

SUPREME COURT OF THE STATE OF NEW YORK
COUNTY OF NEW YORK-----X
EIDO T. SHIMANO ROSHI and
YASUKO AIHO SHIMANO,

Plaintiffs,

-against -

THE ZEN STUDIES SOCIETY, INC.,

Defendant.
-----XSUMMONS

Index No.

Date Index No. Purchased:

Plaintiff designates New York
County as the place of trial. The
basis of this designation is plaintiffs'
and defendant's residence.

To The Person(s) Named as Defendant(s) Above:


PLEASE TAKE NOTICE THAT YOU ARE HEREBY SUMMONED to answer the verified complaint of the plaintiffs herein, and to serve a copy of your answer on the plaintiffs at the address indicated below within twenty (20) days after the service of this Summons (not counting the date of service itself), or within thirty (30) days after service is complete if the Summons is not delivered personally to you within the State of New York .

YOU ARE HEREBY NOTIFIED THAT should you fail to answer, a judgment will be entered against you by default for the relief demanded in the verified complaint.

Certified pursuant to 22 NYCRR § 130-1.1(a)-(b)

DATED: New York, New York
December 31, 2012To: The Zen Studies Society, Inc.
223 East 67th Street
New York, NY 10065

Defendant


LAWRENCE D. GERZOG
233 Broadway, Suite 2707
New York, New York 10279
(212) 486-3003

Attorney for Plaintiffs

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

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EIDO T. SHIMANO ROSHI and
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JURY TRIAL
DEMANDED

VERIFIED
COMPLAINT

Index No.

Plaintiffs, EIDO T. SHIMANO ROSHI and YASUKO A. SHIMANO, through their attorney, LAWRENCE D. GERZOG, as and for their Verified Complaint herein, state as follows:

1. Plaintiff Eido T. Shimano was born in 1932 in Japan. He is a naturalized citizen of the United States and resides in New York, New York. He is, by profession, a Zen Buddhist priest, who earned the title "Roshi," a title used for a highly venerated senior teacher in Zen Buddhism, in 1972 (hereinafter, "Shimano Roshi.")
2. Plaintiff Yasuko A. Shimano was born in 1935 in Japan. She is a naturalized citizen of the United States and resides in New York, New York (hereinafter, "Mrs. Shimano.") She was, until her retirement in 2010, the Director of the New York Zendo (a form of temple or holy place where, among other things, zazen, or sitting meditation, is practiced in the Buddhist faith) of The Zen Studies Society, Inc. (hereinafter, "ZSS") in New York, New York. On November 29, 1964 she was married to Shimano Roshi and they have

been married ever since.

3. Defendant ZSS is a New York not-for-profit corporation with its principal place of business at 223 East 67th Street, New York, New York. Its principal activity is holding Buddhist religious services, retreats, zazen, classes and other events that are part of and promote the Zen Buddhist religion.
4. On December 31, 1964, Shimano Roshi arrived in New York to minister to the needs of New York and United States based Zen Buddhists and to teach and promote Zen Buddhism in the New York area and in the United States in general.
5. In or about April, 1965, Shimano Roshi established a New York Zendo in an apartment at 440 West End Avenue, New York, New York. He began offering Zen Buddhist services and classes. Membership in the New York Zendo established by Shimano Roshi grew rapidly.
6. In or about May, 1965, Shimano Roshi was asked by its then attorney, George Yamaoka, to take over the ZSS, a then dormant New York not for profit corporation with one member, no place of business, and almost no assets. He agreed, and became ZSS' spiritual director and leader. He recruited members, a Board of Directors was elected, and the ZSS began to thrive and grow. Shimano Roshi also continued his work of practicing and promoting Zen Buddhism, and also began to raise money for the ZSS. He was extremely successful at both promoting Zen Buddhism and raising money, and by 1967 ZSS had many members and was able to purchase the building where it has its headquarters today and renovate it into a Zen Buddhist Temple.
7. In addition, through the efforts of Shimano Roshi, the ZSS, in or about 1972, was able to obtain a 1400 acre parcel of land in Livingston Manor, New York which was named

Daibosatsu Zendo (hereinafter, "DBZ") for use by the ZSS and its members as a spiritual retreat. This property still belongs to the ZSS and has been developed over the years into a substantial and important center of Zen Buddhist worship, study and thought.

8. In 1972, the Board of Directors of ZSS named Shimano Roshi as Abbott of ZSS. On October 19, 1982, ZSS named Shimano Roshi the founder and first Abbott of the two ZSS Zendos. Nyogen Senzaki and Soen Nakagawa Roshi were named Honorary Founders. In 1990 the Board of Directors of ZSS named Mrs. Shimano as Director of the New York Zendo. Her duties included managing the day to day business of the New York Zendo, overseeing its maintenance and care, overseeing the preparation of meals and occasionally leading meditation and other Zen Buddhist activities.
9. In 1995, in recognition of the outstanding and long-time leadership of the ZSS by Shimano Roshi, and the devotion and excellent work of Mrs. Shimano as Director of the New York Zendo, two contracts were entered into on July 25, 1995 between the ZSS and Shimano Roshi and Mrs. Shimano, respectively. The contract entered into between ZSS and Shimano Roshi is attached hereto as Exhibit A and the contract entered into between ZSS and Mrs. Shimano is attached hereto as Exhibit B.
10. The contracts provided, among other things, that both Shimano Roshi and Mrs. Shimano 1) would receive pension or deferred compensation payments after their retirements for each of their lifetimes, 2) would receive the payment of health insurance premiums for each of their lifetimes and 3) that the ZSS would pay the maintenance, assessments, utilities and telephone expenses for the cooperative apartment located at 333 East 69th Street, New York, New York occupied by the Shimanos since 1984. Although not specified in the written contracts, Shimano Roshi was promised treatment as "Abbott

Emeritus" and full use of both the New York Zendo and DBZ for the conducting of services, retreats and classes, and for private study.

