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THE STATE OF SOUTH CAROLINA  
In The Court of Appeals

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SC Court of Appeals

APPEAL FROM SPARTANBURG COUNTY

Court of Common Pleas

R. Keith Kelly, Circuit Court Judge

Case No. 2014-CP-42-01622

Spartanburg Buddhist Center of South Carolina, Inc., Respondent,

v.

Ron Ork and Luke Dong, Appellants.

PETITION FOR WRIT OF SUPERSEDEAS  
WITH REQUEST FOR EXPEDITED DECISION

Ron Ork (the "Appellant") submits this Petition for a Writ of Supersedeas, pursuant to Rule 240 and Rule 241 of the South Carolina Appellate Court Rules, requesting an immediate writ of supersedeas to suspend enforcement of the Spartanburg County Court of Common Pleas' Order dated January 7, 2015 (the "Contempt Order").

The grounds for this Petition are as follows:

1. The Contempt Order requires the Appellant to pay \$3,500.00 in attorney's fees on February 21, 2015. (Exhibit "A") If this Court grants this Petition prior to February 21, 2015, the Appellant will not be at risk of being held in contempt of the Contempt Order.

2. The Appellants have not received the lower court's order denying the Appellants' SCRCP Rules 59 and 60 Motion to Reconsider, Alter, or Amend the

Contempt Order, but have attached the same Motion and relevant communication with the lower court. (Exhibit “B”)

3. The Appellants filed a Notice of Appeal on February 18, 2014, appealing (1) the Order dated January 7, 2015 holding Appellant Ron Ork in civil contempt; (2) the Order denying the Appellants’ SCRCR Rules 59 and 60 Motion, and SCRCR Rule 62 Motion for Stay of Execution pending appeal, which the Appellants have not received; (3) the Order Granting Temporary Injunction dated May 16, 2014 (the “second Temporary Injunction”) and the Order dated July 25, 2014 denying the Appellants’ SCRCR Rules 59 and 60 Motion; and (3) the Order Granting Temporary Injunction dated April 21, 2014 (the “first Temporary Injunction”). (Exhibit “C”)

4. The Appellant Ron Ork (the “Head Monk”) is a Buddhist monk who serves as the Head Monk for the Respondent Spartanburg Buddhist Center of South Carolina, Inc. The Respondent was organized as a nonprofit corporation in South Carolina on February 16, 2010 and obtained a business economy checking account at Bank of America on or about May 20, 2010. The Head Monk was listed as a signatory on the account in addition to others.

5. The Respondent’s bylaws conflict with its articles of organization because the articles state that “[t]his corporation will not have members,” but the bylaws often refer to “members” and vest the right to vote for a President and Board of Directors in those “members.” Provisions in the bylaws often contradict themselves and other provisions. However, the bylaws state that the Head Monk “will serve the highest honored [sic] as **Chairman of the Board [sic]**. He will oversee Temple [sic] overall operations and [sic] Leader of Buddhist Religion in Spartanburg Buddhist Center of

South Carolina.” The Head Monk serves as the Respondent’s religious leader and leads the Respondent’s services. He signed checks from the Respondent’s bank account to pay the Respondent’s bills prior to litigation.

6. The underlying lawsuit was brought in the name of the Respondent on April 21, 2014 by a group of people who claim to have been officers and/or directors of the Respondent prior to April 20, 2014 (the “Possible Past Officers or Directors” or “PPODs”). The PPODs include two third party defendants in the underlying action, Sambo Khieav and Robert Pek.

7. The articles of incorporation did not name any directors for the Center. There is no written documentation that shows the incorporator ever held an organizational meeting to elect initial directors per S.C. Code Ann. 33-31-205(a)(2). There is no written documentation that shows an election for initial officers or directors ever took place.

8. The Head Monk understands that the issue of whether unelected officers and/or directors had any authority to initiate the underlying litigation against him in the name of the Respondent is not relevant to this Court’s disposition of this Petition.

9. The conflict between the PPODs and the Appellants began on or about March of 2014 and early April 2014 when the Head Monk notified members that the Respondent would hold a meeting on April 20, 2014 to elect new board members and a new president. The other Appellant, Luke Dong, assisted the Head Monk in planning for the election and was referred to as the “Chief Election Officer.” To the Appellants’ knowledge, this is the only fact tying Appellant Luke Dong to the present litigation.

