



វត្តបុរាណវិទ្យា
BUDDHATHAM-ARAM, Inc.

BUDDHATHAM-ARAM, Inc.

4350 NE 133rd Ave. Portland, OR 97230

Sala: 503-252-8923

Kuti: 503-408-6911

www.watpdx.com

Recap of the Law Suit Against the Wat's Executive Team

This informal article is mainly designed to inform our younger, English-fluent readers about the major events leading and pertaining to the law suit and its complexity. It is written by non-legal authors, using non-legal terms and facts that are classified as public records, for purely informational purposes.

June 2009: citing a new Wat's bylaw, two executive orders reducing the responsibilities of the Abbot and dismissing one Executive Board member were published in the Wat's newsletter.

July 4, 2009: attendees at a religious ceremony at the temple voted to restore the Abbot's functions and responsibilities. A dismissal letter signed by the Abbot was sent out the next day.

October 2, 2009: Five senior members of the dismissed Executive Team sued the Abbot and three members of his new Executive Team, claiming they (the plaintiffs) were still the legal officers of the Wat.

December 31, 2009: The Wat's attorney issued a subpoena to request the US Bank to provide records of all bank transactions made during January 1, 2007 through December 31, 2009.

January 8, 2010: The circuit court issued a stipulated order for the parties involved to refrain from threatening, harassing or physically intimidating each other, and for the Abbot and his agents to stop actions to evict the plaintiff monk from the Wat premises.

January 27 and February 5, 2010: Two court hearings were held for witnesses from the plaintiffs' side to make depositions on the activities that were allegedly mishandled by the Wat's Abbot and his executive team, including financial discrepancies, memberships accounting, confrontational attitude, etc.

May 13, 2009: The Multnomah County's circuit court judge issued the following ruling:

"...Having heard arguments by the respective counsel and being fully advised, [the court] finds that plaintiffs failed to sustain their burden of proof on any of their claims. Now therefore, It is ORDERED AND ADJUDGED that judgment be entered in favor of Defendants [...] and against Plaintiffs [...] on all of plaintiffs' claims and that this action be, and the same is, hereby dismissed with prejudice, and that defendants are awarded their costs and disbursements against plaintiffs in an amount to be determined by supplemental judgment per ORCP 68C."

December 9, 2009: After the initial moves to begin an appeal and as part of an offer of compromise, the plaintiffs' attorney offered to call off the appeal process to cut costs and reduce the bad relations between the parties. He wrote that his clients are willing to tender what balance remains in a show of good faith--about \$10,000 at that time.

June 11, 2010: Having received no acceptance from the respondents, a notice of appeal from the May 14, 2010 judgment was filed by the plaintiff's attorney with the Court of Appeal. On July 30, 2010, at the request of the Court of Appeals, the plaintiffs' attorney filled out the Settlement Conference Statement form to get the appeal process going.

September 20, 2010: The Multnomah District Court issued a notice of entry of judgment regarding the money award for this case -- \$3,291 in favor of the defendants. A judgment lien attaches a debt for the payment of money to the real property of the judgment debtors.

November 5, 2010: To avoid fighting the risk of spending more resources, the appellants' attorney offered to withdraw their appeal. The Court of Appeals issued an Order of Dismissal and Appellate Judgment stating that "*the parties have filed a stipulated motion to dismiss the above-entitled appeal. The case has settled. The motion is granted*". The order further designates the respondents as prevailing party and that there were no costs awarded for this appeal.

Now that there is no longer an appeal going on, the next logical step is for the two parties to revert back to the trial court judgment and start implementing that court's order in full and in good faith. Therefore, once the plaintiffs have recognized they are no longer legal members of the Wat's executive team, one would expect them to do exactly what they had asked the defendants to do in the first place back in October 2009. Those steps, all of which are in writing in the plaintiffs' claim file and subsequent letters written by their attorney, include the following actions:

- (1) Stop dissipating or otherwise encumbering, sequestering or transferring any interests, funds or properties belonging to BAI,
- (2) Immediately return all BAI-related records, accounts, deeds, notes, and operating documents in their possession, and
- (3) Provide a detailed statement for the BAI bank accounts and legally authorized expenditures, return the balance due, and remove their names from the BAI accounts.

As a step to restore the old community closeness and friendship, it is hoped that the plaintiffs will initiate the actions listed above before too long. Let's make the Wat the place where Buddhist members of the Lao community can come to share their hopes and spiritual fulfillments, and to show the younger generation the essence of Lord Buddha's teaching and preaching for love, gratitude and forgiveness. Let's hope that, in the future, before we engage in confrontational arguments and costly and lengthy law suits, we would try to look first at the bigger picture, at the forest instead of the trees, and help each other find peace and enjoyment in our hearts and soul to the extent possible. Let's learn to forgive and to forget. Mistakes do occur sometimes; let's accept them as part of life and learning process, and move on in the right direction.