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IN THE SUPERIOR COURT OF THE STATE OF CALIFORNIA

IN AND FOR THE COUNTY OF LOS ANGELES

THE ROMANIAN ORTHODOX EPISCOPATE
OF AMERICA, a Michigan nonprofit religious
corporation,

Plaintiff,

vs.

HOLY TRINITY ROMANIAN AMERICAN
ORTHODOX CHURCH formerly known as
HOLY TRINITY ROMANIAN ORTHODOX
CHURCH, a California nonprofit
corporation; ALL PERSONS UNKNOWN,
CLAIMING ANY LEGAL OR EQUITABLE
RIGHT, TITLE, ESTATE, LIEN, OR INTEREST
IN THE PROPERTY DESCRIBED IN THE
COMPLAINT ADVERSE TO PLAINTIFF'S
TITLE, OR ANY CLOUD ON PLAINTIFF'S
TITLE THERETO; and DOES 1 through 10,
inclusive,

Defendants.

Case No. 24ST CV 14954

VERIFIED COMPLAINT FOR DECLARATORY
RELIEF, QUIET TITLE, ACCOUNTING, AND
CONSTRUCTIVE TRUST

1 Plaintiff The Romanian Orthodox Episcopate of America alleges as follows:

2 THE PARTIES

3 1. Plaintiff The Romanian Orthodox Episcopate of America ("ROEA") is, and at all
4 relevant times herein mentioned was, a Michigan nonprofit religious corporation with its
5 headquarters in Grass Lake, Michigan. The ROEA is a Diocese of the Orthodox Church in
6 America.

7 2. Defendant Holy Trinity Romanian American Orthodox Church formerly known as
8 Holy Trinity Romanian Orthodox Church is a California nonprofit corporation with its
9 headquarters in Los Angeles, California ("Defendant HTROC" or "Defendant HTRAOC" or
10 "Defendant HTROC/HTRAOC"). Defendant HTROC/HTRAOC is a parish in the ROEA.

11 3. Defendants Does 1 through 10, inclusive, are sued herein under fictitious
12 names, their true names and capacities being unknown to plaintiff. Plaintiff will amend this
13 complaint to allege their true names and capacities when ascertained. Plaintiff is informed and
14 believes and based thereon alleges that each of the fictitiously named defendants is
15 responsible in some manner for the occurrences alleged in the complaint and that plaintiff's
16 damages were proximately caused by such defendants.

17 4. The defendants named as "ALL PERSONS UNKNOWN, CLAIMING ANY LEGAL
18 OR EQUITABLE RIGHT, TITLE, ESTATE, LIEN, OR INTEREST IN THE PROPERTY DESCRIBED IN
19 THE COMPLAINT ADVERSE TO PLAINTIFF'S TITLE, OR ANY CLOUD ON PLAINTIFF'S TITLE
20 THERETO" ("Unknown Defendants") are unknown to the ROEA. Each of these Unknown
21 Defendants claims some right, title, estate, lien, or interest in the Verdugo Road Properties
22 adverse to the ROEA's title and interest and each of their claims constitute a cloud on the
23 ROEA's title and interest in the Verdugo Road Properties.

24 JURISDICTION AND VENUE

25 5. This Court has jurisdiction over this action because the complaint includes
26 causes of action for quiet title pursuant to C.C.P. section 760.040. Venue is proper in Los
27 Angeles County because, pursuant to C.C.P. section 760.050, the real property and personal
28

1 property that are the subject of the quiet title causes of action are located in Los Angeles
2 County.

3
4 6. The ROEA is a hierarchical church. Defendant HTROC/HTRAOC is a parish in
5 the hierarchical ROEA and is subject to the jurisdiction and authority of the ROEA pursuant to
6 the ROEA governance documents. Also pursuant to the ROEA governance documents, the
7 real property, funds, and personal property of Defendant HTROC/HTRAOC were and are held
8 in trust for the benefit of the ROEA.

9 7. This case involves Defendant HTROC/HTROAC's attempt to disassociate from
10 the ROEA and its refusal to transfer to the ROEA the possession and ownership of all of the
11 property (real property, funds, and personal property) held by Defendant HTROC/HTROAC in
12 trust for the benefit of the ROEA. This action seeks the Court's confirmation and enforcement
13 of a decision by the hierarchical ROEA pursuant to ecclesiastical (canon) law that Defendant
14 HTROC/HTROAC's attempt to disassociate was invalid, and that Defendant HTROC/HTROAC
15 must transfer title to such real property to the ROEA, must provide the ROEA with an
16 accounting of such funds, and must provide the ROEA with an inventory of such personal
17 property.

18 GENERAL ALLEGATIONS

19 8. The ROEA was established in about 1930. Its Constitution and By-Laws were
20 created in about 1932. The ROEA's Constitution and By-Laws are set forth on the ROEA's
21 website, <https://roea.org/files/Official-Documents/Const-By-Laws-ENGLISH.pdf>, and are
22 incorporated herein by reference. In about 1943, the ROEA was incorporated in Michigan as
23 a nonprofit religious corporation. The ROEA included many parishes throughout the United
24 States. Defendant HTROC was founded in 1939 and incorporated in 1940. Defendant
25 HTROC became a parish of the ROEA in the 1940s.

26 9. In about 1970, the Orthodox Church in America ("OCA") was formed as an
27 independent and self-governing church in America, separate from the Russian Orthodox
28 Church in Moscow, Russia. The OCA is governed by, among other things, the Statute of the

Orthodox Church in America, which is set forth on the OCA's website,
<https://www.oca.org/statute>, and is incorporated herein by reference. The ROEA became a
Diocese of the OCA. The ROEA and the OCA agreed that the ROEA and its parishes would
be subject to the canonical jurisdiction of the OCA, and that the ROEA would be governed in
accordance with the ROEA's Constitution and By-Laws. Today, the OCA includes about 14
Dioceses, and the ROEA includes about 100 parishes located throughout the United States
and Canada.

10. The ROEA is a hierarchical church and is a Diocese of the hierarchical OCA.
The Archbishop heads the ROEA and is the President of the Episcopate Council which
implements the decisions of the Episcopate Congress and administers the affairs of the ROEA.
The governance documents of the OCA and the ROEA establish that the parishes, including
Defendant HTROC/HTRAOC, are in a hierarchical relationship with, and subject to the
authority and the jurisdiction of, the superior ecclesiastical and hierarchical OCA and ROEA.
The governance documents of the OCA provide that "all Parish property, assets and funds are
and shall be owned and held by the Parish or Parish corporation in trust for the use, purpose,
and benefit of the Diocese of The Orthodox Church in America of which it is a part." (OCA
Statute, Art. XII, section 9(b), a true and correct copy of which is attached hereto as Exhibit
"A".) The governance documents of the ROEA provide that parish property "cannot be sold,
alienated, or mortgaged without the written permission of the Episcopate Council." (ROEA
Constitution, Art. VI(b), a true and correct copy of which is attached hereto as Exhibit "B";
ROEA By-Laws, Art. IV, section 2(c) and Art. IX, section 12(b), a true and correct copy of which
is attached hereto as Exhibit "C".)

11. Defendant HTROC/HTRAOC is a parish under the ROEA's authority and
jurisdiction. Defendant HTROC's amended Articles of Incorporation dated June 15, 1975
state that Defendant HTROC's purpose is to operate a church and to worship "according to
the teachings, discipline, rules and usages of the Holy Orthodox Church in the United States of
America [the OCA], as from time to time authorized and declared by the Romanian Orthodox
Episcopate of America," and that on dissolution or winding up of the corporation all assets

1 shall be conveyed to the ROEA. Defendant HTROC's amended Articles of Incorporation dated
2 May 31, 1998 state that Defendant HTROC "submits itself to the administrative and canonical
3 jurisdiction and supervision of the Romanian Orthodox Episcopate of America," and that it will
4 "govern itself according to the Constitution and By-Laws of the said Romanian Orthodox
5 Episcopate of America" and "conduct and manage its affairs in accordance with the said By-
6 Laws."

