

**ONTARIO  
SUPERIOR COURT OF JUSTICE**

BETWEEN:

FATHER PETER AVGEROPOULOS, FATHER KONSTANTINOS PAVLIDIS,  
FATHER PHILIP PHILIPPOU and FATHER SPYRIDON VITOUHADITIS

Plaintiffs

- and -

GREEK COMMUNITY OF TORONTO, GEORGE ALIKAKIS,  
ANTONIS ARTEMAKIS, ATHANASIOS BROUMAS,  
SAM CASTRINOS, ANASTASIOS CHATZITHEOFANOU,  
ANASTASIA GANNOGIANNIS-REID, NIKONA GEORGAKOPOULOS,  
ARGIRIOS HAROS, MARTHA HENTY, HERMES IORDANOUS,  
DIONISIOS KOSMATOS, DIMITRIOS MILIARIS, MANOLIS MYLONAKIS,  
GEORGE NIKOLAOU, SEMELA SETETIDIS, PETER THEMELIOPOULOS,  
ZSIS VOKAS, JOHN BOZIOS AND PETER APOSTOLOPOULOS

Defendants



**STATEMENT OF CLAIM**

TO THE DEFENDANTS

A LEGAL PROCEEDING HAS BEEN COMMENCED AGAINST YOU by the plaintiff. The claim made against you is set out in the following pages.

IF YOU WISH TO DEFEND THIS PROCEEDING, you or an Ontario lawyer acting for you must prepare a statement of defence in Form 18A prescribed by the Rules of Civil Procedure, serve it on the plaintiff's lawyer or, where the plaintiff does not have a lawyer, serve it on the plaintiff, and file it, with proof of service in this court office, WITHIN TWENTY DAYS after this statement of claim is served on you, if you are served in Ontario.

If you are served in another province or territory of Canada or in the United States of America, the period for serving and filing your statement of defence is forty days. If you are served outside Canada and the United States of America, the period is sixty days.

Instead of serving and filing a statement of defence, you may serve and file a notice of intent to defend in Form 18B prescribed by the Rules of Civil Procedure. This will entitle you to ten more days within which to serve and file your statement of defence.

IF YOU FAIL TO DEFEND THIS PROCEEDING, JUDGMENT MAY BE GIVEN AGAINST YOU IN YOUR ABSENCE AND WITHOUT FURTHER NOTICE TO YOU. IF YOU WISH TO DEFEND THIS PROCEEDING BUT ARE UNABLE TO PAY LEGAL

FEES, LEGAL AID MAY BE AVAILABLE TO YOU BY CONTACTING A LOCAL LEGAL AID OFFICE.

TAKE NOTICE: THIS ACTION WILL AUTOMATICALLY BE DISMISSED if it has not been set down for trial or terminated by any means within five years after the action was commenced unless otherwise ordered by the court.

Date: August 5, 2015

Issued by:



**Beverley Pinto**

Local Registrar

Address of Court Office 393 University Avenue  
Toronto, Ontario M5G 1E6

TO: GREEK COMMUNITY OF TORONTO  
30 Thorncliffe Park Drive  
East York, ON M4H 1H8

AND TO: GEORGE ALIKAKIS  
c/o 30 Thorncliffe Park Drive  
East York, ON M4H 1H8

ANT TO; ANTONIS ARTEMAKIS  
c/o 30 Thorncliffe Park Drive  
East York, ON M4H 1H8

AND TO: ATHANASIOS BROUMAS  
c/o 30 Thorncliffe Park Drive  
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AND TO: SAM CASTRINOS  
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AND TO: ANASTASIOS CHATZITHEOFANOU  
c/o 30 Thorncliffe Park Drive  
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AND TO: NIKONA GEORGAKOPOULOS  
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AND TO: JOHN BOZIOS  
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AND TO: PETER APOSTOLOPOULOS  
c/o 30 Thorncliffe Park Drive  
East York, ON M4H 1H8

THIS ACTION IS BROUGHT AGAINST YOU UNDER THE SIMPLIFIED PROCEDURE PROVIDED IN RULE 76 OF THE *RULES OF CIVIL PROCEDURE*.

