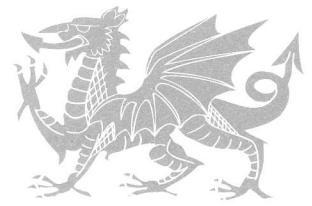


# The Welsh National Gymanfa Ganu Association, Inc.

(Founded 1929)



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## **A Special Mailing**

February 24, 2002

**TO: All Members of the WNGGA**

**Dear Friends:**

I am writing to inform the membership that the Welsh National Gymanfa Ganu Association (WNGGA) has been named as a defendant in a lawsuit by Geraint Wiikes, Trefor Williams and Rees Lloyd, filed in the Superior Court of California, Riverside County. The summons was served on January 29, 2002.

The lawsuit alleges that it arises from events that occurred at the Festival of Wales and Gymanfa Ganu held in San Jose last year, and purports to relate to the sale and advertising of materials produced by the Welsh Choir of Southern California at the market place.

It is not the intention here to describe all components in this action but it is necessary to inform the membership of the actions that the Executive Committee has taken. It is the responsibility of the WNGGA Executive Committee to ensure that the reputation, integrity and financial stability of the Association are maintained.

The WNGGA is not the only defendant in this lawsuit, but we have to ensure that our rights are protected. Therefore, we have retained an attorney from California to act on our behalf. This attorney has recommended a course of action, which has been agreed upon.

We are in contact with our insurance company to determine whether our actions in responding to this lawsuit fall within their definition of coverage of legal costs. This apparently is not clear at this time. If it does not, then the WNGGA will have to pay the incurred legal fees from its limited resources.

It is very disturbing to the Executive Committee and the Board, and I am sure to WNGGA members, that the Association has to defend itself against a legal action which our legal advisors contend has no merit.

At this time we do not know what costs are going to be incurred in this defense. There is no doubt, however, that this defense will impact our already tight finances.

**(OVER)**

## International Headquarters

**Dr. Ellis J. Jones**, Executive Director  
Gustavus Adolphus College Box B47 / 800 West College Avenue / St. Peter, MN 56082-1498  
Phone: 507-933-7540 / (toll free) 877-831-0563 / FAX: 507-933-6284 / e-mail: ellis@gustavus.edu  
Web Site: <http://www.wngga.org>

As a contingency measure, the Executive Committee has agreed to set up a legal defense fund. We invite our members to contribute to this fund which will be used to defend the WNGGA in this suit, and also be available for any additional legal actions that may have to be undertaken as a consequence.

If you wish to respond to this appeal, please send contributions to the WNGGA International Headquarters at the address at the bottom of this letterhead. Please clearly label it as a contribution to the defense fund and make the check payable to the WNGGA. In advance, I thank most gratefully all of you who contribute, for your support at this difficult and tedious time.

Be assured that you will be kept informed of the outcome of this difficult legal situation.

Respectfully, on behalf of the Board,

/s/ Alan Upshall

Alan Upshall, President, WNGGA

tah

10/16/2002

## Welsh National Gymanfa Ganu Association named in lawsuit.

Over the last few years there has been a continuing legal dispute between two groups, both members of the North American Welsh community and both life members of the Welsh National Gymanfa Ganu Association (WNGGA), namely the Welsh Choir of Southern California and a trio of individuals, Rees Lloyd, Geraint Wilkes and Trefor Williams (collectively aka Twm Sion Cati).. There have been additional personal disputes upon which I will not comment since they are essentially irrelevant to the current situation.

In the past, the WNGGA took no part in the dispute since they were regarded as local and we did not wish to be seen to take sides. In addition, we acted in the full spirit of the constitution of the WNGGA and continued to financially support, through our scholarship fund, the bringing of young musical talent from Wales to the USA to sing in concerts organized by the Welsh Choir of Southern California, and also continued to raise no objection to the presence of Twm Sion Cati at the National Gymanfa Ganu.

However, the position has changed, precipitated by an unwarranted, and in our opinion (and the opinion of our attorneys) illegal action in which the Welsh National Gymanfa Ganu Association has been named a codefendant in a lawsuit served in the Superior Court of California, Riverside County. The litigants are Geraint Wilkes of Wisconsin., Trefor Williams of Wisconsin and Rees Lloyd of California.

