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**To: Parish Council Members and all Parishioners of St. Athanasios Church**

**From: John Sofis Scheft, Esq.**

**Date: September 8, 2017**

**Re: Legal Action of Father Nicholas Kastanas**

I represent Father Nicholas Kastanas.

I feel it is important to respond to comments — made in recent meetings and in a newsletter — about Fr. Nick’s so-called “lawsuit” against the Greek Orthodox Church.

Normally, I would stay silent, but the deliberate rumors and innuendos about a Priest who has served this community for over 27 years will hopefully stop when all parishioners have the facts.<sup>1</sup>

As you know, Fr. Nick was removed as your pastor on July 27<sup>th</sup>. Although he was told that he would be meeting with Metropolitan Methodios, Fr. Nick discovered, after he entered the room at the Metropolis, that the Metropolitan was in Greece. The Chancellor, Fr. Barbas, and two Metropolis attorneys told him that Sunday, July 30<sup>th</sup> would be his last service, and he could go to his office the next day to get his possessions. There was little additional discussion.

When the Metropolis published news of Fr. Nick’s removal, reaction was swift. Over twelve hundred people came to his last Liturgy on July 30<sup>th</sup>. There were tears, surprise, and disillusionment at the decision. You may remember when Fr. Nick told everyone to

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<sup>1</sup> All people, including current members of the clergy, must understand that deliberately writing or speaking about unfounded and unfair accusations concerning Fr. Nicholas Kastanas are subject to legal action for defamation.

be a “peacemaker.” Maybe you were one of the people Fr. Nick hugged during the distribution of the blessed bread/Andithoron, which took over two hours.

The mainstream media reported about the service and the anguished reactions of many parishioners. And naturally, in today’s world, some parishioners took to social media to voice their feelings about what caused Fr. Nick’s removal.

For Chancellor Barbas, this overwhelming support for Fr. Nick was unexpected and unwelcome. Instead of reassessing Fr. Nick’s situation or understanding that he has no control over what thousands of congregants write and say, Chancellor Barbas sent an incendiary email at 3:00 AM blaming Fr. Nick for what he called a “despicable display.”

Even though he had promised that Fr. Nick could go to his office at St. Athanasios and remove his personal property accumulated over 27 years of service, the Chancellor changed his mind. He told Fr. Nick that the locks would be changed, his property confiscated and packaged, and his personal computer (filled with private and confidential communications with parishioners) would be seized and searched.

I am not a member of your congregation, so please allow me to be candid with you. In the Greek Orthodox Church, priests accused of sexual misconduct and outright theft have been accorded greater respect than Fr. Nick was. I have never heard of a case where a Church authority sought to strip mine a priest’s private and confidential computer as punishment for the love and upset expressed by the congregation he is leaving! I have never heard of a case where a Church authority has boxed up a priest’s vestments and books, and held a priest’s blessing cross, sacred volumes and personal cash without allowing him to gather these possessions and bring them to his home!

I recently discovered, when parishioners mentioned that they had sent cards to Fr. Nick that he had not received, that the Chancellor ordered that mail personally addressed to Fr. Nick should be held at the Church and reviewed. I actually had to ask a judge to order the Metropolis have Fr. Nick’s mail delivered to him!

I had never met Fr. Nick until he came to my office on July 31<sup>st</sup> at the suggestion of several parishioners. I am a certified mediator and have dealt with religious conflicts before. Fr. Nick only came after he learned, in another accusatory email from the Chancellor, that he would not be able to get his possessions from his office; that parishioners were probably going to be locked out of St. Athanasios for the week; and that his personal computer would be searched for any and all communications between Fr. Nick, his family, his parishioners, and all others (some of them relatives of members of the Metropolis and seminary students over the years).

Fr. Nick told me that he could handle his removal and the false accusations (which continue from a select few, by the way<sup>2</sup>), but he could not accept a breach of his confidential relationships, established in his sacred role as a Priest.

Even so, Fr. Nick counseled me to take the path of least resistance. I called the Chancellor, Fr. Barbas, twice that day (Monday, July 31<sup>st</sup>) on his cell phone and left conciliatory messages. I then emailed a letter reminding Fr. Barbas about the importance of laws relating to priest confidences and computer privacy. I suggested, again in conciliatory terms, that we overcome this tense situation with communication.

I received no response from the Chancellor. Not even an acknowledgment that my entreaties had been received.

Even so, the next day (Tuesday, August 1<sup>st</sup>) I called Fr. Barbas' administrative assistant at the Metropolis and urged her to reach out to Fr. Barbas so we could schedule a confidential meeting to work things out. The assistant was very helpful but, again, no response came from anyone at the Metropolis.

That same day, I found out -- from shocked parishioners who had been turned away at the Church -- that representatives of the Metropolis, along with two of Fr. Nick's most vocal opponents on the Parish Council, were present with a locksmith at his office and going through his possessions. No one had told the entire Parish Council that this was going to happen, although the Chancellor had notified the Arlington Police by email that he was in control of Fr. Nick's office and the Church, and no one from the Church would be allowed on the property without his permission. He asked that "unauthorized people" be removed by armed police officers.<sup>3</sup>

When I learned about this state of affairs, I told Fr. Nick that the minimum legal response necessary to preserve the privacy of his communications with parishioners was an emergency restraining order in civil court.

There was no other way to secure his computer and personal possessions. I drafted a hasty and restrained request for court protection. It deliberately did not mention Metropolitan Methodios. It did not question Fr. Nick's removal as a priest, or any teaching or rule of the Greek Orthodox Church.

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<sup>2</sup> See note 1 above about potential legal action for defamation.

<sup>3</sup> I have copies of all the emails that I refer to in this memorandum. The court proceedings and documentary evidence presented are public records in the clerk's office of the Middlesex Superior Court.

Although civil courts are traditionally reluctant to get involved in religious disputes, the judge granted the restraining order when he learned about the facts I am sharing with you.

It was only at this point — when a civil court ordered his staff not to violate the privacy of Fr. Nick’s confidential communications — that Fr. Barbas responded by retaining an attorney from a large Boston firm and sending Fr. Nick a letter, signed by the Metropolitan (who was still in Greece), suspending him from priestly duties.

I trust that when other senior officials in the Greek Church consider Fr. Nick’s motivation, and the narrow nature of this legal proceeding, they will rule that continued suspension of his priestly status is a draconian and unnecessary response — especially given the fact that I have *pleaded* with the Chancellor’s lawyer to resolve Fr. Nick’s case outside of court so we can dismiss this limited legal action.

You should also know that the court recently ordered the Metropolitan to return Fr. Nick’s personal property and his personal computer, and established a confidential and fair process to review the contents of his computer — so parishioner communications with their Priest of over 27 years will not be compromised.

This is all we asked for in the first place.

I hope that I will not have to write you again about this case, and I hope that we will not have to return to court. It was the last place that Fr. Nick or I wanted to be. My only hope is Fr. Nick will be back teaching the lessons of Christ soon, and bringing comfort to his parishioners in the Greek Orthodox Church.

Sincerely,

*John Sofis Scheft*