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IN THE CIRCUIT COURT FOR 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,  
  
Plaintiff,

v.

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

Case No. 19CV41451

**DEFENDANTS' ANSWER TO  
PLAINTIFFS' FIRST AMENDED  
COMPLAINT**

Defendants Vasily Vakulsky and Ruslan Petrusha (“Defendants”) answer the First Amended Complaint dated April 7, 2020 as follows:

**INTRODUCTION**

1.

Defendants admit the allegations in the first sentence of Paragraph 1. Defendants lack knowledge or information sufficient to form a belief regarding the truth of the remaining allegations in Paragraph 1, and therefore deny them.

2.

Defendants admit the allegations in Paragraph 2.

3.

Defendants deny the allegations in Paragraph 3.

1 **PARTIES**

2 4.

3 Defendants admit that Plaintiff Grinko is an Oregon resident who holds himself out as a  
4 junior pastor of the New Life Missionary Church (the “Church”). Defendants deny the  
5 remaining allegations in Paragraph 4, and specifically deny that Plaintiff Grinko, individually or  
6 collectively with the other Plaintiffs, has the authority to assert these claims against Defendants  
7 on behalf of the Church or the Board of Directors of the Church.

8 5.

9 Defendants admit that Plaintiff Opanasyuk is an Oregon resident who holds himself out  
10 as a junior pastor of the Church. Defendants deny the remaining allegations in Paragraph 5, and  
11 specifically deny that Plaintiff Opanasyuk, individually or collectively with the other Plaintiffs,  
12 has the authority to assert these claims against Defendants on behalf of the Church or the Board  
13 of Directors of the Church.

14 6.

15 Defendants admit that Plaintiff Pakhnyuk is an Oregon resident who holds himself out as  
16 a junior pastor of the Church. Defendants deny the remaining allegations in Paragraph 6, and  
17 specifically deny that Plaintiff Pakhnyuk, individually or collectively with the other Plaintiffs,  
18 has the authority to assert these claims against Defendants on behalf of the Church or the Board  
19 of Directors of the Church.

20 7.

21 Defendants deny the allegations in Paragraph 7, and specifically deny that the Board of  
22 Directors of the Church consists of twenty-eight Church members or that the Board of Directors  
23 agreed to be named as a Plaintiff in this action.

24 8.

25 The allegations in the first sentence of Paragraph 8 are legal conclusions to which no  
26 response is required. To the extent that a response is required, Defendants deny that the Church

1 is appropriately named as a derivative plaintiff in this action. Defendants admit that the Church  
2 is a Slavic Evangelical church located at 3300 NE 172nd Place, Portland Oregon. Defendants  
3 lack knowledge or information sufficient to form a belief regarding the truth of the remaining  
4 allegations in Paragraph 8, and therefore deny them.

5 9.

6 Defendants admit that Defendant Vakulsky is an Oregon resident, that he founded the  
7 Church in 1992, and that he has occupied the position of “Senior Pastor” ever since. Defendants  
8 further admit that Vasily Vakulsky is a member of the Board of Directors. Defendants deny the  
9 remaining allegations in Paragraph 9, and specifically deny that the Board of Directors consists  
10 of twenty-eight Church members.

11 10.

12 Defendants admit that Defendant Petrusha is an Oregon resident and a member of the  
13 Church. Defendants further admit that Ruslan Petrusha is neither a pastor nor a member of the  
14 Board of Directors of the Church. Defendants deny the remaining allegations in Paragraph 10.

15 **JURISDICTION AND VENUE**

16 11.

17 The allegations in Paragraph 11 are legal conclusions to which no response is required.

18 **FACTS**

19 12.

20 Defendants admit that the Church is an Oregon nonprofit religious corporation and that it  
21 is governed by its Bylaws. Defendants deny the remaining allegations in Paragraph 12.

22 13.

23 Defendants admit that Defendant Vakulsky oversees the spiritual functions of the Church  
24 with assistance from other pastors, ministers, and Church leaders. Defendants deny the  
25 remaining allegations of Paragraph 13.

