

CAUSE NO.07-03807D

**JOHN DOE I, JOHN DOE II,
THROUGH HIS MOTHER AS
NEXT FRIEND OF JOHN DOE II,
A VULNERABLE (NON COMPOS
MENTIS) ADULT, JOHN DOE III,
JOHN DOE IV AND JOHN DOE V,**

Plaintiffs,

vs.

**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.

IN THE DISTRICT COURT

95th JUDICIAL DISTRICT

DALLAS COUNTY TEXAS

**APPENDIX OF EVIDENCE
IN SUPPORT OF PLAINTIFFS' RESPONSES TO
DEFENDANTS' MOTIONS FOR SUMMARY JUDGMENT**

EXHIBIT 31

CAUSE NO. 07-03807-D

JOHN DOE I and JOHN DOE III,
Through His Mother as Next Friend of
John Doe II, a Vulnerable (Non Compos
Mentis) Adult, JOHN DOE III, JOHN
DOE IV and JOHN DOE V

V.

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 ISAAH
OF DENVER IN HIS OFFICIAL CAPACITY,
And THE GREEK ORTHODOX
ARCHDIOCESE OF AMERICA BY AND
THROUGH ARCHBISHOP DEMETRIOS
IN HIS OFFICIAL CAPACITY

IN THE DISTRICT COURT
95TH JUDICIAL DISTRICT
DALLAS COUNTY, TEXAS

AFFIDAVIT OF TAHIRA KHAN MERRITT

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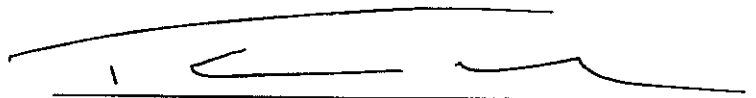
Before me, the undersigned Notary Public, personally appeared Tahira Khan Merritt, who being by me duly sworn, on oath, deposed and stated as follows:

1. My name is Tahira Khan Merritt. I am over the age of twenty-one years. I have never been convicted of a felony, suffer no legal or mental disabilities, and am fully competent to make this Affidavit. I have personal knowledge of the facts set forth herein, and all such facts are true and correct.

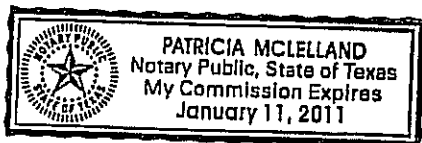
2. I am an attorney licensed in the State of Texas and the lead counsel of record for Plaintiffs John Doe I, John Doe II, John Doe III, John Doe IV, and John Doe V in the above-referenced and captioned matter.

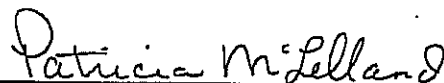
3. On September 2, 2008, I accessed the website of the Greek Orthodox Metropolis of Denver ("Metropolis") at www.denver.goarch.org. I printed a copy of the "History of the Metropolis" that can be found at www.denver.goarch.org/history/. A true and correct copy of that printout is attached hereto as Exhibit A.

4. On September 2, 2008, I accessed the website of the Greek Orthodox Archdiocese of America ("GOAA") at http://www.goarch.org. Under the tab "Archdiocese of America" on this site, I found a tab "SCOBA and Related Agencies" which in turn linked me to the official site of the Standing Conference of Canonical Orthodox Bishops in the Americas ("SCOBA"). On the SCOBA website, under the News and Statements/Official Statements tab, I accessed and printed a copy of the "SCOBA Issues Statement on Sexual Misconduct in the Church" (dated August 02, 2005) which can be found at http://www.scoba.us/statements/2005-08-02-scoba-statement-on-sexual-misconduct.html. A true and correct copy of that printout is attached hereto as Exhibit B.


Tahira Khan Meritt

Subscribed and sworn to before me on this 2nd day of September, 2008.




