

1 KRISTINE PATICO KOUMENTAKOS
 2 12704 Chilton Circle
 Silver Spring, Maryland 20904
 3 and
 4 NICHOLAS KOUMENTAKOS
 12704 Chilton Circle
 Silver Spring, Maryland 20904
 5
 6 PLAINTIFFS
 7 vs.
 8 METROPOLITAN HERMAN, PRIMATE, and the
 ORTHODOX CHURCH IN AMERICA AND THE
 9 DIOCESE OF WASHINGTON AND NEW YORK
 6850 N. Hempstead Turnpike
 10 Syosset, New York 11791
 11 FATHER RAYMOND VALENCIA
 President of St. Matthew House; and
 12 Parish Priest for The Orthodox Church of St. Matthew
 10771 Bridlerein Terrace
 13 Columbia, Maryland 21044
 14 THE ORTHODOX CHURCH OF ST. MATTHEW
 7271 Eden Brook Drive
 15 Columbia, Maryland 21046
 16 ST. MATTHEW HOUSING DEVELOPMENT, INC
 AKA
 17 ST. MATHEW HOUSE
 7261 Eden Brook Drive
 18 Columbia, Maryland 21046
 19 BOARD OF DIRECTORS of ST. MATTHEW HOUSING
 20 DEVELOPMENT, INC.
 BOD
 21 Fr. Ray Valencia
 10771 Bridlerein Terrace
 22 Columbia, MD 21044
 23
 Fr. Duane Johnson
 24 6189 Satan Wood Drive
 Columbia, MD 21044
 25
 Mr. Tony Ziesat
 26 4605 Morning Ride Court
 27 Ellicott City, MD 21042
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* IN THE
 * CIRCUIT COURT
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 * FOR
 * HOWARD COUNTY
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 * Case No.:
 * Docket No.:
 * Folio No.:
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FILED
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 CIRCUIT COURT
 HOWARD COUNTY

1 Mrs. Pauline Garrett
2730 Wynfield Road
West Friendship, MD 21794

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3 **DEFENDANTS**

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6 **COMPLAINT**

7 **TO THE HONORABLE, THE JUDGE OF THE SAID COURT:**

8 The Plaintiffs by and through their attorney, G. Russell Donaldson and The Law Offices
9 of G. Russell Donaldson, PC, hereby file this Complaint and in advance of their case and cause do
10 hereby state:

11 **I. IDENTIFICATION OF THE PARTIES**

- 12 1. Plaintiff Kristine Patico Koumentakos (hereinafter Mrs. Koumentakos) is a natural
13 person, a resident and domiciliary of Montgomery County, Maryland.
- 14 2. Plaintiff Mrs. Koumentakos was a parishioner of the Defendant The Orthodox Church of
15 St. Matthew in Howard County and relied as her priest and confidant in spiritual matters,
16 Defendant Father Raymond Valencia.
- 17 3. At the time this controversy arose, Plaintiff Mrs. Koumentakos was an employee and
18 Executive Director of Defendant St. Matthew Housing Development, Inc., and reported
19 directly to Defendant Father Raymond Valencia and the Defendant Board of Directors of
20 St. St. Matthew Housing Development, Inc.
- 21 4. Plaintiff Nicholas Koumentakos (hereinafter Mr. Koumentakos) is a natural person, a
22 resident and domiciliary of Montgomery County, Maryland, and at the time this
23 controversy arose, was a parishioner of the Defendant The Orthodox Church of St.
24 Matthew in Howard County and relied as his priest and confidant in spiritual matters,
25 Defendant Father Raymond Valencia.
- 26 5. Defendant Orthodox Church of St. Matthew (hereinafter OCSM) is a church located in
27 Howard County, Maryland and is a registered business entity in the State of Maryland
28 with it's principal office and regular business conducted in Howard County, Maryland.
6. Defendant St. Matthew Housing Development, Inc., AKA St. Matthew House (hereinafter

1 SMH) is a non-profit, 501 (c)(3) that owns and operates a home for up to fifteen (15)
2 adults with physical disabilities located in Howard County, Maryland and is a registered
3 business entity in the State of Maryland with it's principal office and regular business
4 conducted in Howard County, Maryland.

