

SUPERIOR COURT OF CALIFORNIA, COUNTY OF ORANGE

North Justice Center
1275 N. Berkeley Ave
Fullerton , CA 92838

SHORT TITLE: Vietnamese American Buddhist Center for Charitable Services -- Bao Quang vs. Duong

**CLERK'S CERTIFICATE OF MAILING/ELECTRONIC
SERVICE**

CASE NUMBER:
30-2020-01133763-CU-NP-NJC

I certify that I am not a party to this cause. I certify that the following document(s), Minute Order dated 12/17/21, Minute Order dated 12/17/21, have been transmitted electronically by Orange County Superior Court at Santa Ana, CA. The transmission originated from Orange County Superior Court email address on December 17, 2021, at 11:38:10 AM PST. The electronically transmitted document(s) is in accordance with rule 2.251 of the California Rules of Court, addressed as shown above. The list of electronically served recipients are listed below:

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**SUPERIOR COURT OF CALIFORNIA,
COUNTY OF ORANGE
NORTH JUSTICE CENTER**

MINUTE ORDER

DATE: 12/17/2021

TIME: 10:28:00 AM

DEPT: N15

JUDICIAL OFFICER PRESIDING: Fred W. Slaughter

CLERK: Sharon E Lilio

REPORTER/ERM: None

BAILIFF/COURT ATTENDANT: None

CASE NO: **30-2020-01133763-CU-NP-NJC** CASE INIT.DATE: 02/21/2020

CASE TITLE: **Vietnamese American Buddhist Center for Charitable Services -- Bao Quang vs. Duong**

CASE CATEGORY: Civil - Unlimited CASE TYPE: Non-PI/PD/WD tort - Other

EVENT ID/DOCUMENT ID: 73665600

EVENT TYPE: Chambers Work

APPEARANCES

There are no appearances by any party.

Statement of Decision is signed and filed this date.

Court orders clerk to give notice.

**SUPERIOR COURT OF CALIFORNIA,
COUNTY OF ORANGE
NORTH JUSTICE CENTER**

MINUTE ORDER

DATE: 12/17/2021

TIME: 11:01:00 AM

DEPT: N15

JUDICIAL OFFICER PRESIDING: Fred W. Slaughter

CLERK: Sharon E Lilio

REPORTER/ERM: None

BAILIFF/COURT ATTENDANT: None

CASE NO: **30-2020-01133763-CU-NP-NJC** CASE INIT.DATE: 02/21/2020

CASE TITLE: **Vietnamese American Buddhist Center for Charitable Services -- Bao Quang vs. Duong**

CASE CATEGORY: Civil - Unlimited CASE TYPE: Non-PI/PD/WD tort - Other

EVENT ID/DOCUMENT ID: 73665627

EVENT TYPE: Nunc Pro Tunc Minutes

APPEARANCES

There are no appearances by any party.

It appearing to the Court that through error or inadvertence, the minute order of this Court dated 12/17/2021, does not properly reflect the order of the Court. Said minute order is ordered corrected Nunc Pro Tunc as of 12/17/2021, as indicated below:

Statement of Decision is signed and filed this date. A copy of which is attached hereto and incorporated by reference.

Court orders clerk to give notice.

DEC 17 2021 *yy*

DAVID H. YAMASAKI, Clerk of the Court

BY: S. Lilo DEPUTY

**SUPERIOR COURT OF THE STATE OF CALIFORNIA
COUNTY OF ORANGE - NORTH JUSTICE CENTER**

VIETNAMESE AMERICAN
BUDDHIST CENTER FOR
CHARITABLE SERVICES—BAO
QUANG FORMERLY KNOWN AS
VIETNAMESE-AMERICAN
CENTER FOR BUDDHISM AND
CHARITABLE SERVICES—BAO
QUANG, a non profit Religious
Organization;

Plaintiff,

v.

CUONG CAO DUONG aka Thich
Phuoc Hau, et al.;
Defendants.

CASE NO. 30-2020-01133763

**STATEMENT OF DECISION FOR PHASE
ONE OF THE BIFUCATED TRIAL;
EXHIBIT**

Hon. FRED W. SLAUGHTER

Dept. N15, NORTH JUSTICE CENTER

I. INTRODUCTION AND THE SECOND AMENDED COMPLAINT

On or about February 21, 2020, Plaintiff Vietnamese American Buddhist Center for Charitable Services—Bao Quang Formerly Known as Vietnamese-American Center for Buddhism

1 and Charitable Services—Bao Quang (“Plaintiff” or the “VABC”) filed a complaint, including a
2 request for declaratory relief against Defendant Cuong Cao Duong, also known as (“aka”) Thich
3 Phuoc Hau (“Abbot Hau”). (Register of Action (“ROA”) 2.) Defendant Phil Bui and Defendant
4 Tony Bui were added as Doe defendants on June 2, 2020. (ROA 54, 55.) In this first portion of the
5 bifurcated trial, the parties seek to resolve several issues through declaratory relief referred to in the
6 parties’ Joint List of Controverted Issues filed on May 19, 2021 (the “JLCI”).¹ (ROA 149.)

7 II. THE COURT TRIAL AND PROCEDURAL HISTORY SUMMARY

8 By stipulation, the parties agreed to bifurcate the trial to have the court resolve the issues in
9 the JLCI during the first phase of trial. (ROA 146.) The evidentiary portion of court trial for the first
10 phase of the trial occurred over approximately twenty-four days between June 10, 2021, and August
11 30, 2021. (See ROA 223, 224, 235, 237, 274, 275, 276, 277, 282, 295, 301, 340, 343, 350, 362, 368,
12 372, 373, 374, 375, 376, 381, 402, 405, 406, 437.) During the trial, the court heard testimony from
13 multiple witnesses and received exhibits into evidence. (*Id.*) Plaintiff and Defendant also provided
14 stipulated fact testimony which the court accepted into evidence. (ROA 149.) Prior to the trial, the
15 parties submitted the JLCI. (ROA 149.) At the close of all evidence, the court heard oral closing
16 arguments and directed the parties to file closing argument briefs addressing the application of the
17 facts and the law to the JLCI. (ROA 402.) Thereafter, the parties filed their closing argument
18 materials. (ROA 410, 412, 414.) On October 5, 2021, the case was submitted for the court’s
19 decision. (ROA 425.)

20 On November 5, 2021, the court filed its Tentative Decision and Proposed Statement of
21 Decision with an attached Exhibit (ROA 444). (Cal. Rules of Court, rule 3.1590.) On November 22,
22 2021, Defendants filed Objections to the Tentative Decision and Proposed Statement of Decision (the
23 “Defendants’ Objections”). (ROA 448.) On December 8, 2021, Plaintiff filed a Memorandum of
24 Points and Authorities in response to Defendants’ Objections. (“Plaintiff’s Memorandum”). (ROA
25

26 ¹ The JLCI was included into the Statement of Compliance filed by the parties. The stipulated fact evidence
27 for the first portion of the bifurcated trial was also included in the Statement of Compliance filed by the
28 parties. The Statement of Compliance, including the JLCI and stipulated fact evidence, is attached hereto as
Exhibit 1 and is incorporated herein by this reference.

1 450.) On December 10, 2021, Defendants filed an Objection to and a Motion to Strike Plaintiff's
2 Memorandum. (ROA 452.)

3 A. Statement of Decision

4 "Code of Civil Procedure section 632 (section 632) governs statements of decision." (*Colony*
5 *Ins. Co v. Crusader Ins. Co.* (2010) 188 Cal.App.4th 743, 750.) "A court's statement of decision
6 need not respond to every point raised by a party or make an express finding of fact on each contested
7 factual matter; it need only dispose of all basic issues and fairly disclose the court's determination as
8 to ultimate facts and material issues in the case. [Citation.]" (*Duarte Nursery, Inc. v. California*
9 *Grape Rootstock Improvement Commission* (2015) 239 Cal.App.4th 1000, 1012.) The purpose of
10 objections to a proposed statement of decision is not to reargue the merits. (*Heaps v. Heaps* (2004)
11 124 Cal.App.4th 286, 292.) "By filing specific objections to the court's statement of decision a party
12 pinpoints alleged deficiencies in the statement and allows the court to focus on facts or issues the
13 party contends were not resolved or whose resolution is ambiguous." (*Bay World Trading, Ltd. v.*
14 *Nebraska Beef, Inc.* (2002) 101 Cal.App.4th 135, 140.) "In rendering a statement of decision under
15 Code of Civil Procedure section 632, a trial court is required only to state ultimate rather than
16 evidentiary facts. . . . The trial court need not discuss each question listed in a party's request; all that
17 is required is an explanation of the factual and legal basis of the court's decision regarding the
18 principal controverted issues at trial as are listed in the request." (*In re Marriage of Balcof* (2006)
19 141 Cal.App.4th 1509, 1531 [citation and internal quotation marks omitted].)

20 The court has carefully considered the individual objections in Defendants' Objections
21 (ROA 448). Based on the state of the record, as applied to the applicable law, each of the objections
22 in Defendants' Objections (ROA 448) are overruled. The court notes Plaintiff did not file objections
23 to the Tentative Decision and Proposed Statement of Decision (ROA 444), but instead filed the
24 Plaintiff's Memorandum (ROA 450) responding to Defendants' Objections (ROA 448). Because the
25 Plaintiff's Memorandum does not contain objections under California Rule of Court Section
26 3.1590(g), the court did not consider it with regard to its Statement of Decision. The court declines to
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1 strike Plaintiff's Memorandum from the record as it was not utilized by the court and had no bearing
2 on the court's Statement of Decision set forth herein.