11. On December 31, 2010, Shimano Roshi retired as Abbott of ZSS. On December 31, 2010, Mrs. Shimano retired as Director of the New York Zendo of ZSS.
12. Payments as specified in the contracts were begun on January 1, 2011. Beginning on February 1, 2011, the pension or deferred compensation payments were reduced unilaterally by the ZSS Board by 30%, but the other terms of the contracts were adhered to. This continued until August 2012, when, again unilaterally, the ZSS Board stopped making any pension or apartment related payments due under the contracts. No formal written explanation of the reason for stopping the payments was ever made to either Shimano Roshi or Mrs. Shimano.
13. In addition, after the retirements, the ZSS Board of Directors changed the locks at the New York Zendo and did not give replacement keys to the Shimanos (see exhibit C, attached.)
14. Over the years, Shimano Roshi and Mrs. Shimano acquired, sometimes by purchase using their own funds, sometimes by gift to one or the other or both, personally, and sometimes by purchase by or donation to the ZSS a significant collection of spiritual and artistic items which were used to decorate the New York Zendo and DBZ properties and were used in various services at ZSS' New York and DBZ Zendos. An itemization of the items belonging to the Shimanos located at the New York Zendo was prepared by Shimano Roshi and attached hereto as Exhibit D, with the items belonging to the Shimanos marked with an asterisk. Shimano Roshi attempted to make a similar inventory of property located at DBZ belonging personally to the Shimanos, but was

stopped from doing so by a ZSS Board of Directors member.

15. On or about December 13, 2013 the Shimanos made a demand to the ZSS, through their attorney, to return to them those spiritual and artistic items which are their personal property and which are in the possession of the ZSS. The ZSS has refused to return the items.

AS AND FOR A FIRST CAUSE OF ACTION

16. Plaintiffs repeat and reallege each paragraph above as if fully set forth herein.
17. By failing to make the payments to Shimano Roshi under the July 25, 1995 contract with him, the ZSS has breached its contract with Shimano Roshi and thereby damaged him.

AS AND FOR A SECOND CAUSE OF ACTION

18. Plaintiffs repeat and reallege each paragraph above as if fully set forth herein.
19. By failing to make the payments to Shimano Roshi under the July 25, 1995 contract with him, the ZSS has breached its contract with Mrs. Shimano as a third party beneficiary of the contract between ZSS and Shimano Roshi and thereby damaged her.

AS AND FOR A THIRD CAUSE OF ACTION

20. Plaintiffs repeat and reallege each paragraph above as if fully set forth herein.
21. By failing to make the payments to Mrs. Shimano under the July 25, 1995 contract with her, the ZSS has breached its contract with Mrs. Shimano and thereby damaged her.

AS AND FOR A FOURTH CAUSE OF ACTION

22. Plaintiffs repeat and reallege each paragraph above as if fully set forth herein.
23. By failing to make the payments to Mrs. Shimano under the July 25, 1995 contract with her, the ZSS has breached its contract with Shimano Roshi as a third party beneficiary of the contract between ZSS and Mrs. Shimano and thereby damaged him.

AS AND FOR A FIFTH CAUSE OF ACTION

24. Plaintiffs repeat and reallege each paragraph above as if fully set forth herein.
25. By refusing to return to the Shimanos property owned by them and in the possession of ZSS, ZSS has committed conversion.
26. The refusal of ZSS to return property belonging to the Shimanos and instead converting it to ZSS' own use was done wilfully, wantonly and maliciously.

WHEREFORE, plaintiffs demand judgment against defendant:

1. On the first through fourth causes of action, in an amount to be determined at trial;
2. On the fifth cause of action, actual damages in the amount of \$1,000,000.00;.
3. On the fifth cause of action, punitive damages in the amount of \$1,000,000.00;

and for such other and further relief as the Court may deem just and proper.

Dated: New York, New York
December 31, 2012

Certified pursuant to 22 NYCRR § 130-1.1(a)-(b)



LAWRENCE D. GERZOG
233 Broadway, Suite 2707
New York, New York 10279
(212) 486-3003

Attorney for Plaintiffs

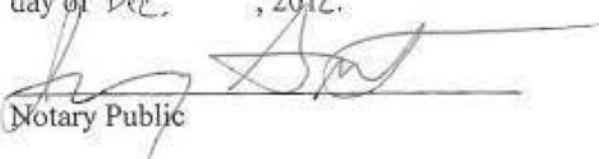
VERIFICATION

STATE OF NEW YORK)
COUNTY OF NEW YORK) ss.:

I, Eido T. Shimano Roshi, am one of the plaintiffs in this action. I have read the foregoing Complaint and know the contents thereof. The contents are true to my own knowledge, except as to matters therein stated to be alleged upon information and belief, and as to those matters I believe them to be true.


