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STATE OF SOUTH CAROLINA  
COUNTY OF SPARTANBURG  
IN THE COURT OF COMMON PLEAS

JUDGMENT IN A CIVIL CASE  
CASE NUMBER 2014CR4201622

Spartanburg Buddhist Center Of South Carolina Luke Dong Ron Ork	Ron Ork Chivin Sun Sakhaa Sok Sophay Pres Luke Dong Robert Pek Sambo Khieav Tommy Ong <b>SC Court of Appeals</b>
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PLAINTIFF(S)

DEFENDANT(S)

Submitted by: \_\_\_\_\_ Attorney for:  Plaintiff  Defendant  
 Self-Represented Litigant

DISPOSITION TYPE (CHECK ONE)

- JURY VERDICT. This action came before the court for a trial by jury. The issues have been tried and a verdict rendered.
- DECISION BY THE COURT. This action came to trial or hearing before the court. The issues have been tried or heard and a decision rendered.  See Page 2 for additional information.
- ACTION DISMISSED (CHECK REASON):  Rule 12(b), SCRPC;  Rule 41(a), SCRPC (Vol. Nonsuit);  
 Rule 43(k), SCRPC (Settled);  Other: \_\_\_\_\_
- ACTION STRICKEN (CHECK REASON):  Rule 40(j) SCRPC;  Bankruptcy;  
 Binding arbitration, subject to right to restore to confirm, vacate or modify arbitration award;  Other: \_\_\_\_\_
- DISPOSITION OF APPEAL TO THE CIRCUIT COURT (CHECK APPLICABLE BOX):  
 Affirmed;  Reversed;  Remanded;  Other:

NOTE: ATTORNEYS ARE RESPONSIBLE FOR NOTIFYING LOWER COURT, TRIBUNAL, OR ADMINISTRATIVE AGENCY OF THE CIRCUIT COURT RULING IN THIS APPEAL.

IT IS ORDERED AND ADJUDGED:  See attached order; (formal order to follow)  Statement of Judgment by the Court:

ORDER INFORMATION

This order  ends  does not end the case.

Additional Information for the Clerk: \_\_\_\_\_

INFORMATION FOR THE JUDGMENT INDEX

Complete this section below when the judgment affects title to real or personal property or if any amount should be enrolled. If there is no judgment information, indicate "N/A" in one of the boxes below.

Judgment in Favor of (List name(s) below)	Judgment Against (List name(s) below)	Judgment Amount To be Enrolled (List amount(s) below)

If applicable, describe the property, including tax map information and address, referenced in the order: \_\_\_\_\_

The judgment information above has been provided by the submitting party. Disputes concerning the amounts contained in this form may be addressed by way of motion pursuant to the SC Rules of Civil Procedure. Amounts to be computed such as interest or additional taxable costs not available at the time the form and final order are submitted to the judge may be provided to the clerk. Note: Title abstractors and researchers should refer to the official court order for judgment details.

*A. Keith Kelly*  
Circuit Court Judge

2165  
Judge Code

*7 January 2015*  
Date

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SPARTANBURG COUNTY

**For Clerk of Court Office Use Only**

This judgment was entered on \_\_\_\_\_ of January 2015, and a copy mailed first class or placed in the appropriate attorney's box on \_\_\_\_\_ of January 2015, to attorneys of record or to parties (when appearing pro se) as follows:

Scott Franklin Talley 2500 Winchester Place Suite 100  
Spartanburg, SC 29301

Thomas Alexander Belenchia PO Box 3421 Spartanburg,  
SC 29304

Shannon Metz Phillips 2500 Winchester Pl, Suite 100  
Spartanburg, SC 29301

ATTORNEY(S) FOR THE PLAINTIFF(S)

ATTORNEY(S) FOR THE DEFENDANT(S)

Court Reporter

M Hope Blackley - Clerk of Court

*M. Hope Blackley* / *Thomas Alexander Belenchia*  
cc

**ADDITIONAL INFORMATION REGARDING DECISION BY THE COURT AS REFERENCED ON PAGE 1.**

This action came to trial or hearing before the court. The issues have been tried or heard and a decision rendered.

\_\_\_\_\_  
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STATE OF SOUTH CAROLINA )  
) IN THE COURT OF COMMON PLEAS  
COUNTY OF SPARTANBURG )  
) SEVENTH JUDICIAL CIRCUIT  
) )  
Spartanburg Buddhist Center of )  
South Carolina, Inc., )  
) )  
Plaintiff, )  
) )  
) ) **CONTEMPT ORDER**  
v. )  
) )  
Ron Ork and Luke Dong, ) Case Number: 2014-CP-42-1622  
) )  
) )  
) )  
Defendants. )

Hearing Date	November 17, 2014
Presiding Judge	R. Keith Kelly
Attorney for Plaintiffs	Scott F. Talley, Esq. Shannon M. Phillips, Esq.
Attorney for Defendants	Thomas Belenchia, Esq. T. Camden Shealy, Esq. Larry Gregg, II, Esq.
Court Reporter	Shirley G. Broom

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**BACKGROUND**

This matter comes before the Court by way of a Rule to Show Cause issued by this Court on October 7, 2014 requiring Defendants Ron Ork and Luke Dong to show cause why, if any they can, they should not be held in civil contempt of this Court's prior orders regarding the dissipation of certain funds owned by Plaintiff.