3 The court has considered and weighed the testimony of the witnesses, has evaluated the
4 credibility of each witness, has considered the stipulated fact evidence, has considered and weighed
5 the admissible documentary evidence submitted by the parties, and has considered the oral and
6 written arguments of counsel. Based upon the testimony and evidence, the court makes the following
7 determinations.

8 B. Summary of Relevant Evidence and Background Context²

9 The parties stipulated to the following factual evidence:

10 Stipulation of the parties:

11 1. The Articles of Incorporation for the Vietnamese-American Center For Buddhism
12 And Charitable Services--Bao Quang, a non profit Religious Corporation ("VABC") were
13 filed on March 9, 1990. [Exhibit 1][;]

14 2. On or about June 12, 1990, a Certificate of Amendment of Articles of Incorporation was
15 filed changing the corporate name for VABC to Vietnamese American Buddhist Center For
Charitable Services--Bao Quang. [Exhibit 3][;]

16 3. A true and correct copy of the original Bylaws of the Bao Quang Temple are set
17 forth at Exhibit 2[;]

18 4. On April 12, 2002, VABC purchased the real property located at 713 North Newhope
19 Street, Santa Ana, CA 92703 (the "Temple Property") for \$1,485,000.
[Exhibit 8][; and]

20 5. Tung Thanh Duong aka Thich Quang Thanh ("Abbot Thanh") died on June 9,
21 2019.

22 (ROA 149.)

23 In this case, the testimony and evidence at trial established that Tung Thanh Duong aka Thich
24 Quang Thanh ("Abbot Thanh") was a Buddhist monk and religious leader who was affiliated with
25 Buddhist temples over his lifetime. The VABC filed articles of incorporation with the State of
26

27
28 ² In its decision, the court has considered all of the admissible evidence, including all of the admitted exhibits, testimony
and stipulated fact evidence, but provides a summary of the court's findings for purposes of its ruling.

1 California on or about March 9, 1990 ("the VABC Articles of Incorporation"). The VABC Articles
2 of Incorporation indicated the "corporation is organized, and operated exclusively for religious
3 purposes within the meaning of Section 501(c)(3) of the Internal Revenue Code." The VABC
4 Articles of Incorporation state "[t]he property of this corporation is irrevocably dedicated to religious
5 purposes and no part of the net income or assets of this corporation shall ever inure to the benefit of
6 any director, officer or member thereof or to the benefit of any private person." The VABC Articles
7 of Incorporation were signed by "Tung Thahn Duong" (Abbot Thanh) as the "Incorporator."

8 The VABC had original bylaws as a "California Nonprofit Religious Organization" (the
9 "Original Bylaws").³ The Original Bylaws included provisions for a Board of Directors (the "VABC
10 BOD") and the directors themselves. The Original Bylaws included provisions for officers, such as
11 president, secretary, and treasurer, and described the duties of the officers. The Original Bylaws
12 contained a provision for gifts indicating the VABC BOD "may accept on behalf of the corporation
13 any contribution, gift, bequest, or devise for the religious purposes of this corporation." Article 10,
14 Section 1 of the Original Bylaws described amendments to the Original Bylaws: "The Board of
15 Directors shall have the power to make, amend and repeal the Bylaws of the corporation by
16 affirmative vote of a majority of the Board except as otherwise provided by law." The Original
17 Bylaws provided avenues to fill vacancies on the VABC BOD, including "...vacancies on the Board
18 may be filled by a majority of the Directors then in office, whether or not less than a quorum, or by a
19 sole remaining Director." The Original Bylaws did not contain a provision stating that the person
20 who was Head Abbot of the VABC was automatically or by definition a member of the VABC BOD.
21 The Original Bylaws were signed by Howard Lam and The Vinh Tran under the heading
22 "CERTIFICATE OF SECRETARIES." The Original Bylaws were undated.

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26 ³ The Original Bylaws are referenced in paragraph three of the parties' stipulation of facts. (ROA 149.) The
27 parties stipulated that "[a] true and correct copy of the original Bylaws of the Bao Quang Temple are set
28 forth at Exhibit 2." (*Id.*) Exhibit 2 is admitted into evidence and will be referred to herein as the Original
Bylaws.

1 Article 3, Section 1, of the Original Bylaws described "members" with regard to the VABC
2 versus the role of the VABC BOD:

3 This corporation shall make no provision for members, however, pursuant to Section 9310(b)
4 of the Nonprofit Religious Corporation Law of the State of California, any action which
5 would otherwise, under law or the provision of the Articles of Incorporation or Bylaws of this
6 corporation, requires approval by a majority of all members or approval by the members, shall
7 only require the approval of the Board of Directors.

8 Article 4, Section 2, of the Original Bylaws described who exercised control of the
9 corporation:

10 Subject to the provisions of the California Nonprofit Religious Corporation Law and any
11 limitations in the Articles of Incorporation and Bylaws relating to action required or permitted
12 to be taken or approved by the members, if any, of this corporation, the activities and affairs
13 of this corporation shall be conducted and all corporate powers shall be exercised under the
14 direction of the Board of Directors.

15 Article 4, Section 16, of the Original Bylaws, in pertinent part, described vacancies on the
16 VABC BOD, and how to fill them:

17 Except for a vacancy created by the removal of a Director by the members, if any, of this
18 corporation, vacancies on the Board may be filled by a majority of the Directors then in
19 office, whether or not less than a quorum, or by a sole remaining Director. The members, if
20 any, of this corporation, may elect a Director at any time to fill any vacancy not filled by the
21 Directors.

22 Article 7, Section 3, of the Original Bylaws described deposits:

23 All funds of the corporation shall be deposited from time to time to the credit of the
24 corporation in such banks, trusts, companies, or other depositories as the Board of Directors
25 may select.

26 Article 7, Section 4, of the Original Bylaws provided a description of the acceptance of gifts
27 made to the VABC:

28 The Board of Directors may accept on behalf of the corporation any contribution, gift,
bequest, or devise for the religious purposes of this corporation.

A certificate of amendment to the VABC Articles of Incorporation (the "VABC Certificate of
Amendment") was filed with the State of California on or about June 12, 1990. The VABC
Certificate of Amendment was signed by three individuals on or about May 18, 1990: (1) Abbot

1 Thanh as President; (2) The Vinh Tran as Secretary; and (3) Howard Lam as Secretary. The VABC
2 Certificate of Amendment notes “[t]he foregoing amendment has been duly approved by the board of
3 directors.”

4 The VABC operated in different locations after its inception, including at an address located
5 at 11561 Magnolia Street, Garden Grove, California, and ultimately at its current address, located at
6 713 N. Newhope Avenue, Santa Ana, California (the “Newhope Property”). From the time of the
7 VABC’s inception to Abbot Thanh’s death on June 9, 2019, Abbot Thanh served on the VABC BOD
8 and was an officer on the VABC BOD, serving as the President/Chairman/Chief Executive Officer.
9 From the time of the VABC’s inception to Abbot Thanh’s death on June 9, 2019, Abbot Thanh was
10 also the Head Abbot at the VABC in charge of religious aspects of the temple. Abbot Thanh was a
11 highly respected individual who received help and assistance from many congregants and people.

12 In or around 2001, Abbot Thanh asked Loc Bach, aka Na (“Loch Bach”) and Christie Bach,
13 aka Tram (“Christie Bach”) if they wanted to serve the temple. Abbot Thanh stated that people had
14 resigned from the VABC BOD. Abbot Thanh told Christie Bach that two people on the VABC BOD
15 had resigned and that Loc Bach and Christie Bach would be replacing them. Thereafter, during a
16 short meeting, Abbot Thanh nominated Loc Bach as secretary and Christie Bach as treasurer, and
17 both as members on the VABC BOD. Loc Bach and Christie Bach accepted their offered positions to
18 become members of the VABC BOD, and the positions of secretary and treasurer, respectively.
19 Abbot Thanh continued to serve on the VABC BOD, as an officer as President/Chairman/Chief
20 Executive Officer, as well as Head Abbot for the VABC. After Christie Bach became treasurer and a
21 member of the VABC BOD, Abbot Thanh continued to be the sole individual signing checks for the
22 VABC. After Loc Bach became a member of the VABC BOD and secretary, Loc Bach worked on
23 the VABC corporate documents including a 2018 Statement of Information for the VABC. Abbot
24 Thanh, Loc Bach, and Christie Bach would review bank statements, cash/checks received, and
25 expenses. Abbot Thanh kept the ledger in the temple.

26 To the extent Howard Lam and/or The Vinh Tran had been actively acting as members of the
27 VABC BOD or the VABC officers for some period of time after the VABC was formed, the evidence
28

1 demonstrates Abbot Thanh's offers to and appointments of Loc Bach and Christie Bach confirmed
2 that Howard Lam and The Vinh Tran were no longer on the VABC BOD or officers at time of Loc
3 Bach's and Christie Bach's appointment to the VABC Board. Moreover, Howard Lam was not on
4 the VABC BOD at the time of Loc Bach's and Christie Bach's appointment to the VABC BOD in or
5 around 2001 based the following reasons, collectively and individually: (1) Howard Lam had
6 resigned from any VABC BOD position by previously submitting a written resignation; (2) Loc Bach
7 stated that Howard Lam did not attend any of the VABC BOD meetings; (3) the absence of any
8 documents in Howard Lam's possession demonstrating he remained on the VABC BOD; (4) Howard
9 Lam not participating in any votes while on the VABC BOD; (5) Abbot Thanh never told Charles
10 Luu ("Monk Minh") that Howard Lam was on the VABC BOD but instead indicated that Abbot
11 Thanh, Na (Loc Bach), and Tram (Christie Bach) were on the VABC BOD; and (6) After Abbot
12 Thanh passed away, Howard Lam did not tell anyone that he was on the VABC BOD or the secretary
13 for the VABC BOD. When Loc Bach and Christie Bach were appointed to the VABC BOD and as
14 officers of the VABC, Howard Lam may have still been helping Abbot Thanh (as many other
15 congregants and people were doing), but he was no longer a member of the VABC BOD or an
16 officer. In or around 2001, The Vinh Tran was also not on the VABC BOD or an officer because The
17 Vinh Tran had left the country at some point and there was a lack of evidence demonstrating his
18 participation on the VABC BOD.