7 12. The ROEA is informed and believes, and based thereon alleges, that, in about
8 1950, Defendant HTROC purchased real property commonly known as 3315 Verdugo Road
9 in Los Angeles, California with an existing church building on the property, and that this church
10 was and is the parish church. In 1956 and 1965, Defendant HTROC purchased neighboring
11 properties commonly known as 3311 Verdugo Road and 3301 Verdugo Road, respectively, in
12 Los Angeles, California for church purposes. The ROEA is informed and believes, and based
13 thereon alleges, that the properties at 3311 and 3315 Verdugo Road later became jointly
14 commonly known as 3313 Verdugo Road. The properties commonly known as 3301, 3311,
15 3313, and 3315 Verdugo Road, Los Angeles, California are all located in Los Angeles County
16 and are collectively referred to as "the Verdugo Road Properties." A true and correct copy of
17 the legal description of the Verdugo Road Properties is attached hereto as Exhibit "D." For
18 reference purposes, the assessor's parcel numbers for the Verdugo Road Properties are
19 5457-022-009 and 5457-022-028.

20 13. The ROEA is informed and believes, and based thereon alleges, that, Defendant
21 HTROC/HTRAOC has personal property in its possession or control that it holds in trust for the
22 benefit of the ROEA. The ROEA is further informed and believes, and based thereon alleges,
23 that such personal property includes, but is not limited to, the original record books of the
24 parish, kept since the parish's inception, which list the births, deaths, weddings, and other
25 milestones of the parishioners, and which are irreplaceable; religious artifacts and items
26 (including icons, chalice sets, vestments, banners, tabernacle, and censers), many of which are
27 irreplaceable; original minute books for the meetings of the Parish Council and the General
28 Assembly; items in the parish hall and kitchen; and other items.

1 14. In about 1982, the ROEA appointed Father Constantin Alecse as the parish
2 priest for Defendant HTROC. At that time, Fr. Alecse signed a Declaration and a Decree of
3 Installation stating that he would serve in accordance with the teachings, canons and traditions
4 of the Holy Orthodox Church, would conduct himself and lead the parish in accordance with
5 the ROEA's Constitution and By-Laws, would act in compliance with the decisions of the
6 Bishop, the Episcopate Council and the Congress of the Episcopate, would submit to the
7 canonical and administrative jurisdiction of the ROEA and to its Bishop, and would not permit
8 the parish to secede from the ROEA. Fr. Alecse served as the parish priest for Defendant
9 HTROC until he was suspended by the ROEA in November 2022 for failing to comply with
10 canon law as set forth in the Declaration and Decree of Installation. The ROEA is informed
11 and believes, and based thereon alleges, that Fr. Alecse is continuing to act as parish priest for
12 Defendant HTROC/HTRAOC, contrary to canon law.

13 15. On about February 16, 2007, a document entitled "Grant Deed" was recorded
14 in the Los Angeles County Recorder's Office. The Grant Deed, which is dated February 12,
15 2007 and contains a signature identified as Fr. Alecse, states that Holy Trinity Romanian
16 Orthodox Church, a California corporation, grants to Holy Trinity Romanian Orthodox Church,
17 a California nonprofit corporation, the real property known as 3301 Verdugo Road and 3313
18 Verdugo Road.

19 16. In about May 2021, Defendant HTROC acknowledged to the ROEA that the
20 ROEA By-Laws required that the sale of any real property of Defendant HTROC must be
21 approved by the ROEA. In about February 2022, Defendant HTROC again acknowledged
22 that it was required by the ROEA Constitution and By-Laws to obtain the ROEA's approval to
23 sell real property.

24 17. Plaintiff is informed and believes, and based thereon alleges, that, on about
25 August 14, 2022, Defendant HTROC's Parish Council met and voted to disassociate from the
26 ROEA and to join another church, the Romanian Orthodox Metropolia of the Americas,
27 effective immediately. Plaintiff is informed and believes, and based thereon alleges, that, on
28 about September 25, 2022, Defendant HTROC's Parish Council signed a written "Resolution

1 to Disassociation from the Episcopate.” Defendant HTROC’s attempt to disassociate from the
2 ROEA was in violation of the OCA Statute, the ROEA Constitution, and the ROEA By-Laws.
3 Pursuant to the ROEA Constitution and By-Laws, because Defendant HTROC held all real
4 property, funds, and personal property in its possession or control in trust for the benefit of the
5 ROEA, as of August 14, 2022, all such real property, funds, and personal property were
6 required to be distributed to the ROEA.

7 18. The ROEA is informed and believes, and based thereon alleges, that, on about
8 October 18, 2022, Defendant HTROC filed amended Articles of Incorporation with the
9 California Secretary of State. The amended articles state that the name Holy Trinity Romanian
10 Orthodox Church is changed to Holy Trinity Romanian American Orthodox Church. The
11 amended articles further state, in violation of the ROEA Constitution and By-Laws, that the
12 property of the Defendant HTROC/HTRAOC corporation on dissolution or winding up will be
13 distributed to an unnamed nonprofit entity organized for religious purposes.

14 19. On about October 25, 2022, the ROEA received a letter from an attorney
15 stating that he represented Defendant HTROC and that Defendant HTROC had disassociated
16 from the ROEA. The ROEA later received a copy of Defendant HTROC’s “Resolution to
17 Disassociation from the Episcopate.”

18 20. On about November 4, 2022, the ROEA informed Fr. Alecse that he had acted
19 unlawfully in failing to submit to the ROEA canon law and in joining another church, and was
20 suspended immediately pursuant to the ROEA By-Laws. Also, at this time, a parishioner sent a
21 letter to Fr. Alecse and Defendant HTROC formally protesting the attempted disassociation of
22 Defendant HTROC from the ROEA.

23 21. On about November 17, 2022, the ROEA Episcopate Council met and
24 approved a written decision stating that Defendant HTROC has been a parish under the
25 hierarchical ROEA’s jurisdiction since 1940, that Fr. Alecse has been a priest in the ROEA
26 since 1982, and that Defendant HTROC and Fr. Alecse violated the ROEA’s Constitution and
27 By-Laws in attempting to disassociate from the ROEA and enter another church. A true and
28 correct copy of the written decision is attached hereto as Exhibit “E.” In or about December

1 2022, the ROEA sent the November 17, 2022 written decision to Defendant
2 HTROC/HTRAOC.

3 22. On about January 24, 2023, the ROEA informed Defendant HTROC/HTRAOC
4 and Fr. Alecse that it had begun an investigation into complaints about Fr. Alecse's conduct,
5 that Fr. Alecse was to attend a Spiritual Consistory hearing on February 13, 2023, and that Fr.
6 Alecse would be subject to the decisions of the ROEA Consistory and the Archbishop.

7 23. On February 3, 2023, the ROEA received a letter from an attorney stating that
8 he represented Defendant HTRAOC, that Defendant HTRAOC had disassociated from the
9 ROEA and joined the Romanian Orthodox Metropolia of the Americas, and that the ROEA was
10 harassing HTRAOC. On February 13, 2023, the ROEA's counsel sent a letter in response,
11 stating that the ROEA's actions related to an internal disciplinary matter, that the ROEA was
12 acting properly within the church's canonical jurisdiction and the ministerial exception, and that
13 the ministerial exception is protected by the First Amendment and is outside the jurisdiction of
14 the civil judicial system. The ROEA's counsel's letter further stated that the investigation would
15 continue.

16 24. On February 26, 2024, a document entitled "Corporation Grant Deed" was
17 recorded in the Los Angeles County Recorder's Office. The Corporation Grant Deed, which is
18 dated February 11, 2024 and contains signatures identified as the president and secretary of
19 Defendant HTROC, states that Holy Trinity Romanian Orthodox Church, a California nonprofit
20 corporation, grants to Holy Trinity Romanian American Orthodox Church, a California
21 nonprofit corporation, the real property commonly known as 3301 Verdugo Road and 3313
22 Verdugo Road.

