

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, AND
JOHN DOE IV

Plaintiffs,

VS.

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

Defendants.

IN THE DISTRICT COURT

DALLAS COUNTY, TEXAS

95TH JUDICIAL DISTRICT

**DEFENDANT HOLY TRINITY'S MOTION
FOR LEAVE TO DESIGNATE NICHOLAS E.
KATINAS AS A RESPONSIBLE THIRD PARTY**

TO THE HONORABLE JUDGE OF SAID COURT:

COMES NOW HOLY TRINITY GREEK ORTHODOX CHURCH (the correct name of which is: Greek Orthodox Church, The Holy Trinity) (hereinafter referred to as "Holy Trinity"), one of the Defendants in the above-entitled and numbered cause, and files this its Motion for Leave to Designate Nicholas E. Katinas as a Responsible Third Party, and for same respectfully would show unto the Court as follows:

I.

This lawsuit arises out of various alleged acts of sexual abuse/assault by Nicholas E. Katinas against each of the Plaintiffs. Specifically, each of the Plaintiffs has alleged in this lawsuit (and testified by way of oral deposition taken for this lawsuit) that he was sexually abused/assaulted by Nicholas E. Katinas. The pleadings of the Plaintiffs in support of these allegations are contained in Plaintiffs' Fourth Amended Original Petition previously filed in this cause.

II.

Plaintiffs have sued Nicholas E. Katinas for the alleged sexual abuse/assault. They have sued the other Defendants in this cause as well, seeking to hold them liable for the acts of sexual abuse/assault which they allege were committed against them by Katinas.

III.

Katinas has not answered or otherwise appeared in this lawsuit.

IV.

While Holy Trinity does not admit the allegations of sexual abuse/assault which have been made by the Plaintiffs against Katinas, Holy Trinity says that, if those allegations are true, then the harm for which recovery of damages is sought by the Plaintiffs was caused by the acts of Nicholas E. Katinas which constitute conduct or activity that violates an applicable legal standard. Accordingly, Nicholas E. Katinas is a responsible third party within the meaning of TEXAS CIVIL PRACTICE & REMEDIES CODE §33.011(6).

V.

In support of this Motion, and without admitting the truthfulness of the allegations and testimony contained therein, Holy Trinity refers the Court to the following:

- (1) Plaintiffs' Fourth Amended Original Petition;
- (2) The written transcript of the oral deposition of John Doe I taken for this cause on January 22, 2008;
- (3) The written transcript of the oral deposition of John Doe II taken for this cause on February 5, 2008;
- (4) The written transcript of the oral deposition of John Doe III taken for this cause on February 4, 2008; and
- (5) The written transcript of the oral deposition of John Doe IV taken for this cause on February 15, 2008.

VI.

This case is set for trial on June 9, 2008 and this Motion is filed more than 60 days before June 9, 2008.

WHEREFORE, PREMISES CONSIDERED, Defendant Holy Trinity moves that the Court grant leave to designate Nicholas E. Katinas as a responsible third party pursuant to TEXAS CIVIL PRACTICE & REMEDIES CODE §33.004 and that the Court grant Defendant Holy Trinity such other and further relief, both general and special, at law or in equity, to which it justly may be entitled.

Respectfully submitted,

FLETCHER & SPRINGER, L.L.P

BY:



DOUGLAS D. FLETCHER

State Bar No. 07139500

RICHARD G. MILLER

State Bar No. 14107500

8750 North Central Expressway, 16th Floor

Dallas, Texas 75231

(214) 987-9600

(214) 987-9866 [Fax]

**ATTORNEYS FOR DEFENDANT
HOLY TRINITY GREEK ORTHODOX
CHURCH**

CERTIFICATE OF SERVICE

This is to certify that a true and correct copy of the foregoing instrument has been mailed, telecopied, or hand delivered to all counsel of record in compliance with Rule 21a. of the TEXAS RULES OF CIVIL PROCEDURE, on this the 28 day of February 2008.



RICHARD G. MILLER