The WNGGA is not the only defendant in this lawsuit, but as we have to ensure that our rights are protected we have retained an attorney from California to act on our behalf.

The lawsuit alleges that it arises from events that occurred at the Festival of Wales and Gymanfa Ganu held in San Jose in 2001, and purports to relate to the sale and advertising of materials produced by the Welsh Choir of Southern California at the market place.

The case promulgated by the plaintiffs is that an agreement made between them and the choir concerning advertising and publicity issues was not adhered to by the WNGGA (and other co defendants) because the choir sold their CD records at the market place in San Jose, and in the opinion of the plaintiffs the sale was not in compliance with the agreement. In addition the plaintiffs argue that the dispersal by the WNGGA of the WNGGA mailing list, which names all Associated Welsh Organizations throughout North America, contravenes that agreement by inappropriately describing the Welsh Choir of Southern California. On these bases, the plaintiffs are suing the WNGGA for enforcement of a previous agreement and declaratory relief, including monetary damages.

The WNGGA and its legal advisors believe that this law suit is totally without merit and foundation, but yet finds itself in having to spend a significant proportion of its financial reserves defending itself against nothing more than a petty action. It is a tragedy that members of the WNGGA should so cause the weakening of the Association by instigating a court action which serves no purpose other than to satisfy the pedantic

desires of the trio of individuals in their dispute with the Welsh Choir of Southern California..

The issue however, goes well beyond the WNGGA, witness the letter published in the February issue of the North American Welsh Newspaper, Y Drych, where one of the plaintiffs, Rees Lloyd, clearly threatens the editor with legal action if an agreement, to which she was not party, is not complied with. This is clear intimidation. We cannot live in the constant fear of having an arbitrary trio of individual vetting publications, making their own definition of acceptability and suing if regarded as being non compliant, when the parties concerned were not party to the original settlement..

The WNGGA certainly will not accept this position. We cannot tolerate such a 'Sword of Damocles' situation. Our legal advisors clearly indicate that this suit is without merit and has no basis in law. One of the plaintiffs, Rees Lloyd, is a California attorney, who is able to instigate and prosecute trivial law suits at no cost to himself, whilst all defendants incur cost. Clearly therefore unless this triad of arrogance is stopped, all in North America, or even Europeans who could be served when visiting North America, will be subject to his interpretation of the settlement and in danger of a law suit.

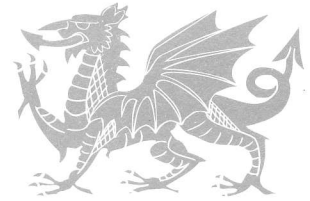
For its own security, and for the well being of the Welsh community at large, the WNGGA, has taken the decision to spend some of its very hard earned and limited financial resources to follow the advice of two legal advisors and not accede to demands made by the three individuals. This decision was not taken lightly but the WNGGA has decided that there needs to be a public awareness of this legal disruption of the Welsh community so that this nonsense can come to a swift end.

Between those who have been aware of these disputes there have been many descriptors to these lawsuits and I have my own personal selection. However, this article is written in my capacity as president of the WNGGA and as such I have to be more responsible in my comments. I, and my colleagues on the Executive Board of WNGGA, find these disputes to be trivial, anachronistic and childish, and the people who instigated them in court not worthy of their heritage.

Published in Y Drych and Ninnau  
in 2002

# The Welsh National Gymanfa Ganu Association, Inc.

(Founded 1929)



## MEMO

Dear WNGGA Members:

We have throughout this year sent special mailings to keep the whole membership apprised of events in respect to the one issue that has dominated most of the activities this year, the lawsuit brought against the society by Rees Lloyd, Geraint Wilkes, and Trefor Williams. The last mailing was sent on June 10, before this issue of HWYL was put together. However, since this is one of our normal mailings, I am taking the opportunity to bring you further up to date inside this scheduled mailing (i.e. we save some money).

