CAUSE NO.0703807D

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| 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, | § | IN THE DISTRICT COURT |
| Plaintiffs, | § | |
| vs. | § | |
| REVEREND NICHOLAS E. KATINAS, PASTOR (FORMERLY) OF HOLY TRINITY GREEK ORTHODOX CHURCH; HOLY TRINITYGREEK 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, | § | 95th JUDICIAL DISTRICT |
| Defendants. | § | DALLAS, COUNTY TEXAS |



**PLAINTIFFS' FIFTH AMENDED ORIGINAL PETITION**

**To the Honorable Karen Gren Johnson:**

COME NOW John Doe I, John Doe II, a vulnerable adult (*non compos mentis)*, suing through his mother as his Next Friend, John Doe III, John Doe IV and John Doe V, Plaintiffs herein, and file this their *Fifth Amended Original Petition*, complaining of Defendants, Reverend Nicholas E. Katinas, Pastor (formerly) of Holy Trinity Greek Orthodox Church in Dallas, Texas; Holy Trinity Greek Orthodox Church in Dallas; The Greek Orthodox Metropolis of Denver, Colorado by and through Metropolitan Isaiah of Denver in his official capacity and The Greek Orthodox Archdiocese of America by and through Archbishop Demetrios in his official capacity, hereinafter collectively referred to as "Defendants," and plead as follows:

## I

## PARTIES

1.01. Plaintiff John Doe I (hereinafter "Doe I") resides in Clark County, Washington State. He is now an adult male whose identity is known to Defendants. Doe I was a minor and a resident of Dallas County, Texas, at the time of the intentional sexual abuse and sexual exploitation by his pastor, Defendant Nicholas E. Katinas, made the basis of this lawsuit.

1.02. Plaintiff John Doe II (hereinafter "Doe II") is a vulnerable adult (*non compos mentis*) male. Doe II is the half-brother of Doe I. They share the same biological mother. His mother provides a home for her son, assisting in managing his property and person, in addition to aiding with his financial affairs, as he is not solely capable of accomplishing these usual demands of adult life. Doe II brings this lawsuit through his mother as his Next Friend. He and she are both residents of Dallas County, Texas. His identity is known to Defendants. Doe II was a minor and a resident of Dallas County at the time of the intentional sexual abuse and exploitation by his pastor, Reverend Nicholas E. Katinas, alleged herein.

1.03. Plaintiff John Doe III (hereinafter "Doe III") is an adult male who currently resides in Cooke County, Illinois. His identity is known to Defendants. Doe III was a minor and a resident of Dallas County, Texas, at the time of the intentional sexual abuse, intentional sexual assault and intentional sexual exploitation by Reverend Nicholas E. Katinas alleged herein.

1.04. Plaintiff John Doe IV (hereinafter "Doe IV") is an adult male who currently resides in Milwaukee County, Wisconsin. His identity is known to Defendants. Doe IV was a minor and a resident of Collin County, Texas, at the time of the intentional sexual abuse and intentional sexual exploitation by Reverend Nicholas E. Katinas alleged herein. Many of the acts

of sexual abuse and sexual exploitation of Doe IV occurred in the sacristy of Holy Trinity Greek Orthodox Church in Dallas, Texas.

1.05. Plaintiff John Doe V (hereinafter "Doe V") is an adult male who currently resides in Dallas County, Texas. His identity will be made known to Defendants. Doe V was a minor and a resident of Dallas County, Texas, at the time of the intentional sexual abuse and intentional sexual exploitation by his pastor, Reverend Nicholas E. Katinas, alleged herein. The acts of sexual abuse and sexual exploitation of Doe V occurred in the sacristy of Holy Trinity Greek Orthodox Church in Dallas, Texas.

1.06. Defendant Reverend Nicholas E. Katinas (hereinafter "Katinas") is a natural person who was employed as Pastor of Holy Trinity Greek Orthodox Church in Dallas, Dallas County, Texas. He was approved and assigned to the Dallas Church by the Greek Orthodox Archdiocese of America. Although Katinas is variously reported as "retired" and/or "suspended" and/or "defrocked" as a Greek Orthodox priest, he continues to receive financial and other benefits from Defendants. Archbishop Demetrios even placed Katinas under his personal protection after this lawsuit was filed in a ploy to foil demands for his laicization. Nevertheless, the Eparchial Synod of the GOAA subsequently recommended that his case be sent to their spiritual court to have Katinas laicized. According to media reports, Katinas has been laicized, that is, "defrocked." Defendant Katinas has been served pursuant to T.R.C.P. 106 and is in default.

1.07. Defendant Holy Trinity Greek Orthodox Church (hereinafter "Holy Trinity") is a religious organization. It has been served with process and has filed an Answer. Holy Trinity, the scene of the sex crimes committed against John Doe I, John Doe II, John Doe IV and John Doe V as minor males, was then located at 4005 Swiss Avenue in Dallas, Texas. Plaintiffs were parishioners of this church at the time they were sexually assaulted and/or abused.

1.08. Defendant Greek Orthodox Metropolis of Denver (hereinafter "Denver Metropolis"), through its Metropolitan, Bishop Isaiah, is a regional organization and the corporate arm of The Greek Orthodox Archdiocese of America, which oversees Holy Trinity Church in Dallas. Defendant Denver Metropolis has been served with process and has filed an Answer.

1.09. Defendant Greek Orthodox Archdiocese of America (hereinafter GOAA) is the national entity which presides over the Greek Orthodox Church in the United States. The GOAA has been served with process and has filed an Answer.

1.10. Each Plaintiff alleges that he was intentionally sexually abused and exploited as a minor by Katinas while Defendant was employed as pastor of Holy Trinity. At the time of the events complained of herein, Katinas was an employee or ostensible agent or apparent agent of Defendants Holy Trinity, Denver Metropolis and GOAA.

## II

## VENUE

2.01. Venue is proper in Dallas County, Texas, pursuant to Texas Civil Practice and Remedies Code §15.002(a) (1) because the *locus delicti* of the Plaintiffs' intentional sexual assault and/or sexual abuse and exploitation by Katinas occurred in Dallas, Texas.

## III
## DISCOVERY CONTROL PLAN

3.01. Pursuant to Tex. R. Civ. P. 190.3, Plaintiffs have filed this lawsuit under a Level 3 Discovery Control Plan.

## IV

## SEXUAL ABUSE OF THE PLAINTIFFS

4.01. Sometime in September 1978, Defendant Katinas was transferred from

Assumption Greek Orthodox Church (hereinafter "Assumption") in Olympia Fields, Illinois and was approved and assigned by the GOAA as pastor of Holy Trinity Church in Dallas, Texas. He remained effective pastor of this church until June 27, 2006 when he tendered his ultimate "retirement" due ostensibly to "fatigue, pain and other complications affiliated with *illness*." (emphasis added.) Not until February 21, 2007, were parishioners of Holy Trinity advised by the GOAA that he was actually suspended because his "illness" involved "moral transgressions" against minor males "in the not too distant past."

4.02. Plaintiffs allege that Defendant Katinas, before coming to Holy Trinity and while a Greek Orthodox priest at Assumption, had demonstrated a psychosexual disorder characterized by an abnormal, impulsive sexual attraction to adolescent boys. Plaintiffs further allege that Defendants knew or should have known of Katinas's sexual proclivities and misconduct prior to the abuses complained of herein. These Defendants also knew or should have known that Katinas' manifest psychosexual disorder rendered him unfit for a position of trust and confidence as pastor of Holy Trinity because he would again be allowed unsupervised access to boys such as Doe I, Doe II, Doe IV and Doe V in the Orthodox community. Moreover, they should have reasonably foreseen that he would be a menace to members of the non-Orthodox community as well, such as Doe III, given his elevated, privileged position.

4.03. Plaintiffs Doe I, Doe II, John Doe IV and John Doe V were raised in very devout Orthodox environments. Each boy was an altar server under Katinas. John Doe III, however, was raised a devout Roman Catholic. He, too, was an altar boy in his church. Doe III's family came to know Katinas as a neighbor when he was pastor of Assumption, and respected and trusted him as a priest. Each of these Plaintiffs had been taught to hold the clergy, especially the Hierarchy, in great trust, confidence, reverence and respect and to obey and to rely, without question, upon the secular counseling and spiritual guidance of their clergy and bishops.

Plaintiffs trusted that the church, its official representatives, its priests and its bishops, would always conduct themselves and be as they represented, namely, good men acting in parishioners' best interests and as embodiments of holiness who would never knowingly expose any of them, certainly not children, to any danger, especially sexual injury, and particularly in regard to Doe I, Doe II, John Doe IV and John Doe V, by one of their own. Plaintiffs trusted and expected with the highest degree of confidence, good faith and loyalty that all Defendants would act prudently on their behalf. Therefore, Plaintiffs depended on church officials to provide pastors who were honest, of good moral character, sexually safe and otherwise suitable for service among them all.