Notary Public, State of Texas

My Commission Expires:

2 1/11/2011



Greek Orthodox Metropolis of Denver

History



Metropolis of Denver Home Page

History of the Metropolis



Metropolitan Isaiah of
Denver



Contact Us:
Address, Phone,
e-mail

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Metropolis History

The Greek Orthodox Metropolis of Denver was established in 1979 and extends over a vast area of the western mountain and central plains states. The total population of the states that lie within the Metropolis of Denver is over 45 million people, out of which approximately 35,000, or 0.078% (less than one-tenth of one percent), are members of the Greek Orthodox parishes.

Fifty parishes and two chapels under the spiritual guidance of His Eminence Metropolitan Isaiah of Denver are scattered throughout 1.285 million square miles encompassing the states of Colorado, Idaho, Kansas, Montana, Nebraska, New Mexico, North Dakota, Oklahoma, South Dakota, Texas, Utah, and Wyoming, as well as the western parts of Louisiana and Missouri.

The states which comprise what is now called the Metropolis of Denver were originally under the spiritual jurisdiction of the headquarters in San Francisco. These states later formed the Eighth Archdiocese District, when the Archdiocese of North and South America was subdivided into Archdiocese districts in 1968. During its existence from 1968 to 1977 the Eighth District was administered by the following Assistant Bishops and Archdiocesan Vicars:

- Bishop Iakovos of Catania 1968-70
- Reverend William Gaines 1971
- Bishop John of Thermon 1972-1979

Under the administration of Bishop John of Thermon, the regional headquarters of the Eighth Archdiocese District were relocated from Houston, Texas to Denver, Colorado in 1974.

Although the Diocese of Denver was established by Decree of the Ecumenical Patriarchate in 1979 the first bishop bearing the title Bishop of Denver was not enthroned until 1984. The Hierarchs and Vicars who administered the region from 1979 to 1992 were:

- Bishop Anthony of Amissos 1979
- Very Reverend Kallistos Samaras 1980
- Bishop Kallistos of Zelon 1982
- Bishop Philip of Daphnousia 1983
- Bishop Anthimos of Denver 1984-1987 (the first Bishop of Denver)

EXHIBIT

tabbles

A

- Bishop Kallistos of Zelon 1988-1991
- Reverend Nicholas Triantafilou 1991-1992

On June 24, 1992 His Grace Bishop Isaiah, became the second Bishop of Denver, relinquishing his former responsibilities as Chancellor of the Greek Orthodox Archdiocese of North and South America. He was enthroned during ceremonies on September 10, 1992 at the Cathedral of the Assumption of the Blessed Virgin Mary in Denver.

In November 1997 Bishop Isaiah was elevated to the rank of Metropolitan by the Ecumenical Patriarchate, continuing in his capacity as hierarch of the Denver Metropolis. Metropolitan Isaiah is presently completing his fifteenth year as the presiding Hierarch of the Greek Orthodox Metropolis of Denver.

Metropolis Statistics

<i>State or City</i>	<i>Area (square miles)</i>	<i>Population (in 2005)</i>
Colorado	104,100	4,665,177
Idaho	83,574	1,429,096
Kansas	82,282	2,744,687
Shreveport, LA <i>Caddo and Bossier Parishes</i>	1,720	356,850
Kansas City, MO <i>Clay, Cass, Jackson and Platte Counties</i>	2,120	1,041,354
Montana	147,046	935,670
Nebraska	77,358	1,758,787
New Mexico	121,593	1,928,384
North Dakota	70,704	636,677
Oklahoma	69,903	3,547,884
South Dakota	77,121	775,933
Texas	268,601	22,859,968
Utah	84,904	2,469,585
Wyoming	97,818	509,294
<i>Totals</i>	<i>1,288,844</i>	<i>45,659,346</i>

Email: webmaster@denver.goarch.org
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 Contact Information

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SCOBA Issues Statement on Sexual Misconduct in the Church

Tuesday, August 02, 2005

The hierarchs of the Standing Conference of Canonical Orthodox Bishops in the Americas (SCOBA) recently adopted a Statement entitled "Dealing With Sexual Misconduct in the Church".

Prepared by the Social and Moral Issues Commission of SCOBA, this Statement expresses the seriousness with which the Orthodox Church treats the issue of Sexual Misconduct within the Church in a united voice, while also offering pastoral guidelines concerning sexual misconduct by members of the clergy and all who work in the Church. This Statement is not intended to supersede any specific jurisdictional guidelines.