The underlying case at bar concerns a power struggle between the parties as to control of the Plaintiff and its assets. That issue is not before this Court at this hearing.

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This Court issued a written order dated April 21, 2014 ordering, "All Officers and Board of Directors members (of Plaintiff) will be the same as before the April 20, 2014 election pending the resolution of this matter." Further, this Court ordered that any funds withdrawn by the Defendants to be redeposited into Plaintiff's bank account within twenty-four hours of the date of the order. The said order was filed with the Clerk of Court for Spartanburg County the same day.

A hearing was held on April 25, 2014 regarding the temporary injunction. In a lengthy meeting with attorneys Talley, Phillips, Shealy and Gregg, the Court attempted to nurture an agreement as to the safekeeping of approximately sixty thousand dollars that had been withdrawn from Plaintiff's bank account but redeposited in accordance with this Court's direction. Reaching no agreement, the Court presided over the hearing itself and took the matter under advisement.

On April 29, 2014, the Court held a conference call with the lawyers for the parties to clarify a few matters and by email communication from the Court, the law clerk advised all five lawyers of the Court's decision and instructed Plaintiff's legal counsel to draft a proposed formal written order for execution. 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 and filed with the Clerk of Court for Spartanburg County on May 16, 2014.

The May 15, 2014 order granted, inter alia, Plaintiff's motion for a temporary injunction, expressly stated the order was intended to maintain the status quo during the pending litigation, directed Defendants to deposit the funds in dispute into a newly opened account, directed a lawyer from each party to be listed as signatory on the said account to be designated by the respective parties and directed that the funds be used to pay obligations of the Plaintiff on which the parties agreed. Further, the order directed no corporate action be taken except action agreed to by the parties.

Legal counsel for the parties met on June 27, 2014 to establish the new bank account to

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used to secure the approximately sixty thousand dollars belonging to Plaintiff. However, Defendants produced only sixteen hundred, thirty-four dollars and seventy cents.

This Rule To Show Cause ensued.

### FACTS

Plaintiff is a corporation organized and existing under laws of the state of South Carolina. Prior to April 21, 2014, a power struggle erupted between two factions of attendees over control of the governing body and the assets to include financial matters. Both factions argue they are duly elected to various offices, including Directors on the Board, and, therefore, are authorized to lead the organization and make financial decisions in furtherance of Plaintiff and its mission. On April 18, 2014, Defendants and/or their supporters withdrew sixty-one thousand, four hundred dollars from Plaintiff's bank account. On April 20, 2014, Defendants and their supporters claim a properly called election of various officers and Board of Director members bestowed control and power in them. Conversely, Plaintiff contends through another faction of attendees that the election was not proper and persons who were serving in those roles continue to do so. Plaintiff asked the Court to grant a temporary injunction forcing the return of the funds so as to safeguard them and prevent financial loss. The April 21, 2014 order was issued for that purpose.

A hearing was scheduled and held on April 25, 2014 regarding the temporary injunction. A sidebar meeting was held and lawyers Scott F. Talley, Shannon M. Phillips, T. Camden Shealy and Larry E. Gregg, II were present and participated. The Court endeavored to reach an agreement by and between the parties on a temporary basis that would safeguard the approximately sixty thousand dollars but not prevent necessary bills for utilities and the like from being paid timely. The Court inquired of the lawyers as to whether or not one law firm or the other would be willing to hold the funds in its escrow account. Neither law firm desired to hold the funds and the Court later directed a new account be established with a lawyer from each party to act as signatory on behalf of their client. It is noteable that this sidebar lasted a least fifteen or twenty minutes where the Court expressed great concern for the preservation of the funds but when questioned by the Court on November 17, 2014, neither lawyer T. Camden

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Shealy nor Larry E. Gregg, II could recall this Court's concern. Lawyers Scott F. Talley and Shannon M. Phillips remembered it vividly as does this Court. At the conclusion of the hearing, the Court advised the lawyers the matter was under advisement. The April 21, 2014 order remained in full force and effect.

On April 29, 2014, the Court held a telephone conference with the lawyers for the parties to clarify a few matters. The Court advised the lawyers that instructions would be forthcoming. Unbeknownst to the Court and Plaintiff, Defendant Ron Ork issued check number 1163 dated April 29, 2014 on Plaintiff's bank account to a vendor in the amount of twenty thousand dollars. While lawyers T. Camden Shealy and Larry E. Gregg, II do not remember facts of their case two-hundred nine days after a hearing in April 2014, it is unfathomable to the Court that neither lawyer would not remember or share with their client the Court's concern for the preservation of the funds on April 25, 2014, where, as here, it was the main issue before the Court on a temporary basis. Nonetheless, Defendant Ron Ork conceded he issued the check less than ten days after this Court issued its order dated April 21, 2014.