EIDO T. SHIMANO ROSHI

Sworn to before me this 31
day of Dec., 2012.

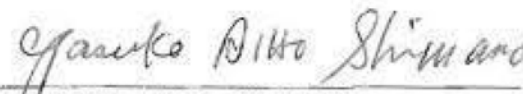

Notary Public

JEREMY L GUTMAN
Notary Public, State of New York
No. 02GU4898287
Qualified in Westchester County
Commission Expires 05/19/2015


VERIFICATION

STATE OF NEW YORK)
COUNTY OF NEW YORK) ss.:

I, Yasuko Aiho Shimano, am one of the plaintiffs in this action. I have had the foregoing Complaint read to me in Japanese by someone who is fluent in both English and Japanese, and know the contents thereof. The contents are true to my own knowledge, except as to matters therein stated to be alleged upon information and belief, and as to those matters I believe them to be true. This verification page has also been read to me in Japanese by someone fluent in both English and Japanese.


YASUKO AIHO SHIMANO

Sworn to before me this 31
day of Dec., 2012.


Notary Public

JEREMY L GUTMAN
Notary Public, State of New York
No. 02GU4898287
Qualified in Westchester County
Commission Expires 05/19/2015

EXHIBIT A

Deferred Compensation Agreement

Dated as at July 25, 1995

Between the Zen Studies Society, Inc. (hereinafter referred to as ZSS) the employer and Ven. Eido T. Shimano, Roshi, Abbot of the Zen Studies Society, Inc. (hereinafter referred to as the Abbot)

1. In consideration for services rendered by the Abbot for more than 20 years, ZSS will provide the following deferred compensation subsequent to the date of his retirement.
2. Occupancy of the co-operative apartment at 333 East 69th Street with Aiho Shimano until they both shall pass away or notify ZSS in writing of that they no longer wish to occupy said co-operative apartment.
3. Payment of all maintenance, assessments and utilities, including telephone for said apartment.
4. Monthly payments in an amount equal to 70% of the Abbot's salary in the year preceding his retirement, plus a 4% annual cost of living adjustment.
5. A Medicare supplemental or other health insurance policy which will provide the Abbot and his spouse comparable health insurance coverage to that provided for other ZSS employees.
6. The premium on a life insurance policy on the Abbot, which names the ZSS as beneficiary shall continue to be paid by ZSS as long as it shall be due.
7. The rights herein are vested as of July 25, 1995 and cannot be abridged without written consent of the Abbot.

Signed


President of the Board of the
Zen Studies Society, Inc.

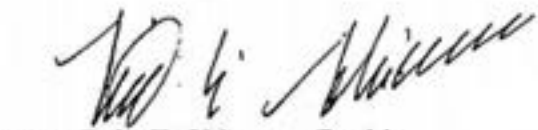

Ven. Eido T. Shimano, Roshi
Abbot of the Zen Studies Society, Inc.

EXHIBIT B

Deferred Compensation Agreement

Dated as at July 25, 1995

Between the Zen Studies Society, Inc. (hereinafter referred to as ZSS) the employer and Yasuko Aiho Shimano, Director of the New York Zendo, Shobo-ji of the Zen Studies Society, Inc. (hereinafter referred to as the Director)

1. In consideration for services rendered by the Director for more than 20 years, ZSS will provide the following deferred compensation subsequent to the date of her retirement
2. Occupancy of the co-operative apartment at 333 East 69th Street with Eido T. Shimano until they both shall pass away or notify ZSS in writing of that they no longer wish to occupy said co-operative apartment.
3. Payment of all maintenance, assessments and utilities, including telephone for said apartment.
4. Monthly payments in an amount equal to 70% of the Director's salary in the year preceding her retirement, plus a 4% annual cost of living adjustment.
5. A Medicare supplemental or other health insurance policy which will provide the Director and her spouse comparable health insurance coverage to that provided for other ZSS employees.
6. In the event that Eido T. Shimano shall predecease her, the Director shall receive an increase to her the monthly payments specified in paragraph 4 so that the total shall equal 70% of Eido T. Shimano's salary in the year preceding his retirement, plus a 4% annual cost of living adjustment.
7. The rights herein are vested as of July 25, 1995 and cannot be abridged without written consent of the Director.

Signed


President of the Board of the
Zen Studies Society, Inc.

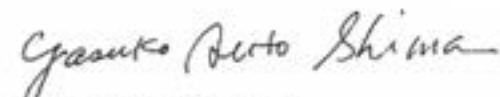

Yasuko Aiho Shimano
Director of the New York Zendo, Zen
Studies Society, Inc.

EXHIBIT C

Dear Eido Roshi and Aiho San,

This letter is written on behalf of the board of the Zen Studies Society to apologize for the rude and clumsy manner in which we executed the switching of the locks at New York Zendo Shobo-Ji.

We regret the lack of face-to-face notification, which caused you and Aiho-San such personal embarrassment, pain and inconvenience.

We further apologize for the recent scheduling confusions that resulted in inadvertent lock-outs resulting in discomfort and wasted time on your part.

The current board, as well as previous boards dealing with similar past ethical violations, have been, and are, ill equipped to deal with these kinds of transgressions.

