

VIRGINIA:

IN THE CIRCUIT COURT FOR FAUQUIER COUNTY

WAT LAO BUDDHAVONG, INC.,)
3043 Catlett Road)
Catlett, Virginia 20119)

Plaintiff,)

v.)

SOUKSOMBOUN SAYASITHSENA,)
7313 Wayne Drive)
Annandale, Virginia 22003)

LAMKEO SYSAVAT,)
10302 Copeland Drive)
Manassas, Virginia 20109)

MIXAY PANYASITH,)
5732 Wood Creekland)
Centreville, Virginia 20120)

KHAMLA STEVENS,)
3383 Nadia Loop)
Woodbridge, Virginia 22193)

WATT SENGKHYAVONG,)
9155 Ogden Park Court)
Bristow, Virginia 20136)

ONLA INTCHICHAK,)
7313 Wayne Drive)
Annandale, Virginia 22003)

and)

KIMBERLY RICHARDS)
7185 Kings Highway)
King George, Virginia 22485)

Defendants.)

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|---------------------|-------------|------|
| FILED AT | <u>4/20</u> | M |
| FEB 21 2020 | | |
| GAIL H. BARB, CLERK | | |
| Case No | BY: | D.C. |

CL 20-122

COMPLAINT

COMES NOW your Plaintiff, WAT LAO BUDDHAVONG, INC. ("Wat Lao"), through counsel, and moves the Court for judgment against Defendants, jointly and severally. In support of this Complaint, Plaintiff states the following:

Jurisdiction and Venue

1. This Court has jurisdiction over the subject matter of this suit pursuant to Virginia Code §17.1-513, and over the parties pursuant to Virginia Code § 8.01-328.1.
2. Venue is proper in this Court pursuant to Virginia Code § 8.01-262.

The Parties

3. Wat Lao is incorporated pursuant to the Virginia Nonstock Corporation Act, Virginia Code §13.1-801, *et seq.* It is a non-profit corporation, whose primary purpose is to promote the practice and study of the religion of Buddhism.
4. Its primary place of business is in Fauquier County, Virginia, where it owns a large regional temple (the "Temple") dedicated to the stated purposes of the corporation.
5. Though its purpose is overtly religious, Wat Lao is organized under Virginia law like any other nonstock corporation: it has a Board of Directors ("Board"), as well as Articles of Incorporation and Bylaws that have been duly adopted by the Board. It is registered with the Virginia State Corporation Commission (VSCC).
6. However, Wat Lao voluntarily applied for and was recognized by the Internal Revenue Service (IRS) as a 501(c)(3) charitable organization, intentionally subjecting itself to IRS regulations requiring federally compliant record keeping practices, conflicts management, and asset disposition. By seeking recognition by the IRS, Wat Lao agreed to make its records public, and to subject itself to a higher level of

operational responsibility and accountability than it would have as merely a non-stock corporation or church.

7. The Wat Lao corporation has no voting members. The Board has sole authority to make decisions on behalf of the corporation, and has done so with great success for over a decade.

8. Largely as a result of the wise leadership of the Board, Wat Lao has gained an international reputation in the Buddhist community, and has attracted practitioners of Buddhism to the Temple from across the globe.

9. The Temple is open to the general public, in furtherance of Wat Lao's corporate mission. Members of the public who wish to practice or study Buddhism are welcome to visit the Temple at any time the Temple is open. On a typical year, the Temple receives many thousands of visitors.

10. Most of the visitors to the Temple come from the United States, but a significant number of visitors travel from other countries specifically to visit the Temple.

11. Wat Lao's primary source of income is from donations made by the public at the Temple. These donations can total thousands of dollars in one day. On a typical year, Wat Lao receives in excess of \$300,000 in donations.

12. Defendant ONLA INTCHAK is a Buddhist monk and part-time resident guest on the Temple property. He is not and has never been a Board member or officer of the corporation. He is not and has never been a tenant on the Temple property. His sole tie to the corporation is that he practices Buddhism at the Temple on a somewhat regular basis. To this extent, he is a resident of Virginia.

13. The remaining defendants are members of the public and residents of Virginia. Their only legitimate tie to the corporation is that they sometimes visit the

Temple as members of the public. They are not officers of the corporation, members of the Board, or otherwise associated with the business of the corporation.