5 7. Defendant Board of Directors (hereinafter BOD) conducts the business of SMH by
6 developing the mission of SMH and develops policies which are in keeping with the
7 mission and ministry of SMH in Howard County, Maryland.

8 8. Defendant Orthodox Church in America Diocese of Washington D.C. and New York
9 (hereinafter, the "Church") is a non-profit corporation organized for religious reasons. The
10 Church oversees parishes in five Mid-Atlantic States and Washington, D.C. The Church
11 has several parishes within the State of Maryland to include Defendant OCSM and
12 regularly conducts business in Howard County, Maryland. At all times relevant to this
13 Complaint, the Church hired, employed, supervised, directed and evaluated the priests
14 providing services at its direction, including but not limited to Defendant Father Raymond
15 Valencia.

16 9. Metropolitan Herman (hereinafter Herman) is the Archbishop of Washington [D.C.] and
17 New York and Metropolitan of all America. Defendant OCSM is a parish of the Orthodox
18 Church in America, the Diocese of Washington and at all times relevant to this
19 Complaint, was the Archbishop supervising Defendant Father Raymond Valencia.

20 10. Defendant Father Raymond Valencia (hereinafter Valencia) is a natural person who is the
21 President of St. Matthew House, and the Parish Priest for The Orthodox Church of St.
22 Matthew. At all times relevant to this Complaint, Valencia was an ordained priest within
23 the Church and was an employee, agent and or servant of the Church, under its direct
24 supervision, direction and control.

25 **II. JURISDICTION AND VENUE**

26 11. This Court has personal jurisdiction over all parties under Md. Code Ann., Cts. & Jud.
27 Proc. § 6-102, by virtue of the fact that all parties live within this State, are organized
28 under the laws of this State, and/or maintain their principal places of business in the State.

12. This Court has subject matter jurisdiction over this Complaint pursuant to Md. Code

Ann., Cts. & Jud. Proc. § 4-402 (d).

13. Venue is proper in this Court pursuant to Md. Code Ann., Cts. & Jud. Proc. § 6-201, as Defendants carries on a regular business within Howard County, Maryland.

14. Cause of action arose in state with property located in Howard County, Maryland.

III. FACTS

15. That beginning in 1994, Mrs. Koumentakos started her affiliation with Defendant SMH when Defendant Valencia recruited Mrs. Koumentakos to work on the development of the SMH project. Mrs. Koumentakos began as a volunteer and then as a modestly paid contractor.

16. That Mrs. Koumentakos became employed on or about February 1999 shortly before Defendant SMH opened its doors for operation. Mrs. Koumentakos was initially hired as a case manager and was elevated to Executive Director on or about July 2004, the highest position within SMH and remained there until she was fired by Defendants Valencia and SMH on or about February 8, 2006.

17. That Mrs. Koumentakos became pregnant with her second child and first son Matthew sometime on or about April 2005. Mrs. Koumentakos notified her immediate supervisor, Defendant Valencia that she was pregnant in August 2005. Over the course of the next several months, one of Mrs. Koumentakos subordinates, Therese Thomas, (hereinafter Thomas), began to inexplicably harass Mrs. Koumentakos telling her that she (Thomas) was hearing from the Holy Spirit and that Mrs. Koumentakos needed to quit her job and stay home with her children and to turn over her duties to a different subordinate who was younger, and single (Jennifer Byrnes). Mrs. Koumentakos attempted to deal with the increased harassment, but eventually turned to Defendant Valencia for help, who ignored Mrs. Koumentakos' requests for assistance.

18. That at some point during November 2005, Mrs. Koumentakos accidentally fell and because of her pregnancy was placed on bed rest by her nurse practitioner midwife in order to protect Mrs. Koumentakos' unborn son. Despite being on bed rest, Mrs. Koumentakos continued to perform her duties from home and after medical approval, Mrs. Koumentakos would stop by the office for one hour a week to ensure she could

1 fulfill as many of her duties as possible. Up to this point, Defendant Valencia had only
2 given praises for Mrs. Koumentakos' work and there had not been any adverse
3 disciplinary actions against Mrs. Koumentakos.