19 The VABC BOD consisting of Abbot Thanh, Loc Bach, and Christie Bach did not make
20 religious or ecclesiastic decisions. All religious and ecclesiastic decisions were made by the Head
21 Abbot, that is, Abbot Thanh while he was alive. Certain decisions were made by the VABC BOD
22 after discussions were held, with Abbot Thanh being, by far, the most influential board member
23 amongst the group. Abbot Thanh, Loc Bach, and Christie Bach would have discussions prior to
24 certain decisions being made, but when the vote or decision was to be made, it was always
25 unanimous and tended to follow, if not always, Abbot Thanh's opinion. Although Abbot Thanh was
26 the dominant force on the VABC BOD in making decisions, certain non-ecclesiastic decisions,
27 nonetheless, were being made collectively by the members of the VABC BOD (of which Abbot
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1 Thanh was a member). The VABC BOD would delegate work to other individuals or congregants
2 wanting to help the temple, including Dai Mai.

3 On or about April 12, 2002, the VABC was deeded the Newhope property by way of a Grant
4 Deed. The VABC has operated from the Newhope property since acquiring the property.

5 In and around 2017 to 2018, Monk Minh heard Abbot Thanh mention the words "Board of
6 Directors" in English saying it consisted of Abbot Thanh, Na (Loch Bach), and Tram (Christie Bach).
7 Abbot Thanh also explained to Monk Min that Abbot Thanh was chairman of the VABC, Loc Bach
8 was secretary of the VABC, and Christie Bach was treasurer of the VABC. Abbot Thanh said that if
9 Monk Minh was to become Head Abbot, it would require approval of the VABC BOD. Abbot Thanh
10 also said that Loc Bach and Christie Bach would help him if he accepted the role of Head Abbot.
11 Monk Minh did not hear Abbot Thanh mention other names, such as Howard Lam, as being on the
12 VABC BOD. Abbot Thanh told Monk Minh to see Loch Bach or Christie Bach about issues of
13 management for the temple.

14 Before Abbot Thanh died, Abbot Thanh made clear that he wanted Abbot Hau to be his
15 successor as Head Abbot for the VABC. There was no dispute that Abbot Hau would be Abbot
16 Thanh's successor as Head Abbot with agreement from everyone, including from Abbot Thanh's
17 fellow VABC BOD members Loc Bach and Christie Bach. Abbot Thanh indicated he wanted Abbot
18 Hau to be "Tru Tri" (Abbot) and Monk Minh as "Tru Si" (management), and Abbot Thanh wanted
19 them to support each other. Before his death, Abbot Thanh did not say that Abbot Hau would be on
20 the VABC BOD.⁴

21 Abbot Thanh died on June 9, 2019. At the time immediately prior to Abbot Thanh's death:
22 (1) Abbot Thanh had remained Head Abbot of the VABC and had remained on the VABC BOD as
23 the President/Chairperson/Chief Executive Officer since the inception of the VABC; (2) Loc Bach
24 was a member of the VABC BOD and the secretary of the VABC BOD; (3) Christie Bach was a
25 member of the VABC BOD and the treasurer of the VABC BOD; (3) Abbot Hau was going to
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27 ⁴ As stated above, the Original Bylaws did not contain any provisions indicating that the Head Abbot was
28 automatically or by definition a member of the VABC BOD.

1 succeed Abbot Thanh as Head Abbot at the VABC; and (4) There were no other individuals on the
2 VABC BOD or other VABC officers (including Howard Lam, The Vinh Tran, Abbot Hau, and Monk
3 Minh). After Abbot Thanh's death, two VABC BOD members and officers remained: Loc Bach as a
4 board member and secretary, and Christie Bach as a board member and treasurer.

5 After Abbot Thanh passed away, Christie Bach considered resigning from the VABC BOD,
6 but ultimately did not resign. Loc Bach and Christie Bach have remained on the VABC BOD from
7 their nomination and acceptance in or around 2001 until the present time.

8 Following Abbot Thanh's death, as referenced above, the VABC BOD consisted of Loc Bach
9 and Christie Bach. On or about October 14, 2019, Loc Bach became President of the VABC after
10 being nominated by fellow board member Christie Bach. On or about October 14, 2019, Kiet Xuan
11 Cao became the third member of the VABC BOD and secretary after being nominated by VABC
12 BOD members Loc Bach and Christie Bach. The VABC BOD was later expanded from three
13 members to five members—the two additional members being monks (Monk Minh and Monk Hung)
14 for spiritual guidance.

15 On or about October 14, 2019, the VABC BOD enacted Amended and Restated Bylaws for
16 the VABC (the "Amended Bylaws").⁵ The Amended Bylaws contained multiple provisions,
17 including provisions relating to directors, assets, committees, officers, the treasurer's duties with
18 regard to the deposit and disbursement of money, and topics related to the Abbot. The section
19 concerning the Abbot in the Amended Bylaws included terms about the selection process for the
20 position of Abbot and discharge of the Abbot. The Amended Bylaws provide for General Corporate
21 Powers: "Subject to the provisions of Nonprofit Corporation Law and any limitations in the Articles
22 of Incorporation and these bylaws, the business and affairs of the Center shall be managed, and all
23 corporate powers shall be exercised, by or under the direction of the board of directors."⁶

24
25 ⁵ As referenced above, the Original Bylaws contained a provision in Article 10, Section 1, that stated, "The
26 Board of Directors shall have the power to make, amend and repeal the Bylaws of the corporation by
27 affirmative vote of a majority of the Board except as otherwise provided by law." The Amended Bylaws were
admitted into evidence as Exhibit 18, and will be referred to herein as the Amended Bylaws.

28 ⁶ In the Amended Bylaws, the VABC is referred hereinafter as "(the 'Center')." For purposes of this ruling,
the court considers "the Center" as interchangeable with the "VABC."

1 The evidence established that, throughout its history, the VABC is an independent religious
2 institution, not part of any hierarchical church structure, and not congregational in nature. For
3 example, Head Abbot Phu Thiet Phan, Most Venerable Monk and Head Abbot of the Vietnam
4 Temple in Phoenix, Arizona, stated each Vietnamese temple in the United States is run differently
5 and the World Vietnamese Buddhist Order does not tell its member organizations how to run its
6 temples. Abbot Hau indicated that each temple has its own system of control and no other
7 organization controls it. Based on the Original Bylaws and the Amended Bylaws, the VABC is a
8 nonprofit religious corporation.

9 III. ANALYSIS AND DISCUSSION

10 A. Burden of Proof Generally

11 In *Beck Development Co. v. Southern Pacific Transportation Co.* (1996) 44 Cal.App.4th
12 1160, 1205 (internal quotation marks omitted), the appellate court described the burden of proof:

13 Except as otherwise provided by law, a party has the burden of proof as to each fact the
14 existence or nonexistence of which is essential to the claim for relief or defense that he is
15 asserting. [Citation.] This means that the definitional elements of a plaintiff's cause of action
16 describe the minimum showing which the plaintiff must make to support a favorable
17 judgment. [Citations.] Accordingly, in order for the plaintiff to prevail the record must
18 contain sufficient evidence to support a finding in its favor on each and every element which
19 the law requires to support recovery. [Citation.] No matter how overwhelming the proof of
20 some elements of a cause of action, a plaintiff is not entitled to a judgment unless there is
21 sufficient evidence to support all of the requisite elements of the cause of action.

22 B. Declaratory Relief Cause of Action

23 The parties seek declaratory relief on issues presented in the JLCI. (ROA 149.) In *Lee v.*
24 *Silveira* (2016) 6 Cal.App.5th 527, 546 (footnote and internal quotation marks omitted), the appellate
25 court described actions for declaratory relief:

26 To qualify for declaratory relief under section 1060, plaintiffs were required to show their
27 action (as refined on appeal) presented two essential elements: (1) a proper subject of
28 declaratory relief, and (2) an actual controversy involving justiciable questions relating to the
rights or obligations of a party. [Citation.] The actual controversy language in ... section
1060 encompasses a probable future controversy relating to the legal rights and duties of the
parties. [Citation.] It does not embrace controversies that are conjectural, anticipated to occur
in the future, or an attempt to obtain an advisory opinion from the court. [Citation.]

1 While section 1060's language appears to allow for an extremely broad scope of an action for
2 declaratory relief [citation], an actual controversy that is currently active is required for such
3 relief to be issued and both standing and ripeness are appropriate criteria in that
4 determination. [Citation.] [Citation.] One cannot analyze requested declaratory relief without
5 evaluating the nature of the rights and duties that the plaintiff is asserting, which must follow
6 some recognized or cognizable legal theories that are related to subjects and requests for relief
7 that are properly before the court. [Citation.]

8 Based on the state of the evidence, as applied to the applicable law, the court finds the issues
9 in this instant case are the proper subject of declaratory relief as described herein.