**Abuse of John Doe I: A needy altar boy**

4.04. In 1981 or 1982, when Doe I was eleven (11) or twelve(12) years old, he began regularly serving as an altar boy at Holy Trinity under the supervision of Defendant "Father Nick" Katinas. Doe I looked to Katinas for guidance and good conduct. He trusted him as his priest and counselor. The mother of Doe I also trusted Katinas because of his position as pastor and was led to believe that he was a good and moral man, a role model for any youngster from a broken home such as hers, a "father figure" who would act *in loco parentis*, a holy man who would never pose a sexual danger to anyone, particularly a vulnerable, needy child, like her son.

4.05. Betraying the trust of John Doe I and his family, Defendant Katinas began sexually molesting him in the fall of 1983. The sexual abuses included Katinas' repeatedly [redacted] and his performing other perverse, criminal and traumatic sexual acts upon him. Katinas would constantly tell Doe I he loved him and that he was "special." These sexual assaults occurred in the church, itself, near the altar and during confession; they happened in the church office and in the church van as well. The abominations referenced herein involved

hundreds of acts of sexual perversion on this child over approximately three years, usually every Sunday before or after Mass.

4.06. John Doe I was traumatized and ashamed of what his priest had done to him. He believed it was somehow his fault and that he was Katinas' sole victim. He suppressed the abuse. He did not tell anyone until Thanksgiving 2005 when his mother wanted him to baptize his own child in the Orthodox Church. Doe I could not and told her why. The triggering event was the thought of his child's being touched by a Greek Orthodox priest. He had finally connected the trauma of the abuse he had suffered at Katinas' hands with his own dysfunctional life. Only then was he psychologically able to make his outcry.

**Abuse of John Doe II: A mentally challenged altar boy**

4.07. Doe II is the half-brother of Doe I. Beginning in approximately 1981 or 1982 when Doe II was thirteen (13) or fourteen (14) years old, he started serving as an altar boy at Holy Trinity under the oversight of his revered pastor and secular counselor, Katinas. His divorced mother approved of her sons' service because Katinas, in his respected role as pastor and confessor, knew their family dynamics; was represented as being a role model for her boys as he appeared to be to his own sons; was a surrogate father who would genuinely care for her sons; and was a good, holy man who would see to their moral welfare and never, ever pose a sexual threat to them, particularly, Doe II, considering that he knew this boy had suffered a diminished mental capacity since birth. Despite knowing of Doe II's mental limitations, or perhaps because he did know them, Katinas took advantage of him and exploited him. He violated the exceptional trust and faith that Doe II, his brother and his mother had placed in him, their revered pastor, and revealed himself to his victims to be a practiced, hypocritical priest and a dangerous sexual predator.

4.08. One day, not by chance, Katinas, in his priestly garb, accosted the solitary Doe II

in a "Sunday school" room at church, [redacted] and asked him, "Do you like this?" Never having had a sexual encounter with anyone, Doe II was shocked and confused. Making the most of his access to and power over this vulnerable boy, Katinas subsequently [redacted] several times more. One such incident occurred following an event in the church hall teeming with parishioners. Katinas [redacted] asking, "How's my big boy?" Yet another incident of sexual abuse occurred when one day Katinas asked Doe II to massage his shoulders. While the young boy leaned against a wall, Katinas [redacted]

4.09. Doe II never told anyone about such bold acts of abuse until late 2006 when his own brother questioned him. Only then did he feel safe to do so, realizing that he was not Katinas' only victim because his own brother had likewise been betrayed and abused.

**Sexual assault on John Doe III: A Halloween Trick**

4.10. For most of the 1970's, John Doe III and his family lived in the same Homewood, Illinois neighborhood as the Katinas family when "Father Nick" was pastor of Assumption. The two families often socialized together. Doe III was the boyhood friend of all four of Katinas' sons. His parents regularly allowed him and his brother to play baseball and "kick-the-can" games with them. The families often socialized together as their children played. Frequently around them, Katinas would compliment Doe III on being a "handsome young boy." But, of course, Doe III's parents thought nothing of it because he was a familiar neighbor, trusted clergyman, a "father figure." Katinas' sons even confided in their friend, Doe III, that their father would wake them up from sleeping by sucking their toes.

4.11. When Doe III's parents, devout Catholics, moved from Homewood, Illinois to

Dallas, Texas in 1979, they reconnected with their former neighbors, the Katinas family, who had been reassigned the previous year from Assumption to Holy Trinity. Having served as an altar boy in his own parish, Doe III had been taught to revere clergymen such as "Father Nick" and to be respectful of and obedient to them.

4.12. On Halloween night 1981, when Doe III was fifteen (15) years old, he and his brother went trick-or-treating with Katinas' two youngest sons. Doe III was dressed in camouflage pants as a "soldier." Afterwards, all the boys went to Katinas' son's room to talk. Father Nick entered the room and sat down on the bed next to Doe III. He began [redacted] as he engaged the group in conversation. After several minutes, Katinas told the other boys to leave because he needed to have a "private" conversation with Doe III. Doe III thought he was in trouble in some way. After they left, Katinas closed and locked the door. He then sat on the bed and continued talking to Doe III while progressively [redacted] After a few moments, he pressed his hand on Doe III's chest and ordered him to lie back, at which point he [redacted] he turned towards the light switch, which was at the end of bed where he sat, and flicked it off. He then swiveled back to Doe III, positioned himself between his prey and the door, and [redacted]. After Katinas finished with Doe III, he [redacted], turned on the light, unlocked the door and left the room without saying a word. Doe III could not move. He was shocked and embarrassed. He had never had any kind of sexual experience with anyone before. Doe III felt he, himself, may have been at fault. Besides, Father Nick was a family friend, the respected peer of his own parents. His mother picked up him and his brother about ten minutes later. The child told no

one, then buried the secret.

4.13. In May 2007, when Doe III learned that Katinas had been accused of sexually abusing minor males, he realized that he was not Katinas' sole victim. Then, after reading an article on the Dallas Morning News website that quoted a Holy Trinity parishioner as saying he would never believe Katinas was guilty of committing sex crimes against boys, Doe III felt compelled to confront such denial with his own truth by revealing the secret that he had suppressed for a quarter of a century.

**Abuse of John Doe IV: Sex crimes in the sacristy "investigated" by GOAA Vicar General**

4.14. Sometime in 1985, the parents of John Doe IV, along with their seven other children, moved from Milwaukee, Wisconsin to Plano, Texas in search of work. Doe IV, the oldest of three boys, dreamed of becoming a priest. Both he and his father had been very active in their local church in Milwaukee, serving as altar boy and subdeacon, respectively. When the family moved to Plano, they immediately sought an Orthodox church to meet the family's spiritual needs. Although Holy Trinity in Dallas was some distance from their home, they became active parishioners. As they had done in Wisconsin, Doe IV immediately began serving his priest, Katinas, as an altar boy and his father assisting his pastor as subdeacon.

4.15. Although the young family struggled financially, they freely gave their time and money to the church. The Father of Doe IV noticed that Katinas always wanted his son to stay behind and clean the altar after mass, which seemed somewhat unusual to him because in Milwaukee the priest would have him, the subdeacon, stay and do the cleaning. However, since Katinas was pastor and because he never imagined a priest would harm his son, the father of Doe IV dismissed the disparity. The mother of Doe IV was also a devout Orthodox believer, so when her husband's employment required him to travel frequently to and from Wisconsin, New York and Texas and to leave his young children alone with her, a homemaker, she sought refuge for

herself and her children in church activities. She also befriended the Mother of John Doe I and II. At the time, both of their husbands worked in the construction business and both were involved in the church.

4.16. Katinas began using inappropriate sexual language and innuendo with Doe IV during the sacrament of confession when the boy revealed he was having trouble with girls. Katinas placed his hand on the boy's [redacted] and suggested he [redacted] to cure his "sin". That same year during the summer of 1987, when Doe IV was eleven (11) years old, Katinas sexually abused him on at least one occasion. Before the abuse occurred, on approximately seven to ten occasions after mass, Katinas would [redacted]. Doe IV was confused by this behavior but thought if a priest was doing it, it must be alright. Approximately two weeks before the sexual assault, Katinas placed his hand on [redacted]. Then, that same summer in 1987, after mass when they were disrobing in the sacristy, Katinas came up behind Doe IV, engulfed the child in a forceful embrace, [redacted] and his heavy breathing on his neck. Doe IV froze during the assault. Finally, he pulled free of Katinas, who said nothing to the boy after he finished with him. What could he have said the child would have comprehended?

4.17. A few weeks after this traumatic incident, Doe IV told his parents that Katinas had repeatedly [redacted]. Alarmed, the Father of Doe IV immediately went to the church office at Holy Trinity and asked a secretary there (a middle-

aged Greek woman) whom he should speak to about reporting the sexual misconduct of a priest. She gave him a telephone number in New York. When Doe IV's father called the number, he was connected to the office of the Vicar General for the Greek Orthodox Archdiocese of America, Reverend Nicholas C. Triantafilou, now President of Holy Cross Greek Orthodox School of Theology where Katinas once served as president of the alumni association. The Father of Doe IV left a clear message about what he needed to discuss with him. A few days later, Triantafilou called Doe IV's father, who told him that he was concerned that Katinas had sexually assaulted his son. The Vicar General replied that the church must conduct an investigation into this serious matter and that it had a procedure to follow because of the damage it could do to Father Katinas' life and the church's reputations. He voiced no concern whatsoever to the father for the wellbeing of his son, the victim. Triantafillou asked to meet in person with Doe IV's parents and said that they should bring the boy, also. They agreed.