10. The Head Monk issued the notice pursuant to Article 9, Section 3 of the Respondent's bylaws, which states, "The President of the Corporation will be elected by all Lay Buddhist members of the Temple during Annual meeting in the month of April. The term of President in three (3) years," and pursuant to Article 8, Section 6, which states, "Each Director shall hold office for a period of three (3) years or until his or her successor is elected or qualified. A member may be elected to be the Director by the Board of Directors or by the majority vote during the annual members' meeting in the **month of April [sic].**"

11. Although it is not clear whether directors and officers were elected or even could be elected pursuant to the Respondent's bylaws, the Head Monk was operating under the assumption that the Respondent's bylaws governed the Respondent's activities. The Head Monk further assumed that because the Respondent was organized on February 16, 2010 and no election had taken place during 2013 (three years after a term beginning on the day of organization), that the current directors, if any, were merely holding their offices "until his or her successor is elected or qualified" per Article 8, Section 6 of the bylaws, and a meeting could be had to elect new directors.

12. Upon information and belief, the PPODs were strongly opposed to an election because the Respondent's members were not likely to elect the PPODs into their assumed positions as officers and/or directors. The PPODs went so far as to produce a document styled "Important Board Meeting Minutes" dated April 6, 2014, which minutes stated, "Please sign next to name and select either yes or no To **CANCEL [sic]** the illegal election on April 20, 2014." The "Important Board Meeting" minutes listed seventeen people who checked "Yes" next to their signatures, but only three had the title

of “Board Member” next to their names. The difficulty in determining whether any of those listed were actually board members or, for that matter, whether the Respondent had any board members, has been previously stated in this Petition. What is clear, however, is that the bylaws, though defunct in other ways, do not vest any authority in the Respondent’s directors to cancel elections for new directors.

13. Upon information and belief, Third Party Defendant Robert Pek, on behalf of the PPODs, withdrew \$3,010.00 from the Respondent’s bank account on or about April 17, 2014 and retained the Talley Law Firm, P.A. of Spartanburg to thwart the planned April 20, 2014 election.

14. The Head Monk discovered that the withdrawal was used to retain a law firm and not to pay any of the Respondent’s outstanding bills or construction costs. The Head Monk withdrew \$61,400.00 from the Respondent’s bank account in the form of a cashier’s check on April 18, 2014 to prevent any further misuse of the funds.

15. The meeting to elect a president and board of directors took place on Sunday, April 20, 2014 as planned. Over one hundred members attended the meeting and elected a president and board of directors that did not include any of the PPODs.

16. On Monday, April 21, 2014, the day after the election, the Respondent filed a Summons and Complaint with attached exhibits, and the first Temporary Injunction signed by Judge R. Keith Kelly. Confusingly, the Respondent also filed a Notice of Motion and Motion for Temporary Injunction, and a Notice of Hearing signed by Judge R. Keith Kelly that told the Appellants they would “appear before me on 25 day of April, 2014 at 2:00 o’clock p.m. in the Court of Common Pleas, Spartanburg County

Courthouse [...] to show cause, if any you can, why a Temporary Injunction should not be granted...”

17. The Complaint requested, “that [the Respondent] recover a temporary injunction against Defendants acting on the results of any meeting not held in accordance with Plaintiff’s Bylaws, as well as a temporary injunction ordering Defendants to return to Plaintiff any amounts improperly withdrawn from Plaintiff’s bank account, together with costs and attorneys [sic] fees, and interest; and for such other and further relief as the Court deems just and proper.”

18. The Respondent’s Motion for Temporary Injunction requested the same relief requested in the Complaint.

19. The first Temporary Injunction granted the Respondent’s relief requested in the Complaint, Motion for Temporary Injunction, and more. The Order stated in part “It is hereby ORDERED that Plaintiff is governed by its valid and enforceable Bylaws. It is hereby ORDERED that any election held which was improper under the Bylaws, including any election held on April 20, 2014, is not valid or enforceable. All officers and Board of Directors members will be the same as before the April 20, 2014 election pending the resolution of this matter.” (Exhibit “D”).