You have been an important teacher to us all; therefore, taking such actions and imposing these prohibitions has been profoundly painful for us as well.

We hope for a time in the future when the causes that led to these effects will be directly, openly and honestly addressed in a meaningful, transparent and far reaching manner.

At this time, however, we would be considered negligent if we did not stand by our position and policies. We ask for your understanding as we shoulder the responsibility of guiding the Zen Studies Society into the future.

Sincerely,

Board of the Zen Studies Society

EXHIBIT D PART ONE



1. Altar Buddha, gift from Ryotakuji for NYZ opening, 1968



2. Plaque over altar gift from Soen Roshi for NYZ opening, 1968



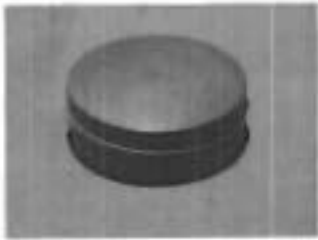
3. Altar Buddha: Monju bodhisattva, bought by Eido Roshi at 2nd Ave Antiques *



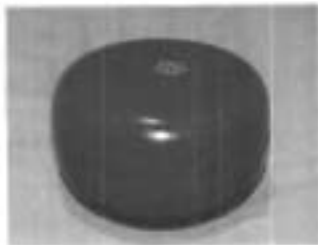
4. Altar Buddha: Fugen bodhisattva, bought by Eido Roshi at Mishima City, Japan *



5. Nyogen Senzaki Photo *



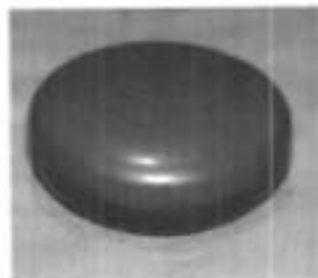
12. Powdered Incense Holder: wooden, bought by Eido Roshi in Japan *



13. Powdered Incense Holder: red plastic. Provenance unknown.



14. Powdered Incense Holder: Lacquer. Gift of Mr. Nya to Eido Roshi in Japan *



15. Powdered Incense Holder: wooden. Provenance unknown.



16. Stone Buddha statue: Bought by Eido Roshi *



17. Stone Buddha statue: Bought by Eido Roshi in India *



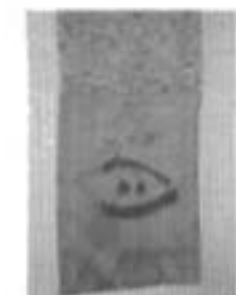
18. Wood Bhodi Dharma statue: given to Eido Roshi by Shugen Tanahashi *



19. Wood Bhodi Dharma statue: given to Eido Roshi by John Burden *



20. Incense Holder: Eido Roshi had made in 1970's *



21. Teisho text covering cloth "Moon" by Soen Roshi, given to Aiho Shimano *



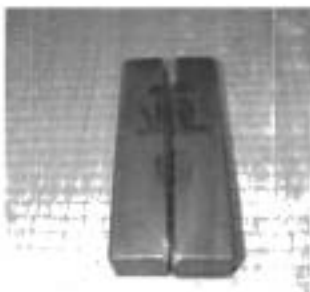
22. Flower Vase given to Aiho Shimano *



23. Jikijitsu table from Japan *



24. Inkin from Kyoto *



25. Clappers from Mishima *



26. Photos and ihai, teachers and Eido Roshi and Aiho's parents *



27. Ceramic Stupa bought by Eido Roshi from Rudy's Antiques *



28. Wood Bhodi Dharma statue: given by John Burden *



29. Wood Kanzeon statue: holding a jewel, gift from Mrs. Tanaka *



30. Wood Kanzeon statue: gift from Mrs. Tanaka *



31. Seated wood Buddha statue: gift from Mrs. Tanaka *



32. Bodhisattvas greup: gift from Mrs. Tanaka *



33. Wood Jizo statue: gift from Mrs. Tanaka *



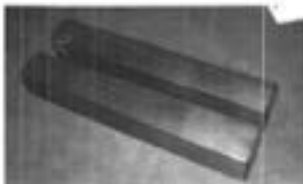
34. Plaque saying "Zazen" at Zendo entrance.
Eido Roshi had this carved by Mrs. Tanaka *



35. Han, designed by Eido Roshi,
made by American carpenter *



36. Photo of Aiho Shimano at DBZ, belongs to her *



37. Large clappers, made by American carpenter at
Eido Roshi's direction *



38. Mount Fuji painting, given to Eido Roshi by Mr. Okada on the occasion of his 70th Birthday *



39. Noren, copy of calligraphy by Hakuin (in bookstore). Bought by Eido Roshi *



40. Large Vase, gift from Mrs. Kikushi *



41. Large gong in main Zendo, donated to NYZ by Sylvan Busch



42. Small gong in main Zendo, bought by Eido Roshi at antiques shop in NYC. Cushion and striker from Japan. *



43. Myokugyo, gift from Mr. Komuro *



44. Standing Kanzeon, purchased by Eido Roshi from Rudy ✱



45. Pair of 1000 arms Kanzeon, purchased by Eido Roshi from Rudy ✱



46. Jizo Bohisattva, purchased at 2nd Avenue Antiques purchased by Eido Roshi ✱



47. Woven flower vase, belongs to Aiho Shimano ✱



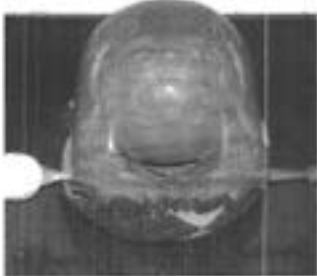
48. Celadon incense burner, given to Eido Roshi as his first gift for his practice in NY *