10 C. Background Summary of Applicable Law

11 The court has considered the law applicable to the instant matter, including the cases and legal
12 principles listed in this section. "[N]o matter whether the religious organization is hierarchical or
13 congregational, it is clear that the decisions of the highest religious tribunal on questions of
14 discipline, faith, or ecclesiastical rule, custom, or law must be accepted. [Citation.] However, when
15 the dispute to be resolved is essentially ownership or right to possession of property, the civil courts
16 appropriately adjudicate the controversy even though it may arise out of a dispute over doctrine or
17 other ecclesiastical question, provided the court can resolve the property dispute without attempting
18 to resolve the underlying ecclesiastical controversy. [Citation.]" (*Singh v. Singh* (2004) 114
19 Cal.App.4th 1264, 1280.)

20 "Where a schism has developed within a church, resulting in dispute as to who holds ultimate
21 authority for congregational or corporate decisions, civil courts are unavoidably put to the task of
22 identifying the true or legitimate authority. [Citation]" (*Higgins v. Maher* (1989) 210 Cal.App.3d
23 1168, 1173.) To do otherwise would be to deny all legal protection to churches and [allow] church
24 disputes to be settled by physical force. [Citation.]" (*Id.* [internal quotation marks omitted].) This is
25 true even though the dispute centers around the employment of the preacher. [Citation.]" (*Id.*)

26 "[W]henver the questions of discipline, or of faith, or ecclesiastical rule, custom, or law have
27 been decided by the highest of these church judicatories to which the matter has been carried, the
28 legal tribunals must accept such decisions as final, and as binding on them, in their application to the
case before them." (*Watson v. Jones* (1871) 80 US 679, 727.) "Secular courts may not decide
questions involving church doctrine or faith. But this rule does not prevent courts from using neutral

1 principles of law to resolve a church property dispute that does not turn on questions of church
2 doctrine.” (*Episcopal Church Cases* (2009) 45 Cal.4th 467, 484.)

3 In 1952, in *Rosicrucian Fellowship v. Rosicrucian Fellowship Non-Sectarian Church* (1952)
4 39 Cal.2d 121, 131, the California Supreme court described the role of courts with religious matters:

5 The general rule that courts will not interfere in religious societies with reference to their
6 ecclesiastical practices stems from the separation of the church and state, but has always been
7 qualified by the rule that civil and property rights would be adjudicated. (*See Watson v.*
8 *Jones*, 13 Wall. (U.S.) 679 [20 L.Ed. 666]; *Church of Christ of Long Beach v. Harper*, 83
9 Cal.App. 41 [256 P. 476]; *Dyer v. Superior Court*, 94 Cal.App. 260 [271 P. 113].) There are
10 two ways in which the problem may arise. The question may arise as to the extent to which
11 the court is bound by the decisions of the church tribunals in either ecclesiastical or temporal
12 matters, or the scope of the jurisdiction the court will exercise when there are no such
13 tribunals but there are disputes between factions concerning ecclesiastical and temporal
14 matters. In the instant case the court found that there was no established church system or
15 government therefor and hence no church tribunals. Whether an activity is ecclesiastical or
16 involves property rights, especially when a decision on one necessarily involves consideration
17 of the other, are difficult questions. Ecclesiastical matters include in the main, creeds and
18 proper modes of exercising one’s belief. While the principle that courts will not purport to
19 exercise ecclesiastical jurisdiction is settled as an abstract proposition, they will determine
20 civil and property rights which depend essentially on the contracts of the parties as evinced by
21 rules, regulations, practices and customs accepted and followed. The matter has been
22 generally summarized: “It is obvious that no case can reach the civil courts unless it involves
23 some property or other civil right. The courts of the land are not concerned with mere
24 polemic discussions, and cannot coerce the performance of obligations of a spiritual character,
25 or adopt a judicial standard for theological orthodoxy, or determine the abstract truth of
26 religious doctrines, or adjudicate whether a certain person is a Catholic in good standing, or
27 settle mere questions of faith or doctrine, or make changes in the liturgy, or dictate the policy
28 of a church in the seating of the sexes, or the playing of instrumental music, or decide who the
rightful leader of a church ought to be, or enjoin a clergyman from striking the complainant’s
name from his register of communicants, or enforce the religious right of a member to partake
of the Lord’s Supper.” (*American Church Law*, Zollman, § 313.) It is also settled principle
that: “It is perfectly clear that, whatever church relationship is maintained in the United
States, is not a matter of status. It is based, not on residence, or birth, or compulsion, but on
voluntary consent. It rests on faith, ‘primarily, faith in God and his teachings; secondarily,
faith in and reliance upon each other.’ It is ‘one of contract,’ and is therefore exactly what the
parties to it make it and nothing more. A person who joins a church covenants expressly or
impliedly that in consideration of the benefits which result from such a union he will submit
to its control and be governed by its laws, usages and customs whether they are of an
ecclesiastical or temporal character to which laws, usages, and customs he assents as to so
many stipulations of a contract. The formal evidence of such contract is contained in the
canons of the church, the constitution, articles, and by- laws of the society, and the customs

1 and usages which have grown up in connection with these instruments.” (American Church
2 Law, Zollman, § 328.)

3 In 1979, in *Jones v. Wolfe* (1979) 443 U.S. 595, 602-04, the United States Supreme Court
4 described the process of resolving religious property disputes through neutral principles:

5 It is also clear, however, that “the First Amendment severely circumscribes the role that civil
6 courts may play in resolving church property disputes.” [Citation.] Most importantly, the
7 First Amendment prohibits civil courts from resolving church property disputes on the basis
8 of religious doctrine and practice. *Serbian Orthodox Diocese v. Milivojevich*, 426 U.S. 696,
9 710, 96 S.Ct. 2372, 2381, 49 L.Ed.2d 151 (1976); *Maryland & Va. Churches v. Sharpsburg*
10 *Church*, 396 U.S. 367, 368, 90 S.Ct. 499, 500, 24 L.Ed.2d 582 (1970); *Presbyterian Church I*,
11 393 U.S., at 449, 89 S.Ct., at 606. As a corollary to this commandment, the Amendment
12 requires that civil courts defer to the resolution of issues of religious doctrine or polity by the
13 highest court of a hierarchical church organization. *Serbian Orthodox Diocese*, 426 U.S., at
14 724-725, 96 S.Ct., at 2387; cf. *Watson v. Jones*, 80 U.S. 679, 733-734, 13 Wall. 679, 733-734,
15 20 L.Ed. 666 (1872). Subject to these limitations, however, the First Amendment does not
16 dictate that a State must follow a particular method of resolving church property disputes.
17 Indeed, “a State may adopt any one of various approaches for settling church property
18 disputes so long as it involves no consideration of doctrinal matters, whether the ritual and
19 liturgy of worship or the tenets of faith.” *Maryland & Va. Churches*, 396 U.S., at 368, 90
20 S.Ct., at 500. (BRENNAN, J., concurring) (emphasis in original).

21 At least in general outline, we think the “neutral principles of law” approach is consistent with
22 the foregoing constitutional principles. The neutral-principles approach was approved in
23 *Maryland & Va. Churches*, *supra*, an appeal from a judgment of the Court of Appeals of
24 Maryland settling a local church property dispute on the basis of the language of the deeds,
25 the terms of the local church charters, the state statutes governing the holding of church
26 property, and the provisions in the constitution of the general church concerning the
27 ownership and control of church property. Finding that this analysis entailed “no inquiry into
28 religious doctrine,” the Court dismissed the appeal for want of a substantial federal question.
396 U.S., at 368, 90 S.Ct., at 500. “Neutral principles of law” also received approving
reference in *Presbyterian Church I*, 393 U.S., at 449, 89 S.Ct., at 606; in Mr. Justice
BRENNAN’s concurrence in *Maryland & Va. Churches*, 396 U.S., at 370, 90 S.Ct., at 501;
and in *Serbian Orthodox Diocese*, 426 U.S., at 723 n. 15, 96 S.Ct., at 23873.

The primary advantages of the neutral-principles approach are that it is completely secular in
operation, and yet flexible enough to accommodate all forms of religious organization and
polity. The method relies exclusively on objective, well-established concepts of trust and
property law familiar to lawyers and judges. It thereby promises to free civil courts
completely from entanglement in questions of religious doctrine, polity, and practice.
Furthermore, the neutral-principles analysis shares the peculiar genius of private-law systems
in general-flexibility in ordering private rights and obligations to reflect the intentions of the
parties. Through appropriate reversionary clauses and trust provisions, religious societies can
specify what is to happen to church property in the event of a particular contingency, or what

1 religious body will determine the ownership in the event of a schism or doctrinal controversy.
2 In this manner, a religious organization can ensure that a dispute over the ownership of church
property will be resolved in accord with the desires of the members.

3 This is not to say that the application of the neutral-principles approach is wholly free of
4 difficulty. The neutral-principles method, at least as it has evolved in Georgia, requires a civil
5 court to examine certain religious documents, such as a church constitution, for language of
6 trust in favor of the general church. In undertaking such an examination, a civil court must
7 take special care to scrutinize the document in purely secular terms, and not to rely on
8 religious precepts in determining whether the document indicates that the parties have
9 intended to create a trust. In addition, there may be cases where the deed, the corporate
10 charter, or the constitution of the general church incorporates religious concepts in the
provisions relating to the ownership of property. If in such a case the interpretation of the
instruments of ownership would require the civil court to resolve a religious controversy, then
the court must defer to the resolution of the doctrinal issue by the authoritative ecclesiastical
body. *Serbian Orthodox Diocese*, 426 U.S., at 709, 96 S.Ct., at 2380.