**CLAIM**

1. The Plaintiffs claim against the Defendant, the Greek Community of Toronto (the "GCT");
  - a. damages for unpaid wages as of December 20, 2014, which non-payment is ongoing. As of the date of this claim, outstanding wages owed to each of the Plaintiffs amount to approximately \$35,000; and
  - b. damages for failure to pay benefits, and in particular, Registered Retirement Savings Plan contributions, in the amount of approximately \$14,000 (for each of Fathers Avgeropoulos, Pavlidis and Philippou).
2. The Plaintiffs claim as against the Defendants, George Alikakis, Antonis Artemakis, Athanasios Broumas, Sam Castrinos, Anastasios Chatzitheofanou, Anastasia Gannogiannis-Reid, Nikona Georgakopoulos, Nikona Georgakopoulos, Martha Henty, Hermes Iordanous, Dionisios Kosmatos, Dimitrios Milaris, Manolis Mylonakis, George Nikolaou, Semela Setetidis, Peter Themeliopoulos, Zisis Vokas, John Bozios and Peter Apostolopoulos (collectively the "Directors");
  - a. damages for six (6) months unpaid wages in the amount of approximately \$30,000 each pursuant to the *Business Corporations Act*, R.S.O. 1990, c.B.16 s.131 (the "BCA").
3. The Plaintiffs claim against all the Defendants:
  - a. \$50,000 for aggravated and punitive damages;
  - b. pre-judgment interest on the aforementioned amounts pursuant to the *Courts of Justice Act*, R.S.O. 1990, c. C. 43, s. 129;
  - c. post-judgment interest on the aforementioned amounts pursuant to the *Courts of Justice Act*, R.S.O. 1990, c. C. 43, s. 129
  - d. costs of this action on a substantial indemnity basis, together with all applicable taxes thereon; and
  - e. such further and other relief as counsel may advise this Honourable Court may permit.

## THE PARTIES

4. The Plaintiff, Father Peter Avgeropoulos ("**Father Peter**") is an ordained Greek Orthodox Priest and at all material times was the resident Priest at the Annunciation of the Virgin Mary Greek Orthodox Cathedral in Toronto.
5. The Plaintiff, Father Konstantinos Pavlidis ("**Father Konstantinos**") is an ordained Greek Orthodox Priest and at all material times was the resident Priest at St. Demetrios Greek Orthodox Church in Toronto.
6. The Plaintiff, Father Philip Philippou ("**Father Philip**") is an ordained Greek Orthodox Priest and at all material times was the resident Priest at St. John the Baptist Greek Orthodox Church in Toronto.
7. The Plaintiff, Father Spyridon Vitouladitis ("**Father Spyridon**") is an ordained Greek Orthodox Priest and at all material times was the resident Priest at St. Irene Chrisovalantou Greek Orthodox Church in Toronto.
8. The Defendant, GCT is a communal institution established in 1909 and incorporated in 1965 in Ontario. It is a registered non-profit charitable organization. At all material times the GCT employed the Plaintiffs and owned the Churches in which they ministered.
9. The Defendant Directors were at all material times Directors of the GCT and resident in Ontario.
10. The Plaintiffs are employed by the GCT as Priests, ministering out of the GCT's aforementioned Cathedral and Churches. In matters of faith, the Plaintiffs operate under the direction of His Eminence, Metropolitan Archbishop Sotirios.
11. The Plaintiffs earn approximately \$60,000 (gross) a year, \$3,000 of which is earmarked for a Registered Retirement Savings Plan contribution.
12. In 2011, 2012 and 2013, given the difficult financial position in which the GCT found itself, it withheld making full payment to the Plaintiffs on account of their wages and in particular, the payments which were earmarked for their Registered Retirement Savings Plans. The shortfall amounted to approximately

\$7,750 in 2011 and approximately \$3,000 in both 2012 and 2013. Despite repeated acknowledgement of this debt, the GCT has failed to satisfy it.

13. From approximately December 20, 2014 to date, the Plaintiffs have not been paid their wages by the GCT, save for a partial payment in April of approximately \$3,500 (net). The GCT has refused to pay the Plaintiffs' outstanding wages since then despite repeated requests.
14. The Plaintiffs plead that the services provided by them to the GCT constitute unpaid wages as defined by the BCA.
15. The Plaintiffs plead that the Directors are jointly and severally liable to them for six (6) months of unpaid wages pursuant to Section 131 of the BCA. Having not paid these wages, the Plaintiffs plead that the Directors are in breach of the BCA.
16. The Plaintiffs further plead that they are entitled to additional damages as a result of the high-handed, callous and outrageous conduct of the Defendants. The Defendants have flagrantly ignored their obligations to pay the Plaintiffs their wages, knowing full well that the Plaintiffs would continue to minister to their parishioners and attend to their spiritual needs and well-being despite the financial hardship that the Defendants' non-payment has placed upon them and their families.
17. This flagrant disregard of their obligations to the Plaintiffs and exploitation of their commitment to their parishioners constitutes an independent actionable wrong for which it is submitted that the Defendants must be censured.
18. The Plaintiffs plead and rely upon the BCA.
19. The Plaintiffs request that the trial of this action be held at Toronto.

Date: August 5, 2015

**Clyde & Co Canada LLP**  
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Avgeropoulos, Father Konstantinos Pavlidis,  
Father Philip Philippou and Father Spyridon  
Vitouladitis

FATHER PETER  
AVGEROPOULOS et al  
Plaintiffs

and

GREEK COMMUNITY OF TORONTO et al.  
Defendant

Court File No:

*W-15-533769*

**ONTARIO  
SUPERIOR COURT OF JUSTICE**

Proceeding commenced at Toronto

**STATEMENT OF CLAIM**

**Clyde & Co Canada LLP**

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