49. Tenmoku tea bowl, given for 20th anniversary, from Japan *



50. Bell in Garden Zendo from Rudy's Antiques *



51. Mykyugyo, Garden Zendo, unknown provenance *



52. Stone pagoda from Rudy's Antiques *



53. Little Buddha given by the sculptor of the large Jizo at DBZ *



54. Stone, gift from Shimmen *

FROM GARDEN ZENDO CLOSET



55. Meal Gong from Mitochu in Tokyo *



56. Nirvana Scroll, gift from Father Maxima,
mounting paid for by Eido Roshi *



57. Monjushri Statue: Wood, brought by Soen to Ryokakuji,
then to DBZ and finally to NYZ *



58. Baby Buddha, bought by Eido Roshi in Katmandu, Nepal *



59. Three Chinese Tables: bought by Eido Roshi at 2nd Ave Antiques *



60. Gong: bought by Eido Roshi at Pennsylvania Antiques shop *



61. Gong: provenance unknown *



62. Gong: small, provenance unknown *



63. Tibetan bell from Rudy's Antiques *



64. Myokuyugyo, provenance unknown *



65. Calligraphy "Nen, flowers bloom" given by poet, mounted by Eido Roshi *



66. Blue Vase, given to Eido Roshi by his uncle, Owaku *



67. Nirvana Buddha painting by Father Maxima, given to Eido Roshi in 1975 *



68. Pottery vase. Provenance unknown.



69. Long Necked vase. Given to Eido Roshi by American potter



70. Smiling monk celadon incense burner from Rudy's Antiques



71. Bizen vase made for NYZ art sale, given to Eido Roshi



72. Pottery vase left over from Zen art sale



PHOTOS

73. Soen Shaku, given by Shugen Tanahashi





74. Yatsutani Roshi, given to and mounted by Eido Roshi



75. Soen Roshi, given to and mounted by Eido Roshi



76. Gempo Roshi, given to and mounted by Eido Roshi



77. DT Suzuki, provenance unknown



78. Tani Roshi, taken at DBZ, framed by Eido Roshi



79. Kanzeon Statue: carved by Mr. Nakano, given to Aiho





80. Plaque "Harmony" by Gempo Roshi,
belongs to Eido Roshi *



81. George Nakashima table, given to Eido Roshi *



82. Couch from Eido Roshi's apartment



83. Painting of Aiho Shimano by Vincent Piazza, gift to Aiho *



84. Painting of Eido Roshi by George, given to ER *



85. Photo of Chester Carlson, belongs to Eido Roshi *



86. Photo of Doris Carlson, belongs to Eido Roshi



87. Bronze Buddha, no provenance



88. Black and White Photo of DBZ



89. The Dalai Lama and Eido Roshi





90. Photo of Eido Roshì and the Dalai Lama *



91. Two leather and wood chairs, belonged to Eido Roshì *



92. Painting of Bhodì Dharma, gift from Father Nakashima, 1970's, painted in Japan *



93. Wood Statue (in hallway outside dharma hall)
Zen Zì Dojì, Eido Roshì bought from Rudy



94. Painting of Soen Roshì listening to the shakuhachi by
Harry McCormick *



95. Table from Second Avenue Antiques Store





95. Lamp from Eido Roshi's apartment *



96. Konsho bell, bought in Japan by Eido Roshi



97. Table from Eido Roshi's apartment



98. Photo of Gempo Roshi, Soen Roshi, Nyogen Senzaki and Eido Roshi as a young monk



99. Calligraphy by Shibayama Roshi, Eido Roshi's friend and teacher. Given to and mounted by Eido Roshi.
Translation: "the great way has no gate"





100. Dharma Hall altar main Buddha,
donated by Dr. Uchida



101. Fugan Bodhisattva Statue:
bought by Eido Roshi from Second Avenue Antiques



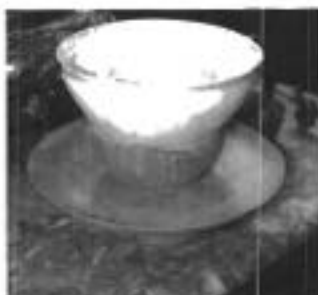
102. Incense Burner;
bought by Eido Roshi from Second Avenue Antiques



