

**Chih-Chen Ma v Wei Li Wang**

2025 NY Slip Op 31950(U)

May 30, 2025

Supreme Court, New York County

Docket Number: Index No. 655044/2022

Judge: Lyle E. Frank

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This opinion is uncorrected and not selected for official publication.

**SUPREME COURT OF THE STATE OF NEW YORK  
NEW YORK COUNTY**

**PRESENT: HON. LYLE E. FRANK PART 11M**

*Justice*

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CHIH-CHEN MA, NING KAN YANG,  
Plaintiff,

- v -

WEI LI WANG, MING TONG, CHINA BUDDHIST  
ASSOCIATION

Defendant.

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**INDEX NO.** 655044/2022  
**MOTION DATE** 02/27/2025  
**MOTION SEQ. NO.** 009

**DECISION + ORDER ON  
MOTION**

The following e-filed documents, listed by NYSCEF document number (Motion 009) 330, 331, 332, 333, 334, 335, 336, 337, 338, 339, 340, 341, 342, 343, 344, 379, 380, 381, 382, 383, 384, 385, 386, 387, 388, 389, 390, 391, 392, 393, 394, 395, 396, 397, 398, 399, 400, 401, 402

were read on this motion to/for CONTEMPT.

Upon the foregoing documents, defendant’s motion is granted in part and denied in part.<sup>1</sup>

**Background**

This motion arises out of a long-running dispute over the religious and corporate leadership of the nominal defendant China Buddhist Association (“CBA”). Relevant to this motion, in December of 2022 the former Grandmaster and President of the CBA, Ming Yee, passed away. In the ensuing dispute over control of the CBA, some of the organization’s Trustees, Chih-Chen Ma and Ning Kan Yang (collectively, “Plaintiffs”) filed this underlying proceeding. In January of 2025, this Court issued an order (the “January Order”) The January Order also stated that while the position of President of the CBA could not be inherited from a former President, because a December 5, 2022 order from the CBA Board had granted certain temporary control over the daily management of the CBA to Defendant until the CBA’s annual

<sup>1</sup> The Court would like to thank Matthew Wisniewski for his assistance in this matter.

election (which to date has still not occurred), this status quo would remain in effect. The January Order also ordered that a receiver be appointed in order to help determine membership and organize the annual election. In March of 2025, the First Department issued a preliminary injunction preventing Defendant from “holding herself out as Grandmaster, trustee or officer of China Buddhist Association and performing any function pertaining to the status of Grandmaster, trustee or officer pending hearing and determination of the appeal.”

### **Discussion**

Defendant brings the present order to show cause seeking to hold Plaintiffs in contempt for failing to comply with this Court’s Orders and for failing to turn over control of the day-to-day management of the CBA to Defendant. She is also moving to vacate the portion of the January Order that appointed a receiver and directed that the annual election be held within 30 days. Because the parties have stipulated to stay the election pending determination of an appeal by Plaintiffs, this portion of the order to show cause is deemed moot, with leave to renew after the stipulation expires. Similarly, the portion of Defendant’s order to show cause that seeks an order directing Plaintiffs to turn over control of the daily management of the CBA to Defendant is, in light of the First Department preliminary injunction, denied. There cannot be any basis for holding the Plaintiffs in contempt for failing to turn over control of the CBA management from the date of the First Department’s order, March 13, 2025, as from that date Defendant could not take any action as an officer of the CBA.

The remaining issue for the Court to decide, therefore, is whether there were any grounds for holding Plaintiffs in contempt for their actions between the issuance of the January Order (directing that the daily control of the CBA be turned over to Defendant as was outlined in the December Board Decision) and the First Department’s preliminary injunction. Defendant has

alleged that during this time period, Plaintiffs have refused to hand over any control of the CBA daily management to her, and that one of the Plaintiffs threatened her attorney. She alleges that Plaintiffs refuse to give her a key to the temple in which she lives, requiring her to call to be let in if she leaves any time after 5:00 p.m., and that she was once left on the street in the cold for upwards of 50 minutes waiting to be let back into her living space. She also alleges that she was never allowed access to the CBA offices or books and records.