4 19. That because of Mrs. Koumentakos excellent work performance Defendant Valencia and
5 the Board of Directors for Defendant SMH agreed to a modified work schedule. The new
6 work schedule enabled Mrs. Koumentakos to continue work from home with the
7 appropriate bed rest and then maternity leave in order to have time off with her baby after
8 his birth.

9 20. That on or about late December 2005, Defendant Valencia wanted to get a loan amounting
10 to an amount of approximately 2.2 million dollars, in order to build a physical structure
11 next to SMH that would be the new building for Defendant OCSM. This building would
12 be Defendant's Valencia's church. However, Defendant Valencia was unable to get
13 sufficient funding and wanted to use SMH as collateral for the new building.

14 21. That when Defendant Valencia approached Mrs. Koumentakos with his idea for funding,
15 Mrs. Koumentakos advised defendant Valencia she was unsure if it was legal for SMH to
16 be used as collateral because SMH was built and continues to operate with Federal
17 Housing and Urban Development (HUD) funds. Mrs. Koumentakos responsibilities
18 included the oversight and accounting of HUD funds. Plaintiff Mrs. Koumentakos also
19 advised Defendant Valencia of his long standing policy to never co-mingle SMH funds
20 with OCSM funds.

21 22. That Defendant Valencia became enraged with Mrs. Koumentakos' caution for using
22 SMH as collateral and allowed her caution and concern to become a personal
23 disagreement between Defendant Valencia and Mrs. Koumentakos. On or about January
24 11, 2006, Defendant's Valencia, OCSM, and the Board of Directors of SMH learn that
25 Mrs. Koumentakos' concerns were accurate and thus prevented Defendant Valencia from
26 a potential violation of Federal Laws.

27 23. That after Mrs. Koumentakos asked for time to consider the ramifications of placing SMH
28 as collateral and asked time to conduct some research, Defendant Valencia, for the first
time began questioning Mrs. Koumentakos' job performance. It is especially important to
note that during the course of her employment, Mrs. Koumentakos was never counseled
for any job deficiencies.

1 24. As Defendant Valencia was at this point making Mrs. Koumentakos' disagreement a job
2 performance issue, Mrs. Koumentakos requested the involvement of the BOD of
3 Defendant SMH. In his response, Defendant Valencia stated words to the effect of
4 "believe me you do not want that," while menacingly pointing his finger and yelling at
5 Mrs. Koumentakos.

6 25. That in an attempt to reduce the tension and to work through the disagreement, Mrs.
7 Koumentakos went through her Chain of Command and sought out the assistance of
8 several BOD's of Defendant SMH, including Ms. Andrea Ingram (hereinafter Ingram)
9 who also happens to be the Executive Director of Grassroots, Inc. and other Defendant
10 OCSM leaders.

11 26. That Mrs. Koumentakos also contacted other board members of Defendant SMH and
12 Defendant OCSM's Council Chairperson as a means to try to rectify the disagreement
13 between her and Defendant Valencia, as was a common business practice.

14 27. That Defendant Valencia was only angered by Mrs. Koumentakos' attempts to seek the
15 assistance of the SMH BOD's and this anger fueled new demands upon Mrs.
16 Koumentakos that she could not possibly fulfill while on bed rest and that were in direct
17 violation of the agreement that was reached between Mrs. Koumentakos and the BOD's,
18 to accommodate Mrs. Koumentakos during her very difficult pregnancy.

19 28. That Mrs. Koumentakos gave birth to her son Matthew on January 23, 2006 and despite
20 being on a form of maternity leave, Defendant Valencia continued to harass and threaten
21 Mrs. Koumentakos until Mrs. Koumentakos complained to Defendant Valencia that she
22 had a contract with the BOD. Defendant Valencia's anger apparently clouded his decision
23 making ability and he ordered Mrs. Koumentakos to full maternity leave, a sanction that
24 neither she nor the SMH BOD agreed to and was a direct violation of the policies and
25 procedures that were in effect at the time the order was given.

26 29. That over the course of several days following Defendant Valencia's order, e-mails were
27 exchanged between several BOD of Defendant SMH, Mr. & Mrs. Koumentakos, and
28 Defendant Valencia. Mrs. Koumentakos attempted to ensure that she would comply with
the arrangement made between herself and the SMH BOD.