As a recap: the original complaint alleged that the WNGGA was legally deficient in that it failed to comply with a signed legal agreement between the plaintiffs and the Welsh Choir of Southern California concerning descriptive advertising. We and our lawyers were unanimously of the opinion that since the WNGGA was not party to that agreement, we were not legally liable. Therefore, the complaint as filed had no legal basis. This position was explained in our last communication and in a letter to the June issue of Y DRYCH. In response to the original complaint, our attorney filed a demurrer requesting the judge to dismiss the case. The judge sustained our demurrer, i.e. he agreed with our position, but he allowed the plaintiffs time to submit an amended complaint.

After we wrote the last update, the plaintiffs submitted the amended complaint. They have markedly changed their stance. They are now suing the WNGGA, on behalf of themselves and the general public, for "violation of California business and professions code section 17200 which prohibits unfair competition, publishing untrue or misleading advertising which is therefore fraudulent within the meaning of section 17200."

In other words, being unable to assert their demands in the first direction, they have changed their reason for suing the WNGGA and they now continue their legal action trying a different course, basically suing us for fraud. In all of the writing concerning our stand in the first action, WNGGA executive committee were vigorously accused of wasting the societies' money by not agreeing to their demands. We showed that those demands had no legal basis, the judge agreed, yet plaintiffs persist in pursuing legal action against WNGGA. Who is now causing the WNGGA to spend more money defending this suit, and for what reason?

Our attorneys are currently evaluating the amended complaint and will devise our course of action in the coming days. There is no doubt that this new complaint will cost us more money. Our last appeal to the membership for Legal Defense Funds raised approximately an outstanding \$5,500, just short of covering the costs so far.

We intend to defend the integrity of the WNGGA; the executive committee would be irresponsible if it did not. Certainly this amended complaint will now cost the WNGGA more money. I would like to say that the Legal Defense Fund is still open and would welcome any contribution. (As a rough calculation, there are 3,000 members in the WNGGA, and \$5 per person should raise sufficient to cover our costs).

I am very disheartened at having to write this update in this way, but it is part of our membership information policy. Ultimately it is the membership that decides our course of action. We are very fortunate in that we had exceptional and overwhelming support from the membership, not only by way of contributions but also with letters and emails fully supporting the actions we have taken. Some have also written to Y DRYCH with support.

I personally thank all of the members who have contributed and who have taken the time to write and come to talk with me and other board members to express that support. We will keep you up to date as we progress.

I certainly hope to see many of you at Harrisburg to enjoy and celebrate our Welsh heritage.

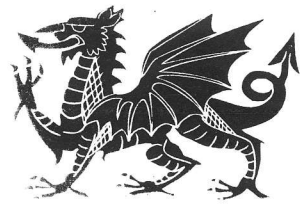
/s/ Alan Upshall

Alan Upshall, President, WNGGA

*Hope this will help  
a little  
M & P Williams  
Sorry we won't be in Harrisburg*

# The Welsh National Gymanfa Ganu Association, Inc.

(Founded 1929)



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- Mrs. Nanette E. Wilde, President  
Women's Welsh Clubs of America  
Cuyahoga Falls, Ohio
- Mr. Russell Williams, President  
National Welsh American Foundation  
Nokomis, Florida

## A SPECIAL MAILING

June 10, 2002

To: All Members of WNGGA

Dear Friends:

This is another letter to all members to keep you up to date with the activities in the lawsuit, and to comment upon some of the public articles that have been produced by the plaintiffs.

Essentially, we are waiting for the plaintiffs to file an amended complaint, allowed to them when the judge first sustained our demurrer action. At the time of writing this letter, that amended complaint was expected during the first week of June. The exact time frame of actions after that is not yet known, but we will be able to respond to present our view.

Many of you will have seen the articles in the May issue of *Y Drych* commenting on this suit, and in particular the article written by the plaintiffs. On the reverse side of this is the response from the WNGGA that will be published in the next issue of *Y Drych*. The contents are self-explanatory. We are sending it to all members before publication to fulfill our commitment to keep the membership informed.

With best wishes,

/s/ Alan Upshall

Alan Upshall, President, WNGGA

A contribution towards the fees to fight  
this lawsuit.

