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ALAMEDA COUNTY

2000 FEB 28 PM 4:58

CLERK OF THE SUPERIOR COURT

BY

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7 SHARON BOWLES, MARY-ANN HILL, PORTIA
8 RIDGEWAY and CELIA MOYER

9 SUPERIOR COURT OF THE STATE OF CALIFORNIA
10 FOR THE COUNTY OF ALAMEDA

12 RON LEE; NAOMI GATZKE; JOSEPH
13 THOMPSON, JR.; MIRIAM THOMPSON; OUR
14 REDEEMER LUTHERAN CHURCH, a not-for
15 profit religious corporation; and THE
16 CALIFORNIA-NEVADA-HAWAII DISTRICT OF
17 THE LUTHERAN CHURCH-MISSOURI
18 SYNOD, a not-for-profit religious corporation,

16 Plaintiffs,

17 v.

18 SHARON BOWLES; MARY-ANN HILL;
19 PORTIA RIDGEWAY and CELIA MOYER,

19 Defendants

21 SHARON BOWLES; MARY-ANN HILL;
22 PORTIA RIDGEWAY and CELIA MOYER,

23 Cross-Complainants,

24 v.

25 RON LEE,

26 Cross-Defendant.

Case No. RG 07363452

CROSS-COMPLAINT

1 Defendants and cross-complainants SHARON BOWLES; MARY-ANN HILL;
2 PORTIA RIDGEWAY and CELIA MOYER allege against cross-defendant RON LEE as
3 follows:

4 **FIRST CAUSE OF ACTION**

5 **(Breach of Fiduciary Duty)**

6 1. Defendants and Cross-Claimants, with the exception of Ms. Celia Moyer,
7 Church Secretary, are and at all relevant times since July 1, 2001 have been a majority of
8 the duly- elected Board of Trustees of Our Redeemer Lutheran Church ("the Church") and
9 in that capacity are empowered and authorized to act on behalf of the Church and its
10 membership to pursue and recover Church assets that are wrongfully wasted or converted.

11 2. Cross-Defendant Ron Lee ("Lee") was, prior to his removal on or about
12 February 13, 2007, the President of the Church. Since approximately 1993, Lee also
13 acted as Treasurer of the Church. As Treasurer, Lee was empowered by the Church
14 Constitution and Bylaws to disburse Church funds acting under the direction of the
15 Church's Board of Trustees for expenses necessary to the operation of the Church. Article
16 VI, Section 4 of the Church Bylaws required that Lee prepare and submit a monthly
17 statement of all receipts and disbursements by the Treasurer. However, he failed to
18 provide such statements.

19 3. In acting as President and Treasurer of the Church, Cross-Defendant Ron
20 Lee owed a fiduciary duty to Cross-Claimants and to the members of the Church, to place
21 their interest and the financial well being of the Church ahead of his own or any other
22 interest, and to maintain and be accountable for accurate financial records of all
23 disbursements of Church funds that he made, and of the Church's finances.

24 4. Cross-Claimants are informed and believe that while he was acting as Church
25 Treasurer, Lee breached his fiduciary duty to Cross-Claimants and Church members by
26 improperly disbursing and wasting Church funds and resources for matters that were not in
27 the best interest of the Church.

28

1 5. Lee has refused and continues to refuse to provide a proper accounting of his
2 management and disbursement of Church funds and resources.

3 WHEREFORE, Cross Claimants pray as follows:

4 1. For an accounting of all monies of Our Redeemer Lutheran Church received
5 and disbursed by Cross-Defendant Ron Lee while acting as President and/or Treasurer of
6 Our Redeemer Lutheran Church for the calendar years 2000-2006, and the first quarter of
7 2007;

8 2. For the restitution by Ron Lee of all sums wrongfully taken or disbursed by
9 him for which he is unable to provide a proper accounting and demonstration of the
10 propriety of the disbursement or expenditure;

11 3. For such other and additional equitable relief as the Court deems proper.

12 Dated: February 28, 2008

DUANE MORRIS LLP

13
14 By:



15 PAUL D. NELSON
16 AUDRA L. THOMPSON
17 Attorneys for Defendants and Cross-
18 Complainants SHARON BOWLES, MARY-
19 ANN HILL, PORTIA RIDGEWAY and
20 CELIA MOYER
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PROOF OF SERVICE

Ron Lee, et al. v. Sharon Bowles, et al.
Alameda Superior Court Case No. RG07363452

I am a resident of the state of California, I am over the age of 18 years, and I am not a party to this lawsuit. My business address is Duane Morris LLP, 633 West 5th Street, Suite 4600, Los Angeles, California 90071-2065. On the date set forth below, I served the following document(s):

CROSS-COMPLAINT

on the interested party(ies) in this action in the following manner:

BY FACSIMILE: On the date set forth below, at Los Angeles, California, I caused the foregoing document(s) to be transmitted by facsimile transmission. I am readily familiar with the firm's business practice regarding facsimile transmissions. According to that practice, the document(s) will be transmitted by facsimile from the offices of Duane Morris that same day to the law office(s) stated below to their known business facsimile number(s) and/or to the facsimile number(s) maintained by the addressee(s) designated below at the facsimile machine telephone number as last given by that person on any document which he or she has filed in the cause and served on the party making the service. The transmission(s) was(were) reported as complete and without error.

BY PERSONAL DELIVERY: On the date set forth below, at Los Angeles, California, I forwarded the above-referenced document(s) to an attorney service regularly utilized by my office for our messenger/courier service. The document(s) was(were) placed in a sealed envelope or package designated by our messenger/courier service with delivery fees paid or provided for, addressed to the person(s) on whom it is to be personally served at the address(es) shown below, at the office address(es) as last given by that person on any document filed in the cause and served on the party making service; otherwise at that party's place of residence. The messenger/courier service was provided with instructions that the envelope or package be personally served on the addressee(s) by same day delivery (C.C.P. §1011).

BY MAIL: On the date set forth below, at Los Angeles, California, I placed the document(s) in a sealed envelope(s), addressed as set forth below, for collection and mailing with the United States Postal Service. I am readily familiar with the firm's practice for collection and processing of correspondence for mailing with the United States Postal Service. According to that practice, the correspondence will be deposited with the United States Postal Service that same day in the ordinary course of business, with first-class prepaid postage thereon. Service made pursuant to CCP § 1013a(3), upon motion of a party served, shall be presumed invalid if the postal cancellation date or postage meter date on the envelope is more than one day after the date of deposit for mailing contained in the affidavit.

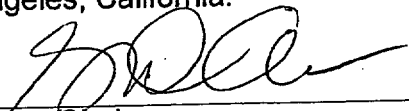
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3 San Francisco, CA 94111
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5 I declare under penalty of perjury under the laws of the State of California that the
foregoing is true and correct.

6 Executed on February 28, 2008, at Los Angeles, California.

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Greta Clark

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