That Defendant Valencia, and by the refusal of the BOD to intercede, Defendant SMH
fired Mrs. Koumentakos on February 8, 2006.

- 1 31. That as a direct result of Defendant's Valencia and SMH's actions, several BOD members
2 resigned their positions [Ben Etheridge, Ms. Mary Rodgers, Mr. Tim Daly, Mr. Paul
3 Littman, Ms. Pam Bilal and Mrs. Maggie Hanchak] while others were removed [Ms.
4 Elaine Patico and Ms. Andrea Ingram] by Defendant Valencia for disagreeing with
5 Defendant Valencia, leaving only Defendant Valencia, Father Duane Johnson, Mr. Tony
6 Ziesat and Mrs. Pauline Garrett on the Board of Directors.
- 7 32. That Mr. and Mrs. Koumentakos worked through the procedures that are in place within
8 the OCA system by seeking the assistance of Defendant OCSM leaders, Defendant OCA
9 Communications office, who directed Plaintiffs to Constantine White – Dean of the
10 Washington area and Archpriest Constantine White who never responded to any of the
11 Plaintiffs concerns. Ultimately, Plaintiffs were referred to Defendant Metropolitan
12 Herman. However Defendant Herman failed to intercede and to this date, has not allowed
13 for a proper investigation into the facts surrounding the Defendant OCSM, Defendant
14 Valencia and Defendant SMH.
- 15 33. That on or about November 1, 2007, Defendant Valencia sent an e-mail along with an
16 attached letter that was sent to thirty-nine (39) individuals.
- 17 34. That among the individuals the e-mail was sent to, one was addressed to
18 editor@OCAnews.org, in a clear mean-spirited attempt to publish his letter to individuals
19 that were not associated with the incidents described herein.
- 20 35. That the attached letter to Defendant Valencia's e-mail contained highly personal and
21 confidential information about Plaintiff's Mr. & Mrs. Koumentakos that was given to
22 Defendant Valencia during confessions while Defendant Valencia was serving as the
23 Plaintiff's Priest or during private counseling sessions, and had nothing to do with
24 Plaintiff Koumentakos employment.
- 25 36. That the attached letter to Defendant Valencia's e-mail, contained several knowingly false
26 statements or embellishments in order to better position himself with Defendant OCA.
27 That Defendant Valencia knowingly published these falsehoods in a further attempt to
28 intimidate and intentionally inflict emotional distress to Plaintiffs.
37. That Defendant OCA was aware of Defendant Valencia's actions and failed to take proper
steps to investigate the employment matters or the conduct of Defendant Valencia.
38. That Defendant OCA did send an untrained investigator, Fr. Alexey Karlgut, the OCA's

1 investigator into allegations of abuse and misconduct, to investigate the matter; however
2 he failed to investigate Plaintiff's Koumentakos' complaints, because she would not
3 waive her right to seek further remedies in Court. Fr. Karlgut also never interviewed
4 witnesses given to him by Plaintiff Mrs. Koumentakos.

5 39. That on the day Defendant OCA's investigator interviewed the Plaintiffs; Defendant
6 Valencia retaliated against Plaintiff Koumentakos by making a false report of a death
7 threat and obtaining an Interim Peace Order from the Office of the Commissioner on or
8 about February 8, 2007 with a temporary Peace Order Hearing held on February 9, 2008.
9 Judge Mary Reese hearing presided over the hearing and dismissed the Peace Order
10 during the hearing.

11 COUNT I

12 **Intentional Infliction of Emotion Distress – All Defendants**

13 40. Plaintiffs adopt by reference the allegations contained in paragraphs 1 through 39 of this
14 Complaint with the same effect as if fully set forth herein.

15 41. Plaintiff's relied in the confidential nature of priestly confessions and counseling's with
16 Defendant Valencia with an absolute expectation of privacy for more than fifteen years
17 and had not given permission or release for Defendant Valencia to publish and
18 disseminate personal and confidential information relating to sexual abuse, drug use and
19 sexual activity among other personal and private matters.

20 42. That during the time this matter was being investigated by Defendant OCA, Defendant
21 Valencia was not properly supervised on his priestly responsibilities and the publication
22 of personal and confidential matters of the Plaintiffs, not related to any issues related to
23 Plaintiff Mrs. Koumentakos' employment.

