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GARY FITZSIMMONS
DISTRICT CLERK
IN THE DISTRICT COURT
DALLAS COUNTY, TEXAS
DEPUTY

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

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.

95th JUDICIAL DISTRICT

DALLAS, COUNTY TEXAS

PLAINTIFFS' FIRST AMENDED ORIGINAL PETITION

To the Honorable District Court Judge:

COME NOW John Doe I, John Doe II, a vulnerable adult (*non compos mentis*), suing through his mother as his Next Friend, and John Doe III, Plaintiffs herein, and file this their *First 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 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 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 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 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 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 will be made known to Defendants. Doe III was a minor and a resident of Dallas County, Texas, at the time of the sexual abuse and exploitation by Reverend Nicholas E. Katinas alleged herein.

1.04 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. Although Katinas is “retired” and “suspended” as a Greek Orthodox priest, he continues to receive financial and other benefits from other Defendants. Plaintiffs have repeatedly attempted to serve Katinas with process at his residence, 432 Georgetown Drive, Richardson, Texas 75081-2918 but so far have been unsuccessful. Plaintiffs have therefore requested an order from the court for substituted service pursuant to Texas Rule of Civil Procedure 106. Upon information and belief, Plaintiffs allege that Katinas is purposefully

avoiding this lawsuit and accordingly has fled the United States for Greece.

1.05 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, formerly located on 4005 Swiss Avenue in Dallas, Texas, was the scene of the crimes committed against John Doe I and John Doe II and the church at which Doe I and Doe II were parishioners at the time they were sexually assaulted.

1.06 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.

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

1.08 Each Plaintiff alleges that he was 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’ 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 file 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 assigned by Defendants Denver Metropolis and the GOAA as pastor of Holy Trinity. He remained pastor of this church until June 27, 2006 when he tendered his "retirement" due 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."¹

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 and Doe II in the Orthodox community. Moreover, they should have reasonably foreseen

¹ Katinas remains to this day "permanently" suspended although he has not been defrocked by spiritual court proceedings and apparently will not be since he is under the protection of his old friend Archbishop Demetrios, who explains that Katinas "repented" and wishes to be "buried as a priest not as a layman." With similar callous disregard for his victims, in particular, and laity in general, Metropolitan Isaiah praised Katinas' "Ministry," then commented that "Satan never sleeps," apparently inferring that Katinas was being bedeviled by his survivor victims. The intended effect of his comment seems to have been to intimidate, ostracize, and silence them.

that he would be a menace to the non-Orthodox community as well, given his elevated, privileged position. His sexual abuse of his sons' boyhood friend, John Doe III, demonstrated he was, indeed, not just a menace but a predator.

4.03 Plaintiffs Doe I and Doe II were raised in very devout Orthodox environments. Both boys were altar servers under Katinas. John Doe III, however, was raised a devout Roman Catholic. His family came to know Katinas as a neighbor when he was pastor of Assumption. 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 and Doe II, 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 a needy altar boy: John Doe I

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 guidance and 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 lead 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.

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 "Father Nick's" repeatedly [REDACTED]

[REDACTED] and his performing other perverse, criminal and traumatic sexual acts upon him. 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. John Doe I was traumatized and ashamed of what was done to him. He believed it was his fault and that he was Katinas' sole victim. He suppressed the abuse. He did not tell anyone until late 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

4.06. Beginning in approximately 1981 or 1982 when Doe II was thirteen (13) or fourteen (14) years old, he began serving as an altar boy at Holy Trinity under the oversight of his revered pastor and counselor, Katinas. His divorced mother approved of her son's service because Katinas, in his respected role as pastor, was represented as being a role model for her boy, just as he appeared to be to his own sons; a surrogate father who would genuinely care for her son, a good, holy man who would see to his moral welfare and never, ever pose a sexual

threat to him, particularly considering that he knew John Doe II had suffered a diminished mental capacity since birth. Despite knowing of Doe II's mental disabilities, Katinas did take advantage of him and did exploit him sexually. He violated the exceptional trust and faith that Doe II and his mother had placed in him, their revered pastor, and revealed himself to be a practiced hypocritical priest and dangerous sexual predator.

4.07. One day, not by chance, Katinas, in his priestly garb, accosted the solitary Doe II in a "Sunday school" room at church, [REDACTED] [REDACTED] Never having had a sexual experience with anyone, Doe II was shocked and confused. Making the most of his access to and power over this vulnerable boy, Katinas subsequently [REDACTED]. Doe II never told anyone until after February 21, 2007 when Katinas was "suspended" as pastor. Only then did he feel safe to do so, realizing that he was not Katinas' only victim.