4.18. Not long afterward, John Doe IV and his parents met Fr. Triantafilou at a hotel near the Dallas/Ft. Worth airport. Understandably, the eleven year old victim was further traumatized by being interrogated by such an imposing Orthodox official. The Vicar General cautioned them that Katinas had children of his own and that he believed Fr. Katinas would never do such a thing. Doe IV must be mistaken, he insisted. This situation would just bring scandal to the church. Triantafillou took notes as they spoke.

4.19. A second meeting occurred a few weeks later when Triantafilou flew from New York again and this time met with the family in their home in Plano, Texas. Once more he assured them that their son must have misunderstood Father Nick's actions, that nothing like this had ever happened before and that Katinas was a "wonderful guy." However, Triantafilou said he would investigate further and get back with them. As before, he took notes of the meeting.

4.20. Around this same time, the Mother of Doe IV confided to the Mother of Doe I

and Doe II about what had occurred and asked her if Katinas had ever done anything similar to her boys. Of course, the Mother of Doe I and Doe II did not know her sons had also been being sexually abused by Katinas, so she said no. However, she repeated the story of Doe IV's abuse to the choir director of the church[1], the wife of a prominent parish council member of Holy Trinity. In short order, the Mother of Doe I and Doe II was summoned to the church for a meeting with none other than the very same imposing Vicar General, Triantafilou, who had flown in from New York, his travel and the meeting arranged by a prominent parish council member. The Mother of Doe I and Doe II told Triantafilou that Katinas was a good priest and that she knew nothing. Triantafillou warned her not to discuss this matter with anyone.

4.21. The Father of Doe IV also met with Father Katinas to discuss what he had done to his son. Katinas tried to quiet him by assuring him that he would never hurt Doe IV and that his conduct was a simple misunderstanding on the child's part. Katinas also intended to silence the father by warning him that he no longer could serve as subdeacon at the altar. He knew how important the religious role was to the father of his victim. Then Katinas gave him a single loaf of bread to feed his family. He even passed down some clothes for Doe IV. Katinas well knew how to exploit to his advantage the desperate emotional and financial situation the family was in.

4.22. Unfortunately, because of Doe IV's parents' unquestioning trust in the Orthodox clergy and blind faith in its hierarchy, both father and mother believed their lie over the truth of their own child. Together, Katinas and the hierarchy had persuaded them that nothing really inappropriate had happened, that their son only imagined it had. Of course no report was made by anyone to unsuspecting parishioners or to civil authorities. The parents believed so much in their priests and his superiors that they sent Doe IV back to the altar at least once more to serve with Katinas. Doe IV remembers the sinister smile his triumphant abuser gave him upon his

[1] This same choir director around the same time asked other choir members including Doe I and his mother about

return. The boy was afraid, believing he would go to hell for telling on God's representative on earth. Fear silenced his voice; shame sealed his lips. Although the family continued to worship at Holy Trinity, they were increasingly ostracized by old-guard Katinas supporters. One elderly female parishioner even gave Doe IV the "evil eye" at church. The family felt that the parish, especially the ladies' group, were all gossiping about the very episode they themselves were not to talk about. The family was made to feel so uncomfortable that they left the church and moved back to Milwaukee in 1988.

4.23. Sometime in 1988, Fr. Nicholas Triantafilou came to Milwaukee and visited with them. He told the Father of John Doe IV that Fr. Katinas was undergoing counseling and expressed sadness for his son's "misunderstanding" of Fr. Katinas' actions. Still later, the Father of Doe IV met with Bishop Iakavos of Chicago, whom he knew personally, to discuss the situation. Adding his authority to what others were telling him, Iakavos insisted that Katinas was a good man, that poor Doe IV must have misunderstood and mistaken Fr. Katinas' actions, and that he was glad the matter been handled properly so that Katinas' life and the church's reputation had not been damaged by scandal. Still, neither Triantafillou nor Iakovos inquired about his son's welfare.

4.24. Following the sexual abuse by Katinas and the revictimization by the hierarchy, Doe IV became distracted and distant from his family. As he grew up, he became rebellious and angry. His relationship with his parents was severely damaged as a result not only of Katinas' assault, but also of the church's denial of his accusations and their acceptance of that denial. He attempted suicide several times. The first attempt at age eleven (11) occurred in the family's garage when he tried to hang himself in his efforts to "stop the [psychological] pain." His younger sister entered the garage and interrupted this desperate act. Another time, Doe IV pulled

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what they knew about the "family."

the trigger of a gun he found at home. Luckily, the gun was not loaded. Doe IV did not care. Then in 2007, his father became aware that a lawsuit had been filed against Katinas and the Greek Orthodox Church by three boys for sexual abuse and that another victim from Katinas' prior assignment had also come forward. Only then did Doe IV realize that he was not "crazy" but one of many Katinas victims and that the hierarchy had successfully conspired to make him and his parents doubt the truth of what had occurred.

**The Greek-American Altar Boy :John Doe V**

4.25. Between the ages of eight (8) and nine (9), John Doe V served as an altar boy at Holy Trinity. His service was supported and encouraged by his parents, who were of Greek descent and who were long-time members at the church even prior to the assignment of Katinas. Doe V's family trusted Katinas, the new appointee, as they had other priests in the past, confident that altar service would reflect favorably on their son, who had been baptized at the Swiss Avenue church. Little did they realize that their church would be the site of repeated [redacted] by their popular priest and trusted counselor.

4.26. In approximately 1984, using his religious authority to gain access young Doe V's psyche and under the pretext of discussing girls, Katinas talked suggestively to the boy. Katinas groomed his victim with the "girl discussions", stating Doe V was "a good-looking boy" and that he "must have all the girls chasing him." His talking was soon followed by [redacted]. He [redacted] on at least two occasions. These sex acts occurred when Doe V was approximately thirteen (13) or fourteen (14).

4.27. These incidents went on for some seven (7) years. [redacted] occurred on Sundays at least thirty (30) times in any given year. In

2007, after this lawsuit was filed, Doe V's mother heard that Katinas was accused of abusing young males, she notified her son. Doe V blurted his response without thinking: "It wouldn't surprise me." This honest, spontaneous response began Doe V's awareness of how he had been compromised and sexualized as a child and that he had suppressed this awareness.

**Previous abuse of other boys: Cover-up at Assumption**

4.28. Katinas had previously been recommended, approved and assigned by the Chicago Metropolis and GOAA as pastor of Assumption Church in January of 1969. There for several years, beginning in approximately 1970 or 1971 and continuing into 1972--- over a decade prior to his abuse of Doe I, Doe II Doe III, Doe IV and Doe V---Katinas sexually abused "DZ," an altar boy like the Plaintiffs herein, whose family were parishioners.[2] During these abuses, Defendant Katinas told DZ that he likewise had "played around" with other altar boys in the parish.

4.29. Further, in the spring of 1974, Katinas attempted to sexually assault a then-thirteen-year-old parishioner's son. The boy told his parents immediately following the incident. The mother of the boy even confronted Katinas, himself, shortly after the incident. Katinas told her he knew that he was sick and that he needed help. The family abruptly left the church. Katinas remained, although by 1976 or 1977 gossip concerning his violations of that particular family apparently continued in the parish community to such an extent that the ladies group to which the mother of the boy had belonged for years withheld Katinas' special "bonus" to show their disapproval. Because prior to this time the Assumption parish council president had personally observed at least three other suspicious incidents suggestive of pedophilia involving Katinas and teenage boys, when news of this assault reached him, he was determined to have Katinas removed as pastor. In his capacity as President, he conferred with the church's pro-bono

attorney about the matter, who already knew about it. He told the lawyer that Katinas had to leave the parish and for him to take whatever action was necessary to see that he was reassigned, a prerogative involving the Chicago Diocese but reserved to the Archdiocese, ultimately. Based upon information and belief, another board member, an Archon of the church who was very influential with the Orthodox hierarchy, his own grandfather having been a priest therein, was dispatched to report the matter to the proper church authorities and get Katinas out of the parish.[3] At that time, none other than current Metropolitan Isaiah (an acknowledged great good friend of Katinas, according to media reports, and a vocal defender of him after his suspension) was the Chancellor of the Chicago Diocese wherein Assumption Church is located. Further, the same Bishop Iakavos, who would later be involved in supporting Katinas after the John Doe IV incident, was then Bishop of Chicago. When the parish council president met a few weeks later with the attorney, he reported that Katinas' removal and reassignment were in the works. By September 1978, Katinas was, in fact, reassigned by the GOAA to the Dallas church, thereby unconscionably providing new prey for an old predator.