24 43. That the Defendant Church, OCA, Metropolitan Herman, OCSM, SMH and SMH BOD
25 had notice of Defendant Valencia's conduct and failed to take any protective measures
26 and that the Defendants had a duty to supervise Defendant Valencia and they negligently
27 failed in that supervision directly resulting in harm to the Plaintiffs.

28 44. That at all times relevant to this Complaint, the Defendants bore ultimate responsibility
for ensuring the physical, emotional and spiritual well-being of its members by
appointing, retaining and supervising its priests, including Defendant Valencia.

1 Defendant's OCSM, the Church and Metropolitan Herman bore additional heightened
2 responsibility for ensuring the physical, emotional and spiritual well-being of church
3 members such as Plaintiffs, who due to the knowledge obtained by Defendant Valencia,
4 were particularly vulnerable.

5 45. That Defendant Valencia's conduct was intentional, reckless, deliberate and without
6 regard to the emotional distress that would result to the Plaintiffs, especially given
7 Defendant Valencia's knowledge of the Plaintiffs personal histories.

8 46. The aforesaid conduct by Defendant's employee and agents was extreme and outrageous
9 and beyond the bounds of decency in society and with malice intent against Plaintiffs.

10 47. The conduct of Defendant's employee and agents was malicious, willful, and intentional,
11 done for the purpose of causing Plaintiff's to suffer humiliation, mental anguish and
12 emotional and physical distress.

13 48. As a proximate cause of all of the Defendant's actions and inactions, Plaintiffs have
14 suffered, and will continue to suffer, great pain of mind and body, shock, severe and
15 extreme emotional distress, physical manifestations of emotional distress, embarrassment,
16 loss of self-esteem, disgrace, humiliation, loss of enjoyment of life, interfered with
17 spousal and maternal and parental responsibilities and severe depression and that they are
18 continuing to suffer.

19 **COUNT II**

20 **Loss of Consortium – All Defendants**

21 49. Plaintiffs adopt by reference the allegations contained in paragraphs 1 through 48 of this
22 Complaint with the same effect as if fully set forth herein.

23 50. That Plaintiffs were and at all times relevant to this matter were husband and wife at the
24 time of the occurrence referred to in this Complaint.

25 51. That the intentional and negligent conduct of Defendants, more specifically described in
26 Count I, resulted in such emotional and physical distress that it caused injury to the
27 marital relationship of Plaintiffs, including a loss of society, affection, assistance,
28 companionship, and of sexual relations.

COUNT III
Defamation –Defendants Valencia, SMH and OCSM

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3 52. Plaintiffs adopt by reference the allegations contained in paragraphs 1 through 50 of this
4 Complaint with the same effect as if fully set forth herein.

5 53. That on or about November 1, 2007 in an attempt to subvert Plaintiff's efforts to seek
6 assistance through the normal channels associated with the Church, Defendant Valencia
7 wrote and published a letter that was attached to an e-mail.

8 54. That the attached letter to the e-mail more specifically described in Count I was filled with
9 defamatory information that Defendant Valencia knew was not truthful, intending to
10 injure Plaintiffs in their profession, employment and standing in the community.

11 55. That in his letter attached to his e-mail, Defendant Valencia knowingly made the
12 aforementioned false and defamatory statements about the Plaintiffs.

13 56. Defendant Valencia published this false and defamatory publication by sending the letter
14 to thirty-nine (39) individuals, thirty-eight (38) of which were members of the
15 Metropolitan Council of the OCA, and one addressed to editor@OCAnews.org, that is a
16 private World Wide Web organization that is not funded or supported by the Church in
17 any way, nor are they involved in the employment actions, all of which reasonably
18 understood this publication to be defamatory and intentional.

19 57. Defendant Valencia acted with knowledge of the falsity of the statements and with the
20 intent to harm Plaintiff Koumentakos' chances of having her complaint properly
21 addressed by the Church when publishing these false and defamatory statements about
22 Plaintiffs Mr. and Mrs. Koumentakos.

23 58. As a result of the false and defamatory statements published by Defendant Valencia, the
24 character and reputation of Plaintiffs were harmed, their standing and reputation at SMH
25 and OCSM and in the Community were impaired, and they suffered mental anguish and
26 personal humiliation and emotional distress.