Halloween Trick: Sexual assault of Doe III

4.08 For most of the 1970's, John Doe III and his family lived in the same neighborhood as the Katinas family when "Father Nick" was pastor of Assumption. 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 the Katinas boys. Frequently around them, Katinas would often compliment Doe III on being a "handsome young boy". But, of course, Doe III's parents trusted Katinas because he was both a neighbor and clergyman.

4.09 When Doe III's parents moved to Dallas, Texas in 1979, they reconnected with the Katinas family even though they, themselves, were devout Catholics. Doe III had even served as an altar boy in his parish in Illinois. Consequently, he had been taught to revere clergymen such as "Father Nick" and to be respectful of and obedient to them.

4.10 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. Afterwards, the boys went to Katinas' son's room to talk. Father Nick entered the room and sat down on the bed next to John Doe III. He began rubbing and squeezing the boy's lower left thigh with his right hand 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. After they left, Katinas closed and locked the door. He then sat on the bed and [REDACTED]

[REDACTED]

[REDACTED] After Katinas finished with Doe III, he [REDACTED] [REDACTED] turned on the light and left the room without saying a word. Doe III felt he, himself, may have been at fault. His mother picked up him and his brother about ten minutes later. The child buried the secret and told no one.

4.11. In May 2007, when Doe III learned that Katinas had been accused of sexually abusing minor males, He realized 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 reveal the secret that had haunted him for (25) twenty-five years.

Previous abuse of other boys: Assumption secrets:

4.12 Katinas had previously been assigned by the Chicago Metropolis and GOAA as pastor of Assumption sometime in the early 1970s. There for several years, beginning in approximately 1970 or 1971 and continuing into 1972--- almost fifteen years prior to his abuse of Doe I, Doe II and Doe III---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. The identities of these additional victims of Katinas from Assumption at this time have not been revealed to Plaintiffs.

4.13 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 conferred 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 acted to suspend Katinas.

4.14 Finally, in October 2005, DZ formally reported his abuse to the GOAA through its abuse hotline. An “investigation” was supposedly conducted that purportedly resulted in Katinas’s being sent for psychological evaluation and treatment. No one at Holy Trinity has admitted to having been advised of these events. Then, in June 2006, Katinas “retired” due to his “illness”. Not until February 2007 were the parishioners of Holy Trinity officially and euphemistically advised by the GOAA of Father Nick’s “moral transgressions” and of his

² The repeated sexual abuse of DZ included Katinas’ fondling the boy’s genitals, placing his mouth on DZ’s penis and anally penetrating him. 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 not there. DZ is not a party to this case.

suspension for sexually abusing minors. Katinas has yet to be “defrocked” for his confirmed sexual abuse of D.Z. or his alleged sexual abuse of other minor boys. He remains a priest and, if he and Demetrios have their way, his remains will be those of a priest. Katinas does not wish to be buried as a mere layman. Be that as it may, he has left a trail of damaged youngsters, spanning decades and stretching from Illinois to Texas.

4.15 To date only DZ, Doe I, Doe II and Doe III have had the courage to come forward. The full identities of most of Katinas’ other childhood-victims are currently unknown. Holy Trinity, Denver Metropolis and GOAA will not disclose the existence of nor tell the public about what they know of Katinas’ abuse of these boys nor when they knew of it.

4.16 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 his so-called “retirement” from Holy Trinity to publicly, though vaguely, concede the real reasons behind his suspension. They remain less than candid and more than cryptic. Their continuing secretive cover up of Katinas’ sexual crimes against male children in churches that were under his dubious care further imperils his victims’ lives and postpones their hopes for 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 entities financial support and other benefits, including medical and psychological care.

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 while he was Pastor at Holy Trinity. The entire parish became “FATHER NICK’S PLAYGROUND.”

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, and that Katinas not only displayed signs and symptoms associated with this loathsome propensity but had already acted in conformity with them at his previous assignment, Assumption. 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 deny 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 Plaintiff in concealing crimes against children in their care, in protecting the reputations of perpetrators such as Katinas by failing to insist on defrocking them and in guarding the material assets of their church instead of protecting the psychological and spiritual wellbeing of the innocent and injured.

5.05 While he was employed as pastor of Holy Trinity, Katinas 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.

5.06 The sexual abuse of Plaintiffs resulted from the authority, power and access associated with Katinas's position as an Orthodox priest and pastor. Although Defendants Holy Trinity, Denver Metropolis and the GOAA knew or should have known of the dangerous sexual propensities of Katinas, Defendants did nothing to remove him from a position where he was allowed to perpetuate his unfettered access to young boys. Instead, upon being transferred from Assumption, he was negligently made pastor at Holy Trinity thereby confirming his stature in the community at large, with extensive authority over the unsuspecting laity and public.