103. Bell bought in Japan



104. Table with marble top bought by Eido Roshi from
Second Avenue Antiques



105. Tea bowl, bought in Japan





106. Chinese Table with marble top, bought from
Second Avenue Antiques



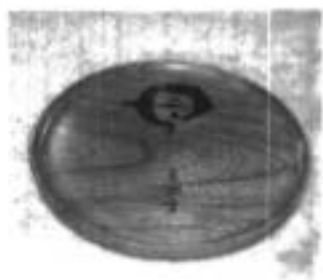
107. Lamp from Eido Roshi's apartment



108. Jihatsu sets from Kanda, Kyoto Japan (40)



109. Black and red plastic bowls (22)

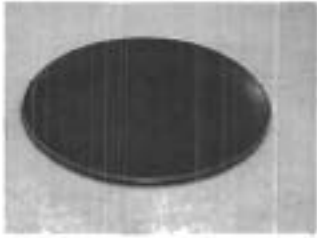


110. Tray: Wooden from Soen Roshi with calligraphy
Translation: Mother



111. Tray: Orange lacquer, gift from Japan





112. Tray: Porcelain, gift to Eido Roshi from Martha



113. Tray: Brown Lacquer



114. Wood Buddha carved by Mr. Nakano



115. Bamboo vase, belongs to Aiho



116. Incense Burner from Second Avenue Antiques Store



117. Bell, no provenance



118. Enku Buddha from Gifu,
bought by Eido Roshi



119. Korean Bronze vase, bought by Eido Roshi



120. Buddha, colored pottery, bought from Rudy



121. Calligraphy by Eido Roshi
Translation: "Mu"





122. Calligraphy by Soen Roshi, given to Eido Roshi on his transmission day 1972 *



123. Portrait of Eido Roshi commissioned by Doris Carlson, painted by Daniel Greene 1972 *



124. Buddha Statue, bought by Eido Roshi in Katmandu, Nepal *



125. Stand bought by Eido Roshi from Second Avenue Antiques *



126. Incense burner, bought by Eido Roshi in Kyoto *



127. Table bought by Eido Roshi from Second Avenue Antiques *



128. Oil Lamp, donated by Fugin



129. Ceramic Nyoi, given to Eido Roshi by Murase Roshi



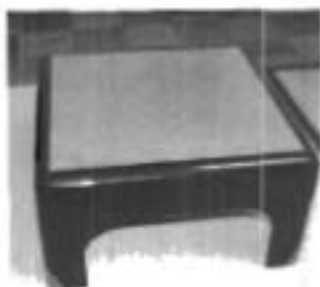
130. Bell from Nepal



131. Mandala scroll given to Eido Roshi
by Wauda Kobe



132. Wood Nyoi given to Eido Roshi

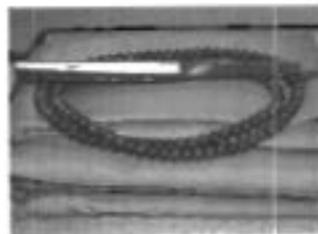


133. Lacquer table, bought in Soho by Eido Roshi





134. Wood cabinet from Rudy



135. Eido Roshi's Kesa, mala and fan 1



136. Eido Roshi's Kesa, mala and fan 2



137. Eido Roshi's Kesa, mala and fan 3



138. Stone carved with "Namu Dai Bosa" from Dai Bosatsu mountain in Japan



139. Small stone from Dai Bosatsu mountain in Japan





140. Very important Rinzaï Zen texts in Chinese: Mumonkan, Hekigan Roku. All belong to Eido Roshi



141. Tea Bowl: Shino
Eido Roshi's gift to the Sangha for DBZ
10th Anniversary



142. Tea Bowl: gift from Genki Kobayashi



143. Tea Bowl: gray, provenance unknown



144. Tea Bowl: provenance unknown



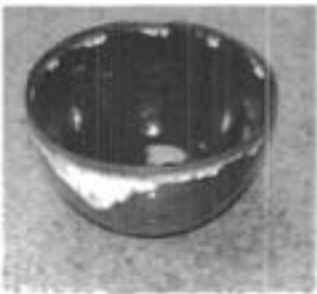
145. Shallow bowl from Ryotakuji, "One Mind", written by Gempo Roshi. Broken and repaired.



145. Tea Bowl: White, from Japan



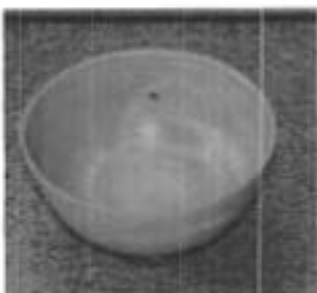
146. Tea Bowl: White, from Japan



147. Tea Bowl: Brown, Provenance unknown



148. Tea Bowl: Rimmed, Provenance unknown

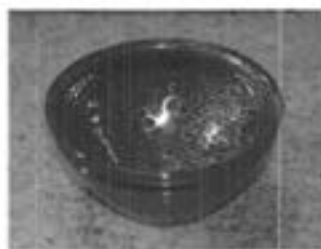


149. Tea Bowl: Incorporating tiles from Rinzaï's pagoda made by American potter. Belongs to Eidi Roshi





150. Tea Bowl 2: Incorporating tiles from Rinzaï's pagoda made by American potter. Belongs to Eido Roshi



151. Tea Bowl: Rytaki temboken "oil spot technique" bought by Eido Roshi in Kyoto. Belongs to Eido Roshi



152. Tea Bowl: Greenish, Provenance unknown



153. Tea Bowl: by George Peterson. Gift for 20th Anniversary



154. Tea Bowl: Ribbed, dark brown, Provenance unknown



155. Tea Bowl: Calligraphy reads "Dharma" Provenance unknown

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

-----X
EIDO T. SHIMANO ROSHI and
YASUKO A. SHIMANO,

Plaintiffs,

**AFFIRMATION
OF SERVICE**

Index No. 650025/2013

-against-

THE ZEN STUDIES SOCIETY, INC.,

Defendant.