27 59. As a direct and proximate result of the false and defamatory letter published by Defendant
28 Valencia, Plaintiffs Mrs. Koumentakos' complaint with the Church has not been properly
investigated, and Mr. and Mrs. Koumentakos have been ostracized from the church
community, and thereby suffered a loss.

COUNT IV

**Invasion of Privacy – Unreasonable Publicity Given to Private Life –
Defendants Valencia, SMH and OCSM**

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3 60. Plaintiffs adopt by reference the allegations contained in paragraphs 1 through 59 of this
4 Complaint with the same effect as if fully set forth herein.

5 61. That contained within the letter that was sent on or about November 1, 2007, more
6 specifically described in Counts I through III herein, Defendant Valencia made written
7 statements that contained certain truths about each of the Plaintiffs that were given to
8 Defendant Valencia in his official capacity as counselor and priest to the Plaintiffs over a
9 fifteen year time period with an absolute expectation of privacy and therefore confidential
and not public in nature.

10 62. That the letter, which violated the Sacrament of Confession as well as the pastoral
11 counseling relationship, was sent to the entire Metropolitan Council of the Church and
12 the editor of OCA News, which prompted telephone calls and e-mails to the Plaintiffs and
13 caused Plaintiffs to suffer great emotional stress.

14 63. That Defendant Valencia improperly publicized facts about Plaintiffs which were not of a
15 public nature and were not of valid concern to the public.

16 64. That the publication of these of these facts was highly offensive to any reasonable person
17 and constitutes unreasonable publicity given to the Plaintiff's private life.

18 65. That as a result of the publication of this letter and as a direct result of the Defendant's
19 conduct, Plaintiffs have suffered damages.

COUNT V

**Invasion of Privacy – Placing a Person in a False Light –
Defendants Valencia, SMH and OCSM**

20 66. Plaintiffs adopt by reference the allegations contained in paragraphs 1 through 65 of this
21 Complaint with the same effect as if fully set forth herein.

22 67. That contained within the letter that was sent on or about November 1, 2007, more
23 specifically described in Counts I through IV herein, Defendant Valencia made written
24 publications that contained numerous false statements about each of the Plaintiffs that
25 Defendant Valencia knew were false statements.

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27 68. That the letter was sent to the entire Metropolitan Council of the Church and the editor of
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1 OCA News, which prompted telephone calls and e-mails to the Plaintiffs and caused
2 Plaintiffs to suffer great emotional stress.

3 69. That Defendant Valencia improperly publicized facts about the Plaintiffs which placed
4 each of the Plaintiffs in a false light by attributing to them conduct and characteristics
5 which were false.

6 70. That Defendant Valencia knew that the facts publicized about the private life of the
7 Plaintiffs were false, or printed them with a reckless disregard for the truth of those facts.

8 71. That the publication of these facts was highly offensive to any reasonable person.

9 72. That as a result of Defendant's conduct, Plaintiffs suffered damages and continue to
10 suffer.

11 **COUNT VI**

12 **Breach of Fiduciary ["Confidential"] Duty – All Defendants**

13 73. Plaintiffs adopt by reference the allegations contained in paragraphs 1 through 72 of this
14 Complaint with the same effect as if fully set forth herein.

15 74. Plaintiffs were members of Defendant OCSM and therefore had a confidential, personal
16 and spiritual relationship with the Priest of OCSM, who was Defendant Valencia.

17 75. That as a consequence of the relationship between the Plaintiffs and Defendant Valencia,
18 a special fiduciary ["confidential"] relationship of human and spiritual trust existed
19 between the Plaintiffs and Defendant Valencia.

20 76. That as the Plaintiff's priest and counselor, Defendant Valencia was accountable to the
21 Plaintiffs as a fiduciary. That as priest, counselor and fiduciary, defendant Valencia owed
22 Plaintiff Mr. & Mrs. Koumentakos a duty of confidentiality for matters in which
23 defendant Valencia acted as counselor, priest and fiduciary with a duty to act for the
24 benefit of the confidentiality of the Plaintiffs with loyalty and good faith, without any
25 interference of self-interest or self-dealing.