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14.

Defendants admit that the Church is governed by a Board of Directors that is comprised of the senior pastor, Defendant Vakulsky, and Church secretary, John Uzhva. Defendants further admit that the Board of Directors is advised by the Church's Council of Brethren. Defendants deny the remaining allegations in Paragraph 14.

15.

In response to the first sentence in Paragraph 15, Defendants respond that the Bylaws speak for themselves, and therefore no further response is necessary. Defendants admit that the Church periodically holds member meetings. Defendants deny the remaining allegations in Paragraph 16 except to the extent established by the Bylaws.

16.

In response to the allegations in the first two sentences of Paragraph 16, Defendants respond that the Bylaws speak for themselves, and therefore no further response is necessary. The remaining allegations in Paragraph 16 are legal conclusions to which no response is required. To the extent that a response is required, Defendants deny the allegations in Paragraph 16, except to the extent established by the Bylaws.

17.

Defendants deny the allegations in Paragraph 17.

18.

Defendants deny the allegations in Paragraph 18.

19.

Defendants deny the allegations in Paragraph 19.

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20.

Defendants admit that Defendant Vakulsky, in his capacity as senior pastor of the Church, put Plaintiffs Grinko and Opanasyuk on notice that they were violating multiple Church rules and Biblical teachings. Defendants deny the remaining allegations in Paragraph 20.

21.

Defendants admit that Plaintiff Pakhnyuk attempted to interfere on behalf of Plaintiffs Grinko and Opanasyuk by encouraging the Church youth to rebel against the senior pastor, causing a disruption that later resulted in discipline. Defendants deny the remaining allegations in Paragraph 21.

22.

Defendants admit that Defendant Vakulsky and Church secretary John Uzhva sent letters to Plaintiffs Grinko, Opanasyuk, and Pakhnyuk. Defendants further state that the letters speak for themselves and deny the remaining allegations in Paragraph 22.

23.

Defendants deny the allegations in Paragraph 23.

24.

Defendants admit that Defendant Vakulsky announced that there would be no special member meeting, which meeting was not set in accordance with Church rules and not set by those with authority to call such a meeting. Defendants deny the remaining allegations in Paragraph 24.

25.

Defendants admit that Defendant Vakulsky petitioned for, and was granted, "EPPDAPA" orders in case numbers 19PO08820, 19PO08840, and 19PO08834. Defendants further state that the petitions speak for themselves and deny the remaining allegations in Paragraph 25 except to the extent established by the petitions.

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26.

Defendants admit that, after Judge Edward Jones entered the Restraining Orders, Plaintiffs Pakhnyuk, Opanasyuk, and Grinko challenged the restraining orders and that a hearing was set. Defendants further admit that the Restraining Orders prevented Plaintiffs from coming to Defendant Vakulsky’s place of employment. Defendants deny the remaining allegations in Paragraph 26.

27.

Defendants deny the allegations in Paragraph 27.

28.

In response to the allegations in the first sentence of Paragraph 28, Defendants lack knowledge or information sufficient to form a belief regarding the truth of the allegations and therefore deny them. Defendants deny the remaining allegations in Paragraph 28.

29.

Defendants admit that Defendant Vakulsky issued an agenda for a meeting of the council of ministers of the Church and state that the agenda speaks for itself. Defendants further admit that, in response to increasing concerns over security due to threats, Defendant Vakulsky and John Uzhva hired an independent security company. Defendants deny the remaining allegations in Paragraph 29.

30.

Defendants admit the allegations in Paragraph 30.

31.

Defendants admit that the council of ministers voted in favor of holding a membership meeting to discuss various Church matters. Defendants deny the remaining allegations in Paragraph 31.

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32.

Defendants state that the document referenced in Paragraph 32 speaks for itself.  
Defendants deny the remaining allegations in Paragraph 32.

33.

Defendants admit that a meeting was held, and that Mikhail Pushin and Ivan Lipnyagov hosted the meeting. Defendant deny the remaining allegations in Paragraph 33, and specifically deny that Pushin and Lipnyagov are members of the Board of Directors of the Church.