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 if their hierarchy would not. Defendants did neither. Assistant clergy and lay officials at Holy Trinity surely had an obligation to protect its own. They did nothing. Instead, Holy Trinity, Denver Metropolis and GOAA actively concealed facts, conveyed false information, and alternately 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 worked for and with.

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 sexual predations. Further, although Denver Metropolis and GOAA recklessly granted Katinas the powers of pastor, they failed to warn parishioners and their families, including John Doe I, John Doe II and his mother, of the dangers they knew or should have known Katinas 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 by somewhere, abusing someone's son, given the foreseeable and inevitable opportunity. Even Katinas, himself, acknowledged that he was sick and that he needed help.

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 closeted his abhorrent conduct, thereby placing the male children of that church in particular at risk for life-long 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 and committing adultery against his unfortunate wife. Further, they knew or should have known that this was not the first time he had done so; that he had committed illegal 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 dangers he posed, and have yet to seek out victims among current or former parishioners and offer them and their families spiritual care, secular counseling or any help of any kind. Equally morally repugnant, they have remained mute and thus consensual, encouraging blind-faith supporters of their pedophile priest 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 same goals by preaching, to affected parishioners in support of Katinas. The effect of his words have been to revictimize Katinas' victims while injecting disbelief into a parish community which had already been told by the

GOAA that Katinas was indeed guilty of the sexual abuse of minors.³

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 alone 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 but within his reach but under their care.

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 bishops, including Metropolitan Isaiah and Archbishop Demetrius, promote as being morally beyond reproach and sexually safe to be among youngsters. John Doe I and John Doe II were devout, trusting Orthodox worshippers prior to the sexual abuse and exploitation complained of herein. Now, understandably but sadly, they are not. John Doe III was a devout Catholic, but after being sexually assaulted by his former neighbor and family friend, this same trusted Reverend Katinas, decidedly is not. The cover-up of Katinas' misdeeds and the protection of his reputation by parish, Metropolis and Archdiocese has understandably deepened and widened the wound to their faith.

5.12 Plaintiffs were also unable to discover that Defendants 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'

³ The attempts to intimidate and revictimize victims of sexual abuse continue as is evident in the Metropolis and Holy Trinity's current Motion

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 Defendant Katinas's 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 and 22.04 §43.25 of the Texas Penal Code and § 261.001 of the Texas Family Code.

VI

CAUSES OF ACTION AGAINST DEFENDANT KATINAS

6.01 Defendant Katinas at all times relevant herein was an ordained Greek Orthodox priest represented by Holy Trinity, Denver Metropolis and GOAA as deserving of good standing. With their approval, 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, Defendant 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 Defendant Katinas and Defendants Holy Trinity, Denver Metropolis and GOAA knew or should have known of Katinas’s dangerous sexual propensities. Defendant 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 help to deal with it. He, himself, was therefore negligent in accepting a position guaranteeing access to boys and thereafter in sexually abusing 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 Defendant Katinas’s conduct was intentional when he sexually assaulted and exploited Plaintiffs, his behavior constitutes the intentional infliction of emotional distress.

6.04 Defendant Katinas’s 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, §43.25 and §261.001 et seq of The Texas Family Code.

6.05 Defendant Katinas maintained himself in a position of trust, confidence and authority as a parish priest and pastor 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 Defendant 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 retained Defendant 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's 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 retain overall responsibility for all aspects of religious life of Orthodox clergy, including the following duties: (a) to have inquired and investigated before granting assignments to Defendant Katinas; (b) to have supervised, evaluated, monitored, inspected and overseen all activities of Defendant Katinas; (c) to have investigated, monitored and supervised Defendant Katinas as a priest at Holy Trinity; and (d) to have prudently revoked Defendant Katinas's faculties upon early and repeated notice that Defendant Katinas 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 of these duties. Had they not been negligent, 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 Defendant 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 Defendant Katinas was unsuitable for a position affording access to minor boys and to respond responsibly by removing him from a position affording contact with such vulnerable persons.