26 77. That Defendant Valencia breached his fiduciary duties to Plaintiffs by publishing
27 personal, private and confidential disclosures of the Plaintiffs to no less than thirty-nine
28 (39) individuals, none of which have a right to such disclosures.

By virtue of Defendant Valencia's breach of his fiduciary duties owed to Plaintiffs Mr. &
Mrs. Koumentakos, the Plaintiffs have suffered and continue to suffer damages.

COUNT VII

Negligent Hiring or Retention – All Defendants

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3 79. Plaintiffs adopt by reference the allegations contained in paragraphs 1 through 78 of this
Complaint with the same effect as if fully set forth herein.

4 80. That because of the relationship between the Church and Defendant Valencia, SMH and
5 Defendant Valencia and OCSM and Defendant Valencia, Defendants owed the Plaintiffs a
6 duty to use care in appointing, retaining and supervising the Church's priests.

7 81. Defendants, by and through their agents, servants, and employees, knew or reasonably
8 should have known of Defendant Valencia's exploitive propensities. Despite such
9 knowledge, Defendants negligently hired or retained Defendant Valencia in his position of
10 trust and authority as priest and spiritual counselor, under cover of which he was able to
commit the acts alleged above.

11 82. That the Defendants SMH, SMH BOD, OCSM, Metropolitan Herman and the Church
12 knew or should have known that Defendant Valencia was not competent or fit for the
13 duties needed in a position of trust and confidentiality. That once the Defendants were
14 notified of Defendant Valencia's actions, the Defendants failed to act and the Defendants
15 breached their duty to use reasonable care to select an employee that was competent and
16 fit for the position.

17 83. As a result of the Defendant's negligence hiring and retaining Defendant Valencia in the
18 position of priest, Plaintiffs Mr. & Mrs. Koumentakos were harmed.

COUNT VIII

**Employment Discrimination (Pursuant to Section 12.208 of the Howard County
Code) – Defendants Valencia, SMH and SMH BOD**

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22 84. Plaintiffs adopt by reference the allegations contained in paragraphs 1 through 83 of this
Complaint with the same effect as if fully set forth herein.

23 85. That Plaintiff Mrs. Koumentakos was an employee acting as Executive Director for SMH
24 when she became pregnant with her second child and first son and that arrangements had
25 been agreed to between Plaintiff Koumentakos and Defendants SMH BOD and Defendant
26 Valencia on how Plaintiff Mrs. Koumentakos work schedule during and after her
27 pregnancy would work.
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- 1 86. That Defendant SMH was an employer as defined in Section 12.208 I. (d) of the Howard
County Code at the time these events took place.
- 2 87. That Defendant Valencia, SMH and SMH BOD discriminated against Plaintiff Mrs.
3 Koumentakos on the basis of sex (pregnancy) when Defendant Valencia ordered Plaintiff
4 Mrs. Koumentakos to take maternity leave on or about February 3, 2006, in direct
5 violation of the agreement between Plaintiff Mrs. Koumentakos and Defendant SMH
6 through Defendant SMH BOD.
- 7 88. That Defendant Valencia knew at the time that he placed Plaintiff Koumentakos on
8 Maternity leave to be in direct opposition and reckless disregard to the agreement between
9 Plaintiff Koumentakos and Defendant SMH for Plaintiff Mrs. Koumentakos to be
working on a flex schedule until the birth of her child.
- 10 89. That Defendant Valencia, SMH and SMH BOD discriminated against Plaintiff Mrs.
11 Koumentakos on the basis of sex (pregnancy) when Defendant Valencia fired Plaintiff
12 Mrs. Koumentakos while she was on maternity leave on or about February 8, 2006, in
13 direct violation of the agreement between Plaintiff Mrs. Koumentakos and Defendant
14 SMH through Defendant SMH BOD.
- 15 90. That Defendant Valencia knew at the time that he fired Plaintiff Koumentakos while she
16 was on approved Maternity leave to be in direct opposition and reckless disregard to the
17 agreement between Plaintiff Koumentakos and Defendant SMH for Plaintiff Mrs.
Koumentakos to be on approved paid leave to care for her new born child.
- 18 91. That as a result of Defendant Valencia's actions in placing Plaintiff Mrs. Koumentakos on
19 maternity leave on or about February 3, 2006 and then firing Plaintiff Mrs. Koumentakos
20 on or about February 8, 2006, Defendant Valencia and by the virtue of their inability to
21 intervene Defendant SMH by and through SMH BOD, discriminated against Plaintiff
22 Koumentakos and that Plaintiff Koumentakos has suffered and is continuing to suffer
23 harm.