20. The first Temporary Injunction also “ORDERED that Defendants deposit any funds withdrawn from Plaintiff’s bank account on or after April 18, 2014 back into Plaintiff’s bank account within twenty-four (24) hours of this Order.”

21. The same day on which Judge Kelly issued the first Temporary Injunction, April 21, 2014, the Head Monk went to Bank of America and deposited the \$61,400.00

cashier's check he had withdrawn to prevent further misuse of the funds back into the Respondent's bank account.

22. The Respondent attempted to serve the Appellants the Summons and Complaint, the first Order Granting Temporary Injunction, Notice of Motion and Motion for Temporary Injunction, and a Notice of Hearing through the Appellants' counsel on or about April 21, 2014, although the Appellants' counsel had not been retained by the Appellants, but had only helped the Appellants during the election process.

23. The Appellant's counsel received permission from the Appellants to accept service of process on their behalf, and subsequently accepted service of the pleadings and the first Temporary Injunction on April 24, 2014, the day before the Rule to Show Cause hearing was scheduled to occur.

24. "The purpose of a preliminary injunction is to preserve the status quo and prevent irreparable harm to the party requesting it." *Compton v. South Carolina Dept. of Corrections*, 392 S.S. 361, 366, 709 S.E.2d 639, 642 (2011). Judge Kelly's first Temporary Injunction invalidated the April 20, 2014 election and attempted to return the PPODs to office, although the election had already occurred and was a part of the status quo the day the first Temporary Injunction was entered. The Order did not identify any irreparable harm.

25. South Carolina Rules of Civil Procedure ("SCRCP"), Rule 65(a) states that, "No temporary injunction shall be issued without notice to the adverse party." The Appellants received no notice of the Temporary Injunction prior to its issuance.

26. SCRCR Rule 65(c) states that no “temporary injunction shall issue except upon the giving of security by the applicant.” To the Appellants’ knowledge, no security was given by the applicant for the Temporary Injunction.

27. The Appellants filed a Notice of Motion and Motion to Dissolve and Vacate the Order Granting Temporary Injunction on the day of the hearing, April 25, 2014. At the Rule to Show Cause hearing, Judge Kelly agreed to hear the Appellants’ Motion. Judge Kelly heard arguments for the Motion to Dissolve and Vacate the Temporary Injunction and the Motion for Temporary Injunction, and took them under advisement.

28. While the parties’ Motions were under Judge Kelly’s advisement, the Head Monk endorsed three checks from the Respondent’s bank account to Harvest Group, LLC, the first check on April 29, 2014, the second on May 7, 2014, and the third on May 9, 2014, which corresponded to invoices issued by Harvest Group, LLC to the Respondent on April 29, 2014, May 7, 2014, and May 9, 2014, respectively.

29. Harvest Group, LLC is the construction company that was hired to build a new temple/education building for the Respondent on September 26, 2013.

30. The Head Monk and two of the PPODs held a fundraiser for the new temple/education building on or about the end of 2013. The money raised from that event was designated to pay for construction costs.

31. On or about October 20, 2013, two of the PPODs and the Head Monk participated in a ground-breaking ceremony for the new building. From February 3, 2014 to April 18, 2014, the Head Monk endorsed eight (8) checks from the Respondent’s bank

account to pay for various construction costs, including six (6) checks to Harvest Group, LLC.

32. On April 21, 2014, the day the first Temporary Injunction was entered, the status quo was that the Head Monk issued checks to pay for construction costs out of the Respondent's bank account, which is where funds that had been raised for that specific purpose were deposited.

33. Had the Head Monk not issued the three checks to pay the construction company, the construction company may have been able to file a mechanic's lien against the Respondent's property.

34. The first Temporary Injunction only ordered the Head Monk to deposit any funds withdrawn on or after April 18, 2014 back into the Respondent's bank account, and did not prohibit the Head Monk from paying the constructions bills as he had done prior to the issuance of the first Temporary Injunction.