11 On balance, however, the promise of nonentanglement and neutrality inherent in the neutral-
12 principles approach more than compensates for what will be occasional problems in
13 application. These problems, in addition, should be gradually eliminated as recognition is
14 given to the obligation of "States, religious organizations, and individuals [to] structure
relationships involving church property so as not to require the civil courts to resolve
ecclesiastical questions." *Presbyterian Church I*, 393 U.S., at 449, 89 S.Ct., at 606. We
15 therefore hold that a State is constitutionally entitled to adopt neutral principles of law as a
means of adjudicating a church property dispute.

16 In 2009, in *Episcopal Church Cases*, 45 Cal.4th at 485, after discussing the history
17 of several cases, the California Supreme Court discussed the appropriate standard for court to
18 resolve church property disputes:
19

20 Accordingly, we conclude that secular courts called on to resolve church property disputes
21 should proceed as follows: State courts must not decide questions of religious doctrine; those
22 are for the church to resolve. Accordingly, if resolution of a property dispute involves a point
23 of doctrine, the court must defer to the position of the highest ecclesiastical authority that has
24 decided the point. But to the extent the court can resolve a property dispute without reference
25 to church doctrine, it should apply neutral principles of law. The court should consider
26 sources such as the deeds to the property in dispute, the local church's articles of
27 incorporation, the general church's constitution, canons, and rules, and relevant statutes,
28 including statutes specifically concerning religious property, such as Corporations Code
section 9142. [Citations.]

1 “In settling a church property dispute” ... “courts must apply neutral principles of law,
2 developed for use in all property disputes, which can be applied without establishing churches to
3 which [the] property is awarded. [Citation.] In deciding the issue, courts generally consider (1) the
4 deeds to the property, (2) the articles of incorporation of the local church, (3) the constitution, canons,
5 and rules of the general church, and (4) relevant state statutes, if any, governing possession and
6 disposition of such property. [Citation.]” (*Guardian Angel Polish Nat. Catholic Church of L.A., Inc.*
7 *v. Grotnik* (2004) 118 Cal.App.4th 919, 930 [internal quotation marks omitted].)

8 In addition to issues related to church property disputes, “[p]ursuant to *Episcopal Church*
9 *Cases*, the state has an interest in resolving, and indeed an obligation to resolve, secular corporate
10 disputes that do not implicate matters of doctrine. [Citation.]” (*Iglesia Evangelica Latina, Inc. v.*
11 *Southern Pacific Latin American Dist. of the Assemblies of God* (2009) 173 Cal.App.4th 420, 439.)
12 “[I]n applying neutral principles of law, courts may look not only to California corporations law, but
13 also to the religious corporation’s bylaws and articles of incorporation, as well as the national
14 church’s constitutions, canons, and the like. [Citations.]” (*New v. Kroeger* (2008) 167 Cal.App.4th
15 800, 820.)]
16

17
18 In *Schofield v. Superior Court* (2010) 190 Cal.App.4th 154, 163, the appellate court
19 provided examples of neutral principals:

20 ...neutral principles include First Amendment rights of individuals and corporations
21 [citation], general California statutory and common law principles governing transfer of title
22 by the legal title holder, the law of trusts, including establishment of trusts and transfers by a
23 trustee in contravention of a trust upon the property (if a trust is established by the evidence),
24 and corporations law, including the law of corporations sole (see Corp. Code, § 10010) and
25 general principles of corporate governance.

26 California Corporations Code Section 9142 provides:

27 (a) Notwithstanding Section 9141, any of the following may bring an action to enjoin, correct,
28 obtain damages for or to otherwise remedy a breach of a trust under which any or all of the
assets of a corporation are held:

1 (1) The corporation, a member, or a former member asserting the right in the name of the
2 corporation, provided that for the purpose of this paragraph the provisions of Section 5710
shall apply to such action.

3 (2) An officer of the corporation.

4 (3) A director of the corporation.

5 (4) A person with a reversionary, contractual, or property interest in the assets subject to such
6 trust.

7 (b) In an action under this section, the court may not rescind or enjoin the performance of a
8 contract unless:

9 (1) All of the parties to the contract are parties to the action;

10 (2) No party to the contract has, in good faith and without actual notice of the restriction,
11 parted with value under the contract or in reliance upon it; and

12 (3) It is equitable to do so.

13 (c) No assets of a religious corporation are or shall be deemed to be impressed with any trust,
14 express or implied, statutory or at common law unless one of the following applies:

15 (1) Unless, and only to the extent that, the assets were received by the corporation with an
16 express commitment by resolution of its board of directors to so hold those assets in trust.

17 (2) Unless, and only to the extent that, the articles or bylaws of the corporation, or the
18 governing instruments of a superior religious body or general church of which the corporation
is a member, so expressly provide.

19 (3) Unless, and only to the extent that, the donor expressly imposed a trust, in writing, at the
20 time of the gift or donation.

21 (d) Trusts created by paragraph (2) of subdivision (c) may be amended or dissolved by
22 amendment from time to time to the articles, bylaws, or governing instruments creating the
23 trusts. However, nothing in this subdivision shall be construed to permit the amendment of the
24 articles to delete or to amend provisions required by Section 214.01 of the Revenue and
Taxation Code to a greater extent than otherwise allowable by law.

25 "Religious corporations in California are governed by Part 4 of the Nonprofit Corporation
26 Law, sections 9110, et seq. Religious corporations are legal entities and may adopt, amend and
27 repeal bylaws, issue memberships, levy dues, assessments and fees, make donations, enter into
28 contracts, and borrow money. [Citation.]" (*Iglesia Evangelica Latina, Inc*, 173 Cal.App.4th at 440

1 [footnote omitted].) “The rule of deference to ecclesiastical decisions” does not require a court to
2 ignore a religious organization’s “secular corporate form.” (*Id.*) In *Korean United Presbyterian*
3 *Church v. Presbytery of the Pacific* (1991) 230 Cal.App.3d 480, 503, overruled on another ground in
4 *Morehart v. County of Santa Barbara* (1994) 7 Cal.4th 725, 743, fn. 11, the appellate court described
5 nonprofit religious corporations and the Corporations Code:

6 The California Nonprofit Religious Corporation Law (Corp. Code, §§ 9110 et seq.) requires
7 that the activities and affairs of a religious nonprofit corporation, like KUPC, be conducted
8 and its corporate powers exercised under the direction of its board, subject to the provisions of
9 the Corporations Code and to “any provision in the articles or bylaws.” (Corp. Code, § 9210.)
10 The articles and bylaws of a corporation constitute rules of law adopted for its internal
11 governance “ ‘to regulate the conduct and prescribe the rights and duties of its members
12 towards itself and among themselves in reference to the management of its affairs.’ ” (*Olinco*
13 *v. Merle Norman Cosmetics, Inc.* (1962) 200 Cal.App.2d 260, 267, 19 Cal.Rptr. 387.)

14 “Section 9210 requires that the activities and affairs of a nonprofit religious corporation, [...],
15 be conducted and its corporate powers be exercised under the direction of a board of directors,
16 subject to the provisions of the Corporations Code and to any provisions in the articles or bylaws.”
17 (*Singh*, 114 Cal.App.4th at 1295 [footnote and internal citations omitted].) “The bylaws of a
18 religious corporation may provide for the tenure, election, selection, designation, removal, and
19 resignation of directors. (§ 9220, subd. (a).)” (*Id.* [internal quotation marks omitted].) “Subdivision
20 (b) of section 9220 provides: In the absence of any provision in the articles or bylaws, the term of
21 directors shall be one year.” (*Ibid.*)

22 California Corporations Code Section 9210 (“Section 9210”) provides:

23 Subject to the provisions of this part and any provision in the articles or bylaws:

24 (a) Each corporation shall have a board of directors. The activities and affairs of a
25 corporation shall be conducted and all corporate powers shall be exercised by or under the
26 direction of the board.

27 (b) The board may delegate the management of the activities of the corporation to any person
28 or persons provided that the activities and affairs of the corporation shall be managed and all
29 corporate powers shall be exercised under the ultimate direction of the board.

///

1 California Corporations Code Section 9240 ("Section 9240") states:

2 (a) Any duties and liabilities set forth in this article shall apply without regard to whether a
3 director is compensated by the corporation.

4 (b) Part 4 (commencing with Section 16000) of Division 9 of the Probate Code does not apply
5 to the directors of any corporation.

6 (c) A director, in making a good faith determination, may consider what the director believes
7 to be:

8 (1) The religious purposes of the corporation; and

9 (2) Applicable religious tenets, canons, laws, policies, and authority.

10 "It is generally accepted that corporate bylaws are to be construed according to the general
11 rules governing the construction of statutes and contracts. [Citation.] Bylaws must be given a
12 reasonable construction and, when reasonably susceptible thereof, they should be given a
13 construction which will sustain their validity.... [Citation.] [Citation.]" (*Singh*, 114 Cal.App.4th at
14 1294 [internal quotation marks omitted].)

15 "The First Amendment guarantees to a religious institution the right to decide matters
16 affecting its ministers' employment, free from the scrutiny and second-guessing of the civil courts."
17 (*Schmoll v. Chapman University* (1999) 70 Cal.App.4th 1434, 1436, 83 Cal.Rptr.2d 426.) "The
18 employment decisions of religious organizations about their clergy employees *are per se religious*
19 *matters and cannot be reviewed by civil courts*" [Citation.]" (*Id.* at 1445 [emphasis in original].)
20 "The church must be free to choose those who will guide it on its way." (*Hosanna-Tabor*
21 *Evangelical Lutheran Church and School v. E.E.O.C.* (2012) 565 U.S. 171, 196.) "Any attempt by
22 government to restrict a church's free choice of its leaders thus constitutes a burden on the church's
23 free exercise rights." (*Rayburn v. General Conference of Seventh-Day Adventists*, 772 F.2d 1164,
24 1168 (4th Cir. 1985).)