23 25. On April 1, 2024, the ROEA, through its counsel, sent Defendant
24 HTROC/HTRAOC's counsel a notice and demand letter restating and implementing the
25 November 17, 2022 written decision of the Episcopate Council of the ROEA. A true and
26 correct copy of the April 1, 2024 notice and demand letter is attached hereto as Exhibit "F."
27 Together, the November 17, 2022 written decision and the April 1, 2024 notice and demand
28 letter are referred to as the "Decision." The notice and demand letter states that:

- Defendant HTROC/HTRAOC is in a hierarchical relationship with and subject to the authority and jurisdiction of the superior ecclesiastical and hierarchical OCA and the ROEA.
- The governance documents of the OCA provide that “all Parish property, assets, and funds are and shall be owned and held by the Parish or Parish corporation in trust for the use, purpose, and benefit of the Diocese of the Orthodox Church in America of which it is a part [i.e., the ROEA].”
- The governance documents of the ROEA provide that Parish property “cannot be sold, alienated, or mortgaged without the written permission of the Episcopate Council [i.e., the ROEA].”
- Defendant HTROC/HTRAOC is a Parish under the ROEA’s authority and jurisdiction, and has been since 1940; the Amended Articles of Incorporation filed in 1998 provide that Defendant HTROC “submits itself to the administrative and canonical jurisdiction and supervision of the ROEA” and it will “govern itself according to the Constitution and By-Laws “ of the ROEA and “conduct and manage its affairs in accordance with [the] By-Laws.”
- All real property, funds, and other assets are held in trust by Defendant HTROC/HTRAOC for the ROEA and cannot be alienated without the written permission of the ROEA.
- The actions of Defendant HTROC/HTRAOC in voting to disassociate from the ROEA violate the OCA Statute, the ROEA Constitution, and the ROEA By-Laws, and as a result, all Defendant HTROC/HTRAOC’s property must be distributed to the ROEA.

The notice and demand letter demanded that Defendant HTROC/HTRAOC transfer title to the Verdugo Road Properties to the ROEA, that Defendant HTROC/HTRAOC provide an accounting and an audit of all bank accounts, investment accounts, and other accounts from August 2022 to the present, together with copies of all relevant documents, and that

1 Defendant HTROC/HTRAOC provide an inventory of all personal property in the name or
2 possession of Defendant HTROC/HTRAOC as of August 2022.

3 26. The notice and demand letter did not state that individual members of the parish
4 were required to remain in the ROEA. The notice and demand letter addressed the conduct of
5 Defendant HTROC/HTRAOC in attempting to disassociate from the ROEA in violation of the
6 OCA Statute, the ROEA Constitution, and the ROEA By-Laws, and the obligation of Defendant
7 HTROC/HTRAOC to transfer and distribute to the ROEA the property held in trust for the
8 benefit of the ROEA.

9 27. On April 25, 2024, Defendant HTROC/HTRAOC's counsel replied to the
10 ROEA's notice and demand letter, not agreeing to the ROEA's demands and stating that
11 Defendant HTRAOC was not aware of certain aspects of the ROEA's authority.

12
13 FIRST CAUSE OF ACTION
14 DECLARATORY RELIEF

15 (Against Defendant HTROC/HTRAOC and Does 1 through 10)

16 28. Plaintiff realleges and incorporates by reference paragraphs 1 through 27 above
17 as if fully stated herein.

18 29. An actual controversy has arisen and now exists between the ROEA, Defendant
19 HTROC/HTRAOC, and the other defendants concerning the parties' rights and obligations in
20 that the ROEA has issued its Decision determining that Defendant HTROC/HTRAOC's attempt
21 to disassociate from the ROEA violated the OCA Statute, the ROEA Constitution, and the
22 ROEA By-Laws, and was therefore invalid; and Defendant HTROC/HTRAOC has asserted that
23 its attempt to disassociate from the ROEA was valid.

24 30. The ROEA desires a judicial determination of its rights and defendants'
25 obligations and a declaration that Defendant HTROC/HTRAOC's disassociation from the
26 ROEA was invalid.

27 31. A judicial declaration is necessary and appropriate at this time under the
28 circumstances in order that the ROEA may ascertain its rights with respect to Defendant
HTROC/HTRAOC's attempt to disassociate from the ROEA.

32. The ROEA respectfully requests that the Court follow the “principle of government” approach as set forth by the California Supreme Court in *Episcopal Church Cases* (2009) 45 Cal.4th 467 and adopt and confirm the ROEA’s Decision on the grounds that Defendant HTROC/HTRAOC is a parish that is part of a larger hierarchical church, the ROEA; that the ROEA is the highest hierarchical decision-maker in the hierarchical church; that the ROEA has decided a question of ecclesiastical law in issuing its Decision; and that the Court should accept the decision of the highest hierarchical decision-maker. In that regard, the ROEA requests that the Court issue a declaration that Defendant HTROC/HTRAOC’s attempt to disassociate from the ROEA violated the OCA Statute, the ROEA Constitution, and the ROEA By-Laws, and was therefore invalid.

33. Alternatively, if the Court declines to follow the “principle of government” approach, the ROEA requests that the Court follow the “neutral principles of law” approach as set forth by the California Supreme Court in *Episcopal Church Cases* (2009) 45 Cal.4th 467 and, based on the governance documents of the OCA and the ROEA, issue a declaration that Defendant HTROC/HTRAOC’s attempt to disassociate from the ROEA violated the OCA Statute, the ROEA Constitution, and the ROEA By-Laws, and was therefore invalid.

SECOND CAUSE OF ACTION

QUIET TITLE TO REAL PROPERTY (C.C.P. section 760.010 et seq)

(Against Defendant HTROC/HTRAOC, all Unknown Defendants, and Does 1 through 10)

34. Plaintiff realleges and incorporates by reference paragraphs 1 through 33 above as if fully stated herein.

35. The ROEA seeks to quiet title against the adverse claims of Defendant HTROC/HTRAOC and all defendants relating to the Verdugo Road Properties. The claims of the Unknown Defendants are presently unknown and uncertain.

36. Defendant HTROC/HTRAOC is a parish in the ROEA. Defendant HTROC/HTRAOC is in a hierarchical relationship with, and subject to the authority and the jurisdiction of, the superior ecclesiastical and hierarchical OCA and ROEA. Pursuant to the governance documents of the OCA and the ROEA, all real property of Defendant

1 HTROC/HTRAOC, including the Verdugo Road Properties, was and is held in trust by
2 Defendant HTROC/HTRAOC for the benefit of the ROEA and cannot be alienated without the
3 written permission of the ROEA.

4 37. The actions of Defendant HTROC/HTRAOC in attempting to disassociate from
5 the ROEA violated the OCA Statute, the ROEA Constitution, and the ROEA By-Laws.
6 Accordingly, all Defendant HTROC/HTRAOC's property, including the Verdugo Road
7 Properties, that was or is held by Defendant HTROC/HTRAOC in trust for the ROEA must be
8 distributed to the ROEA.

9 38. The ROEA, the hierarchical church which has jurisdiction over and which
10 governs Defendant HTROC/HTRAOC, issued its Decision pursuant to canon law and the
11 applicable governance documents directing Defendant HTROC/HTRAOC to distribute the
12 Verdugo Road Properties to the ROEA. The Decision stated that Defendant HTROC/HTRAOC
13 must transfer title to the Verdugo Road Properties to the ROEA.

14 39. The ROEA respectfully requests that the Court follow the "principle of
15 government" approach as set forth by the California Supreme Court in *Episcopal Church*
16 *Cases* (2009) 45 Cal.4th 467 and adopt and confirm the ROEA's Decision on the grounds that
17 Defendant HTROC/HTRAOC is a parish that is part of a larger hierarchical church, the ROEA;
18 that the ROEA is the highest hierarchical decision-maker in the hierarchical church; that the
19 ROEA has decided a question of ecclesiastical law in issuing its Decision; and that the Court
20 should accept the decision of the highest hierarchical decision-maker. In that regard, the
21 ROEA requests that the Court quiet title to the Verdugo Road Properties in the ROEA as of
22 August 14, 2022, the date of the Resolution of Defendant HTROC/HTRAOC to disassociate
23 from the ROEA, and enter judgment in favor of the ROEA that the ROEA owns fee title to the
24 Verdugo Road Properties. The ROEA further requests that the Court enter an order that
25 Defendant HTROC/HTRAOC must transfer title to and all interests in the Verdugo Road
26 Properties to the ROEA.

27 40. Alternatively, if the Court declines to follow the "principle of government"
28 approach, the ROEA requests that the Court follow the "neutral principles of law" approach as

set forth by the California Supreme Court in *Episcopal Church Cases* (2009) 45 Cal.4th 467 and, based on the governance documents of the OCA and the ROEA, quiet title to the Verdugo Road Properties in the ROEA as of August 14, 2022, the date of the Resolution of Defendant HTROC/HTRAOC to disassociate from the ROEA, and enter judgment in favor of the ROEA that the ROEA owns fee title to the Verdugo Road Properties. The ROEA further requests that the Court enter an order that Defendant HTROC/HTRAOC must transfer title to and all interests in the Verdugo Road Properties to the ROEA.

