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Supreme Court, Appellate Division, Second
Department, New York.
Pantelis KARAGEORGIOUS, et al., respondents,
v.
Ted LAUDIS, et al., appellants.


April 24, 2000.

Rival groups of parish members sought control of the property and accounts of parish. The Supreme Court, Suffolk County, Cohalan, J., granted summary judgment to one group. Appeal was taken. The Supreme Court, Appellate Division, held that the case did not require the trial court to resolve underlying controversies over religious doctrines in violation of the First Amendment guarantee of religious freedom.


Affirmed.

West Headnotes

[1] Appeal and Error  **74**
30k74 Most Cited Cases

[1] Appeal and Error  **782**
30k782 Most Cited Cases

Appeal from intermediate order granting summary judgment had to be dismissed, because the right of direct appeal therefrom terminated with the entry of the judgment in the action.

[2] Constitutional Law  **84.5(7.1)**
92k84.5(7.1) Most Cited Cases

[2] Religious Societies  **24**
332k24 Most Cited Cases

Determination whether schism among parish members had occurred, and application of parish bylaws providing that if a schism occurred the parish would be controlled by those members who remained faithful to particular religious organization, did not require the trial court to resolve underlying controversies over religious doctrines in violation of the First Amendment guarantee of religious freedom. U.S.C.A. Const.Amend. 1.

****720** Clemente, Dickson & Mueller, P.A., New York, N.Y. (William F. Mueller and Joseph A.

Dickson of counsel; Christine R. Bageac on the brief), for appellants.

Kostelanetz & Fink, LLP, New York, N.Y. (Bryan C. Skarlatos of counsel), for respondents.

LAWRENCE J. BRACKEN, J.P., DAVID S. RITTER, GABRIEL M. KRAUSMAN and NANCY E. SMITH, JJ.

MEMORANDUM BY THE COURT.

653** In an action, *inter alia*, for a judgment declaring the rights of the parties to certain real property and to enjoin the defendants from exercising control over that property, (1) the defendant Ted Laoudis appeals from stated portions of an order of the Supreme Court, Suffolk County (Cohalan, J.), dated October 21, 1998, and (2) the defendants appeal from stated portions of a judgment of the same court, entered February 11, 1999, which, *inter alia*, declared *721** that the control of the property and accounts of St. Anargyroi Parish shall be exercised by those members of the parish who remain affiliated with Greek Orthodox Metropolis G.O.C. of North and South America and enjoined the defendants from exercising any control over the property and accounts of St. Anargyroi Parish.

ORDERED that the appeal from the intermediate order is dismissed; and it is further,

ORDERED that the judgment is affirmed insofar as appealed from; and it is further,

ORDERED that the respondents are awarded one bill of costs.

[1] The appeal from the intermediate order must be dismissed because the right of direct appeal therefrom terminated with the entry of the judgment in the action (*see, Matter of Aho*, 39 N.Y.2d 241, 248, 383 N.Y.S.2d 285, 347 N.E.2d 647). The issues raised on the appeal from the order are brought up for review and have been considered on the appeal from the judgment (*see, CPLR 5501 [a][1]*).

The plaintiffs commenced this action seeking, *inter alia*, control over the property and accounts of the St. Anargyroi Parish in Suffolk County (hereinafter St. Anargyroi). The defendants sought similar relief.

706 N.Y.S.2d 720
271 A.D.2d 653, 706 N.Y.S.2d 720, 2000 N.Y. Slip Op. 03991
(Cite as: 271 A.D.2d 653, 706 N.Y.S.2d 720)

In the judgment appealed from, the Supreme Court granted control of the property and accounts of St. Anargyroi to those members of the parish who remained affiliated with the plaintiff Greek Orthodox Metropolis G.O.C. of North and South America (hereinafter the Metropolis). We affirm.

[2] *654 Pursuant to the relevant by-laws by which St. Anargyroi operates, in the case of a schism among the members of the parish, control of the parish property is to be exercised by those members of the parish who remain faithful to the Metropolis. Here, contrary to the defendants' contentions, neither the determination that a schism had occurred nor the application of the clear dictate of the relevant corporate by-laws required the court to "resolve underlying controversies over religious doctrines" in violation of the First Amendment guarantee of religious freedom (Presbyterian Church in the United States v. Mary Elizabeth Blue Hull Mem. Pres. Ch., 393 U.S. 440, 449, 89 S.Ct. 601, 21 L.Ed.2d 658).

The defendants' remaining contentions are without merit.

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