By email to all lawyers dated May 2, 2014, the law clerk provided the ruling from the April 25 hearing to the lawyers and directions for its preparation and presentation for execution. All parties were represented by legal counsel and all five lawyers received the email communication from the Court. Nonetheless, Defendant Ron Ork conceded he issued check number 1164 dated May 7, 2014 on Plaintiff's bank account to a vendor in the amount of sixteen thousand, four hundred dollars and check number 1165 dated May 9, 2014 on Plaintiff's bank account in the amount of thirty-two thousand dollars. As previously stated, Defendant Ron Ork's three lawyers received written instructions electronically on the morning of May 2, 2014. It is inconceivable that at least one of the three lawyers did not relay such important information to their client prior to either of the two checks being issued. Assuming, arguendo, without conceding that neither lawyers Shealy nor Gregg remembered the Court's concern about preserving the funds at sidebar on April 25, 2014, both lawyers, together with Thomas A. Belenchia, Esq. were on actual notice of the Court's concern upon receipt of the May 2, 2014 email.

The Court executed a formal written order from the April 25, 2014 hearing on May 15, 2014.

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in accordance with instructions provided to the lawyers on May 2, 2014 by email. The order was filed with the Clerk of Court for Spartanburg County on May 16, 2014.

Lawyers from both parties met on June 27, 2014 for the purpose of opening the new account. Plaintiff's lawyers learned that only sixteen hundred, thirty-four dollars and seventy cents was available for deposit, not sixty-one thousand, four hundred dollars, less any amount agreed to be paid by each party in accordance with this Court's order.

### ISSUE

- Did Defendant Ron Ork commit civil contempt of this Court's orders?
- Did Defendant Luke Dong commit civil contempt of this Court's orders?

### DISCUSSION

The Court issued the first written order on April 21, 2014 expressly stating the order was intended to maintain the status quo during the pending litigation and any election held on April 20, 2014 was not valid or enforceable. The Court ordered that all officers and Board of Directors members be the same as before the April 20, 2014 election pending a resolution of the matter. And, the Court ordered the funds returned to Plaintiff's account within twenty-four hours. While the funds were redeposited into Plaintiff's account, Defendant Ron Ork issued check number 1163 dated April 29, 2014 on Plaintiff's account in the amount of twenty thousand dollars, less than ten days after the issuance of the order. Defendant Ron Ork's assertion that he was so authorized because that was the status quo is disingenuous where, as here, it was the election of April 20, 2014 that propelled Defendant Ron Ork and his supporting attendees into elected offices. The Court finds Defendant Ron Ork in civil contempt by issuing this check removing funds from Plaintiff's account.

The Court took all matters under advisement after a hearing on April 25, 2014. Implicit in the Court's decision to reflect on the matter was the fact the written order of April 21, 2014 remained

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in full force and effect until modified, superseded by a subsequent order or vacated. The Court's intention is found on page two of the May 15, 2014 written order which reads in part, "...to the extent this order conflicts with any previous order in this matter, this order supersedes such prior order." Defendant Ron Ork issued check number 1164 dated May 7, 2014 on Plaintiff's account in the amount of sixteen thousand, four hundred dollars and check number 1165 dated May 9, 2014 on Plaintiff's account in the amount of thirty-two thousand dollars. The Court finds Defendant Ron Ork in civil contempt by issuing both checks removing funds from Plaintiff's account.

Assuming, arguendo, without conceding that under any theory of law the April 21, 2014 written order expired after ten days, the Court finds Defendant Ron Ork in civil contempt by issuing both checks in violation of the Court's directive by electronic communication dated May 2, 2014 and formal written order issued May 15, 2014 and filed with the Clerk of Court for Spartanburg County on May 16, 2014. Defendant Ron Ork is represented by three lawyers, two of whom appeared with him at the April 25, 2014 hearing. All three lawyers participated in the April 29, 2014 conference call and all three lawyers received the email dated May 2, 2014 with the decision of the Court and instructions for preparation of the formal written order. Again, it is inconceivable that at least one of the three lawyers representing Defendant Ron Ork did not share such important information with their client.

Our Supreme Court is leading the way in the utilization of technology in the judicial branch of government. Paperless and electronic filing systems have been developed and are being tested in pilot counties. Members of the bar are required to have an email address and maintain it. Judges communicate by email and instant messages on equipment provided by the State. Advance sheets of new cases decided by the appellate courts are provided instantly on electronic medium.

The assertion by Defendant Ron Ork that both checks were issued before the order was reduced to writing and filed with the Clerk of Court is tenuous at best and reliance on Bowman is misplaced. Bowman v. Richland Memorial Hospital, 335SC88, 515SE2d259 (1999). Bowman was decided fifteen years ago before widespread use of email and other tools of technology

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commonly used today for instant communication. In Bowman, an order was issued by the Court and filed with the Clerk of Court with neither party knowing the content of the order. However, in this case all five lawyers had actual knowledge of the Court's decision by email dated May 2, 2014 and all parties had constructive knowledge of the Court's decision on the same day.