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1 D. Joint List of Controverted Issues (JLCI)

2 On May 19, 2021, the parties submitted the JLCI. (ROA 149.) In the JLCI, the parties stated
3 as follows:

4 Pursuant to the stipulation and order signed on April 16, 2021, the issue to be determined
5 in this first phase of the trial is what person(s), entities, or governing bod(ies) have the various
6 rights to direct and control the various assets and operations of the VABC, including use of
7 the real property located at 713 N. Newhope Street, Santa Ana, California, the collection of
8 donations, the use of assets, and appointment of monk or abbot.

9 (*Id.*)

10 The court has considered and resolved the issues in the JLCI below (consistent with the
11 evidentiary record and summary of evidence above). In making its decisions, the court has applied
12 neutral principles of law to the evidence before the court and not on the matters of religious doctrine.
13 (See *Jones*, 443 U.S. at 602-04 [describing application of neutral principles in religious dispute];
14 *Episcopal Church Cases*, 45 Cal.4th at 485 [same]; see also *Singh*, 114 Cal.App.4th at 1284 [stating
15 “[a] civil court retains jurisdiction to determine purely secular issues”].) The JLCI questions,
16 decisions by the court (in italics), and reasoning that form the basis of the court’s declaratory relief
17 rulings are as follows:

18 a. What Person(s), Entities, or Governing Bod(ies) have the Various
19 Rights to Direct and Control the Various Assets And Operations of the VABC

20 *The court concludes that the VABC BOD has the right to direct and control the various assets*
21 *and operations of the VABC*

22 In this case, the court finds the VABC is a nonprofit religious corporation formed by Articles
23 of Incorporation and Amended Articles of Incorporation. The VABC is an independent religious
24 institution, not part of any hierarchical church structure, and not congregational in nature. From its
25 inception, the VABC has had bylaws, which include the Original Bylaws and, later, the Amended
26 Bylaws. The Original Bylaws and Amended Bylaws both contain provisions for the VABC BOD.

27 Up until his death on June 9, 2019, Abbot Thanh was a member and officer of the VABC
28 BOD, serving as President/Chairman/Chief Executive Officer, as well as holding the position of Head
Abbot of the VABC. While the Original Bylaws were in effect, in or around 2001 while Abbot

1 Thanh was the sole member of the VABC BOD, Abbot Thanh asked Loc Bach and Christie Bach to
2 join the VABC BOD.⁷ Loc Bach and Christie Bach accepted, became members of the VABC BOD,
3 and also became officers—Loc Bach as secretary and Christie Bach as treasurer.

4 When Abbot Thanh died on June 9, 2019, Loc Bach and Christie Bach remained as the only
5 members of the VABC BOD and in their respective officer positions of secretary and treasurer. The
6 Original Bylaws also remained in effect at that time and continued in effect moving forward. On or
7 about October 14, 2019, Loc Bach became President after being nominated by the other VABC BOD
8 member Christie Bach. On or about October 14, 2019, Kiet Xuan Cao became the third member of
9 the VABC BOD and secretary after being nominated by Loc Bach and Christie Bach. The VABC
10 BOD was later expanded from three members to five members—the two additional members being
11 monks (Monk Minh and Monk Hong) for spiritual guidance.

12 On or about October 14, 2019, the members of the VABC BOD enacted the Amended
13 Bylaws. The Amended Bylaws covered the operations of the VABC and included provisions relating
14 to assets (Article 5), directors (Article 7), committees (Article 8), officers (Article 9), the treasurer's
15 duties with regard to the deposit and disbursement of money (Article 9), and topics related to the
16 Abbot (Article 10).

17 The Amended Bylaws provided for General Corporate Powers (Article 7, subdivision (b)):
18 "Subject to the provisions of Nonprofit Corporation Law and any limitations in the Articles of
19 Incorporation and these bylaws, the business and affairs of the Center shall be managed, and all
20 corporate powers shall be exercised, by or under the direction of the board of directors." "The
21 properties and assets of the Center are irrevocably dedicated to religious purposes" and "[n]o part of
22 the net earnings, properties, or assets of the Center, on dissolution or otherwise, shall inure to the
23 benefit of any private person or individual, or any congregant or director of the Center." (Amended
24 Bylaws, Article 5.) The Amended Bylaws demonstrate that the VABC vests control in the VABC
25 BOD. (Amended Bylaws, Articles 6-7.)

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27
28 ⁷ The Original Bylaws provided that as the sole member of the VABC BOD at the time, Abbot Thanh could
fill vacancies on the VABC BOD. (See Original Bylaws, Article 4, Section 16.)

1 The Amended Bylaws described the process of depositing money and valuables for the
2 VABC: “The treasurer shall deposit all money and other valuables in the name and to the credit of
3 the Center with such depositories as may be designated by the board of directors.” (Amended
4 Bylaws, Article 9, Section 9.7(d)(3).) The Amended Bylaws provided directives on the disbursement
5 of VABC funds:

6 The treasurer shall disburse the funds of the Center as may be ordered by the board of
7 directors. In addition to any one of the president, secretary, the Abbot and such other persons
8 as the Abbot shall designate, the treasurer shall have the authority to sign checks drawn on the
Center’s bank account.

9 (Amended Bylaws, Article 9, Section 9.7(d)(4).)

10 “It is generally accepted that corporate bylaws are to be construed according to the general
11 rules governing the construction of statutes and contracts. [Citation.] Bylaws must be given a
12 reasonable construction and, when reasonably susceptible thereof, they should be given a
13 construction which will sustain their validity.... [Citation.] [Citation.]” (*Singh*, 114 Cal.App.4th at
14 1294 [internal quotation marks omitted].)

15 Applying neutral principles to the question above in the JLCI, and based on the state of the
16 record as applied to the applicable law, the court finds the VABC is a religious corporation “governed
17 by California Corporations Code Sections 9110, et seq.”⁸ (*Iglesia Evangelica Latina, Inc*, 173
18 Cal.App.4th at 440; see also *Schofield*, 190 Cal.App.4th at 163 [stating neutral principles include
19 “corporations law” and “general principles of corporate governance”].) The record demonstrates the
20 Amended Bylaws were properly adopted and govern the VABC. (See *Iglesia Evangelica Latina, Inc*,
21 173 Cal.App.4th at 440 [footnote omitted] [“Religious corporations are legal entities and may adopt,
22 amend and repeal bylaws”]; see also *New*, 167 Cal.App.4th at 820 [stating that “...in applying neutral
23 principles of law, courts may look not only to California corporations law, but also to the religious
24 corporation’s bylaws and articles of incorporation, as well as the national church’s constitutions,
25 canons, and the like”].)

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27
28 ⁸ The “...state has an interest in resolving, and indeed an obligation to resolve, secular corporate
disputes that do not implicate matters of doctrine. (*Iglesia Evangelica Latina, Inc.*, 173 Cal.App.4th at 439.)

1 The Amended Bylaws set forth and describe the manner in which the VABC operates
2 including the authority of the VABC BOD. (See Amended Bylaws, *generally*; see also *Singh*, 114
3 Cal.App.4th 1264, 1295 [footnote and internal citations omitted] [“Section 9210 requires that the
4 activities and affairs of a nonprofit religious corporation, [...] , be conducted and its corporate powers
5 be exercised under the direction of a board of directors, subject to the provisions of the Corporations
6 Code and to any provisions in the articles or bylaws”]; (Section 9210 [“[e]ach corporation shall have
7 a board of directors” and “[t]he activities and affairs of a corporation shall be conducted and all
8 corporate powers shall be exercised by or under the direction of the board”].) More specifically,
9 Article 7, Section 7.1(b) of the Amended Bylaws provides “the business and affairs of the Center
10 shall be managed, and all corporate powers shall be exercised, by or under the direction of the board
11 of directors.” The “properties and assets of the center are irrevocably dedicated to religious
12 purposes” and not for the “benefit of any private person or individual, or any congregant or director
13 of the Center.” (Amended Bylaws, Article 5.) Amended Bylaws, Article 9, Sections 9.7(d)(3) and
14 (d)(4) further describe the VABC BOD’s authority with regard to money and valuables belonging to
15 the VABC. Therefore, based on neutral principles, including the California Corporations Code and
16 the Amended Bylaws, the court concludes the VABC BOD has the right to direct and control the
17 various assets and operations of the VABC.

18 b. What Person(s), Entities, or Governing Bod(ies) have the Various
19 Rights to Direct and Control the Real Property Located at 713 N. Newhope Street,
20 Santa Ana, California

21 *The court concludes the VABC BOD has the right to direct and control the real*
22 *property located at 713 N. Newhope Street, Santa Ana, California.*

23 “In settling a church property dispute” ... “courts must apply neutral principles of law,
24 developed for use in all property disputes, which can be applied without establishing churches to
25 which [the] property is awarded. [Citation.] In deciding the issue, courts generally consider (1) the
26 deeds to the property, (2) the articles of incorporation of the local church, (3) the constitution, canons,
27 and rules of the general church, and (4) relevant state statutes, if any, governing possession and
28

1 disposition of such property. [Citation.]” (*Guardian Angel Polish Nat. Catholic Church of L.A., Inc.*,
2 118 Cal.App.4th at 930 [internal quotation marks omitted].) “[C]ourts have jurisdiction over
3 disputes involving the control of property, even if they touch upon ecclesiastical concepts, as long as
4 the court does not have to settle religious schisms and it can use neutral principles of law to settle the
5 dispute. [Citations.]” (*Singh*, 114 Cal.App.4th at 1282.)