THIRD CAUSE OF ACTION
QUIET TITLE TO PERSONAL PROPERTY (C.C.P. section 760.010 et seq)
(Against Defendant HTROC/HTRAOC and Does 1 through 10)

41. Plaintiff realleges and incorporates by reference paragraphs 1 through 40 above as if fully stated herein.

42. The ROEA seeks to quiet title against the adverse claims of Defendant HTROC/HTRAOC and all defendants relating to the personal property in the possession or control of Defendant HTROC/HTRAOC as of August 2022. Such personal property includes, but is not limited to: the original record books of the parish, kept since the parish's inception in 1940, which list the births, deaths, weddings, and other milestones of the parishioners, and which are irreplaceable; religious artifacts and items (including icons, chalice sets, vestments, banners, tabernacle, and censers), many of which are irreplaceable; original minute books for the meetings of the Parish Council and the General Assembly; items in the parish hall and kitchen; and other items.

43. The ROEA requests that the Court quiet title in the ROEA to the personal property in the possession or control of Defendant HTROC/HTRAOC as of August 14, 2022, the date of the Resolution of Defendant HTROC/HTRAOC to disassociate from the ROEA, and enter judgment in favor of the ROEA that the ROEA owns title to and is entitled to possession of such personal property. The ROEA further requests that the Court enter an order that Defendant HTROC/HTRAOC must transfer title to and all interests in such personal property to the ROEA.

FOURTH CAUSE OF ACTION
DECLARATORY RELIEF – REAL PROPERTY

(Against Defendant HTROC/HTRAOC, all Unknown Defendants and Does 1 through 10)

44. Plaintiff realleges and incorporates by reference paragraphs 1 through 43 above as if fully stated herein.

45. An actual controversy has arisen and now exists between the ROEA, Defendant HTROC/HTRAOC, and the other defendants concerning the parties' rights and obligations in that the ROEA has issued its Decision directing Defendant HTROC/HTRAOC to transfer title to the ROEA of the Verdugo Road Properties, and Defendant HTROC/HTRAOC has refused to do so, denying the ROEA its title and interest in the Verdugo Road Properties which are held in trust for the ROEA.

46. The ROEA desires a judicial determination of its rights and defendants' obligations and a declaration as to the ROEA's title and interest in the Verdugo Road Properties.

47. A judicial declaration is necessary and appropriate at this time under the circumstances in order that the ROEA may ascertain its title and interest in the Verdugo Road Properties.

48. The ROEA respectfully requests that the Court follow the "principle of government" approach as set forth by the California Supreme Court in *Episcopal Church Cases* (2009) 45 Cal.4th 467 and adopt and confirm the ROEA's Decision on the grounds that Defendant HTROC/HTRAOC is a parish that is part of a larger hierarchical church, the ROEA; that the ROEA is the highest hierarchical decision-maker in the hierarchical church; that the ROEA has decided a question of ecclesiastical law in issuing its Decision; and that the Court should accept the decision of the highest hierarchical decision-maker. In that regard, the ROEA requests that the Court issue a declaration that the ROEA owns fee title to the Verdugo Road Properties and that Defendant HTROC/HTRAOC must transfer title to and all interests in the Verdugo Road Properties to the ROEA.

49. Alternatively, if the Court declines to follow the "principle of government" approach, the ROEA requests that the Court follow the "neutral principles of law" approach as

1 set forth by the California Supreme Court in *Episcopal Church Cases* (2009) 45 Cal.4th 467
2 and, based on the governance documents of the ROEA and the ROEA, issue a declaration that
3 the ROEA owns fee title to the Verdugo Road Properties and that Defendant HTROC/HTRAOC
4 must transfer title to and all interests in the Verdugo Road Properties to the ROEA.

5
6 FIFTH CAUSE OF ACTION
7 DECLARATORY RELIEF - FUNDS
8 (Against Defendant HTROC/HTRAOC and Does 1 through 10)

9 50. Plaintiff realleges and incorporates by reference paragraphs 1 through 49 above
10 as if fully stated herein.

11 51. An actual controversy has arisen and now exists between the ROEA, Defendant
12 HTROC/HTRAOC, and the other defendants concerning the parties' rights and obligations in
13 that the ROEA has issued its Decision directing Defendant HTROC/HTRAOC to provide an
14 accounting and an audit of all bank accounts, investment accounts, and other accounts from
15 August 2022 to the present, together with copies of all relevant documents, and Defendant
16 HTROC/HTRAOC has refused to do so, denying the ROEA its rights and interest in such funds
17 which are held in trust for the benefit of the ROEA.

18 52. The ROEA desires a judicial determination of its rights and defendants'
19 obligations and a declaration as to the ROEA's rights and interest in the funds in the
20 possession or control of Defendant HTROC/HTRAOC as of August 2022 which are held in
21 trust for the benefit of the ROEA.

22 53. A judicial declaration is necessary and appropriate at this time under the
23 circumstances in order that the ROEA may ascertain its rights and interest in the funds in the
24 possession or control of Defendant HTROC/HTRAOC as of August 2022 which are held in
25 trust for the benefit of the ROEA.

26 54. The ROEA respectfully requests that the Court follow the "principle of
27 government" approach as set forth by the California Supreme Court in *Episcopal Church*
28 *Cases* (2009) 45 Cal.4th 467 and adopt and confirm the ROEA's Decision on the grounds that
Defendant HTROC/HTRAOC is a parish that is part of a larger hierarchical church, the ROEA;

1 that the ROEA is the highest hierarchical decision-maker in the hierarchical church; that the
2 ROEA has decided a question of ecclesiastical law in issuing its Decision; and that the Court
3 should accept the decision of the highest hierarchical decision-maker. In that regard, the
4 ROEA requests that the Court issue a declaration that the ROEA owns the funds in the
5 possession or control of Defendant HTROC/HTRAOC and held in trust for the ROEA pending
6 the resolution of this action, and that the ROEA is entitled to an accounting and an audit of all
7 bank accounts, investment accounts, and other accounts in the possession or control of
8 Defendant HTROC/HTRAOC from August 2022 to the present, together with copies of all
9 relevant documents.

10 55. Alternatively, if the Court declines to follow the “principle of government”
11 approach, the ROEA requests that the Court follow the “neutral principles of law” approach as
12 set forth by the California Supreme Court in *Episcopal Church Cases* (2009) 45 Cal.4th 467
13 and, based on the governance documents of the OCA and the ROEA, issue a declaration that
14 that the ROEA owns the funds in the possession or control of Defendant HTROC/HTRAOC and
15 held in trust for the ROEA pending the resolution of this action, and that the ROEA is entitled to
16 an accounting and an audit of all bank accounts, investment accounts, and other accounts in
17 the possession or control of Defendant HTROC/HTRAOC from August 2022 to the present,
18 together with copies of all relevant documents.

19 56. The ROEA further requests that, based on the accounting, the Court enter an
20 order determining the amount of funds owed by Defendant HTROC/HTRAOC to the ROEA,
21 and a further order requiring Defendant HTROC/HTRAOC to transfer and pay such amount to
22 the ROEA.

23
24 SIXTH CAUSE OF ACTION
25 DECLARATORY RELIEF – PERSONAL PROPERTY
26 (Against Defendant HTROC/HTRAOC and Does 1 through 10)

27 57. Plaintiff realleges and incorporates by reference paragraphs 1 through 56 above
28 as if fully stated herein.

58. An actual controversy has arisen and now exists between the ROEA and

1 defendants concerning the parties' rights and obligations in that the ROEA has issued its
2 Decision directing Defendant HTROC/HTRAOC to provide an inventory of all personal
3 property in the name or possession of Defendant HTROC/HTRAOC as of August 2022, and
4 Defendant HTROC/HTRAOC has refused to do so, denying the ROEA its rights and interest in
5 such personal property which is held in trust for the benefit of the ROEA. Such personal
6 property includes, but is not limited to: the original record books of the parish, kept since the
7 parish's inception in 1940, which list the births, deaths, weddings, and other milestones of the
8 parishioners, and which are irreplaceable; religious artifacts and items (including icons, chalice
9 sets, vestments, banners, tabernacle, and censers), many of which are irreplaceable; original
10 minute books for the meetings of the Parish Council and the General Assembly; items in the
11 parish hall and kitchen; and other items.