Relevant Facts

14. Beginning in about August 2019, Defendants began an extensive conspiracy to disrupt the Temple, to take over the corporation illegally, to defraud Wat Lao and the public, and to steal money from the corporation.

15. In furtherance of these goals, they made and are continuing to make false allegations against the Board to the public, for the purpose of undermining the public's trust in the Board, and of gaining community support for their own fraudulent scheme. They alleged, for instance, that the Board members had stolen money from Wat Lao; had diverted money to their own use; and had wasted the corporation's assets.

16. They made and continue to make these false allegations on the Internet and during meetings at the Temple. They made the allegations in a lawsuit filed in this Court, case number CL19-409. They made the allegations to a reporter, who repeated them in the January 6, 2020 issue of *The Washington Post*.

17. Defendants called meetings at the Temple, at which they falsely claimed to be conducting the business of Wat Lao. Among other things, they held fake "elections," at which they pretended to replace the members of the Board with themselves as new Board members. They pretended to elect themselves as "officers" of the corporation. They posted the results of these fake "elections" around the Temple, on the Internet, and in false documents they filed with the VSCC. They presented the fraudulent documentation to at least two banks. They attached lists of the new "officers" to pleadings in case number CL19-409 filed in this Court.

18. Defendants removed announcements posted at the Temple by the Board.

19. Defendants drafted fake "bylaws," made intentionally to resemble the actual Bylaws of Wat Lao, and began posting these unsigned "bylaws" at the Temple and on the Internet.

20. Defendants filed fraudulent documents with the VSCC, including a false Annual Report filed on September 9, 2019, purporting to name themselves as new Board members and officers of the corporation. Defendant LAMKEO SYSAVAT signed the false report, but the report listed the other defendants as officers, with the exception of KIMBERLY RICHARDS, who was not listed in the report. On September 30, 2019, Defendant WATT SENGKHYAVONG filed a false document with the VSCC purporting to change the Registered Agent of the corporation to a person named Vilay Chaleunrath. Neither of these people had any authority to conduct business on behalf of Wat Lao.

21. The motives for filing such documents were to gain public support for their fraudulent scheme, to make it difficult for Wat Lao to protect itself from Defendants' attacks against the corporation, and to interfere with the day-to-day operations of the corporation. For instance, the actual board of directors attempted to enforce no-trespassing orders against Defendants and others, but law enforcement officers were confused by the false VSCC filings and refused at first to eject the trespassers from Wat Lao property.

22. Pretending to be officers of the corporation, and without authority to do so, they hired a law firm in Northern Virginia to file suit against the Board members in this Court, purportedly on behalf of Wat Lao. Defendant LAMKEO SYSAVAT signed the initial Complaint in the civil case, case number CL19-409, but upon information and belief, the other Defendants conspired to hire this law firm to file the suit. During a meeting at the Temple in Catlett on or about September 5, 2019, Defendant

SOUKSOMBOUN SAYASITHSENA bragged that he and the other Defendants had hired the law firm to file suit. The law suit was filed the next day.

23. When confronted with pleadings filed by the Board in response to these false allegations, Defendants dismissed the lawsuit voluntarily.

24. Oddly, the "Hourly Fee Agreement" used to hire the law firm was not signed until September 20, 2019, a full two weeks after the law firm filed the initial Complaint on September 6, 2019.

25. Wat Lao incurred significant legal expenses and other expenses in contesting the law suit. Upon information and belief, and based on public comments Defendants made, Defendants paid legal fees to the law firm with money stolen from the Temple.

26. Having misled the public in the ways described above, Defendants began collecting the donations at the Temple under the false pretense of acting on behalf of Wat Lao. Members of the public were unaware that they were being duped and that the money they were donating was not going to Wat Lao, but to Defendants. In one example of this fraud, Defendants engaged in a public fundraising campaign in the name of Wat Lao and raised over \$40,000 in the name of the Temple. Defendants kept this money.

27. During August 2019, Defendants ONLA INTCHAK and KIMBERLY RICHARDS physically broke or assisted in breaking the locks off several wooden donation boxes and took the money from them.