24 **COUNT IX**
25 **Employment Discrimination [Retaliation] (Pursuant to**
26 **Section 12.213 of the Howard County Code –**
Defendant Valencia

- 27 92. Plaintiffs adopt by reference the allegations contained in paragraphs 1 through 91 of this
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Complaint with the same effect as if fully set forth herein.

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2 93. That Plaintiff Mrs. Koumentakos was an employee acting as Executive Director for
3 Defendant SMH and that SMH was an employer as defined in Section 12.208 I. (d) of the
4 Howard County Code at the time these events took place. That when Plaintiff Mrs.
5 Koumentakos was terminated by Defendant Valencia, the termination was in violation of
6 the employment agreement between Plaintiff Koumentakos and Defendants SMH BOD
work schedule during pregnancy and maternity leave after the birth of the child.
- 7 94. That Plaintiff Mrs. Koumentakos sought the assistance of the Office of Human Rights in
8 investigating the employment discrimination claims described in Count VIII above, as
9 well as seeking the assistance of the Church in resolving the matter.
- 10 95. That Defendant Valencia filed for and received an Interim Peace Order from the Office of
11 the Commissioner on or about February 8, 2007 with a temporary Peace Order Hearing
12 held on February 9, 2008. Judge Mary Reese dismissed Defendant's claim during that
hearing.
- 13 96. That Defendant Valencia discriminated by retaliation against Plaintiff Mrs. Koumentakos
14 for filing a discrimination complaint against her former employer on the basis of sex
15 (pregnancy).
- 16 97. That Defendant Valencia knew at the time that he completed the Interim Peace Order that
17 the facts contained within the complaint were false and did so only to retaliate against
18 Plaintiff Koumentakos for her complaints to Howard County Office of Human Rights and
the Church.
- 19 98. That as a result of Defendant Valencia's actions in completing the Interim Peace Order
20 Defendant Valencia discriminated against Plaintiff Koumentakos by retaliation and that
21 Plaintiff Koumentakos has suffered and is continuing to suffer harm.
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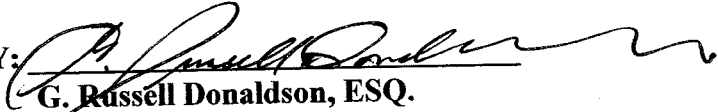
WHEREFORE, your Plaintiffs respectfully request that this Honorable Court award judgment against Defendant AND;

- A. Award compensatory damages in the amount of One Million Dollars (\$1,000,000.00).
- B. Award punitive damages in the amount of Five Million Dollars (\$5,000,000.00) with interests and costs.
- C. Award judgment in favor of plaintiff's for reasonable attorney fees.
- D. Award joint and several liability against all defendants in favor of Plaintiff.
- E. That this Court may grant the costs of this action and such other and further relief as the nature of Defendant's cause may require.
- F. That Plaintiffs pray a Jury Trial.

1 **THEREFORE**, this Complaint is hereby respectfully submitted,

2 **LAW OFFICES OF**
3 **G. RUSSELL DONALDSON, PC**

4
5 **BY:**


6 **G. Russell Donaldson, ESQ.**
7 **2200 Defense Highway, Suite 309**
8 **Crofton, Maryland 21114**

9 **410-451-7100**

10 **410-451-7238 fax**

11 **AFFIDAVIT OF PLAINTIFFS**

12 The Undersigned, KRISTINE PATICO KOUMENTAKOS and NICHOLAS KOUMENTAKOS
13 Plaintiffs, do hereby solemnly swear and affirm under the penalties of perjury, that the above
14 set forth in this Complaint are true and correct to the best of their knowledge, information and

15 
16 **KRISTINE PATICO KOUMENTAKOS**

17 
18 **NICHOLAS KOUMENTAKOS**