34.

Defendants deny the allegations in Paragraph 34.

35.

Defendants deny the allegations in Paragraph 35.

36.

Defendants admit that, on April 5, 2020, Defendant Vakulsky posted a video on YouTube in which he excommunicated from the Church Plaintiffs Grinko, Opanasyuk, and Pakhnyuk, as well as non-party Kirill Grinko, based on the Church's Bylaws and his interpretation of Biblical teachings. Defendants deny the remaining allegations in Paragraph 36.

37.

Defendants deny the allegations in Paragraph 37.

38.

The allegations in Paragraph 38 are not directed at Defendants and are legal conclusions, to which no response is required. To the extent that a response is required, Defendants deny the allegations in Paragraph 38.

39.

The allegations in Paragraph 39 are not directed at Defendants and/or are legal conclusions, to which no response is required. To the extent that a response is required, Defendants deny the allegations in Paragraph 39.

1 **FIRST CLAIM FOR RELIEF**

2 **(ORS 65.038)**

3 40.

4 Defendants incorporate by reference their responses to Paragraphs 1 through 39, as  
5 though fully set forth herein.

6 41.

7 In response to the first sentence of Paragraph 41, Defendants admit that Plaintiffs Grinko,  
8 Opanasyuk, and Pakhnyuk hold themselves out as directors and members of the Church.  
9 Defendants deny the allegations in the second sentence of Paragraph 41. The third sentence of  
10 Paragraph 41 is a legal conclusion to which no response is required. To the extent a response is  
11 required, Defendants deny that the Church is appropriately joined as a derivative plaintiff in this  
12 action. Defendants deny the remaining allegations in Paragraph 41.

13 42.

14 The allegations in Paragraph 42 are not directed at Defendants and therefore no response  
15 is required. To the extent that a response is required, Defendants deny the allegations in  
16 Paragraph 42.

17 43.

18 The allegations in Paragraph 43 are not directed at Defendants and therefore no response  
19 is required. To the extent that a response is required, Defendants deny the allegations in  
20 Paragraph 43.

21 44.

22 The allegations in Paragraph 44 are not directed at Defendants and therefore no response  
23 is required. To the extent that a response is required, Defendants deny the allegations in  
24 Paragraph 44.



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45.

The allegations in Paragraph 45 are not directed at Defendants and therefore no response is required. To the extent that a response is required, Defendants deny the allegations in Paragraph 45.

46.

The allegations in Paragraph 46 are not directed at Defendants and therefore no response is required. To the extent that a response is required, Defendants deny the allegations in Paragraph 46.

47.

The allegations in Paragraph 47 are not directed at Defendants and therefore no response is required. To the extent that a response is required, Defendants deny the allegations in Paragraph 47.

**SECOND CLAIM FOR RELIEF**  
**(ORS 65.207)**

48.

Defendants incorporate by reference their responses to Paragraphs 1 through 47, as though fully set forth herein.

49.

Defendants deny the allegations in Paragraph 49.

50.

Defendants deny the allegations in Paragraph 50.

51.

Defendants deny the allegations in Paragraph 51.

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52.

The allegations in Paragraph 52 are not directed at Defendants and therefore no response is required. To the extent that a response is required, Defendants deny the allegations in Paragraph 52.

53.

The allegations in Paragraph 53 are not directed at Defendants and therefore no response is required. To the extent that a response is required, Defendants deny the allegations in Paragraph 53.

54.

The allegations in Paragraph 54 are not directed at Defendants and/or are legal conclusions, to which no response is required. To the extent that a response is required, Defendants deny the allegations in Paragraph 54.

55.

Except as specifically admitted herein, Defendants deny each and every allegation of Plaintiffs' First Amended Complaint.

**AFFIRMATIVE DEFENSES**

By way of further answer, Defendants allege the following defenses and affirmative defenses without assuming the burden of proof, where such burden is otherwise on Plaintiffs under applicable law. Defendants reserve the right to add additional affirmative defenses and additional facts supporting their defenses after conducting further discovery, investigation, research, and analysis.

