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December 11, 2025

PRIVILEGED MEDIATION COMMUNICATION
(Cal. Evid. Code §§ 703.5, 1115-1129)

VIA ELECTRONIC MAIL ONLY

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Hon. Paul A. Bacigalupo, Ret.
Mediator
ADR Services, Inc.
1900 Avenue of the Stars, Suite 200
Los Angeles, CA 90067

Re: Romanian Orthodox Episcopate of America v. Holy Trinity Romanian American Orthodox Church

Dear Judge Bacigalupo:

I write to present the position of Defendant Holy Trinity Romanian American Orthodox Church (the "Parish") in connection with the above-referenced matter and in anticipation of the mediation you are scheduled to facilitate on December 23, 2025. This confidential communication is being shared with opposing counsel, is provided in the interests of settlement, and is protected by the meditation privilege.

To be blunt, the Parish views this action as an unvarnished and un-Christian effort by the Romanian Orthodox Episcopate of America (the "ROEA") to steal real and personal property it does not own, and never has owned. This shameful campaign began with forcibly retiring the long-time Parish Priest, Father Constantin Alesce and then defaming him when he refused to leave quietly. The ROEA then demanded that the Parish disclose its assets to the ROEA, with the obvious plan to seize some or all of them. Because the Parish is aware the ROEA has attempted to seize the assets of other parishes around the country, it saw the writing on the wall and dissociated from the ROEA before the same could be done here. The present lawsuit constitutes the ROEA's litigious effort to accomplish through civil courts what it could not accomplish before the Parish left.

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The ROEA's effort to steal the Parish's real and personal property through civil litigation is doomed to fail. The Parish has held undisputed record title in the church campus for generations, first acquiring the land in the 1950s and 1960s. A Grant Deed recorded on February 16, 2007, conveyed the properties to Holy Trinity Romanian Orthodox Church, a California nonprofit religious corporation. On February 26, 2024, a Corporation Grant Deed was recorded to reflect the parish's corporate name change to Holy Trinity Romanian American Orthodox Church, again in favor of the same California corporation. There is no evidence of any deed to Plaintiff nor any cloud or encumbrance on the Parish's title.

The ROEA's own governing documents also fail to justify its demands. ROEA's own By-Laws provide:

- Article IX, section 4(a): "Each Parish shall be legally organized and incorporated or chartered to the extent allowed by law as a religious, nonprofit organization, and ***shall own and control its personal and real property.***" (Emphasis provided)
- Article IX, section 6: "The assets of the Parish shall be administered by the Parish Council ... in accordance with the Episcopate By-Laws and the laws of the State, Province, or Territory in which the Parish is located."
- Article IX, section 12: "The acquisition, sale, leasing, mortgaging or otherwise encumbering of church properties shall be decided by the Parish Assembly."

None of this is in dispute.

Instead, the ROEA argues that its claim to Parish property is justified by a trust supposedly imposed by Article XII, section 9(b) of the Statute of the Orthodox Church in America (the "OCA"), the religious body that ordains the ROEA. That provision, however, explicitly limits diocesan disposition of local parish property to circumstances when a parish is "canonically suppressed or otherwise ceases to exist." It is undisputed that the Parish still exists, and there is no evidence of canonical suppression.

Furthermore, Article III(c) of the ROEA Constitution provides: "[a]dministratively, the Episcopate is and shall remain self-governing..." The 1970 agreement by which the ROEA submitted itself to the OCA similarly provides: (1) the ROEA submits to the "canonical jurisdiction" of the OCA; but (2) the ROEA "shall be governed as a distinct administrative unit in accordance with its own Constitution and By-Laws, customs and traditions"; and (3) the OCA will not "at any time in any way assert any claim to any right, title or interest in any of the properties of the [ROEA], its parishes and its affiliated institutions." This administrative

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independence was reaffirmed in a 2008 Agreed Statement of the ROEA. (“Within the OCA, the Romanian Orthodox Episcopate of America always maintained the status of an administratively autonomous diocese.”) Meanwhile, the Parish’s Articles of Incorporation contain no submission to the OCA or its Statute.

In other words, according to the governing documents, the Parish was under the canonical and administrative jurisdiction of the ROEA but not the OCA, and the ROEA is under the canonical jurisdiction – but not the administrative jurisdiction – of the OCA. The governing documents of Parish and the ROEA – the highest *administrative* authority in the hierarchy – contain no trust provision and, instead, provide that the Parish “shall own and control its personal and real property.”

Perhaps most importantly, the Court already has determined in this case that:

- “the property dispute here is susceptible to the application of neutral principles of law;”
- “the Court can neither affirm nor disturb an ecclesiastical decision. Instead, the Court may only dismiss the [ROEA’s first cause of action for declaratory relief];”
- “the parish is under the canonical and administrative jurisdiction of the ROEA but not the OCA, and the ROEA is under the canonical jurisdiction – but not the administrative jurisdiction – of the OCA;” and
- “[t]he governing documents of Holy Trinity and the ROEA – the highest administrative authority in the hierarchy – contain no trust provision and instead provide that Holy Trinity ‘shall own and control its personal and real property.’”

See the Court’s October 27, 2025 Minute Order denying the ROEA’s motion for summary adjudication.

This case is scheduled to be tried on February 2, 2026 in a bench trial before Hon. Maurice A. Leiter – the same judge who issued the above-referenced minute order. There have been no depositions and minimal written discovery. We fully expect the evidence at trial to match the evidence presented to Judge Leiter in connection with the ROEA’s motion for summary adjudication – which yielded the findings cited above. As such, the Parish is confident the final judgment in this case will be in its favor.

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The Parish nevertheless understand the value of certainty and would appreciate a public apology from the ROEA, both to itself and to its Parish Priest Father Constantin Alesce. As such, the Parish intends to participate in the mediation in the hope of achieving both of these goals.

We look forward to working with you on December 23 to seek an amicable resolution of this dispute.

Very truly yours,

WOLF, RIFKIN, SHAPIRO, SCHULMAN & RABKIN, LLP

MATTHEW OSTER

Enclosures (Complaint, ROEA Constitution and Bylaws, Parish Articles of Incorporation,
October 27, 2025 Minute Order)