28. Defendants have taken over \$100,000 in donations to date. This number increased almost daily for some number of months. With the exception of \$7,000, this money has not been accounted for, and to date has not been returned to Wat Lao. After

the civil suit in case number CL19-409 was dismissed, Defendants slowed their activity at the Temple, yet have increased their social media activity in furtherance of their conspiracy to defraud the Temple and the public. Their tortious conduct has left the corporation with fewer revenues than before Defendants began conspiring to injure Wat Lao. These losses will continue indefinitely, possibly permanently.

29. Defendants opened fraudulent bank accounts in the name of Wat Lao, again pretending to have authority to act on behalf of Wat Lao. Unauthorized bank cards were issued in Wat Lao accounts in the names of Defendants ONLA INTCHAK, KHAMLA STEVENS, and MIXAY PANYASITH.

30. Defendants issued a number of fraudulent no-trespassing notices against the Board and posted these notices at the Temple.

31. The effect of the fraudulent no-trespassing notices, the fake "elections," the false VSCC filing, and the meetings at which Defendants made false allegations against the Board members, has been to confuse the public, to intimidate the Board, and to disrupt the business of the Wat Lao corporation. As a direct result of the tortious conduct of Defendants, Wat Lao has been unable to carry out its primary mission at the Temple since at least September 2019. It has lost more than 90% of its revenues since September 2019. Its reputation has suffered. The reputations of its monks have suffered. Long-term members have left the Temple. Families who have attended the Temple for decades have come to the Temple to remove their families' ashes.

32. Wat Lao has incurred out-of-pocket costs, including attorney's fees, accountant's fees, travel expenses, and other expenses. Wat Lao has hired private security to protect the assets of the organization from the attacks of Defendants, and to

protect the lives of the monks at the Temple, who are being threatened with violence and defamed daily by Defendants and their accomplices.

33. Defendants acted with actual knowledge that the fake "bylaws" they had drafted were in fact not the true Bylaws of the corporation. The fake "bylaws" themselves did not grant Defendants authority to act on behalf of the corporation. Defendants acted with knowledge of the harm they were doing. Their desire to injure Plaintiff constituted actual malice. Because they acted with actual malice, punitive damages are appropriate.

COUNT 1
Conspiracy under Virginia Code § 18.2-499 and -500

34. Wat Lao hereby incorporates the foregoing paragraphs as if set forth fully in this Count.

35. Defendants conspired with the specific intent to injure Wat Lao in its business. By spreading false allegations about the Board members; pretending to be officers and Board members themselves; filing false documents with the VSCC; filing a lawsuit that contained numerous false allegations, conducting fraudulent fundraising campaigns in the name of Wat Lao and keeping the money donated to Wat Lao; and stealing the donations from the Temple, they have been successful in this conspiracy.

36. As a direct result of the conspiracy, Wat Lao has been injured in its reputation, trade, and business. It has suffered tremendous damages. The central purpose of this religious, non-profit, charitable organization is to promote the peaceful exercise of Buddhism at its Temple in Fauquier County. It has been unable to carry out this mission. Long-time worshipers at the Temple have left. Defendants have created a contentious atmosphere at the Temple that is antithetical to the central purpose of Wat

Lao and profoundly sacrilegious under the precepts of Buddhism. Wat Lao has lost its primary source of revenue. News of the disruption at the Temple was reported in the January 6, 2020 issue of *The Washington Post* and quickly spread through social media.

COUNT 2
Intentional Interference with Business Expectancy

37. Wat Lao hereby incorporates the foregoing paragraphs as if set forth fully in this Count.

38. For over twenty years, Wat Lao's Temple in Fauquier County has been a refuge for members of the public who wish to practice Buddhism in peace. Wat Lao has gained a strong reputation for good work and commitment to the Buddhist way of living. The public has come to trust Wat Lao.

39. One of the products of this trust is that Wat Lao has become very successful in its mission. The Temple has for years been well attended on a daily basis, and received as many as 20,000 visitors per year. Wat Lao has gained international renown for the work it does. Visitors to the Temple have donated on average over \$300,000 per year.

40. As a direct result of the tortious conduct of Defendants, Wat Lao has suffered damages in the form of the loss of nearly its entire revenue stream since September 2019, income that it would have had but for the intentional conduct of Defendants. Wat Lao has also lost a significant portion of its future revenue stream, likely on a permanent basis.