Additionally, there are allegations of approximately thirty thousand dollars being received in Plaintiff's name or on its behalf that are unaccounted for by Plaintiff. That issue is not before the Court on this Rule to Show Cause but may be so on another day.

In a civil contempt proceeding, a contemnor may be required to reimburse costs and attorney fees where an action is necessary to enforce a court order. An attorney fee award is not punishment but indemnification to the party instituting the action. 17 Am. Jur. 2d contempt, sec. 241. (It is within the trial court's discretion to award reasonable attorney's fees to the prevailing party in a civil contempt proceeding.) After consideration, the Court finds an award of attorney's fees is warranted and the Court considered the factors in Glasscock in determining an amount. Glasscock v. Glasscock, 304 SC158, 403 SE2d 313 (1991).

**IT IS THEREFORE ORDERED, ADJUDGED AND DECREED:**


- A. That Defendant Luke Dong is not in wanton and willful contempt of this Court's orders.
- B. That Defendant Ron Ork is in wanton and willful contempt of this Court's orders.
- C. That Defendant Ron Ork is sentenced 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 into the newly established bank account belonging to Plaintiff within ninety days of the date of this order.
- D. That Defendant Ron Ork shall pay the sum certain of three thousand, five hundred dollars 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.

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SOUTH CAROLINA

**IT IS SO ORDERED.**

Given under my hand and the seal of this Court this 7<sup>th</sup> day of January 2015 at  
Gaffney, South Carolina.

  
R. Keith Kelly  
Circuit Court Judge  
Seventh Judicial Circuit  
Presiding.

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STATE OF SOUTH CAROLINA )  
 )  
 COUNTY OF SPARTANBURG )  
 )  
 Spartanburg Buddhist Center of )  
 South Carolina )  
 )  
 Plaintiff, )  
 )  
 vs. )  
 )  
 Ron Ork and Luke Dong )  
 Defendants. )  
 \_\_\_\_\_ )

IN THE COURT OF COMMON PLEAS  
 SEVENTH JUDICIAL CIRCUIT  
 C.A. NO.: 2014-CP-42-1622

**ORDER**

NOW COMES BEFORE THE COURT Defendant's Motion for Reconsideration, dated January 13, 2015. The present action arises out of the Court issuing a Contempt Order to the Defendant Ron Ork. Mr. Ork is required to pay \$3,500 of attorney's fees to Plaintiff within 45 days of the date of the Contempt Order. Mr. Ork is also ordered to pay \$59,765.30 within 90 days of the date of the Contempt Order. Failure to do so would result in 5 months imprisonment.

NOW, THEREFORE, IT IS ORDERED that the Defendant's motion, dated January 13, 2015 is denied.

**AND IT IS SO ORDERED.**

*R. Keith Kelly*  
 The Hon. R. Keith Kelly  
 Seventh Judicial Circuit

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 CLERK OF COURT

February 20, 2015  
 Spartanburg, South Carolina

A CERTIFIED COPY  
*M. Hope Blaubly*  
 CLERK OF COURT  
 SPARTANBURG COUNTY  
 BY: *Nelson Long* D.C.  
 DATED: *2/23/15*

STATE OF SOUTH CAROLINA )  
 )  
 COUNTY OF SPARTANBURG )  
 )  
 Spartanburg Buddhist Center of South Carolina, Inc., )  
 Plaintiff )

IN THE COURT OF COMMON PLEAS

CASE NO.  
 2014-CP-42-1622

v.

MOTION AND ORDER INFORMATION  
 FORM AND COVER SHEET

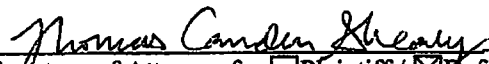
Ron Ork And Luke Dong  
 Defendant.

Plaintiff's Attorney: Scott F. Talley, Bar No. Address: 2500 Winchester Place, Suite 110, Spartanburg, SC 29301 phone: 864-595-2966 fax: 864-595-2969 e-mail: other:	Defendant's Attorney: Thomas A. Belenchia, Bar No. 2371 Address: 1989 South Pine Street, Spartanburg, SC 29302 phone: 864-699-9801 fax: 864-699-9803 e-mail: other:
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MOTION HEARING REQUESTED (attach written motion and complete SECTIONS I and III)  
 FORM MOTION, NO HEARING REQUESTED (complete SECTIONS II and III)  
 PROPOSED ORDER/CONSENT ORDER (complete SECTIONS II and III)

**SECTION I: Hearing Information**  
 Nature of Motion: Motion to Reconsider, Motion for Stay of Executino of Contempt Order  
 Estimated Time Needed: 15 mins Court Reporter Needed:  YES /  NO

**SECTION II: Motion/Order Type**  
 Written motion attached  
 Form Motion/Order  
 I hereby move for relief or action by the court as set forth in the attached proposed order.