35. On May 16, 2014, after the Head Monk issued the three checks, Judge Kelly issued another Order Granting Temporary Injunction (the "second Temporary Injunction"), which denied the Appellants' Motion to Dissolve and Vacate the first Order Granting Temporary Injunction, ordered the Appellants to "deposit the funds in dispute into a newly opened account" on which "only a lawyer from each party will be listed as signatory," and "ORDERED that no bond [for the second Temporary Injunction] shall be required" (the "second Temporary Injunction" or "second "Order Granting Temporary Injunction"). (Exhibit "E").

36. SCRPC Rule 65(c) states that no “temporary injunction shall issue except upon the giving of security by the applicant.” The second Temporary Injunction’s demand that “no bond shall be required” is an explicit violation of SCRPC Rule 65.

37. “The circuit court's order requiring only a nominal security bond does not satisfy Rule 65(c) because it erroneously assumes the injunction is proper instead of providing an amount sufficient to protect appellants in the event the injunction is ultimately deemed improper.” *Atwood Agency v. Black*, 646 S.E.2d 882, 884 374 SC 68 (S.C., 2007)

38. On June 27, 2014, when the parties’ counsel met to open the new bank account per the second Temporary Injunction’s instructions, the Respondent’s counsel discovered that \$1,634.70 dollars remained in the Respondent’s bank account. The Respondent was unaware that the Head Monk had issued the three checks for construction costs. In addition to the three checks issued to the construction company, the Head Monk endorsed a check to Newton Insurance Solutions, LLC to pay the Respondent’s insurance premium and a check to pay Duke Energy for the Respondent’s power bill.

39. The Respondent filed a Notice of Motion and Motion for Rule 11 Sanctions on July 17, 2014, asking the court to impose “sanctions upon the Defendants, or their counsel, based on their noncompliance with the Court’s April 21, 2014 and May 16, 2014 Orders.” Judge Kelly held the hearing for that Motion on September 11, 2014. Appellants’ counsel moved to strike the Respondent’s Motion because the Respondent’s Motion did not contain the affirmation required by SCRPC Rule 11. Judge Kelly took the matters under advisement.

40. Judge Kelly issued an Order and Rule to Show Cause sua sponte on October 8, 2014 that referred to the five (5) checks previously mentioned (three checks for construction costs, one check for insurance premium, and one check for the power bill) and the prior two Orders Granting Temporary Injunctions. The Rule to Show Cause ordered the Appellants to appear before the court on November 17, 2014 to “show cause why, if any you can, you should not be found in willful and wanton contempt of this Court’s prior order and punished according to law.”

41. The hearing took place as scheduled. The Appellants presented evidence proving that the Head Monk deposited “any funds withdrawn from Plaintiff’s bank account on or after April 18, 2014 back into Plaintiff’s bank account within twenty-four (24) hours of th[e first Temporary Injunction]” as the April 21, 2014 Order Granting Temporary Injunction ordered him to do. The Appellants presented evidence that Appellant Luke Dong did not write or authorize the issuance of any checks, nor did he have the power to do so. The Appellants presented evidence that the Head Monk wrote the three (3) checks to pay the construction company prior to the issuance of the May 16, 2014 Order Granting Temporary Injunction, to prove that the construction checks could not have violated the second Order Granting Temporary Injunction.

42. Judge Kelly issued an Order on December 31, 2014 that stated the Respondent’s “Motion for Rule 11 Sanctions is denied. The Court issued a Rule to Show Cause against Defendants Ork and Dong. The Court addressed all matters in that order.”

43. Judge Kelly issued an Order on January 7, 2014 (the “Contempt Order”) that sentenced the Head Monk “to the South Carolina Department of Corrections for a period of five months provided, however, that he may purge his civil contempt by

depositing the sum certain of fifty-nine-thousand, seven hundred, sixty-five dollars and thirty cents [\$59,765.30] into the newly established bank account belonging to Plaintiff within ninety days of the date of this order.”

44. The Contempt Order further ordered the Head Monk to “pay the sum certain of three thousand, five hundred dollars [\$3,500.00] to the Talley Law Firm, P.A. within forty-five days of the date of this order as reasonable attorney’s fees on behalf of Plaintiff.”