56.

Plaintiffs' First Amended Complaint fails to state ultimate facts sufficient to constitute a claim.

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57.

Plaintiffs’ claims are barred by the doctrine of ecclesiastical abstention and/or under the First Amendment to the U.S. Constitution and Article One of the Oregon Constitution, both of which proscribe entanglements between government and religion.

58.

Plaintiffs’ claims are barred in whole or in part by the doctrine of unclean hands.

59.

Plaintiffs’ claims are barred in whole or in part by the doctrine of issue preclusion because Plaintiffs failed to raise them in the prior judicial proceedings related to the EPPDAPA restraining orders in case numbers 19PO08820, 19PO08840, and 19PO08834.

**FIRST COUNTERCLAIM FOR RELIEF**  
**(Attorney Fees under ORS 65.207)**

60.

Defendants incorporate by reference their responses to Paragraphs 1 through 59, as though fully set forth herein.

61.

ORS 65.207(3)(a) provides for an award of reasonable attorney fees to the prevailing party in an action brought under that section.

62.

If Defendants prevail in this action, and to the extent that the Court determines ORS 65.207 applies, Defendants are entitled to their reasonable attorney fees under ORS 65.207(3)(a), to be paid by individual Plaintiffs Grinko, Opanasyuk, and Pakhnyuk.

**SECOND COUNTERCLAIM FOR RELIEF**  
**(Attorney Fees under ORS 20.105(1))**

Defendants incorporate by reference their responses to Paragraphs 1 through 62, as though fully set forth herein.

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63.

ORS 20.105(1) provides for an award of reasonable attorney fees to a party against whom a claim is asserted upon a finding by the court that there was no objectively reasonable basis for asserting the claim.

64.

Plaintiffs' lawsuit seeks an order from the Court ordering that a member meeting of the Church occur pursuant to ORS 65.038 and ORS 65.207.

65.

Plaintiffs have no objectively reasonable basis for asserting these claims against Defendant Petrusha, who is neither a pastor nor member of the Board of Directors of the Church, and therefore cannot afford them the relief that they seek.

66.

If Defendant Petrusha prevails in this action, Defendant Petrusha is entitled to his reasonable attorney fees under ORS 20.105, to be paid by individual Plaintiffs Grinko, Opanasyuk, and Pakhnyuk.

**PRAYER FOR RELIEF**

WHEREFORE, having fully answered Plaintiffs' First Amended Complaint, Defendants pray for relief as follows:

- 1. For dismissal of Plaintiffs' First Amended Complaint with prejudice;
- 2. For an award in favor of Defendants on their counterclaims;
- 3. For an award in favor of Defendants for their legally recoverable attorney fees pursuant to ORS 65.207 and/or ORS 20.105;
- 4. For an award to Defendants for their legally recoverable costs and disbursements;

1           5.       For an award in favor of Defendants of such other relief as the Court deems just  
2 and equitable.

3  
4 DATED: April 27, 2020

**PERKINS COIE LLP**

6 By: /s/ Sasha Petrova

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11 Telephone: 503.727.2000  
Facsimile: 503.727.2222

12 Attorneys for Defendant  
13 Vasily Vakulsky, an individual;  
Ruslan Petrusha, an individual;

1 **CERTIFICATE OF SERVICE**

2 I hereby certify that on April 27, 2020, I served the foregoing **DEFENDANTS'**  
3 **ANSWER TO PLAINTIFFS' FIRST AMENDED COMPLAINT** on:

4 Darian Stanford  
5 Tonkon Torp LLP  
6 888 SW Fifth Ave., Suite 1600  
7 Portland OR 97204  
8 Facsimile: (503) 708-8779  
9 Email: darian.stanford@tonkon.com

10 Of Attorneys for Plaintiffs

11 to be sent by the following indicated method or methods, on the date set forth below:

12  by **sending via the court's electronic filing system**

13  by **email**

14  by **mail**

15 DATED: April 27, 2020

16 **PERKINS COIE LLP**

17 By: /s/ Sasha Petrova

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