  
 Signature of Attorney for  Plaintiff /  Defendant

January 13, 2015  
 Date submitted

**SECTION III: Motion Fee**

PAID - AMOUNT: \$25.00  
 EXEMPT:  Rule to Show Cause in Child or Spousal Support  
 (check reason)  Domestic Abuse or Abuse and Neglect  
 Indigent Status  State Agency v. Indigent Party  
 Sexually Violent Predator Act  Post-Conviction Relief  
 Motion for Stay in Bankruptcy  
 Motion for Publication  Motion for Execution (Rule 69, SCRCPP)  
 Proposed order submitted at request of the court; or,  
 reduced to writing from motion made in open court per judge's instructions  
 Name of Court Reporter:  
 Other:

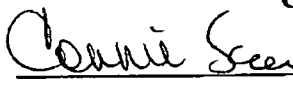
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**JUDGE'S SECTION**

Motion Fee to be paid upon filing of the attached order.  
 Other:

\_\_\_\_\_  
 JUDGE  
 CODE: \_\_\_\_\_ Date: \_\_\_\_\_

**CLERK'S VERIFICATION**

Collected by:  Date Filed: 1-13-15

MOTION FEE COLLECTED: 25.00  
 CONTESTED - AMOUNT DUE: \_\_\_\_\_

STATE OF SOUTH CAROLINA  
COUNTY OF SPARTANBURG

IN THE COURT OF COMMON PLEAS

Spartanburg Buddhist Center of South  
Carolina, Inc.,

Plaintiff,

Vs.

**NOTICES OF MOTIONS AND MOTION TO  
RECONSIDER, ALTER, OR AMEND THE  
CONTEMPT ORDER AND MOTION FOR STAY  
OF EXECUTION OF THE CONTEMPT ORDER**

Ron Ork and Luke Dong,

Defendants.

Case No.: 2014-CP-42-1622

Ron Ork and Luke Dong

Third Party Plaintiffs,

Vs.

Chivin Sun, Robert Pek, Sakhan Sok,  
Sambo Khieav, Sophay Pres, and  
Tommy Ong,

Third Party Defendants.

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TO: THE HONORABLE R. KEITH KELLY, PRESIDING JUDGE, and TALLEY LAW FIRM  
ATTORNEYS FOR PLAINTIFF,

**I. NOTICE AND MOTION TO STAY EXECUTION OF THE CONTEMPT ORDER**

YOU WILL PLEASE TAKE NOTICE that pursuant to Rule 62 of the South Carolina Rules of Civil Procedure ("SCRCP"), the Defendant, Ron Ork, through his attorneys, will move before the Presiding Judge of the Common Pleas Court in Spartanburg County, Spartanburg, SC, at a date and time to be specified by the court, for an order staying the execution of the Contempt Order dated January 7, 2015 for the time it takes the court to make a ruling on Ron Ork's motion to reconsider, alter, or amend, and the time it takes an appellate court with jurisdiction to rule on any appeal that arises out of an adverse ruling in the disposition of the motion to reconsider, alter, or amend.

SCRCP Rule 62(b) states in part that, "In its discretion and on such conditions for the security of the adverse party as are proper, the court may stay the execution of or any

proceedings to enforce a judgment pending the disposition of a motion for a new trial or to alter or amend a judgment made pursuant to Rule 59, or of a motion for relief from a judgment or order made pursuant to Rule 60...”

Ron Ork makes this motion because the Contempt Order requires him to pay \$3,500.00 of attorney’s fees to the Plaintiff within 45 days of the date of the Contempt Order and Mr. Ork is facing a five month prison sentence if he does not pay \$59,765.30 within ninety days of the date of the Contempt Order. However, Mr. Ork is a Buddhist monk with no income. Mr. Ork survives on the donations of others, owns no property, and lives in property owned by the Plaintiff. Mr. Ork does not have the ability to purge himself of contempt. Mr. Ork used the three checks at issue to pay the Plaintiff’s construction bills and did not personally retain any of the money he withdrew. Mr. Ork will have to serve five months in prison unless others step forward and donate to him the amounts set forth in the Contempt Order, which they are not obligated to do.