-----X
LAWRENCE D. GERZOG, an attorney admitted to the Bar of New York State, mindful
of the penalties for perjury, affirms as follows:

1. On January 4, 2013 I served a true copy of the Summons, Verified Complaint with Exhibits and Notice of Mandatory E-filing on Eric J. Grannis, Esq., attorney for the defendant herein, who agreed to accept service on behalf of his client, by mailing the same first class postage prepaid to:

Eric J. Grannis, Esq.
1 Penn Plaza, 36th Floor
New York, NY 10019

Dated: New York, New York
January 4, 2013

/s/ Lawrence D. Gerzog
LAWRENCE D. GERZOG
233 Broadway, Suite 2707
New York, New York 10279
(212) 486-3003

Attorney for Plaintiffs

EXHIBIT D
PART TWO



156. Tea Bowl : Repaired, Provenance unknown



157. Tea Bowl: Pale, from Kifu,
given to Eido Roshi



158. Tea Bowl: Striped, Provenance unknown



159. Small flower vase, Provenance unknown

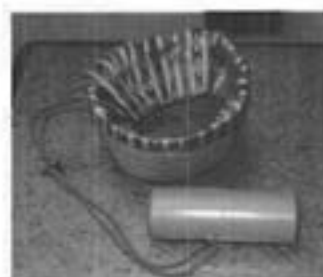


160. Tea Bowl: Soma, blue and white, from Japan



161. Stone paperweight: Gift to Eido Roshi





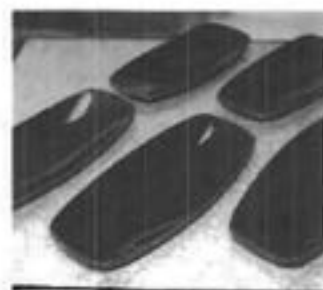
162. Portable Tea bowl carrier and tea making basket