6 Here, in applying neutral principles, the court finds the Newhope Property was properly
7 deeded to the VABC by a Grant Deed filed on or about April 12, 2002. (Exhibit 8.) As such, the
8 Newhope property is an asset of the VABC. As described above in Section III.D.a, the corporate
9 Amended Bylaws vest control and directive powers in the VABC BOD by stating “the business and
10 affairs of the Center shall be managed, and all corporate powers shall be exercised, by or under the
11 direction of the board of directors.” (Amended Bylaws, Article 7, Section 7.1, subdivision (b).) The
12 “properties and assets of the center are irrevocably dedicated to religious purposes” and not for the
13 “benefit of any private person or individual, or any congregant or director of the Center.” (Amended
14 Bylaws, Article 5.) Based on the Grant Deed and corporate Amended Bylaws, the court concludes
15 the Newhope property is an asset and property of the VABC, and the VABC BOD has the right to
16 direct and control the Newhope Property. (See *Episcopal Church Cases*, 45 Cal.4th at 485 [stating a
17 court should look to neutral principles when deciding a church property dispute such “as the deeds to
18 the property in dispute, the local church’s articles of incorporation, the general church’s constitution,
19 canons, and rules, and relevant statutes, including statutes specifically concerning religious property,
20 such as Corporations Code section 9142”]; see also *Singh*, 114 Cal.App.4th at 1281 [stating “as long
21 as the court does not have to resolve the doctrinal propriety [of a church’s action] in order to
22 determine who has legal control of the property, there is no unconstitutional intervention by the state
23 in church affairs”] [citation and internal quotation marks omitted].)

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1 c. What Person(s), Entities, or Governing Bod(ies) have the Various
2 Rights to Direct and Control the Collection of Donations

3 *The court concludes the VABC BOD has the right to direct and control the collection*
4 *of donations.*

5 For the reasons described above in Section III.D.a, the court concludes that the VABC BOD
6 has the right to direct and control the collection of donations.

7 d. What Person(s), Entities, or Governing Bod(ies) have the Various
8 Rights to Direct and Control the Use of Assets

9 *The court concludes the VABC BOD has the right to direct and control the use of*
10 *assets.*

11 For the reasons described in Section III.D.a, the court concludes that the VABC BOD has the
12 right to direct and control the use of assets.

13 e. What Person(s), Entities, or Governing Bod(ies) have the Various
14 Rights to Direct and Control the Appointment of Monk or Abbot

15 *The court concludes the VABC BOD has the right to direct and control the*
16 *appointment of Abbot, but declines to answer the question regarding the appointment*
17 *of Monk.*

18 In analyzing this question in the JLCI, the court is mindful that courts may not interfere with
19 the decision of who is a monk or Abbot at the VABC.⁹ (See *Hosanna-Tabor Evangelical Lutheran*
20 *Church and School*, 565 U.S. at 196 [“The church must be free to choose those who will guide it on
21 its way”]; *Rayburn*, 772 F.2d at 1168 (4th Cir. 1985) [“Any attempt by government to restrict a
22 church’s free choice of its leaders thus constitutes a burden on the church’s free exercise rights”];
23 *Schmoll v. Chapman University* (1999) 70 Cal.App.4th at 1445 [emphasis in original] [“The
24 employment decisions of religious organizations about their clergy employees *are per se religious*
25 *matters and cannot be reviewed by civil courts....*”]; *Schofield*, 190 Cal.App.4th at 162 [stating
26
27

28 ⁹ Thus, the court is not making any decision about who is a monk or Abbot at the VABC.

1 “whether Schofield or Lamb is the incumbent Episcopal Bishop of the Diocese of San Joaquin, is
2 quintessentially ecclesiastical”].)

3 With the above principles in mind, the court applied neutral principles to the question in the
4 JLCI. As stated in the court’s analysis in Section III.D.a above, the VABC is a nonprofit religious
5 corporation and independent religious institution. The VABC is governed by the Amended Bylaws
6 and vests control in the VABC BOD. In terms of the position of Abbot, the Amended Bylaws, in
7 Article 10, provides the process for selecting the Abbot. More specifically, Article 10, Section 10.1
8 of the Amended Bylaws states: “As the need arises, the board of directors (at the request of the
9 president of the Center) shall appoint a Selection Committee consisting of not less than three (3)
10 members of the board of directors.” Therefore, based on neutral principles, the court concludes the
11 corporate Amended Bylaws provide the above-mentioned mechanism for the selection of Abbot
12 utilizing the VABC BOD, the president of the VABC, and a Selection Committee composed of a
13 requisite number of members of the VABC BOD.

14 In terms of the appointment of Monk, the court first notes the dictionary definitions for
15 “Abbot” and “Monk” are different. “Abbot” is defined as “the superior of a monastery for men.”
16 (“Abbot.” 2021. In Merriam-Webster.com. Retrieved November 2, 2021, from [https://www.merriam-](https://www.merriam-webster.com/dictionary/abbot)
17 [webster.com/dictionary/abbot](https://www.merriam-webster.com/dictionary/abbot).) “Monk” is defined as “a man who is a member of a religious order
18 and lives in a monastery.” (“Monk.” 2021. In Merriam-Webster.com. Retrieved November 2, 2021,
19 from <https://www.merriam-webster.com/dictionary/monk>.) From a definitional perspective, the court
20 finds the positions of Abbot and Monk are different. The court also finds that based on a review of
21 the Articles of Incorporation, the Amended Articles of Incorporation, the Original Bylaws and the
22 Amended Bylaws, there is no process listed for the selection of Monk. The court therefore does not
23 have evidence based on neutral principles to properly answer the inquiry regarding the appointment
24 of Monk, and the court declines to do so.

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1 IV. CONCLUSION

2 For the reasons stated above, the court provides its declaratory relief decisions with regard to
3 the JLCI. The Clerk is ordered to file this Statement of Decision and serve it upon all parties.
4 Plaintiff is ordered to provide a proposed judgment to the court within ten (10) days of receiving
5 notice of this Statement of Decision.

6
7 IT IS SO ORDERED.

8 DEC 17 2021

9 Date



10 FRED W. SLAUGHTER
11 Judge of the Superior Court of California
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Exhibit 1

ATTORNEY OR PARTY WITHOUT ATTORNEY (Name & Address): Adina T. Stern, SBN 110396 Adina T. Stern, A Professional Law Corporation 30021 Tomas St., Suite 300 Rancho Santa Margarita, CA 92688 Telephone No.: (949)459-2111 Fax No. (Optional): E-Mail Address (Optional): ATTORNEY FOR (Name): Vietnamese American Buddhist Center for Charitable	FOR COURT USE ONLY
SUPERIOR COURT OF CALIFORNIA, COUNTY OF ORANGE <input checked="" type="checkbox"/> Central Justice Center, 700 Civic Center Dr. West, Santa Ana, CA 92701-4045 <input type="checkbox"/> Civil Complex Center, 751 W. Santa Ana Blvd., Santa Ana, CA 92701-4512	
PLAINTIFF/PETITIONER: Vietnamese American Buddhist Center DEFENDANT/RESPONDENT: Cuong Cao Duong et. al.	CASE NUMBER: 30-2020-01133763-CU-NP-CJC
STATEMENT OF COMPLIANCE Unlimited Civil	Case assigned to: Judge: Glenn R. Salter Department: C22 Date complaint filed: 02/21/2020 Hearing/trial date: 05/24/2021

This Statement of Compliance shall be executed by all counsel and filed with the court clerk in the department of the judge to whom the case has been assigned for trial.

- Counsel has inspected all exhibits and diagrams and the exhibits are ready for premarking by the clerk. All stipulations as to admission into evidence or waiver of foundation are submitted with the exhibits(s).
- Pretrial motions have been exchanged by all parties.
- If trial is by jury, proposed jury instructions, proposed special findings and/or general verdict and/or special verdicts will be exchanged before the commencement of trial.
- Joint Statement of the case and joint witness list has been prepared for submission to the court as required.**
- Counsel has prepared a joint list of controverted issues.**
- All counsel have prepared a list of stipulated facts and made a good faith effort to stipulate to as many documents, waiver of foundational requirements, etc., as reasonably possible.**
- Each party agrees that once the trial commences, witnesses shall be available to utilize to the fullest extent possible every trial day.
- Parties have agreed on a division of jury fees (if applicable) and reporter fees, which are due each day before trial commences.

<u>Adina T. Stern</u>	Attorney for Plf/Def/X-Compl/X-Def	<u>Plaintiff</u>	<u>May 19, 2021</u>
(SIGNATURE OF ATTORNEY)		(NAME OF PARTY)	(DATE)
<u>d. B.</u>	Attorney for Plf/Def/X-Compl/X-Def	<u>Defendants</u>	<u>May 19, 2021</u>
(SIGNATURE OF ATTORNEY)		(NAME OF PARTY)	(DATE)
_____	Attorney for Plf/Def/X-Compl/X-Def	_____	_____
(SIGNATURE OF ATTORNEY)		(NAME OF PARTY)	(DATE)
_____	Attorney for Plf/Def/X-Compl/X-Def	_____	_____
(SIGNATURE OF ATTORNEY)		(NAME OF PARTY)	(DATE)

**Please attach to this Statement of Compliance: Joint Statement of Case, Joint Witness List, Stipulated Facts, Requested Voir Dire Questions and List of Controverted Issues.