## II. NOTICE AND MOTION TO RECONSIDER, ALTER, OR AMEND THE CONTEMPT ORDER

YOU WILL PLEASE TAKE NOTICE that pursuant to Rules 59 and 60 of the South Carolina Rules of Civil Procedure (“SCRCP”), the Defendant, Ron Ork, through his attorneys, will move before the Presiding Judge of the Common Pleas Court in Spartanburg County, Spartanburg, SC, at a date and time to be specified by the court, for an order that reconsiders, alters, or amends the Contempt Order dated January 7, 2015, the Order Granting Temporary Injunction dated April 21, 2014, and the Order Granting Temporary Injunction dated May 1, 2014 to correct all errors of law and fact in those orders, which are more specifically set forth below:

1) The court erred by issuing a temporary injunction on April 21, 2014 (a) in violation of SCRCP Rule 65, (b) without providing notice to the Defendants prior to its issuance, (c) denying the Defendants an opportunity to be heard, (d) issuing the injunction without a bond, (e) ordering the parties to maintain a status quo that did not exist when the court signed the temporary injunction, and (f) failing to be “specific in terms.” (See *International Longshoremen Assn Local 1291 v. Philadelphia Marine Trade Association International Longshoremen Assn*

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*Local 1291 v. Philadelphia Marine Trade Association*, 389 U.S. 64, 88 S.Ct. 201, 19 L.Ed.2d 236 (1967); *AJG Holdings, LLC v. Dunn*, 382 S.C. 43, 50, 674 S.E.2d 505, 508 (Ct. App. 2008))

2) The court erred by issuing a second temporary injunction filed on May 16, 2014 (a) in violation of SCRCP Rule 65, (b) without a bond, (c) that ordered injunctive relief not requested by the parties to the lawsuit, and (d) that failed to be “specific in terms.” (See *International Longshoremen Assn Local 1291 v. Philadelphia Marine Trade Association International Longshoremen Assn Local 1291 v. Philadelphia Marine Trade Association*, 389 U.S. 64, 88 S.Ct. 201, 19 L.Ed.2d 236 (1967); *AJG Holdings, LLC v. Dunn*, 382 S.C. 43, 50, 674 S.E.2d 505, 508 (Ct. App. 2008))

3) The court erred by holding Ron Ork in contempt of the first temporary injunction because Ron Ork complied with the first temporary injunction when he “deposit[ed] any funds withdrawn on or after April 18, 2014 back into Plaintiff’s bank account within twenty-four (24) hours of [the] Order,” which is all the temporary injunction required him to do. (*International Longshoremen Assn Local 1291 v. Philadelphia Marine Trade Association International Longshoremen Assn Local 1291 v. Philadelphia Marine Trade Association*, 389 U.S. 64, 88 S.Ct. 201, 19 L.Ed.2d 236 (1967); *Welchel v. Boyter*, 260 S.C. 418, 196 S.E.2d 496 (S.C., 1973); *County of Greenville v. Mann*, 556 S.E.2d 383, 347 S.C. 427 (S.C., 2001); *Phillips v. Phillips*, 341 S.E.2d 132, 288 S.C. 185 (S.C., 1986); *Western Carolina Regional Sewer Authority v. Bell*, 320 S.E.2d 487, 282 S.C. 646 (S.C. App., 1984))

4) The court erred by holding Ron Ork in contempt of the second temporary injunction because Ron Ork issued the last check in question on May 9, 2014, but the court did not file the second temporary injunction requiring the parties to agree on payment obligations until May 16, 2014, days after Ron Ork issued the last check. (See SCRCP Rule 58, *Serowski v. Serowski*, 381 S.C. 306, 315, 672 S.E.2d 589, 594 (Ct. App. 2009); *Ashenfelder v. City of Georgetown*, 389 S.C. 568, 698 S.E.2d 856 (S.C. App., 2010))

5) The court erred by awarding the Plaintiff \$3,500.00 in attorney’s fees because (a) the Plaintiff did not request attorney’s fees, (b) the court issued the Rule to Show Cause and not the Plaintiff, (c) the Rule to Show Cause did not mention that the court or Plaintiff were requesting attorney’s fees, (d) the Plaintiff did not file an affidavit for attorney’s fees, (e) there is no evidence on the record by which the court could evaluate the factors the court should consider when deciding whether to award attorney’s fees or the amount of such fees, and (f) Ron Ork is

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HARPER B. ACKLEY

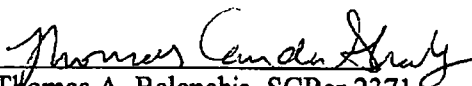
unable to pay \$3,500.00 of attorney's fees to the Plaintiff. (See *Williamson v. Middleton*, 649 S.E.2d 57, 374 S.C. 419 (S.C. App., 2007); *Buist v. Buist* (S.C., 2014))

The movant's counsel affirms that prior to filing the motions the movant's counsel has communicated, orally or in writing, with opposing counsel and has attempted in good faith to resolve the matters contained in the motions, consultation would serve no useful purpose, or could not be timely held.

The motions are based upon the applicable Rules of Court, applicable and South Carolina case law, the evidence on record, and any affidavits and/or memorandum which may be filed prior to the hearing. The movant further alleges that the movant is prompt in filing for relief, the existence of meritorious defenses, and the opposing party will not be adversely prejudiced.