45. On January 13, 2015, the Appellants moved before the lower court for a Motion to Reconsider, Alter, or Amend the Contempt Order and for a Motion for Stay of Execution of the Contempt Order pending appeal per SCRCF Rule 62. The lower court did not issue an Order in time for the Appellants to include it in this Petition. (Exhibit “B”)

46. The Head Monk has no income, survives on the donations of others, owns no property, and lives on property owned by the Respondent. The checks he issued out of the Respondent’s bank account paid for the Respondent’s bills. The Head Monk did not retain any funds.

47. The Head Monk does not have the ability to purge himself of contempt or pay the Respondent’s attorney’s fees.

48. The Appellant will be subject to being held in contempt of the Contempt Order if he does not pay the \$3,500.00 in attorney’s fees within forty-five (45) days of the Contempt Order, on or before **February 21, 2015**.

49. “The courts have unambiguously held that ‘coercive imprisonment as applied to civil contempt depends upon the ability of the contemnor to comply with the court's order.’” *Phillips v. Phillips*, 341 S.E.2d 132, 288 S.C. 185 (S.C., 1986).

50. The Contempt Order found the Head Monk in civil contempt for issuing the check to the construction company on April 29, 2014, eight (8) days after the first Order Granting Temporary Injunction.

51. The Contempt Order states that “the funds were redeposited [sic] into [Respondent’s] account” in accordance with the first Temporary Injunction. To Appellant’s knowledge, the first Temporary Injunction’s only explicit command to the Head Monk was that he was ordered to “deposit any funds withdrawn from Plaintiff’s bank account on or after April 18, 2014 back into Plaintiff’s bank account within twenty-four (24) hours of this Order,” which the lower court conceded he did.

52. Although, during the course of the Rule to Show Cause hearing, the Appellants’ counsel repeatedly asked the lower court to show the Appellants the specific language in the first Temporary Injunction that the Head Monk had violated and to explain how the Head Monk’s issuance of any check violated the first Temporary Injunction, the lower court never specified.

53. In the Contempt Order, the lower court does not identify the specific language in the first Temporary Injunction that the Head Monk violated.

54. The lower court may possibly imply in the Contempt Order that the violation has something to do with “the [first Order Granting Temporary Injunction] was intended to maintain the status quo during the pending litigation and any election held on April 20, 2014 was not valid.” (See Contempt Order page 5). That would make the status

quo whatever it was prior to the election. The court goes on to say that the Head Monk was not authorized to write the April 29, 2014 check to the construction company because the Head Monk was only “propelled” into elected office by the April 20, 2014 election. In other words, the first Temporary Injunction impliedly prohibited the Head Monk from writing checks because he could only do so within his authority as an elected official, and the court ruled the election invalid. That logic may be a stretch, but it is the best the Appellants can do with the Contempt Order’s language.

55. If that was the court’s explanation for holding the Head Monk in contempt, it would be based on a glaring factual inaccuracy.<sup>1</sup> However, even if the court’s reasoning was plausible, the Head Monk’s implied violation of an order does not make him liable for contempt.

56. “This Court has explicitly stated, ‘One may not be convicted of contempt for violating a court order which fails to tell him in definite terms what he must do. The language of the commands must be clear and certain rather than implied.’” *Phillips* at 134. The Head Monk could not be held in contempt of the first Temporary Injunction for writing a check on April 29, 2014 from the Respondent’s bank account to pay bills on behalf of the Respondent without explicit language in the Order that forbade him from doing so. There was no such language.

57. The court also found that the check the Head Monk issued to the construction company on May 7, 2014 and the check he issued on May 9, 2014 violated the first Temporary Injunction. In support of its finding, the court again did not identify

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<sup>1</sup> The Appellants’ counsel presented evidence to the lower court both during the Rule to Show Cause Hearing and in the Defendants’ Memorandum Opposing Contempt that the Head Monk had written checks on behalf of the Respondent prior to the first Temporary Injunction and had been issuing checks to pay for construction since early February 2014. So the Head Monk’s authority to write checks for construction costs preceded the April 20, 2014 election.

the language in the first Temporary Injunction that would have prohibited the Head Monk from issuing the checks.