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[2] The sexual abuse occurred in the church at Olympia Fields as well as in the Katinas home when "Father Nick's " wife and young children were temporarily absent. DZ is not a party to this case. His claims were settled with the GOAA in January 2007.

[3] An Archon or a member of the Order of St. Andrew, is an honorary title bestowed by the Ecumenical Patriarch for outstanding service to the Church upon well-known distinguished and well-respected leaders of the Greek Orthodox Community (at large). It is the sworn oath of the Archon to defend and promote the Greek Orthodox faith and tradition. All Archons are expected to demonstrate a special concern and interest and to serve as a bulwark to protect and promote the Holy Patriarchate and its mission, particularly the protection of its assets. For example, because seventy-five percent of the ecumenical patriarchate's properties have reportedly been confiscated by the Turkish government, Archons have petitioned the President of the United States to intervene on behalf of the Greek Orthodox Church to help recoup its losses and to prevent others. They have never asked him to address the loss of souls caused by pedophile priests and complicit hierarchy. See http//www.archon.org.

**DZ Confronts Katinas and Reports his abuse to the GOAA**

4.30. During a telephone conversation with Katinas in 1998, DZ confronted him about his having abused him as a boy. Katinas admitted to the abuse, then asked his victim to pray for him and to keep silent, repeating that he had also sexually abused other boys and further, that he had confessed his criminal sexual misconduct to Bishop Gerasimos at Holy Cross, and also had met about it with a psychiatrist in Chicago, both before he was transferred to Dallas. Neither Gerasimos nor any other informed official in the GOAA hierarchy bothered to offer counseling to DZ at that time nor to act responsibly by suspending Katinas until 2007, nor, insofar as Plaintiffs have been able to determine to date, did they make any efforts to reach out to Katinas' other victims.

4.31. Finally, in October 2005, DZ formally reported his abuse to the GOAA through its abuse hotline. An "investigation" was conducted that resulted in Katinas' being sent (sometime after Easter 2006) for a psychological evaluation and treatment at St. Luke Institute in Maryland, a nationally recognized treatment center for pedophile clerics. No one at Holy Trinity has admitted to having been advised of these events, though Katinas' absence could hardly have gone unnoticed. Then, in June 2006, Katinas "retired" due to "illness." Not until February 2007 were the parishioners of Holy Trinity officially and euphemistically advised by the GOAA of Father Nick's suspension for "moral transgressions," that is to say, for his sexual abuse of male children.

4.32. To date only DZ, the Olympia Fields parish victim, Doe I, Doe II, Doe III, Doe IV and Doe V have had the courage to come forward. The full identities of most of Katinas' other child-victims are currently unknown. Consequently, they may never have the needful therapy Katinas has been generously but strategically afforded by the GOAA. There has been no offer of therapy by any of the Defendants to any of the Plaintiffs in this case.

4.33. There is no evidence that law enforcement officials in Illinois or Texas were ever notified of Katinas' sex crimes against children as required by these states' reporting laws. Likewise, most parishioners in both states have been kept in the dark as to the truth behind Father Nick's belated suspension. Indeed, the Greek Orthodox hierarchy waited almost (7) seven months after Katinas' so-called "retirement" from Holy Trinity to publicly, though vaguely, concede the real reasons behind his suspension. They have remained less than candid and more than cryptic. This continuing secretive cover up of Katinas' sex crimes against male children in churches that were under his dubious care further imperils his and their victims' lives and postpones their hopes for some measure of closure and justice.

## V

## SUMMARY OF CLAIMS AGAINST DEFENDANTS

5.01. At the time of the incidents alleged and complained of herein by Plaintiffs, Katinas was employed as an ordained Greek Orthodox priest at Holy Trinity, working there at the pleasure of the Denver Metropolis and the GOAA and receiving from these collective entities financial support and other benefits, including medical and psychological care. Acting within the course and scope of the above employment, Katinas had access to and personal contact with Plaintiffs Doe I, Doe II, Doe IV and Doe V. The above employment scope also enabled him to become familiar with and to access neighboring children like Doe III who, though members of other denominations, attended the church's community functions, particularly its fundraisers.

5.02. Katinas was an employee, agent and servant of Holy Trinity, the Denver Metropolis and the GOAA, or, alternatively, was a non-employee agent of Holy Trinity, the Denver Metropolis and the GOAA and subject to their supervision and oversight.

5.03. Defendants Holy Trinity, Denver Metropolis and GOAA were negligent in recruiting, screening, employing, assigning, supervising and retaining Defendant Katinas as Pastor at Holy Trinity.

5.04. Plaintiffs allege that prior to the incidents of sexual abuse complained of herein, it was well known to Defendants Denver Metropolis and GOAA that a number of Greek Orthodox priests within and without its territory, before and during the times of the offenses at issue, had sexually abused children. Yet, Defendants negligently failed to adopt and implement pertinent preventative policies and procedures; to identify potential and actual sexual offenders; to deny them acceptance into their seminaries and parishes; to refuse them positions that provided access to children; to monitor and supervise their actions; to warn Orthodox parishioners and non-Orthodox citizens when proven predators were in their midst; and to report their crimes to civil authorities as required by law. Instead, while ignoring and dismissing sex abuse victims rather than acknowledging and assisting them, Defendants Denver Metropolis and GOAA worked with each other in cooperation with individuals at this time unknown to Plaintiffs in concealing crimes against children in their care, in protecting the reputations of perpetrators such as Katinas, in failing to insist on defrocking them and in guarding the material assets of their church instead of protecting the psychological and spiritual well-being of the innocent and injured. In this case, Defendants knew that Katinas had sexually abused male children, and that he not only displayed signs and symptoms associated with this loathsome propensity but had already acted in conformity with them at his assignments at Assumption and Holy Trinity. Based on information and belief, he even received professional counseling on at least two occasions for this problem, having acknowledged that he was indeed sick and did unquestionably need help.

5.05. Katinas' abuse of Plaintiffs resulted from the authority, power and access associated with his position as an Orthodox priest and pastor. Although Defendants Holy

Trinity, Denver Metropolis and the GOAA knew or should have known of his dangerous sexual propensities, they did nothing to prevent him from assuming a position where he would perpetuate his unfettered access to young boys nor to remove him from it when he abused them. Instead, upon being conveniently transferred from Assumption, he was negligently made pastor at Holy Trinity, thereby confirming his stature in the community at large and giving him extensive authority over unsuspecting laity and the public.

5.06. While he was employed as pastor of Holy Trinity, Katinas again used his position and influence as a trusted priest, to all appearances in good standing, in order to gain access to Plaintiffs and to sexually molest them.

5.07. Denver Metropolis and GOAA had both the authority and the responsibility to supervise and monitor the activities of Katinas or at least to warn parishioners that he was a sexual predator so they could protect themselves and their adolescent sons since their hierarchy clearly would not. Defendants did neither. Assistant clergy and lay officials at Holy Trinity surely had an obligation to protect its own congregants. They did nothing. Instead, Holy Trinity, Denver Metropolis and GOAA actively concealed facts, and intentionally misinformed or remained purposefully silent when they had a duty to speak and to protect innocent minors from sexual abuse and trusting parents from exploitation by the very priest they supported and befriended.

5.08. Plaintiffs would show that although Holy Trinity, Denver Metropolis and the GOAA were well aware that Katinas, like some other notorious Orthodox priests, was a danger to minors, they negligently retained him as pastor in Dallas and allowed him to work there for almost three decades, thereby exposing untold male youngsters to his perverse sexual predations. Further, although Denver Metropolis and GOAA recklessly granted Katinas the powers of pastor, they failed to warn parishioners not on the board, including the parents of Doe I, Doe II,

Doe IV and Doe V, of the dangers they knew or should have known Katinas, in his privileged position, posed to their male children. They certainly did not alert the non-Orthodox community. Yet, given the incurable nature of his sickness, they must have known that he would abuse his powers and somewhere, sometime, abuse someone's son, given the inevitable, foreseeable opportunity. Because Holy Trinity, Denver Metropolis and GOAA did not act responsibly and timely to remove Katinas from their employ, he was able to extend his evil molestations, abuses, assaults and exploitations into the non-Orthodox community, injuring John Doe III.