Respectfully Submitted by:

**A BUSINESS LAW FIRM, LLC**

  
Thomas A. Belenchia, SCBar 2371  
tab@abizlaw.com  
T. Camden Shealy, SCBar 101447  
tcs@abizlaw.com  
Larry E. Gregg II, SCBar 101215  
leg@abizlaw.com  
Attorneys for Defendants  
P. O. Box 3421  
Spartanburg, SC 29304  
Phone: (864) 699-9801  
Fax: (864) 699-9803

January 13, 2015

FILED  
CLERK OF COURT  
SPARTANBURG COUNTY  
2015 JAN 13 PM 1:22  
M. HOPE BLACKLEY

STATE OF SOUTH CAROLINA )  
 )  
 COUNTY OF SPARTANBURG )  
 )  
 Spartanburg Buddhist Center of )  
 South Carolina, Inc., )  
 )  
 Plaintiff, )  
 )  
 Vs. )  
 )  
 Ron Ork and Luke Dong, )  
 )  
 Defendants. )


IN THE COURT OF COMMON PLEAS

**CERTIFICATE OF SERVICE**

Case No.: 2014-CP-42-1622

I, the undersigned for Ron Ork, do hereby certify that I have served all counsel and the lower court judge in this action with a copy of Ron Ork's NOTICES OF MOTIONS AND MOTION TO RECONSIDER, ALTER, OR AMEND THE CONTEMPT ORDER and MOTION FOR STAY OF EXECUTION OF THE CONTEMPT ORDER by mailing a copy of the same by United States Mail, postage prepaid, to the following addresses:

- a. The Honorable R. Keith Kelly  
 125 E. Floyd Baker Blvd.  
 Gaffney, SC 29340
- b. Scott F. Talley  
 Talley Law Firm  
 2500 Winchester Place, Suite 100  
 Spartanburg, SC 29301

  
 T. Camden Shealy  
 P. O. Box 3421  
 Spartanburg, SC 29304  
 Phone: (864) 699-9801  
 Fax: (864) 699-9803

January 13, 2015

FILED  
 CLERK OF COURT  
 SPARTANBURG COUNTY  
 2015 JAN 13 PM 1:22  
 M. HOPE BLACKLEY

STATE OF SOUTH CAROLINA	)	IN THE COURT OF COMMON PLEAS
COUNTY OF SPARTANBURG	)	
Spartanburg Buddhist Center of South Carolina, Inc.,	)	
	)	Civil Action No. 14-CP-42-1622
Plaintiff,	)	
	)	
v.	)	<b>ORDER GRANTING TEMPORARY INJUNCTION</b>
	)	
Ron Ork and Luke Dong,	)	
	)	
Defendants.	)	

The Court, having considered the Plaintiff's Motion for Temporary Injunction and supporting affidavits, Defendants' Response and affidavits, oral arguments and a subsequent conference call with the parties, hereby GRANTS Plaintiff's Motion for Temporary Injunction. The Court finds Plaintiff will suffer irreparable harm if the injunction is not granted, there is no adequate remedy at law to protect Plaintiff from further actions by Defendants, and this Order is intended to maintain the status quo during the pending litigation of this matter.

It is hereby ORDERED that Defendants shall deposit the funds in dispute into a newly opened account, and only a lawyer from each party will be listed as signatory to that account, which attorney shall be designated by the respective party(ies). It is hereby ORDERED the bank account funds may only be used to pay obligations of Plaintiff on which the parties agree and for which the parties authorize their representative attorneys to sign.

It is hereby ORDERED that no bond shall be required.

FILED  
 CLERK OF COURT  
 SPARTANBURG COUNTY  
 2014 MAY 16 PM 4:24  
 H. HARRIS, CLERK

1 of 2  
 RKK

It is hereby ORDERED that all parties shall be enjoined from encumbering assets of the corporation or entering into a contract on the corporation's behalf without leave from the Court during the pendency of this litigation.

It is hereby ORDERED that no corporate action may be taken on behalf of Plaintiff during the pendency of this litigation, except that to which the parties agree.

It is hereby ORDERED that to the extent this order conflicts with any previous order in this matter, this order supersedes such prior order.

Further, it is hereby ORDERED that Defendants' Motion to Dissolve the first injunction entered in this matter is DENIED.

It is so ORDERED.

May 15, 2014

Spartanburg, SC

  
THE HONORABLE R. KEITH KELLY

FILED  
CLERK OF COURT  
SPARTANBURG COUNTY  
2014 MAY 16 PM 4:24  
M. HOPE CLARKE

2 of 2  
RKX

FORM 4

STATE OF SOUTH CAROLINA  
 COUNTY OF SPARTANBURG  
 IN THE COURT OF COMMON PLEAS

JUDGMENT IN A CIVIL CASE  
 CASE NUMBER 2014CP4201622

Spartanburg Buddhist Center Of South Carolina Luke Dong	Ron Ork	Ron Ork	Luke Dong
		Chivin Sun Sakhan Sok Sophay Pres	Robert Pek Sambo Khieav Tommy Ong
PLAINTIFF(S)		DEFENDANT(S)	

Submitted by: \_\_\_\_\_ Attorney for:  Plaintiff  Defendant  
 Self-Represented Litigant

DISPOSITION TYPE (CHECK ONE)