12 59. The ROEA desires a judicial determination of its rights and defendants'
13 obligations and a declaration as to the ROEA's rights and interest in the personal property in
14 the possession or control of Defendant HTROC/HTRAOC as of August 2022 which is held in
15 trust for the benefit of the ROEA.

16 60. A judicial declaration is necessary and appropriate at this time under the
17 circumstances in order that the ROEA may ascertain its rights and interest in the personal
18 property in the possession or control of Defendant HTROC/HTRAOC as of August 2022 which
19 is held in trust for the benefit of the ROEA.

20 61. The ROEA respectfully requests that the Court follow the "principle of
21 government" approach as set forth by the California Supreme Court in *Episcopal Church*
22 *Cases* (2009) 45 Cal.4th 467 and adopt and confirm the ROEA's Decision on the grounds that
23 Defendant HTROC/HTRAOC is a parish that is part of a larger hierarchical church, the ROEA;
24 that the ROEA is the highest hierarchical decision-maker in the hierarchical church; that the
25 ROEA has decided a question of ecclesiastical law in issuing its Decision; and that the Court
26 should accept the decision of the highest hierarchical decision-maker. In that regard, the
27 ROEA requests that the Court issue a declaration that the ROEA owns the personal property in
28 the possession or control of Defendant HTROC/HTRAOC and held in trust for the ROEA

1 pending the resolution of this action, and that the ROEA is entitled to an inventory of all
2 personal property in the possession or control of Defendant HTROC/HTRAOC from August
3 2022 to the present.

4 62. Alternatively, if the Court declines to follow the "principle of government"
5 approach, the ROEA requests that the Court follow the "neutral principles of law" approach as
6 set forth by the California Supreme Court in *Episcopal Church Cases* (2009) 45 Cal.4th 467
7 and, based on the governance documents of the OCA and the ROEA, issue a declaration that
8 the ROEA owns the personal property in the possession or control of Defendant
9 HTROC/HTRAOC and held in trust for the ROEA pending the resolution of this action, and
10 that the ROEA is entitled to an inventory of all personal property in the name or possession or
11 control of Defendant HTROC/HTRAOC from August 2022 to the present.

12 63. The ROEA further requests that, based on the inventory, the Court enter an order
13 determining the specific items of personal property that are owned by the ROEA and must be
14 transferred by Defendant HTROC/HTRAOC to the ROEA, and a further order requiring
15 Defendant HTROC/HTRAOC to transfer title to and all interests in, including possession of,
16 such personal property to the ROEA.

17
18 SEVENTH CAUSE OF ACTION
ACCOUNTING

19 (Against Defendant HTROC/HTRAOC and Does 1 through 10)

20 64. Plaintiff realleges and incorporates by reference paragraphs 1 through 63 above
21 as if fully stated herein.

22 65. Defendant HTROC/HTRAOC is a parish in the ROEA and is in a hierarchical
23 relationship with, and subject to the authority and the jurisdiction of, the superior ecclesiastical
24 and hierarchical OCA and ROEA. Pursuant to the governance documents of the OCA and the
25 ROEA, all funds in the possession or control of Defendant HTRAOC/HTROC as of August 14,
26 2022 were and are held in trust by Defendant HTRAOC/HTROC for the benefit of the ROEA.

27 66. The actions of Defendant HTROC/HTRAOC in attempting to disassociate from
28 the ROEA violated the OCA Statute, the ROEA Constitution, and the ROEA By-Laws.

1 Accordingly, all funds in the possession or control of Defendant HTROC/HTRAOC as of
2 August 14, 2022 which are held by Defendant HTROC/HTRAOC in trust for the benefit of the
3 ROEA must be distributed to the ROEA.

4 67. The amount of money due from Defendant HTROC/HTRAOC to the ROEA is
5 unknown to the ROEA and cannot be ascertained without an accounting of the receipts and
6 disbursements of Defendant HTRAOC/HTROC. The ROEA is informed and believes, and
7 based thereon alleges, that the amount owed exceeds the sum of \$35,000.

8 68. On April 1, 2024, in its notice and demand letter, the ROEA demanded that
9 Defendant HTROC/HTRAOC account for and provide an audit and copies of relevant
10 documents for all bank accounts, investment accounts, and other accounts that were or are in
11 the name of Defendant HTROC/HTRAOC from August 2022 to the present so that the ROEA
12 could determine the amount of the funds due to the ROEA. Defendant HTROC/HTRAOC has
13 failed and refused, and continues to fail and refuse, to provide an accounting and copies of
14 relevant documents to the ROEA.

15 69. The ROEA respectfully requests that the Court follow the “principle of
16 government” approach as set forth by the California Supreme Court in *Episcopal Church*
17 *Cases* (2009) 45 Cal.4th 467 and adopt and confirm the ROEA’s Decision on the grounds that
18 Defendant HTROC/HTRAOC is a parish that is part of a larger hierarchical church, the ROEA;
19 that the ROEA is the highest hierarchical decision-maker in the hierarchical church; that the
20 ROEA has decided a question of ecclesiastical law in issuing its Decision; and that the Court
21 should accept the decision of the highest hierarchical decision-maker. In that regard, the
22 ROEA requests that the Court issue a declaration that the ROEA owns the funds in the
23 possession or control of Defendant HTROC/HTRAOC and held in trust for the ROEA pending
24 the resolution of this action, and that the ROEA is entitled to an accounting and an audit of all
25 bank accounts, investment accounts, and other accounts in the possession or control of
26 Defendant HTROC/HTRAOC from August 2022 to the present, together with copies of all
27 relevant documents.

28 70. Alternatively, if the Court declines to follow the “principle of government”

approach, the ROEA requests that the Court follow the “neutral principles of law” approach as set forth by the California Supreme Court in *Episcopal Church Cases* (2009) 45 Cal.4th 467 and, based on the governance documents of the OCA and the ROEA, issue a declaration that the ROEA owns the funds in the possession or control of Defendant HTROC/HTRAOC and held in trust for the ROEA pending the resolution of this action, and that the ROEA is entitled to an accounting and an audit of all bank accounts, investment accounts, and other accounts in the possession or control of Defendant HTROC/HTRAOC from August 2022 to the present, together with copies of all relevant documents.

71. The ROEA further requests that, based on the accounting, the Court enter an order determining the amount of funds owed by Defendant HTROC/HTRAOC to the ROEA, and a further order requiring Defendant HTROC/HTRAOC to transfer and pay such amount to the ROEA.

EIGHTH CAUSE OF ACTION CONSTRUCTIVE TRUST

(Against Defendant HTROC, Defendant HTRAOC, and Does 1 through 10)

72. Plaintiff realleges and incorporates by reference paragraphs 1 through 71 above as if fully stated herein.

73. Pursuant to the relevant governance documents, an express trust exists in which all of Defendant HTROC/HTRAOC’s real property, funds, and personal property is held by Defendant HTROC/HTRAOC in trust for the use, purpose, and benefit of the ROEA pending the resolution of this action.

74. In attempting to disassociate from the ROEA, Defendant HTROC/HTRAOC has acted solely for the benefit of its own interests and adversely to the ROEA’s interests, and contrary to and in violation of Defendant HTROC/HTRAOC’s obligations to hold all property in its possession in trust for the benefit of the ROEA.

75. Alternatively, if the express trust is found to be invalid or ineffective, the ROEA requests that the Court impose a constructive trust pending the resolution of this action over all of the real property, funds, and personal property owned or in the possession or control of

1 Defendant HTROC/HTRAOC as of August 2022 for the use, purpose, and benefit of the
2 ROEA.

3 PRAYER FOR RELIEF

4 WHEREFORE, plaintiff prays for judgment as follows:

5 AS TO THE FIRST CAUSE OF ACTION

6 1. For a judicial determination that Defendant HTROC/HTRAOC's disassociation from
7 the ROEA violated the OCA Statute, the ROEA Constitution, and the ROEA By-Laws, and was
8 therefore invalid; and

9 2. For such ancillary orders as may be necessary.