Plaintiffs do not dispute these facts, but rather argue that they were following the “letter and the spirit” of the January Order by refusing to turn over control of the daily management of the CBA. They point to the language in the January Order noting that the position of President cannot be inherited alongside the position of Grandmaster under the bylaws and argue that the trustees and officers should have control of the daily management. But the January Order also clearly stated and ordered that a) the December board decision giving Defendant “charge of daily management of CBA until the annual election” was currently in effect as there had been no annual election since that decision and b) that the duly elected officers would then, “post-election”, then have control of the daily management of the CBA. They argue that Defendant has failed to establish why keys to the temple would be necessary when they are willing to let her in, but this Court’s orders did not place that burden on Defendant. They also state that they do not wish to give Defendant keys to the temple because she might invite guests in, but that is an unrelated issue and does not justify ignoring this Court’s January Order that held Defendant had temporary control over the daily management of the CBA until the annual election.

*Plaintiffs Were Clearly in Contempt of This Court’s Orders From January Through  
March*

Plaintiffs did not comply with the letter nor the spirit of the January Order during the time period between January and March of 2025. The January Order clearly stated that while Defendant could not inherit the position of President along with Grandmaster, in accordance with the December Board Decision she should be given control of the daily management of the CBA until the annual election, which to date has not taken place. While the First Department's preliminary injunction negates any authority of this Court to order control over the CBA be turned over to Defendant at this time, the March decision does not retroactively negate Plaintiffs' blatant contempt up until that point.

A court may hold a party in civil contempt if it is "determined that a lawful order of the court, clearly expressing an unequivocal mandate, was in effect, that the party charged with contempt had notice of the order and disobeyed it, and that the failure to comply with the order prejudiced the rights of a party to the litigation." *Matter of Gallagher v. Old Guard of the City of N.Y.*, 172 A.D.3d 609, 610 [1st Dept. 2019]. Here, the January Order clearly stated that the December Board Decision (giving Defendant control over the CBA's daily management until an election that has not yet occurred) was still in effect and ordered the parties to comply with that decision. The Plaintiffs had notice of the order and disobeyed it by refusing to turn over any aspect of the CBA daily management to Defendant. Defendant's rights in this litigation were clearly prejudiced by this failure to turn over control of the daily management.

In conclusion, the First Department's decision on March 13, 2025, granted a temporary injunction preventing Defendant from holding herself out as Grandmaster, trustee, or officer of China Buddhist Association and performing any tasks related to such role. This order, combined with the parties' stipulation, makes the majority of this order to show cause moot. However,

Plaintiffs were still in non-compliance for almost two months after the January Order.


Accordingly, it is hereby

ADJUDGED that defendant Wei Li Wang’s motion is granted as to the extent of holding plaintiffs in contempt and denied as to the rest; and it is further

ORDERED that the plaintiffs give defendant Wei Li Wang a key to the entrance of the temple in which she resides; and it is further

ADJUDGED that plaintiffs are guilty of a willful contempt in disobeying this Court’s orders and that the disobedience was calculated to, and did, defeat, impair, and prejudice the rights and remedies of the defendant Wei Li Wang; and it is further

ORDERED that a civil penalty in the amount of \$250.00 is hereby imposed upon plaintiffs Chih-Chen Ma and Ning Kan Yang, jointly and severally, which shall be payable to the Clerk of the Court not more than 15 days following the date of this Order.

  
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**LYLE E. FRANK, J.S.C.**

5/30/2025  
DATE

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|-----------------------|--|--|
| CHECK ONE:            | <input type="checkbox"/> CASE DISPOSED                           | <input checked="" type="checkbox"/> NON-FINAL DISPOSITION                          |
|                       | <input type="checkbox"/> GRANTED <input type="checkbox"/> DENIED | <input checked="" type="checkbox"/> GRANTED IN PART <input type="checkbox"/> OTHER |
| APPLICATION:          | <input type="checkbox"/> SETTLE ORDER                            | <input type="checkbox"/> SUBMIT ORDER  |
| CHECK IF APPROPRIATE: | <input type="checkbox"/> INCLUDES TRANSFER/REASSIGN              | <input type="checkbox"/> FIDUCIARY APPOINTMENT <input type="checkbox"/> REFERENCE  |