58. The court went on to argue that, “[a]ssuming arguendo” the first Temporary Injunction expired after ten days, the issuance of checks violated the court’s “directive by electronic communication dated May 2, 2014 and formal written order issued May 15, 2014.”

59. The Appellants do not here argue that a temporary injunction lasts ten (10) days nor that the court’s first Temporary Injunction is actually a Temporary Restraining Order. By its title and terms, the first “Order Granting Temporary Injunction” was in effect “during the pending litigation of this matter.”

60. The “directive by electronic communication dated May 2, 2014” was not an order such that the Appellants could have been in contempt of it. The email asks the Respondent’s counsel, “Scott, if you would, please draft an Order reflecting the Court’s ruling, citing any facts needed to support said ruling. After opportunity to review by opposing counsel, please submit it via email.”

61. “An order is not final until it is written and entered by the clerk of court.” *Bowman v. Richland Memorial Hosp.*, 515 S.E.2d 259, 335 S.C. 88 (S.C. App., 1999). The Appellants are not aware that this Court’s decision in *Bowman* has been modified or overruled.

62. However, the court explained that “reliance on Bowman is misplaced” because “Bowman was decided fifteen years ago before widespread use of email and other tools of technology commonly used today for instant communication” and “all five lawyers had actual knowledge of the Court’s decision by email.”

63. The Appellants have difficulty articulating the many reasons that explicit legal precedent, such as *Bowman* or, for instance, the United States Constitution, should not be dismissed or ignored without any act of the appropriate legislative branch of government or a court with appropriate jurisdiction simply because a certain use of technology has become more common.

64. However, the Appellants note that *Bowman* was cited as recently as 2011. “‘Until written and entered, the trial judge retains discretion to change his mind and amend his oral ruling accordingly.’ *Ford v. State Ethics Comm'n*, 344 S.C. 642, 646, 545 S.E.2d 821, 823 (2001); *see also Bowman v. Richland Mem'l Hosp.*, 335 S.C. 88, 91–92, 515 S.E.2d 259, 260–61 (Ct.App.1999).” *Va. Mccomb v. Conard*, 394 S.C. 416, 715 S.E.2d 662 (S.C. App., 2011).

65. *Va. Mccomb*, a case which is less than “fifteen” years old, explains that the trial court could change its mind prior to entering the judgment. The Contempt Order even states that, “As is customary and usual, the lawyers sought clarification and modification of certain verbiage between themselves and a written order was signed May 15, 2014 [after the May 2, 2014 email] and filed with the Clerk of Court.” (Contempt Order page 2).

66. Additionally, SCRCP Rule 58 is still a South Carolina Rule of Civil Procedure and states in part (a)(2) that, “A judgment is effective only when so set forth and entered in the record.”

67. “[T]he effective date of an order is not when it is signed by the judge, but when it is entered by the clerk of court.” *Upchurch v. Upchurch*, 367 S.C. 16, 23, 624 S.E.2d 643, 646 (2006).

68. “The final written order contains the binding instructions which are to be followed by the parties.” *Corbin v. Kohler Co.*, 351 S.C. 613, 621, 571 S.E.2d 92, 97 (Ct.App. 2002).

69. The “directive by electronic communication dated May 2, 2014” was not a final order such that the Head Monk could have been held in contempt of it.

70. The Head Monk should not have been held in contempt of the second Temporary Injunction dated May 16, 2014 because it was entered by the Clerk of Court after the Head Monk issued the checks.

71. The Contempt Order’s award of \$3,500.00 to the Respondent for attorney’s fees is improper.

72. The Respondent did not request attorney’s fees in the lower court’s Rule to Show Cause. The court issued the Rule to Show Cause sua sponte.

73. The Respondent did file an “Affidavit of Attorney Work Performed” as part of its Motion for Rule 11 Sanctions, but that affidavit requested \$3,555.00 for “time drafting the Motion for Sanctions and Temporary Orders in this matter, correspondence with counsel for the Defendants and the Court, meetings with Plaintiff and opposing counsel regarding the bank account at issue and Motions for Sanctions, and attendance at today’s [the Motion for Rule 11 Sanctions] hearing.” The Affidavit had nothing to do with preparation for the lower court’s sua sponte Rule to Show Cause hearing and was not even limited to work the attorneys performed pursuant to its Motion for Rule 11 Sanctions.