10 AS TO THE SECOND CAUSE OF ACTION

11 1. For a judgment quieting title to the Verdugo Road Properties in the ROEA and a
12 judicial determination that the ROEA owns all fee, title, and interest in the Verdugo Road
13 Properties;

14 2. For an order that defendants must transfer title to, possession of, and all interests in
15 the Verdugo Road Properties to the ROEA; and

16 3. For such ancillary orders as may be necessary to effectuate the transfer of title to,
17 possession of, and all interests in the Verdugo Road Properties from defendants to the ROEA.

18 AS TO THE THIRD CAUSE OF ACTION

19 1. For a judgment quieting title to the personal property in the ROEA;

20 2. For an order that defendants must transfer title to, possession of, and all interests in
21 the personal property to the ROEA; and

22 3. For such ancillary orders as may be necessary to effectuate the transfer of title to,
23 possession of, and all interests in the personal property from defendants to the ROEA.

24 AS TO THE FOURTH CAUSE OF ACTION

25 1. For a judicial determination that the ROEA owns all fee, title, and interest in the
26 Verdugo Road Properties;

27 2. For an order that defendants must transfer title to, possession of, and all interests in
28 the Verdugo Road Properties to the ROEA; and

3. For such ancillary orders as may be necessary to effectuate the transfer of title to, possession of, and all interests in the Verdugo Road Properties from defendants to the ROEA.

AS TO THE FIFTH CAUSE OF ACTION

1. For an accounting and an audit of all bank accounts, investment accounts, and other accounts in the possession or control of Defendant HTROC/HTRAOC from August 2022 to the present, together with copies of all relevant documents;

2. For a judicial determination that the ROEA owns the funds in the possession or control of Defendant HTROC/HTRAOC as of August 2022;

3. For an order determining the amount of funds owed by Defendant HTROC/HTRAOC to the ROEA and a further order requiring Defendant HTROC/HTRAOC to transfer and pay such amount to the ROEA; and

4. For such ancillary orders as may be necessary to effectuate the transfer and payment of the funds to the ROEA.

AS TO THE SIXTH CAUSE OF ACTION

1. For an inventory of all personal property in the possession or control of Defendant HTROC/HTRAOC from August 2022 to the present;

2. For a judicial determination that the ROEA owns the personal property in the possession or control of Defendant HTROC/HTRAOC as of August 2022;

3. For an order determining the specific items of personal property that are owned by the ROEA and a further order requiring Defendant HTROC/HTRAOC to transfer title to, possession of, and all interests in such personal property to the ROEA; and

4. For such ancillary orders as may be necessary to effectuate the transfer of title to, possession of, and all interests in the personal property to the ROEA.

AS TO THE SEVENTH CAUSE OF ACTION

1. For an accounting and an audit of all bank accounts, investment accounts, and other accounts in the possession or control of Defendant HTROC/HTRAOC from August 2022 to the present, together with copies of all relevant documents;

2. For a judicial determination that the ROEA owns the funds in the possession or

1 control of Defendant HTROC/HTRAOC as of August 2022 and that such funds are held in
2 trust for the benefit of the ROEA pending the resolution of this action;

3 3. For an order determining the amount of funds owed by Defendant HTROC/HTRAOC
4 to the ROEA and a further order requiring Defendant HTROC/HTRAOC to transfer and pay
5 such amount to the ROEA; and

6 4. For such ancillary orders as may be necessary to effectuate the transfer and payment
7 of the funds to the ROEA.

8 AS TO THE EIGHTH CAUSE OF ACTION

9 1. For the imposition of a constructive trust pending the resolution of this action over all
10 of the real property, funds, and personal property owned or in the possession or control of
11 Defendant HTROC/HTRAOC as of August 2022 for the use, purpose, and benefit of the
12 ROEA; and

13 2. For such ancillary orders as may be necessary to effectuate the transfer of the real
14 property, funds, and personal property in the possession or control of Defendant
15 HTROC/HTRAOC to the ROEA.

16 AS TO ALL CAUSES OF ACTION

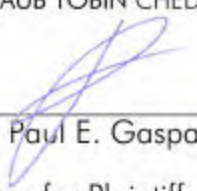
17 1. For plaintiff's costs of suit; and

18 2. For such other and further relief as the Court may deem just and equitable.

19
20 Dated: June 14, 2024

Respectfully submitted,

WEINTRAUB TOBIN CHEDIAK COLEMAN GRODIN

21
22
23 By: 

Paul E. Gaspari

24 Attorneys for Plaintiff
25 The Romanian Orthodox Episcopate of America
26
27
28

VERIFICATION

I, William George Popp aka Nathaniel Popp, am the Archbishop of The Romanian Orthodox Episcopate of America, the plaintiff in the above-entitled action. I have read the Complaint above and know its contents. To my knowledge, the facts alleged above are true and correct, except as to matters which are based upon information and belief, and as to those matters, I believe them to be true.

I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct.

Executed on June 13, 2024 at Grass Lake, Michigan.

William George Popp
William George Popp aka Nathaniel Popp
aka Nathaniel Popp

EXHIBIT A

THE STATUTE OF THE ORTHODOX CHURCH IN AMERICA
FINAL

May 4, 2015

Revised July 20, 2022, at the 20th All American Council, Baltimore, MD

PREAMBLE

+ IN THE NAME OF THE FATHER, AND OF THE SON, AND OF THE HOLY SPIRIT. AMEN.

The Orthodox Church in America, as a local autocephalous Orthodox Church, belongs to the worldwide communion of Orthodox Churches. It unites in its fold Orthodox Christians of various national backgrounds and traditions. It grew from the Alaskan mission established in 1794 by the Church of Russia. Expanding across the United States and Canada, it became a Diocese of that Church. In 1924 this Diocese was reorganized as an autonomous Metropolitanate under the title “the Russian Orthodox Greek Catholic Church of North America.” On April 10, 1970, the Patriarch and the Holy Synod of the Church of Russia granted autocephaly to the Metropolitanate. The Metropolitanate accepted and affirmed its new status and reorganized under the title “The Orthodox Church in America” at sessions of the All-American Council held in October, 1970, at Saint Tikhon’s Monastery in South Canaan, Pennsylvania.

The Orthodox Church in America is governed by Holy Tradition, that is, the whole body of teaching and practice of the One, Holy, Catholic, and Apostolic Church. That Tradition is expressed first of all in Holy Scripture; in the dogmatic decisions and canons of the seven Ecumenical Councils, the canons of the local councils, the canons and writings of the Holy Fathers; in the liturgical life of the Church; and in this Statute of The Orthodox Church in America (hereafter, “the Statute”). The purpose of the Statute is to apply Holy Tradition to the organization and daily life of The Orthodox Church in America.

The Orthodox Church in general and The Orthodox Church in America in particular are hierarchical in structure.

The Statute consists of this Preamble and the Eighteen (18) Articles that follow.

ARTICLE I – THE ORTHODOX CHURCH IN AMERICA

The Orthodox Church in America is an autocephalous Church with territorial jurisdiction in the United States of America and in Canada. The Orthodox Church in America also exercises jurisdiction over its Diocese within the United Mexican States.

The Statute of The Orthodox Church in America conforms to Holy Scripture, Holy Tradition, the Sacred Canons of the Ecumenical and Local Councils, those of the Holy Fathers, and the

knowledge and blessing of the Parish Priest. If the Parish Priest is unable to preside over a meeting of the Parish Council, the senior elected officer of the Parish Council shall preside with the blessing of the Parish Priest or the Bishop. In case the office of Parish Priest is vacant, until the appointment of the new Parish Priest, the senior elected officer of the Parish Council shall preside, unless the Bishop or his delegate is present.

f. The official minutes of all meetings of the Parish Council shall, in accordance with Diocesan or Parish Bylaws, be approved, signed, properly maintained, and made available as appropriate.

g. In case the Parish Priest disagrees with one or more decisions of the Parish Council, his reasoned opinion shall be recorded in the minutes and the matter referred to the Diocesan Authority.