5.09. Defendants Holy Trinity, Denver Metropolis and GOAA knew of the dangerous sexual propensities of Katinas and the sexual risk he presented to minor boys, yet for almost three decades they cloaked him with authority and reverence as pastor of Holy Trinity and abetted his abhorrent acts by their silence and were complicit in covering up his criminal conduct. They placed the male children of that church, in particular, at risk for life-long psychological and spiritual injury. Indeed, Defendants Holy Trinity, Denver Metropolis and GOAA knew or should have known that Katinas was psychologically unfit, a physical, moral and spiritual menace to young males and an anathema to their own Orthodoxy, perpetrating against boys criminal acts abhorrent to decent society. Further, they knew or should have known that this was not the first time he had been guilty of pedophilia; that he had committed illegal sex acts against children at his previous assignment, Assumption. Even so, Holy Trinity, Denver Metropolis and GOAA neither supervised Katinas' activities nor alerted parishioners to the multiple dangers he posed, nor have they yet sought out victims among current or former parishioners, nor offered them and their families secular counseling, spiritual care or any help of any kind. Equally morally repugnant and religiously hypocritical, they remained mute and thus consensual and enabling, encouraging blind-faith supporters of Katinas to intimidate and ostracize the innocent and the injured. Bishop Isaiah of the Defendant Metropolis is a disturbing

example of an official who incomprehensibly seeks to accomplish these goals through others by preaching support of Katinas to confused parishioners. The effect of his words have been to revictimize Katinas' victims while injecting doubt into a parish which had already been told by the GOAA that Katinas was, indeed, guilty of sexually abusing minors.[4]

5.10. Holy Trinity, Denver Metropolis and GOAA knew or should have known that Katinas was unsuitable to work as a priest. They also knew or should have known that, considering his background, minor boys would not be sexually safe around with him. Holy Trinity, Denver Metropolis and GOAA further knew or should have known that they were taking a foreseeable risk at the expense of children placed within his privileged grasp.

5.11. All Defendants were in a confidential, fiduciary and special relationship with the Plaintiffs grounded upon the duty of good faith and fair dealing and the obligation to act with the highest degree of trust, confidence and loyalty. This fiduciary relationship includes the duty to disclose and the duty to act to protect these Plaintiffs from sexual abuse and exploitation by Katinas, an Orthodox priest whom Orthodox hierarchy, including Metropolitan Isaiah and Archbishop Demetrius, Metropolitan Iakovos and Vicar General Triantafillou, have represented as being morally sound and sexually safe. Doe I, Doe II, Doe IV and Doe V were devout, trusting Orthodox worshippers prior to the sexual abuse and exploitation complained of herein. Now, understandably but sadly, they are not. Doe III was once a devout Catholic, but after being sexually assaulted by his former neighbor and family friend, this same trusted Reverend Katinas, now is decidedly not. The cover-up of Katinas' misdeeds and the protection of his reputation by parish, Metropolis and Archdiocese has deepened and widened the wounds to the faith of all of these victims.

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[4] The attempts of Defendants to intimidate and revictimize victims of sexual abuse continue. The Defendants insisted that the court force these victims to have their identities made public even though they and their counsel already had been provided all such pertinent information. The court denied that unconscionable request yet the attorneys for Holy Trinity, the former spiritual home of almost all of these Plaintiffs have intentionally and with reckless disregard made public confidential and private information about these young men.

5.12. Plaintiffs were also unable to discover until recently that Katinas, Holy Trinity, Denver Metropolis and GOAA breached the duty owed them, thereby giving rise to these claims against Defendants due to their acts of fraud, fraudulent concealment, breach of informal fiduciary (confidential) duty and concert of action enabling these criminal activities, thus giving rise to a "civil conspiracy." Defendants also had knowledge of facts that give rise to Plaintiffs' claims or other claims against them stemming from Katinas' psycho-sexual disorders and the sexual abuse of other minor boys that they fraudulently concealed and failed to disclose. Plaintiffs thus plead delayed discovery of their claims, as well as delayed discovery of fraud, fraudulent concealment, continuing overt acts in furtherance of a civil conspiracy, and other causes of action against these Defendants despite reasonable diligence on their part.

5.13. Defendants Holy Trinity, Denver Metropolis and the GOAA were aware or should have been aware of other complaints about Katinas's past sexual abuse of minor boys and other instances of sexual misconduct. Nevertheless, Defendants Holy Trinity, Denver Metropolis and GOAA fraudulently concealed material information and fraudulently misstated material facts in order to conceal from Plaintiffs the fact that they had legal recourse against the Defendants. They should, therefore, be estopped from now claiming the defense of limitations since such fraudulent conduct has suspended or delayed the accrual of Plaintiffs' causes of action.

5.14. Katinas' sexual misconduct was in violation of state and federal criminal statutes for sexual assault of minors, which constitutes negligence per se. His sexual abuses include but are not limited to conduct as described by Sections 21.01, 21.11, 22.011, 22.021, 22.01 , 22.04, and §43.25 of the Texas Penal Code.

## VI

## CAUSES OF ACTION AGAINST DEFENDANT KATINAS

6.01. Katinas at all times relevant herein was an ordained Greek Orthodox priest represented by Holy Trinity, Denver Metropolis and GOAA to be in good standing and as deserving of trust. With their approval and empowerment, he held himself out to be an honest man of good moral character fit to be revered by parishioners and to be prudently entrusted with the care, counseling, teaching and guidance of their children. As a result of his delegated capacity as a pastor and "counselor" at Holy Trinity, Katinas gained access to Plaintiffs for the purpose of sexually abusing and exploiting them to gratify his own perverse sexual predilections, just as he had done previously to DZ and other minor boys at Assumption.

6.02. Katinas and Defendants Holy Trinity, Denver Metropolis and GOAA knew or should have known of Katinas's dangerous sexual propensities. Katinas, himself, knew that he had a serious psycho-sexual disorder, to wit, an unnatural, incurable, insatiable and uncontrollable sexual attraction to male children and that he needed professional help to deal with it. He, himself, was therefore negligent in accepting a position guaranteeing access to boys and thereafter in sexually abusing, assaulting and exploiting them. Plaintiffs rely on Katinas' mental condition as part of their claims. *See Texas Rules of Evidence 509(c)(4) and 510(d)(5).*

6.03. In that Katinas' conduct was intentional when he sexually abused, assaulted and exploited Plaintiffs, his behavior constitutes the intentional infliction of emotional distress.

6.04. Katinas' conduct was in violation of state and federal criminal statutes for sexual abuse of children, which constitutes negligence per se, including but not limited to Texas Penal Code §21.11, §22.011(b)(10), §22.011, §22.021, §22.04, and §43.25.

6.05. Katinas maintained himself in a position of trust, confidence and authority as a parish priest and pastor ostensibly dedicated to the welfare of Plaintiffs and their families. He

negligently and intentionally abused this trust, confidence and authority to gain access to the Plaintiffs and to sexually abuse and sexually exploit them.

6.06. The actions of Katinas alleged herein in Paragraphs 6.01-6.05 proximately caused the incidents in question and the resultant damages sustained by the Plaintiffs.

## VII

## CAUSES OF ACTION AGAINST DEFENDANTS HOLY TRINITY, DENVER METROPOLIS AND GOAA

7.01. Defendants Holy Trinity, Denver Metropolis and the GOAA negligently hired and retained Katinas and assigned him to a position of trust, confidence, and authority as a parish priest and pastor in direct contact with minor boys. They knew or should have known he was sexually dangerous and grossly unsuited for such assignments. These Defendants negligently and recklessly entrusted and exposed minors to Katinas' perverse "care," counseling and predation.

7.02. Defendants Holy Trinity, Denver Metropolis and GOAA were negligent in employing, assigning and retaining Defendant Katinas as a pastor.

7.03. Defendants Holy Trinity, Denver Metropolis and GOAA negligently failed to provide reasonable monitoring and supervision of Katinas. They retained overall responsibility for all aspects of religious life of Orthodox clergy, including the following duties: (a) to have inquired after and investigated Katinas before granting assignments to him; (b) to have supervised, evaluated, monitored, inspected and overseen all activities of Katinas; (c) to have investigated, monitored and supervised Katinas as a priest at Holy Trinity; and (d) to have prudently revoked Defendant Katinas's faculties upon early and repeated notice that he was decidedly unsuited for the position to which he was assigned and to have promptly removed him from it. Defendants were negligent in fulfilling each and all of these duties. Had they not been negligent and reckless, Katinas would never have had the opportunity, means and power to

sexually abuse and exploit Plaintiffs in this case.

7.04. Defendants negligently failed to warn Plaintiffs about Katinas' sexual propensities despite their knowledge and notice of these dangerous proclivities. Defendants also failed to report Katinas' crimes to civil authorities as required by law.

7.05. Prior to Katinas's sexual abuse of Plaintiffs, Defendants Holy Trinity, Denver Metropolis and GOAA negligently failed to investigate notices of sexual misconduct or to act on their continuing, expanding, and corroborative knowledge that Katinas was unsuitable for a position affording access to minor boys and to respond responsibly by removing him from a position affording contact with minors.

7.06. Subsequent to the sexual abuse of the Plaintiff, Defendants Holy Trinity, Denver Metropolis and GOAA made numerous representations, promises and agreements to avoid the criminal prosecution of several other Greek Orthodox clerics besides Katinas which were either false and fraudulent when made or were made with the intent not to act as represented. Plaintiffs did not learn of this fraudulent pattern and practice until February 2007 when the reasons for Katinas' suspension were at last made public. Consequently, Plaintiffs plead fraud and fraudulent concealment.

