/31/08
9 MWA Reporters
6440 North Central Expressway
Suite 318
Dallas, Texas 75206

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11
12
13 **FURTHER CERTIFICATION UNDER TRCP RULE 203**

14
15 The original deposition was/was not returned
16 to the deposition officer on _____.

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

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

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

Oral and Videotaped Deposition
Nicolas L. Carayannopoulos
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 _____ day of
5 _____, _____.

6
7
8
9 _____
10 Marion Ward, CSR
11 Texas CSR 876, Firm No. 126
12 Expiration: 12/31/08
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