- JURY VERDICT. This action came before the court for a trial by jury. The issues have been tried and a verdict rendered.
- DECISION BY THE COURT. This action came to trial or hearing before the court. The issues have been tried or heard and a decision rendered.  See Page 2 for additional information.
- ACTION DISMISSED (CHECK REASON):  Rule 12(b), SCRCP;  Rule 41(a), SCRCP (Vol. Nonsuit);  
 Rule 43(k), SCRCP (Settled);  Other: \_\_\_\_\_
- ACTION STRICKEN (CHECK REASON):  Rule 40(j) SCRCP;  Bankruptcy;  
 Binding arbitration, subject to right to restore to confirm, vacate or modify arbitration award;  Other: \_\_\_\_\_
- DISPOSITION OF APPEAL TO THE CIRCUIT COURT (CHECK APPLICABLE BOX):  
 Affirmed;  Reversed;  Remanded;  Other: \_\_\_\_\_

NOTE: ATTORNEYS ARE RESPONSIBLE FOR NOTIFYING LOWER COURT, TRIBUNAL, OR ADMINISTRATIVE AGENCY OF THE CIRCUIT COURT RULING IN THIS APPEAL.

IT IS ORDERED AND ADJUDGED:  See attached order; (formal order to follow)  Statement of Judgment by the Court

ORDER INFORMATION

This order  ends  does not end the case.

Additional Information for the Clerk: Motion to reconsider order denied

FILED COURT 1  
 CLERK SPARTANBURG COUNTY  
 2014 JUL 25 PM 2:47  
 M. HOPE BRACKLEY

INFORMATION FOR THE JUDGMENT INDEX

Complete this section below when the judgment affects title to real or personal property or if any amount should be enrolled. If there is no judgment information, indicate "N/A" in one of the boxes below.

Judgment in Favor of (List name(s) below)	Judgment Against (List name(s) below)	Judgment Amount To be Enrolled (List amount(s) below)

If applicable, describe the property, including tax map information and address, referenced in the order:

The judgment information above has been provided by the submitting party. Disputes concerning the amounts contained in this form may be addressed by way of motion pursuant to the SC Rules of Civil Procedure. Amounts to be computed such as interest or additional taxable costs not available at the time the form and final order are submitted to the judge may be provided to the clerk. Note: Title abstractors and researchers should refer to the official court order for judgment details.

[Signature]  
 Circuit Court Judge

2165  
 Judge Code

25 July 2014  
 Date

SCA11111111

**For Clerk of Court Office Use Only**

This judgment was entered on 25 of July 2014, and a copy mailed first class or placed in the appropriate attorney's box on 25 of July 2014, to attorneys of record or to parties (when appearing pro se) as follows:

Scott Franklin Talley 2500 Winchester Place Suite 100  
Spartanburg, SC 29301

Thomas Alexander Belenchia PO Box 3421 Spartanburg,  
SC 29304

ATTORNEY(S) FOR THE PLAINTIFF(S)

ATTORNEY(S) FOR THE DEFENDANT(S)

*M Hope Blackley*  
M Hope Blackley - Clerk of Court

Court Reporter

**ADDITIONAL INFORMATION REGARDING DECISION BY THE COURT AS REFERENCED ON PAGE 1.**

This action came to trial or hearing before the court. The issues have been tried or heard and a decision rendered.

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CLERK OF COURT  
SPARTANBURG COUNTY  
2014 JUL 25 PM 2:47  
M. HOPE BLACKLEY

STATE OF SOUTH CAROLINA )  
 COUNTY OF SPARTANBURG )  
 Spartanburg Buddhist Center of )  
 South Carolina, Inc., )  
 Plaintiff, )  
 v. )  
 Ron Ork and Luke Dong, )  
 Defendants. )

IN THE COURT OF COMMON PLEAS

Civil Action No. 14-CP-42

**2014-CP-42-1622**

**ORDER GRANTING TEMPORARY INJUNCTION**

The Court has considered Plaintiff's Motion for Temporary Injunction and supporting affidavit, and it is the opinion of this Court that Plaintiff's Motion for Temporary Injunction should be GRANTED. The Court finds Plaintiff will suffer irreparable harm if the injunction is not granted, there is no adequate remedy at law to protect Plaintiff from further actions by Defendants, and this Order is intended to maintain the status quo during the pending litigation of this matter.

2014 APR 21 PM 4:25  
 M. HOPE BLANCHLEY

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.

2014 APR 21 PM 4:25  
 M. HOPE BLANCHLEY  
 ORDERED IN ERROR

It is hereby 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.



It is so ORDERED.

April 21, 2014

*R. Keith Kelly*  
\_\_\_\_\_  
JUDGE PRESIDING

*R. Keith Kelly*  
*Circuit Court Judge*  
*7th Judicial Circuit*

FILED  
CLERK OF COURT  
STATE OF FLORIDA  
2014 APR 21 PM 4:25  
M. HOPE BLACKLEY