

THE STATE OF SOUTH CAROLINA  
In The Court of Appeals

APPEAL FROM SPARTANBURG COUNTY

Court of Common Pleas

R. Keith Kelly, Circuit Court Judge

Appellate Case No. 2015-000285

**RECEIVED**

MAR 16 2015

**SC Court of Appeals**

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

v.

Ron Ork and Luke Dong, Appellants.

Ron Ork and Luke Dong, Third Party Plaintiffs,

v.

Chivin Sun, Robert Pek, Sakhan Sok, Sambo Khieav,  
Sophay Pres, and Tommy Ong, Third Party Defendants.

REPLY TO RETURN TO MOTION TO EXPEDITE APPEAL

The Respondent's Return to the Motion to Expedite gives counterarguments to what it sees as the Appellants' arguments set forth in the Motion to Expedite Appeal:

- 1) This Court's disposition of the Appeal will not affect the election that the Buddhist Center's members want to hold in April 2015. (Return to Motion, § 4).

The lower court's Order Granting Temporary Injunction dated May 16, 2014 states that, "no corporate action may be taken on behalf of [Respondent] during the pendency of this litigation, except that to which the parties agree." If this Court nullifies the Temporary Injunction, as the Appellants are requesting, the Appellants believe that

they could hold an election in April of 2015 because they would not be prohibited from taking corporate action.

While it is true that the Respondent moved to expedite the declaratory judgment aspect of the case, the Appellants only argued to the lower court that it would be premature to expedite any part of the case without all of the parties to the lawsuit having first been served and having an opportunity to take part in the proceedings. At the same time the Respondent made that motion, the Appellants petitioned the lower court to order a meeting of all members to elect a board of directors and president per S.C. Code Ann. § 33-31-160 and § 33-31-703, which the lower court denied.

2) The Head Monk has personal funds. (Return to Motion, §10 through 12).

Although the Respondent is not bold enough to say that the Head Monk has enough money to purge himself of contempt, the Respondent does try to imply that the Head Monk is hiding money. (Return to Petition, ¶ 32 “he has taken cross-country trips, hired Appellants’ counsel to facilitate the election prior to the underlying litigation, and likely has been paying his attorneys).

The Respondent *has* taken cross-country trips, but those trips are to teach meditation classes and the students fund him. The Respondent did not offer evidence of any of its factual assertions in its Return to the Petition, not so much as a verification, but it would be impossible for the Respondent to present any evidence that the Head Monk has paid the Appellants’ attorneys.

As an illustration, imagine that Mr. Pek and Mr. Khiaev are successful in the underlying litigation and kick the Head Monk out of the Buddhist Center’s temple in the

middle of the night. The Head Monk would pack his belongings by picking up a light satchel he straps over his shoulder.

3) Members are actually donating to the Buddhist Center. (Return to Motion, §15).

The Appellants are the only parties to this lawsuit who have deposited funds into the Respondent's bank account. The people hiding behind the name of the Respondent have donated nothing. The Respondent mentions some video of the Appellants holding a fundraiser. The Appellants' counsel has not seen this video and the only proof the Respondent is offering to this Court and the Appellants is a Return signed by the Respondent's counsel.

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Attorneys for Appellants

March 13, 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,

v.

Ron Ork and Luke Dong, Appellants.

Ron Ork and Luke Dong, Third Party Plaintiffs,

v.


Chivin Sun, Robert Pek, Sakhan Sok, Sambo Khieav,  
Sophay Pres, and Tommy Ong, Third Party Defendants.


VERIFICATION OF REPLY TO RETURN TO MOTION TO EXPEDITE APPEAL

1. We, the undersigned Appellants, are over 18 years of age, have personal knowledge of the facts set forth in the REPLY TO RETURN TO MOTION TO EXPEDITE APPEAL, are duly authorized to state the facts set forth in the Reply 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 REPLY TO RETURN TO MOTION TO EXPEDITE APPEAL, 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 13<sup>th</sup> day of March 2015,

 (SEAL)  
Notary Public for South Carolina

My Commission expires 11-18-2023

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Spartanburg Buddhist Center of South Carolina, Inc.,

Respondent,

v.

Ron Ork and Luke Dong,

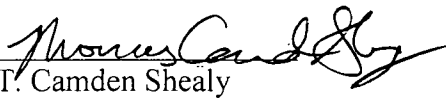
Appellants.

PROOF OF SERVICE

I, the undersigned attorney for the Appellants do hereby certify that on March 13, 2015, 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 Reply to Return to Petition for Writ of Supersedeas and Expedited Ruling, Reply to Return to Motion to Expedite Appeal, and a 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  
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March 13, 2015