

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

Plaintiffs,

VS.

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

Defendants.

IN THE DISTRICT COURT

DALLAS COUNTY, TEXAS

95TH JUDICIAL DISTRICT

**DEFENDANT HOLY TRINITY GREEK ORTHODOX CHURCH'S
RESPONSE IN OPPOSITION TO PLAINTIFFS' EMERGENCY
MOTION TO REMOVE ATTACHMENTS AND FOR SANCTIONS**

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 "Respondent"), one of the defendants in the above-entitled and numbered cause, and files this its Response in Opposition to Plaintiffs' Emergency Motion to Remove Attachments and for

Sanctions to Defendant Holy Trinity Greek Orthodox Church's Motions to Overrule Objections and to Compel Discovery, and for same respectfully would show unto the Court as follows:

I.
FACTUAL BACKGROUND

As outlined in its various Motions to Overrule Objections and to Compel against Plaintiffs John Doe I-IV filed in this cause on March 21, 2008, Respondent worked patiently with counsel for the Plaintiffs over a period of more than five months in an effort to persuade her to drop frivolous written discovery objections and comply with the Texas Rules of Civil Procedure regarding claims of privilege. Over that period, Plaintiffs' counsel steadfastly refused to withdraw clearly improper discovery objections and comply with proper requests made upon her by the Respondent to comply with the requirements of TEX. R. CIV. P. 193.3. Finally, after multiple efforts to resolve that discovery dispute without need of the Court's intervention, Respondent filed a Motion to Overrule Objections and to Compel against each of Plaintiffs John I, II, III, and IV. As part of those Motions, Respondent attached copies of the written discovery responses of the Plaintiffs which are in dispute. In response, counsel for the Plaintiffs filed a motion to remove the copies of the Plaintiffs' discovery responses which were attached to Respondent's motions and to sanction Respondent for, allegedly, violating a "directive" of this Court by attaching copies of Plaintiffs' written discovery responses to its motions.

In their Emergency Motion, Plaintiffs do not identify any "directive" of this Court that prohibits the filing of disputed discovery responses with the Court as part of an effort to resolve a discovery dispute related to those responses. In support of their Emergency Motion, Plaintiffs apparently rely solely on a docket entry made by the Court on August 7, 2007 denying and overruling Respondent's special exceptions as set forth in Defendants' Special Exceptions to Plaintiffs' First Amended Original Petition and Brief in Support (filed in this cause on June 20,

2007). By those special exceptions, Respondent asked the Court "to order the Plaintiffs to replead and list their actual identities/names." (Defendants' Special Exceptions to Plaintiffs' First Amended Original Petition and Brief in Support at 3.)

Prior to the filing of Respondent's motions, the Plaintiffs never sought or obtained any protective order or order sealing any records in this case.

II. ARGUMENT

While the Court denied Respondent's special exceptions, it has never made any protective order in this cause (pursuant to TEX. R. CIV. P. 192.6) or any order sealing any of the records in this cause (pursuant to TEX. R. CIV. P. 76a). Had Plaintiffs' counsel really been concerned about disclosure of the true names of the Plaintiffs in court records, she could and should have sought relief under Rule 192.6 or Rule 76a. The Court's denial of Respondent's special exceptions does not amount to the granting of a protective order under Rule 192.6 or an order to seal records under Rule 76a.

Respondent's filing of its motions had nothing to do with publicizing information about the Plaintiffs. Furthermore, unlike counsel for the Plaintiffs, counsel for the Respondent have carefully refrained from communicating with news media about this case. If Plaintiffs truly were concerned about minimizing the possibility that their identities and personal information would be made known to the public in this inherently public judicial proceeding, then they should have sought protection from the Court long ago - - when this lawsuit first was filed.¹ Plaintiffs' motion for sanctions smacks of an effort on the part of the Plaintiffs' counsel to re-direct the

¹ In her Emergency Motion, Plaintiffs' counsel castigates Respondent's counsel for allegedly not understanding "the appropriate professional manner in handling these sensitive cases." (Plaintiffs' Emergency Motion at 3.) Of course, the Court well understands that the standard of professional conduct for attorneys representing clients desiring to maintain confidentiality or restrict the dissemination of information is to seek the entry of a protective order. As a matter of professionalism, the duty to seek such an order rests squarely on the shoulders of legal counsel representing the party having an interest to protect.

Court's attention away from the Plaintiffs' conduct abusive of the discovery process which is the subject of Respondent's Motions to Overrule Objections and to Compel.

Respondent further would show that other filings, not made by Respondent, which were made among the public records of this case prior to the filing of Respondent's Motions to Overrule Objections and to Compel reveal the identities of the parties Plaintiff.

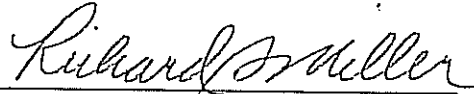
Respondent's attachment of copies of Plaintiffs' written discovery responses to its Motions did not violate any statute, state or local procedural rule, or order of this Court. Plaintiffs' Emergency Motion is frivolous and should be denied in all things.

WHEREFORE, PREMISES CONSIDERED, Respondent prays that Plaintiffs' Emergency Motion to Remove Attachments and for Sanctions to Defendant Holy Trinity Greek Orthodox Church's Motions to Overrule Objections and to Compel Discovery be overruled and denied in all things, and that the Court grant Respondent such other and further relief to which it justly may show itself to be entitled.

Respectfully submitted,

FLETCHER, FARLEY, KRUEGER,
SHIPMAN & SALINAS, L.L.P.

BY:



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ATTORNEYS FOR DEFENDANT GREEK
ORTHODOX CHURCH, THE HOLY TRINITY

CERTIFICATE OF SERVICE

THIS WILL CERTIFY that a true and correct copy of Defendant Holy Trinity Greek Orthodox Church's Response in Opposition to Plaintiffs' Emergency Motion to Remove Attachments and for Sanctions has been hand delivered to all other attorneys of record in this cause of action on the 2nd day of April 2008.



RICHARD G. MILLER