Dr. John Dalack, Chair of the Social and Moral Issues Commission, presented the proposed Statement to the hierarchs who unanimously approved it. The Statement is available on the SCOBA web site: www.scoba.us.

Dealing with Sexual Misconduct in the Church

"O God, great in power and inscrutable in wisdom, wondrous in counsels above the sons of men: Yourself, O Lord, fill with the gift of Your Holy Spirit this man, whom You are pleased to advance to the priestly ministry, that he may be worthy to stand blamelessly before Your Altar, to proclaim the Gospel of Your Kingdom, to minister sacredly the word of Your truth, to offer to You spiritual gifts and sacrifices, and to renew Your people through the Font of Regeneration, that when he shall go to meet You at the Second Coming of our great God and Savior Jesus Christ, Your Only-begotten Son, he may receive the reward of a good stewardship of his rank, according to the multitude of Your goodness." (The prayer of ordination)

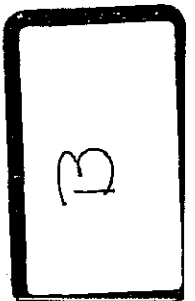
Sexual abuse or misconduct will find no safe haven within the Holy Orthodox Church. We, as hierarchs of the Church, commit ourselves and the resources at the Church's disposal to ensure that every child of God, of whatever age, may be safe and secure within the bosom of the Church, and that sexual predators will find no place within her to carry out their crimes. Sin thrives where there is darkness and secrecy, but it cannot stand the light of truth and openness. By pursuing truth and justice, by standing by the victims of crime, by ensuring fair and due process for everyone concerned, and by facilitating repentance unto salvation, the Church will be true to the God she serves and to her faithful people.

While this statement concentrates on pastoral guidelines concerning sexual misconduct by members of the clergy—bishops, priests and deacons—as the most visible representatives of the Church, it should be understood that our concerns apply to all those, who work in the Church. Individual jurisdictions may wish to adopt specific guidelines concerning others who work in the Church and represent it.

Those who are given the gift of ordination by God and His Church are chosen from the Body of Christ, the community of faith, as persons who have committed themselves to live in accordance with the Gospel and who are willing to bear the heavy responsibility to Christ for His flock. They are responsible for their flock as a shepherd is for his sheep, and to be good shepherds they must be willing to lay down their lives for the flock. But when a member of the clergy chooses to follow his own way rather than the way of the Shepherd, by sacrificing his flock to his own desires, he becomes a wolf in shepherd's clothing, betraying Christ and the flock the Church has entrusted to his care. Furthermore, he betrays society at large, for the Church is given to us for the life of the world.

The Church of Christ is the battleground for the unseen warfare of which the Fathers wrote. We are called to "be perfect, as our Father in heaven is perfect," (Matt. 5:48). Yet, we also know that "there is no one who lives and does not sin." The Church confronts and heals sin, transfiguring and transforming us to be Christ's image and likeness. Through the healing power of Christ, the Church brings sanctification and salvation to a world fallen in sin. The Church makes available the unchanging and eternal truth of Christ, so that all those who belong to the Church may walk in His light.

The temptation to sexual misconduct is one battleground of this unseen warfare, made more acute within a sex-saturated society where sexuality and sexual images are used everywhere for entertainment, for selling products, and



for recreation. Christ's Church, the clergy, and all those in positions of Church leadership and trust have the moral responsibility of safeguarding the sanctity of human sexuality. It is the particular responsibility of the clergy to aspire to a life of purity and holiness, so that the light of Christ may shine through them.

The Gift and Responsibility of Sexuality

Orthodox Christians understand human sexuality to be one important aspect of the whole mystery of human personhood. As is evident from Holy Scripture, human sexuality is intended to be a sublime means of expressing mature and self-giving love between a man and a woman united in marriage, of deepening that love in a communion of two lives, and of enabling a couple to participate with God in the wondrous and sacred work of creation of new life. It is indeed a holy and good gift of our holy and good God.

As such, it must be treated as holy to the Lord, and as something which has great potential either for good or for harm.