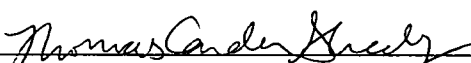
74. “In a civil contempt proceeding, a contemnor may be required to reimburse a complainant for the costs he incurred in enforcing the court's prior order,

including reasonable attorney's fees." *Poston v. Poston*, 502 S.E.2d 86, 331 S.C. 106, 114 (S.C., 1998). The Respondent did not present any evidence of "the costs [the Respondent] incurred in enforcing the court's prior order." The Respondent's Affidavit only addressed time spent on miscellaneous parts of the case prior to the court issued the Rule to Show Cause sua sponte. Therefore, the lower court could not properly award or evaluate an award of the Respondent's attorney's fees as were incurred for the Rule to Show Cause.

75. Some of the Head Monk's supporters have donated cashier's checks for a supersedeas bond in the total amount set forth in the Contempt Order to be deposited as this Court decides.

76. The Appellants' verification of this Petition is attached.

Respectfully Submitted,

  
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T. Camden Shealy, SC Bar No: 101447  
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Post Office Box 3421  
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(864) 699-9801  
Attorneys for Appellants

February 18, 2015

THE STATE OF SOUTH CAROLINA  
In The Court of Appeals

APPEAL FROM SPARTANBURG COUNTY

Court of Common Pleas

R. Keith Kelly, Circuit Court Judge

Case No. 2014-CP-42-01622


Spartanburg Buddhist Center of South Carolina, Inc., Respondent,  
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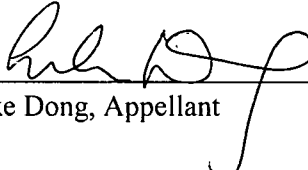
VERIFICATION OF PETITION FOR WRIT OF SUPERSEDEAS AND  
REQUEST FOR EXPEDITED DECISION

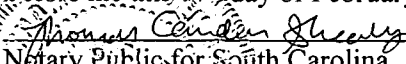
1. We, the undersigned Appellants, are over 18 years of age, have personal knowledge of the facts set forth in the Petition for Writ of Supersedeas with Request for Expedited Decision, are duly authorized to make the Petition and this verification, and are competent to testify to the matters therein contained.

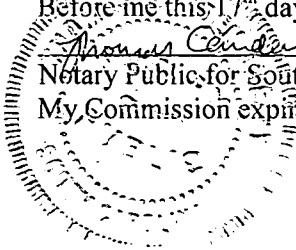
2. We, the undersigned Appellants, have read or have had read and translated to us the contents of the Petition for Writ of Supersedeas with Request for Expedited Decision, know the same to be true and correct of our own knowledge, except those matters alleged on information and belief, and as to them, we believe them to be true.

Affiants sayeth nothing further.

  
\_\_\_\_\_  
Ron Ork, Appellant

  
\_\_\_\_\_  
Luke Dong, Appellant

SWORN TO AND SUBSCRIBED  
Before me this 17<sup>th</sup> day of February 2015,  
 (SEAL)  
Notary Public for South Carolina  
My Commission expires 11-18-2023



THE STATE OF SOUTH CAROLINA  
In The Court of Appeals

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PROOF OF SERVICE

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I, the undersigned attorney for the Appellants do hereby certify that I have served the Clerk of Court for the South Carolina Court of Appeals and all counsel in this action with a copy of the Notice of Appeal, the Petition for Writ of Supersedeas with Request for Expedited Decision, Motion to Expedite Appeal, and Proof of Service by mailing a copy of the same by United States Mail, postage prepaid, to the following addresses:

- a. Jenny Abbott Kitchings, Clerk of Court  
South Carolina Court of Appeals  
P.O. Box 11629  
Columbia, SC 29211
- b. Scott F. Talley  
Talley Law Firm  
2500 Winchester Place, Suite 100  
Spartanburg, SC 29301
- c. Shannon M. Phillips  
Talley Law Firm  
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February 18, 2015