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 to not act as represented. Plaintiffs did not learn of this fraudulent pattern and practice until February 2007 when the reasons for Katinas' suspension was 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 Defendant 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 hierarchies than the welfare of victims who had been abused by clerics and of their families;
7. failing to report the crimes committed by such priests to law enforcement;
8. using Church influence to alter the outcome of the criminal legal process relating to clerics who had been engaging in illegal sexual acts;
9. conspiring to recycle sexually predatory priests back into active ministry; and
10. 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 toward 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 the victims of targeted families, a hypocritical, temporal choice given their touted moral stance and their declared tax-exempt heavenly mission on earth, to care for all such souls.

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 John Does I, John Doe II and John Doe III. 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 Defendant 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 Defendant Katinas's past crimes, 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 Defendant Katinas for his perverse and injurious criminal 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 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 pleads 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 Defendant Katinas and the other Greek Orthodox clerics who abused minors and by fraudulently concealing these activities. This 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 Defendant Katinas's 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 Defendant Katinas as well as their own abandonment of prudence, their indulgence in willful blindness, 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 Defendant 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 recycling these men 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 their priest- perpetrators and the 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 Defendant 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 currently unknown to Plaintiffs.

8.03 Most disturbingly, but in keeping with the duplicitous protocol described above, Katinas, like others of his sick and nasty ilk, was allowed to serve as a protected pastor in good standing well after reports of his sexual abuse of minors and thus was 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 Defendant Katinas. They knew or should have known that other young males had been sexually abused by Defendant Katinas prior to his

abuse of these Plaintiffs. Instead of duly reporting Katinas's sex crimes to law enforcement, at any time, Defendants Holy Trinity, Denver Metropolis and GOAA entered into an agreement with Katinas and others, in keeping with their protocol, to conceal his abuses, keep them secret, and quietly recycle, remove or covertly "retire" him. These Defendants intentionally accomplished the unlawful purpose of concealing crimes against children by Defendant Katinas and other Orthodox priests of Defendant GOAA and/or intended to conceal their breach of duty by the unlawful means of failing to report Defendant Katinas and other known perpetrators as required by law. Further, these Defendants intended to cause additional injury to Plaintiffs as a consequence of failing to report the crime of sexual abuse of a minor. This combination had the result of concealing crimes by fraudulent and illegal means and concealing crucial prevent facts, thus giving rise to claims for civil damages by the Plaintiffs against all Defendants. Acts in furtherance of this civil conspiracy have continued, as evidenced by the GOAA's failure to this day to defrock Katinas and by retaliating against or menacing parishioners at Holy Trinity including the mother of John Doe II who speak out or otherwise would speak out in support of victims or against their perpetrator. Consequently, the silence of bystanders who knew or should have known of Katinas' conduct and the Hierarchy's cover-up of it has been deafening.

8.05 The elements of a "civil conspiracy" have therefore been met by the actions of these Defendants and Katinas as well as by the actions of the Hierarchy 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 (concealing the sexual abuse of children and vulnerable persons by failing to report said abuse) and/or to accomplish a lawful purpose (concealing their breach of duty by failing to report said abuse) 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, i.e., the illegal sexual misconduct and the failure to report suspected child

abuse and sexual assault as required by state reporting statutes; and (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 and have included the refusal to defrock Katinas as well as the unlawful failure to report Katinas to the civil authorities.

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 Defendants 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 relied on his 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 thus and 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 and John Doe III will prove that they were invitees to the premises in question, namely 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 assault 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.⁴

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 by 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 come to 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 and psychologically. These damages, in concert with the conduct of Defendant 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 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 failing to supervise him; and Defendants ratified or approved his acts.

⁴ It is unknown at this time whether the Katinas residence where the assault of John Doe III occurred was owned individually by the Katinas family or whether Holy Trinity subsidized the mortgage on the home or paid other household bills incurred by the Katinas family.

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 which renders victims' claims inherently undiscoverable. Further, Plaintiffs' claims are objectively verifiable by the sexual abuse of at least one other known victim (DZ) 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 Katinas, which was not broken until his 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.

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.

XVI

DAMAGES

14.01 Plaintiffs herein have been subjected to continual debilitating mental and emotional duress, including religious duress, due to the injuries they suffered at the hands of Katinas. Doe I, Doe II and Doe III 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 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 the 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 Individually and 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.

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, suicidal thoughts, and in all reasonable probability, social and professional maladjustment in the past and, in all reasonable probability, will 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 John Doe II 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.

14.16 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:

14.17 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.

14.18 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.

14.19 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.

14.20 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, impairment of marital relations, 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.

14.21 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.

14.22 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.

14.23 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.

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 and the Mother of John Doe II as Next Friend of John Doe II, and John Doe III 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, including justice and closure, to which they may be justly entitled.

Respectfully Submitted,

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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 13th day of June 2007.

Via Certified Mail

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