STATEMENT OF COMPLIANCE

Joint Witness List

ADINA T. STERN
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Attorneys for Defendants

SUPERIOR COURT OF THE STATE OF CALIFORNIA
COUNTY OF ORANGE – CIVIL UNLIMITED

VIETNAMESE AMERICAN BUDDHIST
CENTER FOR CHARITABLE
SERVICES-BAO QUANG FORMERLY
KNOWN AS VIETNAMESE-AMERICAN
CENTER FOR BUDDHISM AND
CHARITABLE SERVICES-BAO QUANG,
a non profit Religious Corporation;

Plaintiff,

v.

CUONG CAO DUONG aka THICH PHUOC
HAU, and Does 1-50, inclusive,

Defendants.

) Case No. 30-2020-01133763-CU-NP-CJC
) [Assigned for all purposes to Hon. Glenn R.
) Salter]

JOINT WITNESS LIST

Trial Date: May 24, 2021

Time: 08:30 a.m.

Dept: C22

Plaintiff Vietnamese American Buddhist Center for Charitable Services-Bao Quang
 ("Plaintiff") and Defendants Cuong Cao Duong, Phil Bui, and Tony Bui (collectively,
 "Defendants") hereby submit their Joint Witness List.

Name of Witness (Alpha by First Name)	Party Calling	Interpreter Required?	Direct + Redirect (In Hours)	Cross (In Hours)	Subtotal (In Hours)
Christie Hoang Bach (Treasurer and Member of Board for VABC) ¹	Appears on both Plaintiff and Defendant's witness list.		1 hour	.5	
Loc Hoang Bach (President and Board Chairman of VABC) ¹	Appears on both Plaintiff and Defendant's witness list.		3 hours	3	
Tony Bui (Defendant and longtime disciple and patron of VABC)	Appears on both Plaintiff and Defendant's witness list.		2 hours	.5	
Kiet Xuan Cao (Secretary and member of the board for VABCC) ¹	Plaintiff	Y	1 hour	.5	
Beth Chrisman CQDE (Certified Questioned Document Examiner)	Plaintiff		.75 hours	1.0	
Dzung Hoang (Member of the Board of VABC) ¹	Plaintiff	Y	1 hour	.5	
Howard Lam (Director of VABC) ²	Appears on both Plaintiff and Defendant's witness list.	Y	2 hours	2	

¹ Witness description provided by Plaintiff. Defendants dispute this description.

² Witness description provided by Defendants. Plaintiff disputes this description.

Name of Witness (Alpha by First Name)	Party Calling	Interpreter Required?	Direct + Redirect (In Hours)	Cross (In Hours)	Subtotal (In Hours)
Charles Luu a.k.a. Thich Hue Minh (Member of the Board for Vietnamese American Buddhist Center ("VABC"))	Appears on both Plaintiff and Defendant's witness list.	Y	1 hour	1	
Thich Nguyen Tri (President of the Bat Nha Meditation Institute of America)	Plaintiff		.75 hours	.5	
Ryan Nowicki (Plaintiff's corporate counsel)	Plaintiff		1 hour	.5	
Hien Van Nguyen (Secretary of Hua Quang)	Plaintiff	Y	.75 hours	.5	
Manh Van Thai aka Thich Minh- (President of Hue Quang Temple)	Plaintiff	Y	.75 hours	.5	
Thai Van Vu (Secretary of the World Vietnamese Buddhist Order)	Plaintiff	Y	1.5 hours	.5	
Phil Phuc Bui (Defendant and longtime patron of VABC)	Defendants		.5	1 hour	
Cuong Cao Duong a.k.a. Thich Phuoc Hau (Defendant, Head Abbot and Director of VABC) ²	Defendants	Y	2	3 hours	
Patrick Ngo (Long time discipline and patron of VABC) ²	Defendants	Y	.5	1 hours	
Chau Nguyen (Long time disciple and patron of VABC) ²	Defendants	Y	.5	1 hours	

Name of Witness (Alpha by First Name)	Party Calling	Interpreter Required?	Direct + Redirect (In Hours)	Cross (In Hours)	Subtotal (In Hours)
Phu Thiet Phan a.k.a Thich Chan Ton (President of World Buddhist Order)	Defendants	Y	2	1.5 hours	
Thich Chon Thanh (Longtime friend and advisor of Abbot Thanh; Head Abbot of Lien Hoa Temple)	Defendants	Y	1	2 hours	
Lam Thu-Thuy (Wife of Howard Lam)	Defendants	Y	1	1 hour	

TOTAL FOR WITNESSES WHO ARE ACTUALLY EXPECTED TO TESTIFY

PLAINTIFF'S CASE

Direct examination: 16.5 hours
Cross-examination: 11.5 hours
Total time for Plaintiff's case: 28 hours

DEFENDANTS' CASE

Direct examination: 7.5
Cross-examination: 10.5
Total time for Defendants' case: 18 hours

GRAND TOTAL: 46 HOURS

1 Dated: May 19, 2021


ADINA T. STERN A PROFESSIONAL LAW CORP.

2 By: Adina T. Stern

3 Adina T. Stern
4 Rami N. Nabi
Attorneys for Plaintiff

5 Dated: May 19, 2021

ENENSTEIN PHAM & GLASS

6 By: 
7 Teri T. Pham
8 Attorneys for Defendants
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Stipulated Facts

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**SUPERIOR COURT OF THE STATE OF CALIFORNIA
FOR THE COUNTY OF ORANGE, CENTRAL JUSTICE CENTER**

VIETNAMESE AMERICAN BUDDHIST) **CASE NO.: 30-2020-01133763-CU-NP-CJC**
CENTER FOR CHARITABLE SERVICES--)
BAO QUANG FORMERLY KNOWN AS)
VIETNAMESE-AMERICAN CENTER FOR) **Assigned for All Purposes to the Honorable**
BUDDHISM AND CHARITABLE) **Glenn R. Salter, Dept. C22**
SERVICES--BAO QUANG, a non profit)
Religious Corporation;) **JOINT LIST OF STIPULATED FACTS**

Plaintiff,

vs.

CUONG CAO DUONG aka THICH PHUOC)
HAU; and DOES 1 THROUGH 10, inclusive,)
Defendants,)

) Complaint Filed: February 4, 2020
) Trial Date: May 24, 2021

Pursuant to Orange County Superior Court Local Rule 317 the parties hereby stipulated
to the following facts:

JOINT LIST OF STIPULATED FACTS

1. The Articles of Incorporation for the Vietnamese-American Center For Buddhism And Charitable Services--Bao Quang, a non profit Religious Corporation ("VABC") were filed on March 9, 1990. [Exhibit 1]
2. On or about June 12, 1990, a Certificate of Amendment of Articles of Incorporation was filed changing the corporate name for VABC to Vietnamese American Buddhist Center For Charitable Services--Bao Quang. [Exhibit 3]
3. A true and correct copy of the original Bylaws of the Bao Quang Temple are set forth at Exhibit 2
4. On April 12, 2002, VABC purchased the real property located at 713 North Newhope Street, Santa Ana, CA 92703 (the "Temple Property") for \$1,485,000. [Exhibit 8]
5. Tung Thanh Duong aka Thich Quang Thanh ("Abbot Thanh") died on June 9, 2019.

Dated: May 19, 2021

ADINA T. STERN A PROFESSIONAL LAW CORP.

By: Adina T. Stern

Adina T. Stern
Rami N. Nabi
Attorneys for Plaintiff

Dated: May 19, 2021

ENENSTEIN PHAM & GLASS

By: Teri T. Pham

Teri T. Pham
Attorneys for Defendants

JOINT LIST OF STIPULATED FACTS

List of Controverted Issues

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**SUPERIOR COURT OF THE STATE OF CALIFORNIA
FOR THE COUNTY OF ORANGE, CENTRAL JUSTICE CENTER**

VIETNAMESE AMERICAN BUDDHIST CENTER FOR CHARITABLE SERVICES-- BAO QUANG FORMERLY KNOWN AS VIETNAMESE-AMERICAN CENTER FOR BUDDHISM AND CHARITABLE SERVICES--BAO QUANG, a non profit Religious Corporation;)	CASE NO.: 30-2020-01133763-CU-NP-CJC
)	
)	Assigned for All Purposes to the Honorable
)	Glenn R. Salter, Dept. C22
)	
)	JOINT LIST OF CONTROVERTED
)	ISSUES
Plaintiff,)	
)	
vs.)	Complaint Filed: February 4, 2020
)	Trial Date: May 24, 2021
)	
CUONG CAO DUONG aka THICH PHUOC HAU; and DOES 1 THROUGH 10, inclusive, Defendants,)	
)	
)	
)	

Pursuant to Orange County Superior Court Local Rule 317 the parties hereby submit the following list of controverted issues:

Pursuant to the stipulation and order signed on April 16, 2021, the issue to be determined

1 in this first phase of the trial is what person(s), entities, or governing bod(ies) have the various
2 rights to direct and control the various assets and operations of the VABC, including use of the
3 real property located at 713. N. Newhope Street, Santa Ana, California, the collection of
4 donations, the use of assets, and appointment of monk or abbot.
5
6

7 Dated: May 19, 2021

ADINA T. STERN A PROFESSIONAL LAW CORP.

8 By: Adina T. Stern

9 Adina T. Stern

10 Rami N. Nabi

11 Attorneys for Plaintiff

12 Dated: May 19, 2021

ENENSTEIN PHAM & GLASS

13
14 By: 

15 Teri T. Pham

16 Attorneys for Defendants
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