7.07. Defendants Holy Trinity, Denver Metropolis and GOAA negligently failed to implement reasonable policies and procedures to detect and prevent the sexual abuse of boys by Katinas even though Defendants knew or should have known he was a predictable risk for such sexual misconduct. The negligent acts arising out of Defendants' policies and practices include, but are not limited to:

1. hiring, supervising, reassigning, and retaining Katinas as well as other Greek Orthodox clerics known to have abused minors;

2. ignoring warnings from others within the hierarchy who believed that such priests were threats to children;

3. failing to alert current parishioners, previous parishes and the surrounding communities where abusive priests had served that they were exposed to known or suspected child molesters;

4. failing to inform the public that such priests assigned to their parishes were sexual threats;

5. misrepresenting facts to victims who requested information about clerics who had abused them in order to fraudulently conceal their own negligence;

6. making decisions which reflected that the reputations of abusive priests and the desire to avoid scandal were vastly superior and more important to the hierarchy than the mental and spiritual health of victims who had been abused by clerics and the welfare of their families;

7. failing to report the crimes committed by such priests to law enforcement;

8. conspiring to recycle sexually predatory priests back into active ministry; and

9. fostering an environment and culture where sexual abuse of children could flourish and in which it was clearly understood that there was no accountability for such criminal acts against children.

Holy Trinity, Denver Metropolis and GOAA have thus shown great interest in protecting their own reputations and those of predator priests but little in seeing to the care or cure of the psyches or souls of their victims.

7.08. Plaintiffs allege that Holy Trinity, Denver Metropolis and the GOAA are liable for the acts and/or omissions of Katinas under the legal doctrine of negligent assumption of the risk of intentional or criminal conduct. Defendants Holy Trinity, Denver Metropolis and GOAA realized or should have realized that Katinas posed an unreasonable risk of harm to minor boys, including Doe I, Doe II, Doe III, Doe IV and Doe V. Plaintiffs thus plead Section 302B of the Restatement (Second) of Torts, Section 302B.

7.09. Defendants' conduct at the times and on the occasions in question, and continuing through the present day, is so patently outrageous as to constitute the intentional infliction of emotional distress upon the Plaintiffs.

7.10. Defendants Holy Trinity, Denver Metropolis and GOAA fraudulently concealed

their knowledge of the criminal sexual activities of Katinas and other such predatory clerics for the purpose of preventing Plaintiffs from learning the causal nature of their injuries and making claims against them. Defendants Holy Trinity, Denver Metropolis and GOAA used deception to conceal Katinas' past crimes, (particularly as to his assault of Doe IV) as well as those of other predatory clerics, in order to conceal their own negligence in failing to properly assign, supervise, investigate, report and remove Katinas for his perverse, injurious and unholy sexual misconduct. Plaintiffs reasonably relied upon this complex deception, the fraudulent purpose of which they failed to discover despite due diligence.

7.11. Plaintiffs also allege that Defendants Holy Trinity, Denver Metropolis and GOAA failed to apprise them or the local communities of Katinas's sexually deviant and predatory nature. Thus, Holy Trinity's, Denver Metropolis's and GOAA's representations that Katinas was not sexually dangerous to young males placed Plaintiffs and other boys in the community in real peril. Plaintiffs plead that Defendant Holy Trinity, Denver Metropolis and GOAA failed to exercise reasonable care, and thus negligently misrepresented and negligently conveyed false information with the intent to mislead, which proximately caused harm to the Plaintiffs because they reasonably relied upon the false representation that Katinas was suitable for a position involving access to minor boys. Plaintiffs thus plead Section 311 of the Restatement (Second) of Torts and the legal doctrine of negligent misrepresentation involving the risk of physical harm.

7.12. Plaintiffs allege that these Defendants breached their fiduciary duty to them by failing to disclose their knowledge of the criminal sexual activities, past and present, of Katinas and the other Greek Orthodox clerics who abused minors and by fraudulently concealing these activities. Their duty includes the duty of good faith, fair dealing, and disclosure. Plaintiffs did not and could not in the exercise of reasonable diligence learn of this breach of duty due to false representations, material misstatements of fact and unconscionable silence until Katinas' sexual

misconduct was made public in February 2007.

7.13. The sexual abuse and sexual exploitation in this case arose from Defendant Katinas's exercise of authority and power and his exploitation of access to his victims and their families created by his employment, assignment and position as a pastor in good standing by Holy Trinity, Denver Metropolis and GOAA. Plaintiffs thus plead vicarious liability under the doctrine of *respondeat superior* in that Defendants Holy Trinity, Denver Metropolis and GOAA knew or should have known of the previous sexual misconduct and continuing dangerous propensities of Katinas and in that Katinas' injurious sexual predations were clearly foreseeable. Defendant Denver Metropolis' and GOAA's authority over their priests exceeds the customary employer/employee relationship. Defendants Denver Metropolis and GOAA are thus vicariously liable for all actions described above of Katinas as well as their own abandonment of prudence and their abuse of authority through omission and commission that resulted in injury to Plaintiffs.

7.14. During the existence of the fiduciary relationship pled herein, Defendants actively and constructively stated and/or represented numerous falsehoods, including representing that Katinas was a man of good moral character and fit to be a priest; a holy man who could be entrusted with the care, counseling, teaching, and instruction of children. These representations, among others outlined in this pleading, were false and misleading and were known to be false and misleading at the time they were made, or were made with a reckless disregard as to whether they were true or false or of potential consequence to parishioners. These falsehoods and non-disclosures were material facts made with the intent to deceive and to induce reliance. Concurrent with of the abuse, Plaintiff could not learn of the Defendants' knowledge of the falsity of said representations, and/or of the failure to disclose the unfitness of Defendant Katinas. Plaintiffs neither knew of nor could they have discovered through the exercise of due

diligence the fraud that had been committed by Defendants.

7.15. The actions of Defendants pled in Paragraphs 7.01-7.14 herein proximately caused the incidents in question and the consequent damages sustained by the Plaintiffs.

## VIII

## CLAIMS OF CONSPIRACY

8.01. Throughout the United States, the GOAA and its various Metropolises have handled other such cases of criminal sexual abuse of minors and vulnerable persons by Orthodox clerics in such a uniform fashion as to demonstrate a common pattern and practice for concealing these crimes from the public and civil law authorities, for recycling the perpetrators back into active ministry in other parishes and states, for failing to report them to proper civil authorities, and/or for spiriting such clerics to treatment facilities in and out of state or country to evade probable criminal prosecution of them and possible filing of civil claims by their victims.

8.02. This common plan and scheme, which was in existence well before the abuse of Plaintiffs, was followed by the Defendants herein to conceal the crimes against children and other vulnerable persons by Katinas and like-minded Greek Orthodox clergy. Members of this common plan and scheme have included not only Defendant Katinas, Bishop Isaiah and Archbishop Demetrios, but also other individuals agents and entities of GOAA such as then Vicar General Triantafilou and Bishop Iakovos, members of Holy Trinity parish involving its youth minister and choir director as well as those currently unknown to Plaintiffs.

8.03. Most disturbing, but in keeping with the protocol described above, Katinas, like others of his ilk, was allowed by Defendant to serve as a protected pastor in good standing well after reports of his sexual abuse of minors and given free rein to continue abusing.

8.04. Defendants Holy Trinity, Denver Metropolis and GOAA were aware or should have been aware of the sexual abuse of Plaintiffs by Katinas. They knew or should have known

that other young males had been sexually abused by him prior to his abuse of these Plaintiffs. Instead of duly reporting at any time Katinas's sex crimes to law enforcement, Defendants Holy Trinity, Denver Metropolis and GOAA entered into an agreement with him and others, in keeping with their protocol, to conceal his abuses, silence his victims and quietly remove and covertly recycle or speciously "retire" him. These Defendants intentionally accomplished the unlawful purpose of covering up sex crimes against children by Katinas and other Orthodox priests and/or intended to conceal their breach of duty by the unlawful means of failing to report Katinas and other known perpetrators as required by law. Further, in consequence of failing to report the crime of sexual abuse of a minor, these Defendants intended to cause additional injury to Plaintiffs. This combination had the result of concealing crimes by fraudulent and illegal means and concealing crucial prevenient facts, thus giving rise to claims for civil damages by the Plaintiffs against all Defendants. Their acts in furtherance of this civil conspiracy have continued to this day.

8.05. The elements of a civil conspiracy have therefore been met by the actions of all of these Defendants as well as by the actions of the Hierarchical Defendants in related pedophile clergy cases as follows: (1) the combination consists of two or more persons; (2) the combination desires to accomplish either an unlawful purpose and/or to accomplish a lawful purpose by unlawful means; (3) there is a meeting of the minds on the object or course of action; (4) there even are numerous unlawful, overt acts; (5) damages to the victims as the proximate result.

8.06. Defendants Holy Trinity, Denver Metropolis and GOAA participated in coordinated action which resulted in formulating deceptions Plaintiffs relied upon. False representations were also employed to prevent public knowledge of the criminal sexual abuse of children. This series of events was carried out as part of the civil conspiracy pled herein to keep the sexual abuse of children secret and thereby avoid the prosecution of clergy perpetrators and

the compromising of Orthodox assets. Efforts to conceal this civil conspiracy are on-going.