Helen Steers

## International Headquarters

Dr. Ellis J. Jones, Executive Director  
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Phone: 507-937-7840 toll free: 1-778-331-0564 FAX: 507-937-0284 e-mail: ellis@custynia.edu  
Web Site: <http://www.wngga.org>

# Special Announcement: WNGGA Prevails in Lawsuit.

Dear Members of the Welsh National Gymanfa Ganu Association

We are delighted to announce that the lawsuit brought against the WNGGA by three of our own members, Rees Lloyd, Trefor Williams and Geraint Wilkes has concluded in Riverside County (California) appeals court with the judges emphatically deciding on favor of the WNGGA. The decision ends a particularly frustrating, tedious and expensive episode for the WNGGA, one that we believe was absolutely unnecessary and totally unjustified.

Plaintiffs sued the WNGGA for failing to comply with the terms of an agreement reached in a separate dispute between themselves and the Welsh Choir of Southern California. It claimed that the WNGGA allowed the Welsh Choir of Southern California to sell CD's at the 2001 Gymanfa/Festival in San Jose and that we listed the choir as an Associated Welsh Organization in our listing of North American Welsh Groups in defiance of their agreement with the Choir.

Three independent attorneys told us that the complaint was baseless because a non-party to a settlement between two groups was not bound by the agreement. The WNGGA successfully defended itself against this initial complaint on these grounds but plaintiffs amended their complaint alleging unfair competition in violation of the California business and Professions code section 17200, claiming that *"The WNGGA engaged in acts fraudulently, deceptively and/or misleading advertising the Choir as Welsh knowing that, in fact, it is not composed of Welsh People...."* The court rejected this argument also.

Plaintiffs, unable to accept the second defeat, appealed with a voluminous submission. The appeals court upheld the lower court rulings with a particularly pointed opinion of the case.

In the judgement the court notes that *"Plaintiffs' complaint hinges entirely on the premise that to describe any group or organization as 'Welsh' it must consist exclusively of persons of Welsh nationality descent or extraction. How the issue of 'Welsh nationality' is to be determined plaintiffs leave wholly undefined. Is a person of 1/32 Welsh blood still 'Welsh?' one sixty fourth? When is a blood line so attenuated that a person is no longer considered Welsh? Is a person adopted into a Welsh family nonetheless Welsh? "*

Furthermore, the judges noted that: *"plaintiffs have never claimed that the Association 'falsely advertises itself as a Welsh organization or alleged that is falsely calls itself the Welsh National Gymanfa Ganu Association despite admitting non Welsh persons to membership. In other words, the real target is the choir and plaintiffs seek through this litigation to enforce the settlement agreement and that "plaintiffs' claims against the Association are patently devoid of merit."*

Finally, the judgement ends with this disposition: *"Plaintiff, the self appointed arbiters of Welshness, take umbrage at anyone else who wants to call himself or herself Welsh, though*

*they certainly appear eager to claim Welshness for numerous famous or mythical people. Instead of celebrating the generation of interest in and preservation of Welsh Culture and music in this country, even by those who may not be Welsh, they promulgate a shriveled and niggardly interpretation of the adjective 'Welsh' as solely referring to ethnic purity, although by what standard we are left to guess. They have dogged the courts with at least two lawsuits and two appeals in a fruitless effort to enforce their views on the world. They allege commercial harm when none could possibly have been done. It is time for these plaintiffs to stop harrasing the rest of the world with their ceaseless frivolous acts. Let enough be enough. The Judgement is affirmed.*

The complete judgement can be found on our web site [www.wngga.org](http://www.wngga.org). Copies can be obtained by sending \$5.00 US; \$7.00 CAN or \$10.00 US if in UK (to cover postage and copying) to Dr. John Ellis at WNGGA International headquarters.

The Executive Committee and Board of Trustees thank all members who have supported our actions in contesting this lawsuit over the last two years. Grateful thank go to those members who contributed to our legal defense fund that allowed us to finance the major part of the lawsuit. We also wish to thank our two excellent co-counsels John FitzSimons and Philip Levy who worked closely with us in contesting the suit. Their advice and counsel in clarifying the issues to both the lower and appeals court were second to none and our success in based very much on their skill.

When this sad chapter in the history of the WNGGA began, the Executive committee agreed that we would not comment on the case despite the plaintiffs public statements. Our position all along has been that the lawsuit was without merit and that it had no legal foundation. The Executive Committee concurs that the opinion of the judges makes further comment unnecessary.

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Past President: Alan Upshall

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Member at large: Connie Holt Claypool

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