

IN THE CIRCUIT COURT OF THE STATE OF OREGON
FOR THE COUNTY OF MULTNOMAH

ALEKSANDR GRINKO, an individual;
PETR OPANASYUK, an individual;
LEONID PAKHNYUK, an individual;
and the BOARD OF DIRECTORS OF
NEW LIFE MISSIONARY CHURCH, an
Oregon religious nonprofit corporation;

Plaintiffs,

v.

VASILY VAKULSKY, an individual;
RUSLAN PETRUSHA, an individual;

Defendants.

Case No.

COMPLAINT

ORS 65.038

Fee authority: ORS 21.135(1), (2)(g)

**Not Subject to Mandatory
Arbitration**

INTRODUCTION

1.

New Life Missionary Church (the “Church”) has played a central role in the lives of thousands of persons of Slavic descent in the Portland metropolitan area for nearly thirty years. Today, the congregation numbers nearly a thousand worshippers, who receive support spiritually, socially and personally from the Church and its leaders.

2.

The continued vitality of the Church, and its ability to serve the needs of the present members as well as future generations of members, are of paramount importance.

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1 3.

2 Unfortunately, recent actions of Defendants Vasily Vakulsky and Ruslan
3 Petrusha have caused major disruption within the Church, and Defendants are
4 unlawfully thwarting attempts by Plaintiffs and others to properly and procedurally
5 address such disruption. To allow the Church to heal and to move forward, the
6 present action is unavoidable.

7 **PARTIES**

8 4.

9 Plaintiff Aleksandr Grinko is an Oregon resident, a pastor of the Church, and
10 a member of the Board of Directors of the Church.

11 5.

12 Plaintiff Petr Opanasyuk is an Oregon resident, a pastor of the Church, and a
13 member of the Board of Directors of the Church.

14 6.

15 Plaintiff Leonid Pakhnyuk is an Oregon resident, a pastor of the Church, and
16 a member of the Board of Directors of the Church.

17 7.

18 Plaintiff Board of Directors of New Life Missionary Church (the “Board”)
19 consists of twenty-eight (28) Church members who are responsible under the
20 Bylaws of New Life Missionary Church (the “Bylaws”) for the general governance of
21 the Church.

22 8.

23 Defendant Vasily Vakulsky is an Oregon resident who founded the Church in
24 1992 and has occupied the position of “Senior Pastor” ever since. Defendant is also
25 one of the twenty-eight members of the Board.

26 ///

9.

Defendant Ruslan Petrusha is an Oregon resident who attends the Church and has effectively assumed the role of henchman for Defendant Vakulsky. Defendant Petrusha is neither a pastor nor is he a member of the Board.

JURISDICTION AND VENUE

10.

Jurisdiction and venue in Multnomah County Oregon is proper because the Church is an Oregon nonprofit religious corporation and is located in Multnomah County.

FACTS

11.

The Church is an Oregon nonprofit religious corporation organized under ORS Chapter 65 and governed by that chapter and its Bylaws.

12.

Five pastors oversee various spiritual functions of the Church: (1) Defendant Vasily Vakulsky; (2) Pastor John Uzhva; (3) Plaintiff Aleksandr Grinko; (4) Plaintiff Petr Opanasyuk; and (5) Plaintiff Leonid Pakhnyuk.

13.

The Bylaws provide that the highest decision making authority of the Church is through a meeting of its members. The Church holds member meetings at least annually but sometimes twice a year.

14.

The Bylaws also allow for special meetings of Church members consistent with ORS 65.204. Such meetings may be called by the Board.

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15.

Over the past few months, various disputes involving Church governance and doctrine have arisen between Defendants and Plaintiffs.

16.

Recognizing these disputes, and in an attempt to responsibly address them consistent with the Bylaws, the Board voted at its bi-weekly meeting on Friday, August 30 to hold a special meeting of Church members on September 8, 2019. This meeting was announced to Church members during the worship service on the morning of Sunday, September 1, 2019.

17.

However, at the worship service on Wednesday, September 4, Defendant Vakulsky interfered and announced to the congregation that he was cancelling the September 8, 2019 special meeting. Defendant had no authority to unilaterally order the cancellation of a meeting specifically called by the Board.

18.

The following day (September 5, 2019), Defendant Vakulsky petitioned Multnomah County for Restraining Orders pursuant to the Elderly Persons and Persons with Disabilities Abuse Prevention Act ("EPPDAPA") against Plaintiff Pakhnyuk (Case 19P008820), Plaintiff Opanasyuk (Case 19P008840) and Plaintiff Grinko (Case 19P008834). Defendant Vakulsky generally alleged in each petition as the basis for the orders that his fellow Church pastors had caused him emotional distress by challenging his authority and by allegedly yelling at him.