8.07. The actions of Defendants pled in Paragraphs 8.01-8.06 herein proximately caused the incidents in question and the consequent damages sustained by the Plaintiffs.

## IX

## CLAIMS OF FRAUD AND FRAUDULENT CONCEALMENT

9.01. Plaintiffs allege fraud against Katinas, Holy Trinity, Denver Metropolis and GOAA in that (1) each Defendant made material representations; (2) their representations were false; (3) each Defendant knew his statement was false when he made it or recklessly made his statement as a positive assertion without knowledge of the truth; (4) each Defendant intended that the Plaintiffs rely on these misrepresentations; (5) Plaintiffs relied on the misrepresentations; and (6) the Plaintiffs suffered injuries in consequence.

9.02. Plaintiffs claim that Defendants Katinas, Holy Trinity, Denver Metropolis and GOAA took actions designed to fraudulently conceal their breach of duty, which gives rise to Plaintiffs' claims against these Defendants. Plaintiffs allege that (1) each Defendant had actual knowledge of the facts concealed and (2) each Defendant had a fixed purpose to conceal the wrong. Plaintiffs therefore allege facts sufficient to establish fraudulent concealment in that Plaintiffs have established (1) the existence of the underlying tort; (2) each Defendant's knowledge of the tort;(3) each Defendant's use of deception to conceal the tort and (4) Plaintiffs' reasonable reliance on Defendants' deception.

9.03. The actions of Defendants pled in Paragraphs 9.01-9.02 herein proximately caused the incidents in question and the consequent damages sustained by the Plaintiffs.

## X

## DEFENDANTS' CONCERT OF ACTION

10.01. Plaintiffs incorporate by reference as if set forth at length all allegations

referenced above, and assert that all entities and individuals who are named as Defendants are liable for acts and/or omissions pursuant to the Restatement (Second) of Torts, Section 876, under the legal doctrine of concert of action, as joint venturers, as agents of these entities, and as shareholders of these entities under which theories Plaintiffs seek damages from all Defendants jointly and severally.

## XI
## DEFECTIVE PREMISES

11.01. Defendants Katinas, Holy Trinity, Denver Metropolis and GOAA are liable to Plaintiffs for this cause of action.

11.02. At time of trial, John Doe I, John Doe II, John Doe IV and John Doe V will prove that they were invitees to the premises of Holy Trinity, and Doe III an invite to the premises of Katinas, which was purchased in part with a housing allowance paid to him by Holy Trinity. When the risk of criminal conduct is so great that it is both unreasonable and foreseeable, Defendants owe a duty of care to those who might be harmed by criminal acts committed on its premises. Defendants were aware or should have been aware of the potential for actual criminal acts of intentional sexual assault and intentional sexual abuse and exploitation by Defendant Katinas against Plaintiffs on its property and at other locations under their control and of their breached duty in not caring for the safety of Plaintiffs.

11.03. The acts or omissions plead above proximately caused injury to Plaintiffs.

## XII

## GROSS NEGLIGENCE AND PUNITIVE DAMAGES

12.01. Plaintiffs also seek punitive and exemplary damages in order to punish and deter the outrageous conduct of all of the Defendants herein. Facts as alleged above will be proven by

Plaintiffs' clear and convincing evidence that Defendants acted fraudulently and maliciously and were grossly negligent in that, either by act or omission, they exposed Plaintiffs to an extreme degree of risk of harm considering the probability, magnitude and extent of the harm that would likely and which ultimately did actually impact them. Further, Defendants had real, subjective awareness of the risks involved, but nevertheless proceeded with callous indifference to the rights, safety, and welfare of Plaintiffs physically, psychologically and spiritually. These damages, in concert with the conduct of Katinas, are described as felonies, specifically Tex. Pen. Code §22.011 (sexual assault) and § 22.04 (injury to a child). They were committed knowingly, in consequence of which the punitive damage cap does not apply. *See* Tex. Civ. Prac. & Rem. Code § 41.008(c).

12.02. To the extent this case arises out of criminal conduct committed by an unfit employee or agent of Defendants, Defendants are liable for exemplary damages because the agent was notably unfit; Defendants acted with malice in employing or retaining and in failing to supervise him; and Defendants effectively ratified or approved his acts.

## XIII

## STATEMENTS TO THE COURT

13.01. Plaintiffs plead that the Discovery Rule applies in this case due to the insidious nature of the crime of sexual abuse of children which renders victims' claims inherently undiscoverable. Further, Plaintiffs' claims are objectively verifiable by the sexual abuse of at least two other known male victims of the same pedophile priest, Defendant Katinas.

13.02. Plaintiff John Doe II pleads unsound mind pursuant to Texas Civil Practice and Remedies Code §16.022(2), thus tolling limitations in this case.

13.03. Plaintiffs plead delayed discovery of the harm caused by the sexual abuse and the delay in treatment, despite the exercise of reasonable diligence on their part, due to repressed

and/or suppressed memory, thus tolling the statute of limitations.

13.04. Plaintiffs plead that religious duress additionally delayed the filing of this lawsuit due to the traumatic bond forged by their revered abuser, "Father Nick" Katinas, and the compelling authority of hierarchical conspirators, Isaiah, Demetrios, Triantafilou and Iakovos, which was not broken until Katinas' suspension in February 2007.

13.05. Plaintiffs plead fraud and fraudulent concealment of this fraud on the part of Defendants, thus suspending the running of limitations as to all claims, including those related to the intentional infliction of emotional distress.

13.06. Plaintiffs plead fraudulent concealment of fraudulent statements and other fraudulent misrepresentations known to Defendants that concealed Plaintiffs' claims, thus suspending the running of limitations.

13.07. Plaintiffs plead breach of fiduciary duty and the duty to disclose, including the use of deception to conceal the breach of duty of care against all Defendants, thus suspending the running of limitations against all Defendants.

13.08. Plaintiffs plead a civil conspiracy to conceal criminal acts, to conceal the commission of criminal acts, to conceal negligence by unlawful means, to conceal fraud, to conceal the breach of the duty of trust and confidence, and to conceal by illegal means the use of deception to avoid claims until limitations would quietly expire, thus suspending the running of limitations against all Defendants as to all claims.

13.09. Plaintiffs plead that they were unable to discover this fraud, fraudulent concealment, or the civil conspiracy despite reasonable diligence on their part until within two (2) years of the filing of this case.

13.10. Plaintiffs allege that the actions of all Defendants, because of their conduct, statements and promises, preclude them under the doctrine of estoppel and quasi-estoppel from

claiming the bar of limitations to any of Plaintiffs' claims.

13.11. Plaintiffs assert that the statute of limitations has not run on these causes of action pursuant to TCPRC § 16.0045.

13.12. Plaintiffs assert that the statute of limitations is tolled due to Katinas' leaving the United States sometime in February 2007 and should remain tolled until he returns pursuant to Tex. Civ. Prac. Remedies Code §16.063.

13.13. Plaintiffs allege that these Defendants have acted in concert to fraudulently conceal their predatory priests by recycling them, concealing the extent and nature of priests' sexual abuse and trivializing the harmful effects of such abuse on their victims.

## XIV

## DAMAGES

14.01. Plaintiffs herein have been subjected to continual debilitating mental and emotional duress, including religious duress, due to the injuries they suffered from the acts and omissions of all Defendants. Doe I, Doe II, Doe III, Doe IV and Doe V presently suffer from chronic psychological injuries, including loss of faith, low self-esteem, depression, panic attacks, intrusive disturbing thoughts, difficulty with sexual and social intimacy, alcohol abuse, substance abuse and other injuries consistent with the noxious and pervasive form of vile and perverse childhood sexual abuse more fully described herein, including the resultant post traumatic stress disorder.

14.02. As a proximate result of the actions of Defendants Katinas, Holy Trinity, Denver Metropolis and GOAA, Plaintiffs have suffered serious life-altering injuries, all of which were the foreseeable result of the failures of Defendants, who were responsible for the assignment, empowerment and supervision of Katinas. Thus, they negligently allowed the foreseeable and

predictable sexual abuse and sexual exploitation of Plaintiffs and other boys to occur time and time again.

**John Doe I**

14.03. As a result of the conduct and incidents described herein, Plaintiff John Doe I has incurred counseling expenses in the past and, in all reasonable probability, will incur counseling expenses in the future, for which he seeks an award by the trier of fact.

14.04. As a result of the conduct, incidents and injuries described herein, Plaintiff John Doe I has experienced severe emotional and psychological pain and suffering in the past and, in all reasonable probability, will sustain severe psychological and emotional pain and suffering in the future, for which he seeks an award from the jury.

14.05. As a result of the conduct and incidents described herein, Plaintiff John Doe I has suffered mental anguish in the past and, in all reasonable probability, will sustain mental anguish in the future, for which he seeks an award from the trier of fact.