COUNT 3
Conversion

41. Wat Lao hereby incorporates the foregoing paragraphs as if set forth fully in this Count.

42. Beginning in September 2019, Defendants began pretending to be officers of Wat Lao, holding meetings under this false pretense, and began collecting money donated to Wat Lao. Defendants wrongly exercised authority over this money that belonged to Wat Lao, and converted this money with the specific intent to deprive Wat Lao of it permanently. Defendants' conduct constituted conversion under Virginia law.

Count 4
Motion for Injunctive Relief

43. Wat Lao hereby incorporates the foregoing paragraphs as if set forth fully in this Count.

44. Pursuant to Virginia Code § 18.2-500, this Court has authority to issue temporary and permanent injunctions in this matter.

45. The conduct of Defendants is continuing, and threatens to do irreparable harm to Wat Lao if this Court does not intervene and enjoin Defendants' conduct.

Count 5
Motion for Declaratory Judgment

46. Wat Lao hereby incorporates the foregoing paragraphs as if set forth fully in this Count.

47. Defendants have pretended to be members of the Board of Directors of Wat Lao. They have caused confusion among the public, among local law enforcement, and among the visitors to the Temple located in Catlett, Virginia that Wat Lao owns and maintains.

48. Defendants are so brazen that they hired a law firm to file suit against the members of the Board, purportedly in the name of the Wat Lao corporation.

49. In order to continue to conduct the business of the corporation, Wat Lao needs an order of this Court declaring the legitimate officers and Board members of Wat

Lao. Such an order would create a public record that would prevent Defendants' continued impersonation of Wat Lao officers and Board members, a practice that continues to harm Wat Lao and prevent it from carrying out its primary purpose.

50. Such an order would also send a clear message to the public, and would help restore the public's faith in Wat Lao that has been at least partially destroyed by Defendants.

Count 6
Malicious Prosecution

51. Wat Lao hereby incorporates the foregoing paragraphs as if set forth fully in this Count.

52. Defendants initiated the lawsuit described herein, case number CL19-409 filed in this Court on or about September 6, 2019.

53. Defendants lacked probable cause to file the suit, for two significant reasons: they lacked authority to hire a law firm to file the suit, and the central allegations in the suit were utterly false.

54. Defendants filed the suit with malice. Defendants had actual knowledge that the allegations were false.

55. The lawsuit ended by nonsuit, that is, in a way that was not adverse to Plaintiff.

56. Plaintiff has suffered special hardships or injuries that would not stem normally from a civil suit, including, but not limited to, the following: The lawsuit caused confusion in the Buddhist community, making it difficult or impossible for Wat Lao to carry out its primary mission at the Temple in Catlett, Virginia; the lawsuit lent legitimacy to the fraudulent conduct of Defendants, further confusing the public and

making it even more difficult for Wat Lao to conduct its business; local law enforcement officers were confused by the lawsuit, and refused to enforce no-trespassing orders issued by Wat Lao.

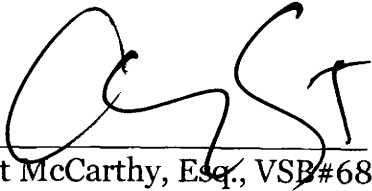
57. Defendants hired the law firm and had the firm file the lawsuit for the specific purpose of causing special injuries to Wat Lao. The law suit was clearly part of Defendants' conspiracy. Defendants filed the suit with no intention of following through with it. Instead, they used the suit as yet another means of hijacking Wat Lao and confusing the public so that Defendants could take money from the Temple and lure members of the Temple away. Upon information and belief, Defendants have conspired to create a competing organization and are now accepting donations that would have gone to Wat Lao but for Defendants' tortious conduct described herein.

WHEREFORE, the foregoing premises considered, Plaintiff, WAT LAO BUDDHAVONG, INC. requests that this Honorable Court enter judgment in its favor against Defendants, jointly and severally, for actual damages in the amount of \$1,250,000; treble damages pursuant to Virginia Code § 18.2-500; attorney's fees pursuant to Virginia Code § 18.2-500; \$350,000 in punitive damages; damages for any additional losses incurred while this case is pending; pre-judgment and post-judgment interest; pendente lite and permanent injunctions, pursuant to Virginia Code § 18.2-500; declaratory judgment as described herein; and such further general relief as the Court deems just.

Respectfully submitted,

WAT LAO BUDDHAVONG, INC.

By counsel:

A handwritten signature in black ink, appearing to read 'August McCarthy', written over a horizontal line.

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