19.

Plaintiffs Pakhnyuk, Opanasyuk and Grinko have each challenged the restraining orders, and a hearing has been set. But until the restraining orders are overturned, the three pastors are essentially precluded from Church governance

1 and from fulfilling their pastoral duties. The Church and its members suffer as a
2 result.

3 20.

4 On Friday, September 20, 2019, over one hundred Church members met and
5 overwhelmingly voted to suspend Defendant Vakulsky's pastoral duties pending the
6 formal member meeting. But when a Church elder presented this resolution to
7 Defendant Vakulsky before morning worship services on Sunday, September 22,
8 Defendant Vakulsky mocked the directive and then used nearly twenty minutes of
9 the morning worship service to present false information and attack his perceived
10 detractors.

11 21.

12 Concurrently, Defendant Petrusha has threatened to file additional
13 restraining orders against any individuals who express concerns about the actions
14 of Defendants. Defendant Petrusha has waived manila folders at such individuals
15 and stated that "the [restraining order] paperwork is ready for you." The clear
16 implication is that such individuals must be silent or face being wrongfully and
17 unlawfully hauled into court.

18 22.

19 The Oregon Slavic Churches Pastors Advisory Committee ("OSCPAC"), a
20 non-profit organization consisting of leaders of Slavic churches in the Portland
21 metropolitan area and across Oregon, has attempted to help the Church resolve its
22 current disputes. However, Defendants have actively thwarted such intervention
23 and have even threatened to contact the police and pursue additional restraining
24 orders if any OSCPAC members attend the Church.

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23.

The Church has processes within its Bylaws to allow the present concerns to be addressed in an orderly and appropriate manner. But, through bullying tactics and the wrongful use/threat of restraining orders to silence opposition, Defendants have unlawfully thwarted attempts to utilize the legal process.

24.

Plaintiffs therefore seek relief from the Court under ORS 65.038. The purpose of this relief is not for the Court to dictate Church affairs but rather merely to allow the Church to proceed in accordance with the Bylaws and to properly govern itself.

CLAIM FOR RELIEF

(ORS 65.038)

25.

Plaintiffs adopt the previous paragraphs by reference under ORCP 16D.

26.

ORS 65.038 allows the Court to order that a meeting of the members of the Church be conducted if “for any reason it is impractical or impossible for any corporation to call or conduct a meeting of its members, delegates or directors.”

27.

The Court may also order the specific method of obtaining the vote of the members if such order is “fair and equitable under the circumstances.”

28.

Plaintiffs Grinko, Opanasyuk, and Pakhnyuk are each directors, officers, delegates and member of the Church. Moreover, the Board consists of twenty-eight directors, officers, delegates and members of the Church.

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29.

For the reasons articulated above, it has proven to be impractical or impossible for the Church to call or conduct a meeting of its members. The Board has tried multiple times to call a meeting, but Defendants have interfered.

30.

Plaintiffs therefore respectfully request that the Court order that a meeting of the members of the Church be called on a Sunday morning at 10am as soon as reasonably possible: Sunday, October 13, 2019; Sunday, November 10, 2019 or otherwise at a time reasonably set by Plaintiffs. Time is of the essence.

31.

The purposes of this meeting shall be: (1) addressing the areas of conflict between Plaintiffs and Defendants; (2) deciding whether to formally remove Defendant Vakulsky from the role of Senior Pastor or any pastoral position in the Church; (3) deciding whether to formally remove Defendant Petrusha from Church activities; and (4) for such other votes or actions as may be appropriately placed before the members.

32.

Plaintiffs further request that the Court order the following regarding the meeting: (1) that the meeting shall proceed in an orderly fashion, if necessary under the supervision of OSCPAC; (2) that the manner of notice to the members shall include, but not necessarily be limited to, announcement(s) at the worship service(s) in advance of the meeting; (3) that the invitation to attend and actively participate in the meeting shall be extended to OSCPAC members; and (4) that Defendants or any members or individuals acting in concert with Defendants shall be prevented from cancelling or disrupting the meeting.

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No Church monies have been used in conjunction with preparing this action,
and no Church monies should be used in opposing it.

WHEREFORE, Plaintiffs pray for judgment as follows:

A. For an order setting a meeting of the members of the Church as
directed in the Paragraphs 30-32 above; and

B. For such further relief as this Court may deem just, equitable
and proper.

DATED this 23rd day of September, 2019.

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