Section 9: Parish Property

a. The Parish corporation holds legal title to all Parish property, assets, and funds. In administering them, the Parishioners and the officers elected by them must always remember the religious nature, purposes, and goal of the Parish and act as trustees of such property dedicated to the service of God and the use of the Church.

b. All Parish property, assets and funds are and shall be owned and held by the Parish or Parish corporation in trust for the use, purpose, and benefit of the Diocese of The Orthodox Church in America of which it is a part. This provision shall not limit the authority of the Parish or Parish corporation in its administration of such property, assets, and funds in accord with the faith, governance, and discipline of The Orthodox Church in America.

c. In the event the Diocese shall be dissolved or attempt to disaffiliate from The Orthodox Church in America in a disorderly manner, all Parish property, assets and funds of such Diocese are and shall remain subject to the use, purpose, and benefit of The Orthodox Church in America.

d. If the Parish is canonically suppressed or otherwise ceases to exist, its real and personal property shall be disposed of in accord with Section 9, b, above. In all cases, the sacred and untouchable items, viz. the Holy Antimension, the Tabernacle, and the Sacred Vessels, as well as all Parish records, shall be surrendered to the Diocesan Bishop or his designee.

ARTICLE XIII – MONASTICISM

Section 1: Definition

a. A monastery is a local Orthodox Eucharistic community of men or women who have willingly chosen to live the monastic life and which functions under the immediate canonical

EXHIBIT B



Constitution

and

By-Laws

of the

**ROMANIAN ORTHODOX EPISCOPATE
OF AMERICA**

1994

*Adopted by
The Romanian Orthodox Episcopate
National Church Congress
on July 2, 1994*

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PREAMBLE

Immigration of larger Romanian groups to the United States and Canada took place between 1900 - 1914. They organized into parishes, built churches and brought from the old country parish priests to minister to their religious needs.

After more than 25 years of relatively loose ties among themselves, the parishes appointed their priests and lay delegates who gathered in a general Church Congress, held in Detroit, Michigan, on April 25, 1929, and decided to establish the Romanian Episcopate of America.

The first Constitution and By-Laws of the Episcopate were adopted at the Church Congress held on October 30, 1932, in Cleveland, Ohio.

Under the leadership and with the advice of Bishop Policarp Morusca, a new Constitution and By-Laws were passed by the Church Congress, meeting in Youngstown, Ohio, on September 5-7, 1936.

The special Church Congress held on March 28, 1947, in Detroit, Michigan, resolved to abrogate the 1936 Constitution and re-enact, in substance, the By-Laws of 1932.

In conformity with this resolution, the Church Congress convened on July 4, 1947, at Vatra Românească, Grass Lake, Michigan, adopted the revised Constitution and By-Laws, particularly reasserting the autonomous character of the Diocese.

The right of the Episcopate's Congress to change its Constitution and By-Laws was tested also in the United States Federal Courts (Northern District of Ohio, Case No. 27916- 1953, and the Court of Appeals, Sixth Circuit, of Cincinnati, Ohio) with the conclusion that the parish representatives convened in the Church Congress "were entitled to revoke their previous By-Laws and to re-establish the By-Laws of 1932."

The original By-Laws re-enacted in 1947 were subsequently revised, amended and updated by the Church Congress held in Canton, Ohio, on July 3-5, 1953, at the Vatra Romaneasca on June 30 - July 3, 1967, and again at the Vatra on June 30 - July 2, 1978.

Although certain amendments concerning the election of an Auxiliary were passed at the 1980 Church Congress, a printed revision was not issued at that time.

A major review of the Constitution and By-Laws was begun in the early 1990's. Work on the Constitution and By-Laws, Articles I-VIII, was done by the 1993 Congress held at the Vatra and the 1994 Congress held at St. George Cathedral, Southfield, Michigan, completed the revision with its work on Articles IX-XV.

The present Constitution and By-Laws became effective July 2, 1994.

- (c) The sole legislative and highest administrative authority in secular matters is the Episcopate Congress. It shall meet once a year in regular session, and as often as necessary, in special session.
- (d) The Episcopate Council is the executive body through which the Episcopate Congress exercises its administrative powers. It shall meet as often as necessary but not less than twice a year.

ARTICLE VI

Funds and Properties

- (a) The Episcopate, the Parishes, Missions, Religious Institutions and Auxiliary Organizations may own and acquire real and personal property, create funds, accept donations, gifts, testamentary gifts, grants, trusts and subsidies.
- (b) Church properties of any kind, nature and description cannot be sold, alienated, or mortgaged without the written permission of the Episcopate Council.

ARTICLE VII

Amendments

- (a) The Constitution and By-Laws may be amended only by the Episcopate Congress at a special legislative session called for that purpose. Proposed amendments must be submitted to the Episcopate Office (Chancery) 120 days prior to the Episcopate Congress. The final draft shall be mailed to delegates and parishes 60 days prior to the Congress.
- (b) Said legislative session shall be convened upon the resolution of the Episcopate Council, or upon request of one-third (1/3) of the delegates to the Episcopate Congress.

EXHIBIT C



Constitution

and

By-Laws

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**ROMANIAN ORTHODOX EPISCOPATE
OF AMERICA**

1994

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The original By-Laws re-enacted in 1947 were subsequently revised, amended and updated by the Church Congress held in Canton, Ohio, on July 3-5, 1953, at the Vatra Romaneasca on June 30 - July 3, 1967, and again at the Vatra on June 30 - July 2, 1978.

Although certain amendments concerning the election of an Auxiliary were passed at the 1980 Church Congress, a printed revision was not issued at that time.

A major review of the Constitution and By-Laws was begun in the early 1990's. Work on the Constitution and By-Laws, Articles I-VIII, was done by the 1993 Congress held at the Vatra and the 1994 Congress held at St. George Cathedral, Southfield, Michigan, completed the revision with its work on Articles IX-XV.

The present Constitution and By-Laws became effective July 2, 1994.

- (m) Ratify the decisions of the Episcopate Council regarding the acceptance or exclusion of Clergy, Priests and Deacons and Parishes;
- (n) Establish and assess the dues and other contributions of the Parishes to the Episcopate;
- (o) Make the final, authoritative determination of the acceptance or rejection of Lay Delegates to be seated as voting members of that Congress;
- (p) Establish, enforce and amend, as necessary, obligatory Parish standards for Clergy remunerations.

ARTICLE IV

THE EPISCOPATE COUNCIL

Section 1

The Episcopate Council shall consist of:

- (a) The Bishop;
- (b) The Auxiliary Bishop;
- (c) The Vicar;
- (d) Five Clergy (Priests and/or Deacons) and ten Laypersons elected by the Episcopate Congress;
- (e) The Presidents of the Episcopate Auxiliaries (ex officio).

Section 2

The Council shall implement the decisions of the Episcopate Congress and administer the affairs of the Episcopate. In addition, the Episcopate Council has the following authority and powers:

- (a) To convene the Episcopate Congress in the event of vacancy in the Office of the Bishop for the purpose of executing the necessary formalities for the election, consecration, and installation of the successor Bishop;
- (b) To propose amendments to the Constitution and By-Laws;
- (c) To authorize the Parishes to buy, lease, and sell real estate,

- and other Parish property and to contract mortgages or other encumbrances, where necessary, in conformity with other provisions of the By-Laws;
- (d) To study and approve the creation of Missions and new Parishes and Deaneries, and to determine their respective areas of jurisdiction;
 - (e) To receive petitions of Clergy, Priests and Deacons, and Parishes wishing to come under the spiritual, operational and adjudicative jurisdiction of the Episcopate, subject to the ratification by the Episcopate Congress;
 - (f) To examine and suggest changes in blue-prints and to authorize construction of new churches and church-related structures;
 - (g) To initiate and supervise the general activities of the Episcopate;
 - (h) To hire and establish the salaries of the employees of the Episcopate and the remuneration of the Bishop;
 - (i) To maintain an inventory of all Episcopate property;
 - (j) To prepare an annual budget, and to suggest to the Episcopate Congress means of meeting it;
 - (k) To provide for, and supervise the official publications of the Episcopate;
 - (l) To recommend to the Bishop the bestowal of honors and/or elevation in rank on persons under the jurisdiction of the Episcopate;
 - (m) To appoint delegates, as required, to represent the Episcopate;
 - (n) To exercise supervision over the financial operations of the Episcopate, its Missions, Auxiliary Organizations and Institutions;
-
- (o) To bring an action in the Episcopate Courts against any person or group alleged to have violated this Constitution and By-Laws;
 - (p) To request and receive an audit of the financial records of any official, department, fund, Parish, or Parish Auxiliary in question, in the event a charge of financial or administrative irregularity for cause is brought to its

- or local laws and, to the fullest extent allowable by law, to supersede any and all legal provisions on the subject.
- (c) If, due to any law of the United States, or of Canada, or of any State, Province or locality, the Parish's property and funds may not pass outside the territory of the jurisdiction, then all of the properties and funds of the Parish in question shall pass in trust to the Dean where the Parish is located, or to such other Trustee as the Bishop shall appoint in writing with Episcopate Council consent.