163. Tea scoops (5) *



164. Lacquer coasters with holder (6) *



165. Lacquer hot towel trays (5) *



166. Wood tea bowl holder *



167. Wood sculpture. Provenance unknown



168. Scroll "Namu Dai Bosa", belongs to Eido Roshi



169. Plaque, Gempo Roshi "Bodhi Dharma", commemorating his 50th Anniversary at Ryotakuji



170. Wooden Buddha Plaque by Mr. Nakano, given to Eido Roshi by his wife.



171. Table from Second Avenue Antiques, bought by Eido Roshi



172. Incense burner from Second Avenue Antiques, bought by Eido Roshi

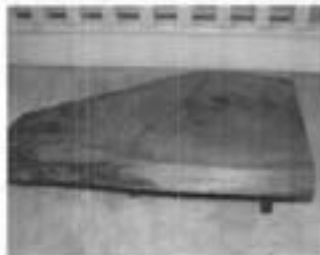




173. Silk Print of stupa at Buddhagaya, by Mr. Hiraiyama,
given to Eido Roshi



174. Painting of Buddha by Father Maxima, belongs to NYZ



175. Bench in the manner of Nakashima,
made by amateur carpenter David



176. Brush painting by Paul Reys, student of Nyogen Senzaki
"Drinking a bowl of green tea I stop the war"



177. Wooden Buddha from Rudy's Antiques. 1970



178. Cabinet, given by Mrs. Saito





179. Incense Burner: Celadon, from Japan, from when Eido Roshi was ordained *



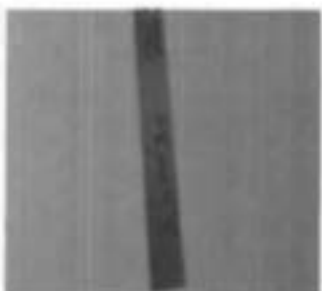
180. Clappers: Provenance unknown



181. Box from Japan to hold paper ihai *



182. Bell from Nepal *



183. Keisaku: Namu Dai Bosa, calligraphy by Eido Roshi *



184. Wood Plaque. Calligraphy by Bishop Furokawa "Heart" Given to Eido Roshi in the 1960's *



185. Plaque: Calligraphy by Gempo Roshi, "Dream" carved by Mr. Segawa, given to Eido Roshi



186. Kanzeon Scroll given to Eido Roshi in 1970's



187. Black and White photo of monks at DBZ Oct 21, 1976



188. Photo of Chester Carlson, given to Eido Roshi by Mrs. Carlson



189. Wooden Kanzeon carved by Mrs. Tanaka, given by Mrs. Tanaka



190. Tibetan bells, one needs repair. Provenance unknown



191. Incense burner from Japan *



192. Reel-to-reel tapes of Gempo Roshi's complete Mummonkan, recorded in Japan starting in 1955 (in Japanese). *



193. Cabinet from and holding documents of the Abbot Tani Foundation, locked. Belongs to Eido Roshi *



194. Keisaku, calligraphy by Tani Roshi *



195. Wood Plaque by Gempo Roshi, gift from Ryotakuji commemorating his 50th Anninversary *



196. Wood Buddha, gift frfom Dr. Machida from Tokyo *



197. Wood Nyoï, given to Eido Roshi by Kogetsu Roshi



198. Heart Sutra by Mrs. Aoki



199. Crystal bowl, gift from Dr. Brock



200. Table, bought by ZSS from Kinzan's family shop



201. Chair, ordination gift to Eido Roshi from Kinzan



202. Chairs from Eido Roshi's apartment (6)





203. Cabinet, given by Sana Fujita after NYZ dedication.
Contains Aiho Shimano's personal belongings *



204. Buddha Painting by Mitsu Suzuki from Tokyo *



205. Photo of DT Suzuki and Eido Roshi in Hawaii *



206. Table bought by Eido Roshi, belongs to NYZ



207. Chairs (6) bought by Eido Roshi, belongs to NYZ



208. High chair by George Nakashima, gifted to
Mr. Johnstone, then given to Eido Roshi *



209. Tea Bowl: "Dream" by Gempo Roshi, gift from Ryotakuji, belongs to Eido Roshi.



210. Tea Bowl: Shino, gift from Mrs. Ekagaki to Eido Roshi



211. Tea Bowl: belonged to Gempo Roshi, from Ryotakuji, belongs to Eido Roshi.



212. Tea Bowl: Seto Guro, from Ryotakuji, belongs to Eido Roshi.



213. Tea Bowl: from Mishima city belongs to Eido Roshi.



214. Tea Bowl: Ito from Kyoto belongs to Eido Roshi.





215. Tea Bowl: Bitto, belongs to Eido Roshi. *



216. Tea Bowl: by Gempo Roshi, "One Mind" from Ryotakuji, belongs to Eido Roshi. *



217. Tea Bowl: Asahi bought by Eido Roshi in Kyoto *



218. Tea Bowl: White, marked "Shin", provenance unknown



219. Tea Bowl: Brown, provenance unknown



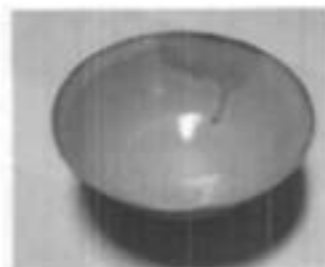
220. Tea Bowl: Takasuki by George Patterson, *



221. Tea Bowl: Light Brown, provenance unknown



222. Tea Bowls: lesser quality (5), provenance unknown



223. Tea Bowl: Gray, gift to Eido Roshi



224. Tea Cups: Made by national treasure Suzuki Osamu (10) *



225. Tea Bowl: Chinese, from Tokyo Antiques shop. Belongs to Eido Roshi. *



226. Tea Bowls: lesser quality (3), provenance unknown



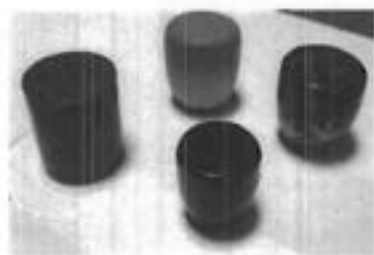
227. Tea Bowls: made in Japan by Mr. Toyoba (4)



228. Tea Bowls: made by Mrs. Nishimori for Shogenji Monks sesshin (6)



229. Brass kansui, waste bowl



230. Ceremonial Tea Containers: Natsui, wood and laquer (4)



231. Tea whisk holder and three tea whisks



232. Red Pottery bowls (3), property of NYZ



233. Lacquer sweet plates (5)



234. Buddha: brass given by Mr. Sieko Nakano
to participants of DBZ dedication 1976

*



235. Buddha: brass, Tibetan, no provenance

*



236. Buddha: brass, small, bought from
Second Avenue Antiques

*



237. Hindu statue, bronze, female, no provenance

*



238. Buddha: bronze, seated, very small, no provenance

*



239. Buddha: Hotai, Wood, no provenance.



240. Red lacquer tea trays (6), no provenance.



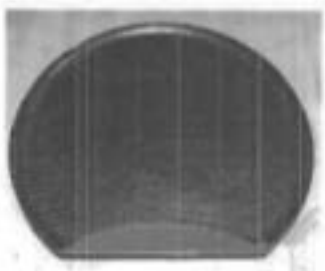
241. Saucers: Wooden (6), no provenance.



242. Buddha: bought from Rudy *



243. Tray, wood, with calligraphy from Soen Roshi "Mother" *



244. Trays for sweets (2) no provenance.



245. Wooden Bowl: no provenance.



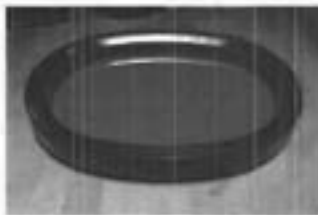
246. Wooden Tray: Yabanji, Chichiru. No provenance.



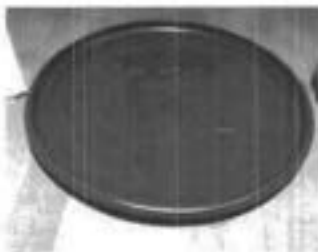
247. Plain Wooden Tray: No provenance.



248. Wooden Tray: with carving, no provenance



249. Tray: red lacquer, no provenance



250. Tray: Kamakura, wood with flower carving, no provenance



251. Trays; Calligraphy by Kogetsu Tani Roshi,
"Snow, Moon and Flower" (3),
belongs to Eido Roshi