To ensure that we use our sexuality for our good and to minimize its potential for harm, God has revealed through Holy Scripture its proper use: that sexual expression is God-pleasing within the larger framework of the freely agreed to, life-long, committed relationship between a man and a woman which is the mystery of marriage.

The Orthodox Church witnesses with the Holy Scriptures and Holy Tradition that outside the community of marriage the God-pleasing use of our sexuality is found in the free choice of abstinence. For some, this may be a temporary state awaiting the formation of the mystical union of marriage. For others, this may be the narrow and demanding way of life-long commitment to chastity.

Each of these God-pleasing ways of expressing the sexual aspect of our human nature demands that we humbly, freely and joyfully embrace the "narrow way." As in so many areas of human life, choosing God's way may be difficult and continually calls for our radical repentance; nonetheless, God's way is ultimately liberating and enables us to realize our full human potential as children of God conformed to His image and likeness.

Conversely, choosing the way of self-centered, undisciplined and unbridled sexual indulgence ultimately is life-destroying rather than life-affirming in that sinfulness, in whatever guise it takes, always leads us away from God, the Source of Life. Sexual activity becomes destructive and sinful whenever it is aimed primarily at self-gratification rather than the good of the other; whenever it is not within the committed relationship of marriage between a man and a woman; or whenever it is not entered into freely.

The Clergy and Sexual Misconduct

While sexual misconduct is sinful and harmful for any Christian, it is especially grave and painful when the perpetrator is a clergyman, because it so often entails a serious abuse of the legitimate authority of the clergy within the community of the Church, and because it constitutes a betrayal of the trust placed in the person by God, by God's people, and by the Church's hierarchy. While every Christian is called to the highest standard of conduct in every aspect of life, the clergy—bishops, priests and deacons—traditionally have been held most strictly to this standard by Holy Tradition and the Church's canons. A serious sin by a clergyman is not simply a personal matter; it is an assault on the integrity of the entire Church.

Clergy sexual misconduct carries even greater potential for harm to its victims because of the identity of the perpetrator. The relationship of the clergyman to his parishioners is one of a spiritual father to his spiritual children. The clergyman's authority carries with it an inherent and often unrecognized power. Its depth in this relationship is such that the victim, of whatever age, never truly acts freely. Because the predator is a clergyman, the healing ministry of the Church to those victimized, so based on trust and love, is undermined. The victim's very relationship with God and faith itself can be severely shaken. The harm to the victim is physical, psychological and spiritual.

We resolve to educate ourselves and our clergy and laity about how we, as the Church, can help victims receive healing. It is our hope and prayer that by dealing swiftly and surely with all those who have committed offenses and by responding in a loving and appropriate manner to the injured, we will encourage and aid the survivors of abuse to continue their relationship with God in Christ's Holy Church.

We commit ourselves to the healing of parishes wounded by clergy sexual misconduct. When a clergyman acts

inappropriately, he inflicts harm not only on his victim but also his own family, the victim's family and other members of the community. We will give the best possible support to all those traumatized by such misconduct.

The spiritual needs of the offending clergyman must also be addressed. The Church will not turn her back on these former clerics, if they repent of their destructive behavior and receive forgiveness, even though they can no longer serve as clergy or in other positions of authority. While energetically protecting victims, the Church will work for the healing and salvation of all who are affected.

We are aware that we need to examine carefully how we choose and educate our clergy, with the goal of preventing those who are likely to offend from being ordained. All seminarians should be educated with respect to the proper boundaries and professional standards that a clergyman must maintain.

It is recommended that seminaries conduct background and criminal investigations on all applicants. Criminal and background checks will also be conducted on those who apply for ordination. Parishes should be recommended to conduct criminal and background checks on all persons considered for all professional or volunteer positions in the parish.

All these steps must be taken to ensure that the Church as the Body of Christ will remain faithful to her Lord in ministering to her people. We reiterate the goal of this statement that sexual abuse or misconduct will find no safe haven within the Holy Orthodox Church. We affirm that this statement reflects our common mind, and we will make every effort to ensure its implementation through the enactment of appropriate policies in our respective jurisdictions.

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