Section 11

In the event of heresy, schism or defection from the Episcopate, that segment of the Parish, even if it be a single member, which remains loyal to, and determines to remain within the Episcopate, shall retain title to the Parish property of every kind, nature and description.

Section 12

The acquisition, sale, leasing, mortgaging or otherwise encumbering of church properties shall be decided by the Parish Assembly in strict accordance with the following procedure:

- (a) All decisions shall require a two-thirds (2/3) vote by roll call of those present and eligible to vote;
- (b) Decisions of the Parish Assembly held in accordance with this section shall not be final but shall only take effect upon the approval and ratification of the Episcopate Council.

Membership of the Body of the Church

Section 13

By virtue of his or her baptism and chrismation, an individual is a member of the Holy Orthodox Church which is the Body of Christ, and as such is called to live in accordance with her teachings, traditions and religious services (rituals), and to regularly support the Church through the local Parish.

EXHIBIT D

All that certain real property situated in the County of Los Angeles, State of California, described as follows:

Lots 8, 9, 10 and 11, in Block 1 of Torthorwald Tract No. 1, in the City of Los Angeles, County of Los Angeles, State of California, as per map recorded in Book 9, Page 8 of Maps, in the Office of the County Recorder of said County.

Assessor's Parcel Number:

5457-022-009; 5457-022-028

EXHIBIT E

Episcopate Council Meeting – November 17, 2022

Motion: Pursuant to Art. IV Sec. 2 (o), the EC authorizes the Chancery to file a complaint against the former and present parish council members who voted to leave the ROEA. Dorel Suboni: 2nd Carol Schweitzer. Motion Passed.

DECISION

The Romanian Orthodox Episcopate of America (ROEA) is a hierarchical Church. Holy Trinity Romanian Orthodox Church, Los Angeles, California, has been a parish under the ROEA's jurisdiction since 1940. Fr. Constantin Alecse has been a priest in the ROEA since 1982 and is subject to the hierarchy of the ROEA. Fr Alecse signed a Declaration/Act of Loyalty and parish council members took an oath to conduct themselves in accordance with the Constitution and By-Laws of the ROEA, and to accept all decisions of the Hierarch, the Episcopate Council and the Episcopate Congress. Recent actions of the former parish priest, Fr. Constantin Alecse, and members of the parish council violated the Constitution and By-Laws of the ROEA. Fr. Constantin Alecse violated his Declaration and Act of Loyalty to the ROEA through his personal actions and participation in the recent unlawful actions by certain members of Holy Trinity Romanian Orthodox Church, Los Angeles, California. Their attempts to disassociate from the ROEA and to enter another jurisdiction are in violation of the ROEA's Constitution and By-Laws.

[Decision Approved]

EXHIBIT F

weintraub|tobin

Paul E. Gaspari
415.772.9618 DIRECT
pgaspari@weintraub.com

April 1, 2024

VIA E-MAIL TRANSMISSION TO:

moster@wrslawyers.com

Mr. Matthew Oster
Wolf, Rifkin, Shapiro, Schulman & Rabkin, LLP
11400 West Olympic Boulevard, 9th Floor,
Los Angeles, CA 90064

**Re: Notice and Demand to Holy Trinity Romanian American Orthodox Church
and Fr. Constantin Alecse**

Dear Mr. Oster:

As you know, we represent the Romanian Orthodox Episcopate of America ("ROEA") in the matter regarding the Holy Trinity Romanian American Orthodox Church (formerly known as the Holy Trinity Romanian Orthodox Church) and Father Constantin Alecse.

This notice restates and implements the Decision of the Episcopate Council of the Romanian Orthodox Episcopate of America (ROEA) dated November 17, 2022.

The ROEA is a hierarchical church and is a diocese of the hierarchical Orthodox Church in America (OCA). (OCA Statute, Art. XII, section 1(b); ROEA Constitution, Arts. III(b) and V.) The governance documents of the Orthodox Church in America and the ROEA clearly establish that the Parishes, including the Holy Trinity Romanian American Orthodox Church formerly known as the Holy Trinity Romanian Orthodox Church in Los Angeles, California (HTRAOC/HTROC), are in a hierarchical relationship with, and subject to the authority and the jurisdiction of, the superior ecclesiastical and hierarchical organs of the Orthodox Church in America and the ROEA (OCA Statute, Art. XII, section 1(b); ROEA Constitution, Arts. IV and V; ROEA By-Laws, Art. IX, section 1.)

The governance documents of the Orthodox Church in America provide that "all Parish property, assets and funds are and shall be owned and held by the Parish or Parish corporation in trust for the use, purpose, and benefit of the Diocese of the Orthodox Church in America of which it is a part." (OCA Statute, Art. XII, section 9(b).) The governance

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documents of the ROEA provide that Parish property "cannot be sold, alienated, or mortgaged without the written permission of the Episcopate Council." (ROEA Constitution, Art. VI(b); also ROEA By-Laws, Art. IV, section 2(c) and Art. IX, section 12(b).)

The HTRAOC/HTROC is a Parish under the ROEA's authority and jurisdiction since 1940. The ROEA Constitution and By-Laws are incorporated by reference into the articles of incorporation of each Parish. The amended Articles of Incorporation of the HTRAOC/HTROC dated May 31, 1998 provide that the HTRAOC/HTROC "submits itself to the administrative and canonical jurisdiction and supervision of the ROEA," and that it will "govern itself according to the Constitution and By-Laws" of the ROEA and "conduct and manage its affairs in accordance with the said By-Laws."

According to the OCA Statute, ROEA Constitution, and ROEA By-Laws, all property of the HTRAOC/HTROC, including real property, funds, and other assets, was and is held in trust by the Parish for the benefit of the Diocese of the Orthodox Church in America of which it is a part (the ROEA) and cannot be alienated without the written permission of the Episcopate Council.

The actions of the former Parish priest, Fr. Constantin Alecse, and members of the Parish Council in meeting on August 14, 2022 and voting "to formally and irrevocably disassociate in all respects from the ROEA... effective immediately" (per October 25, 2022 letter from attorney Anthony C. Grossman to ROEA) and in holding a Special Parish Meeting on October 30, 2022 violated the OCA Statute, ROEA Constitution, and ROEA By-Laws. As a result, all HTRAOC/HTROC property that was or is held by the HTRAOC/HTROC must be distributed to the ROEA.

In order to accomplish the distribution of property to the ROEA as required by the OCA Statute and ROEA Constitution and By-Laws, the following steps must be taken:

1. Please transfer title for the real properties located at 3301 Verdugo Road, 3313 Verdugo Road, and 3315 Verdugo Road, Los Angeles, CA 90065 (Assessor's Parcel Nos. 5457-022-009 and 5457-022-028) to the ROEA.

2. Please provide ROEA with an accounting and audit (per By-Laws Art. IV, section 2(p)) together with copies of statements for all bank accounts, investment accounts, and other accounts that were or are in the name of HTRAOC/HTROC from August 2022 to the present so that ROEA may determine the amount of the funds that should be transferred to ROEA.

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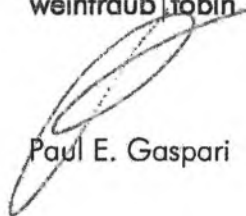
Mr. Matthew Oster
April 1, 2024
Page 3

3. Please provide ROEA with an inventory of the personal property that was or is in the name or possession of HTRAOC/HTROC as of August, 2022 and identify any personal property transferred to a third party after August 14, 2022.

After these steps have been taken, we will then make arrangements for the transfer of the funds and the personal property to the ROEA.

Very truly yours,

~~weintraub | tobin~~

A handwritten signature in black ink, appearing to read "Paul E. Gaspari", written over the printed name.

Paul E. Gaspari

PEG/mjc

Cc: David Oancea, Chancellor

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weintraub tobin chediak coleman grodin law corporation

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