14.06. As a result of the conduct and incidents described herein, Plaintiff John Doe I has suffered many other damages, including loss of faith, loss of trust, loss of self- esteem, distrust of authority figures, nightmares, sexual problems, severe depression, suicidal thoughts, and in all reasonable probability, social and professional maladjustment in the past and, in all reasonable probability, will suffer the same in the future as well, for which he seeks an award from the trier of fact.

14.07. Plaintiff John Doe I also seeks punitive and exemplary damages, as alleged above, in order to punish and deter the outrageous conduct of the Defendants. The exemplary damages cap does not apply because under Tex. Civ. Prac. & Rem. Code §41.008(c)(5) the conduct complained of is based upon sexual assault.

14.08. As a result of the conduct and incidents described herein, Plaintiff John Doe I has suffered lost wages in the past and will, in all reasonable probability, suffer diminished wage earning capacity in the future, for which he seeks an award from the trier of fact.

14.09. As a result of the conduct and incidents described herein, Plaintiff John Doe I seeks actual damages and punitive damages in excess of the minimum jurisdictional requirements of the Court.

**Mother Of John Doe As Next Friend of John Doe II**

14.10. As a result of the conduct and incidents described herein, Plaintiff Mother of John Doe II as his Next Friend on behalf of John Doe II has incurred counseling expenses in the past and, in all reasonable probability, will incur counseling expenses in the future, for which they seek an award by the trier of fact.

14.11. As a result of the conduct, incidents and injuries described herein, Plaintiff John Doe II has experienced severe emotional and psychological pain and suffering in the past and, in all reasonable probability, will sustain severe psychological and emotional pain and suffering in the future, for which he seeks an award from the jury. Doe II's mother has incurred expenses related to them in the past and, in all reasonable probability, will incur such expenses in the future.

14.12. As a result of the conduct and incidents described herein, Plaintiffs John Doe II has suffered mental anguish in the past and, in all reasonable probability, will sustain mental anguish in the future, for which he seeks an award from the trier of fact.

14.13. As a result of the conduct and incidents described herein, Plaintiff John Doe II has suffered many other damages, including loss of faith, loss of trust, loss of self- esteem, distrust of authority figures, nightmares, sexual problems, severe depression and suicidal thoughts and, in

all reasonable probability, will suffer the same in the future as well, for which he seeks an award from the trier of fact.

14.14. Plaintiff Mother of John Doe as Next Friend of John Doe II also seeks punitive and exemplary damages, as alleged above, in order to punish and deter the outrageous conduct of the Defendants. The exemplary damages cap does not apply because under Tex. Civ. Prac. & Rem. Code §41.008(c)(5) the conduct complained of is based upon sexual assault.

14.15. As a result of the conduct and incidents described herein, Plaintiff Mother of John Doe as Next Friend of John Doe II seeks actual damages and punitive damages in excess of the minimum jurisdictional requirements of the Court.

**John Doe III**

14.16. As a result of the conduct and incidents described herein, Plaintiff John Doe III has incurred counseling expenses in the past and, in all reasonable probability, will incur counseling expenses in the future, for which he seeks an award by the trier of fact.

14.17. As a result of the conduct, incidents and injuries described herein, Plaintiff John Doe III has experienced severe emotional and psychological pain and suffering in the past and, in all reasonable probability, will sustain severe psychological and emotional pain and suffering in the future, for which he seeks an award from the jury.

14.18. As a result of the conduct and incidents described herein, Plaintiff John Doe III has suffered mental anguish in the past and, in all reasonable probability, will sustain mental anguish in the future, for which he seeks an award from the trier of fact.

14.19. As a result of the conduct and incidents described herein, Plaintiff John Doe III has suffered many other damages, including loss of faith, loss of trust, loss of self- esteem, distrust of authority figures, anger control issues, poor impulse control, impairment of marital

relations, severe depression, suicidal thoughts, substance abuse, and social and professional maladjustment in the past and, in all reasonable probability, will suffer the same in the future as well, for which he seeks an award from the trier of fact.

14.20. Plaintiff John Doe III also seeks punitive and exemplary damages as alleged above in order to punish and deter the outrageous conduct of the Defendants. The exemplary damages cap does not apply because under Tex. Civ. Prac. & Rem. Code §41.008(c)(5) the conduct complained of is based upon sexual assault.

14.21. As a result of the conduct and incidents described herein, Plaintiff John Doe III has suffered lost wages in the past and will, in all reasonable probability, suffer diminished wage earning capacity in the future, for which he seeks an award from the trier of fact.

14.22. As a result of the conduct and incidents described herein, Plaintiff John Doe III seeks actual damages and punitive damages in excess of the minimum jurisdictional requirements of the Court.

**John Doe IV**

14.23. As a result of the conduct and incidents described herein, Plaintiff John Doe IV has incurred counseling expenses in the past and, in all reasonable probability, will incur counseling expenses in the future, for which he seeks an award by the trier of fact.

14.24. As a result of the conduct, incidents and injuries described herein, Plaintiff John Doe IV has experienced severe emotional and psychological pain and suffering in the past and, in all reasonable probability, will sustain severe psychological and emotional pain and suffering in the future, for which he seeks an award from the jury.

14.25. As a result of the conduct and incidents described herein, Plaintiff John Doe IV has suffered mental anguish in the past and, in all reasonable probability, will sustain mental anguish in the future, for which he seeks an award from the trier of fact.

14.26. As a result of the conduct and incidents described herein, Plaintiff John Doe IV has suffered many other damages, including loss of faith, loss of trust, loss of self- esteem, distrust of authority figures, nightmares, severe depression, suicidal thoughts and social and professional maladjustment in the past and, in all reasonable probability, will suffer the same in the future as well, for which he seeks an award from the trier of fact.

14.27. Plaintiff John Doe IV also seeks punitive and exemplary damages, as alleged above, in order to punish and deter the outrageous conduct of the Defendants. The exemplary damages cap does not apply because under Tex. Civ. Prac. & Rem. Code §41.008(c)(5) the conduct complained of is based upon sexual assault.

14.28. As a result of the conduct and incidents described herein, Plaintiff John Doe IV has suffered lost wages in the past and will, in all reasonable probability, suffer diminished wage earning capacity in the future, for which he seeks an award from the trier of fact.

14.29. As a result of the conduct and incidents described herein, Plaintiff John Doe IV seeks actual damages and punitive damages in excess of the minimum jurisdictional requirements of the court.

**John Doe V**

14.30. As a result of the conduct and incidents described herein, Plaintiff John Doe V has incurred counseling expenses in the past and, in all reasonable probability, will incur counseling expenses in the future, for which he seeks an award by the trier of fact.

14.31. As a result of the conduct, incidents and injuries described herein, Plaintiff John Doe V has experienced severe emotional and psychological pain and suffering in the past and, in all reasonable probability, will sustain severe psychological and emotional pain and suffering in the future, for which he seeks an award from the jury.

14.32. As a result of the conduct and incidents described herein, Plaintiff John Doe V has suffered mental anguish in the past and, in all reasonable probability, will sustain mental anguish in the future, for which he seeks an award from the trier of fact.

14.33. As a result of the conduct and incidents described herein, Plaintiff John Doe V has suffered many other damages, including loss of faith, loss of trust, loss of self- esteem, distrust of authority figures, depression, and social and professional maladjustment in the past and, in all reasonable probability, will suffer the same in the future as well, for which he seeks an award from the trier of fact.

14.34. Plaintiff John Doe V also seeks punitive and exemplary damages, as alleged above, in order to punish and deter the outrageous conduct of the Defendants. The exemplary damages cap does not apply because under Tex. Civ. Prac. & Rem. Code §41.008(c)(5) the conduct complained of is based upon sexual assault.

14.35. As a result of the conduct and incidents described herein, Plaintiff John Doe V has suffered lost wages in the past and will, in all reasonable probability, suffer diminished wage earning capacity in the future, for which he seeks an award from the trier of fact.

14.36. As a result of the conduct and incidents described herein, Plaintiff John Doe V seeks actual damages and punitive damages in excess of the minimum jurisdictional requirements of the court.

## XV

## JURY DEMAND

15.01. Plaintiffs request that a jury of their peers hear the evidence in this case and render a verdict against all Defendants, jointly and severally, in their favor.

## XVI

## CLAIM FOR PRE-JUDGMENT AND POST-JUDGMENT INTEREST

16.01. Plaintiffs claim interest in accordance with §304.104, et seq, Texas Finance Code and any other applicable law.

## XVII

## PRAYER FOR RELIEF

FOR THE REASONS STATED ABOVE, John Doe I, the Mother of John Doe II as Next Friend of John Doe II, John Doe III, John Doe IV and John Doe V pray that at trial they have judgment against Defendants, jointly and severally, for all damages described herein, including actual damages, punitive damages, costs of suit and interest as allowable by law and for such other relief to which they may be justly entitled.

Respectfully Submitted,

Law Office of Tahira Khan Merritt, P.L.L.C.

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## CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of the foregoing instrument has been forwarded via U.S. Certified Mail RRR to the following counsel of record on this the 26th day of March, 2008.

***Via Certified Mail***
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***Via Certified Mail***
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Tahira Khan Merritt