
DISTRICT COURT
DENVER COUNTY
COLORADO
1437 Bannock Street
Denver, CO 80202

ANANDA MARGA, INC.,
et al.,

Plaintiffs,

v.

ACHARYA VIMALANANDA AVADHUTA,
et al.,

Defendants.

Case No. 10 CV 1867
Division 259

For Plaintiffs:
Stephen Erwin, Esq.
Alexander Halpern, Esq.

For Defendants:
Timothy Obitts, Esq.
Mae Cheung, Esq.
Alan Friedberg, Esq.

The matter came on for Court Trial on May 13, 2011,
before the HONORABLE MICHAEL A. MARTINEZ, Judge of the
District Court, and the following proceedings were had.

Transcript Prepared By:

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1 A I was a material part of preparing it, yes.

2 Q Okay. Now, look down at the one, two, three --
3 the first sentence of the fourth paragraph there.

4 A Okay.

5 Q Do you see that starts with not only --

6 A Yes.

7 Q -- and it says not only are we a church
8 organization we are the central, and central is
9 underlined, organization for our mission in North
10 America, plus being the seat of ecclesiastical
11 administration as well. What did you mean by that?

12 A What I meant is is that we were beholden to no
13 one else outside of our sector concerning our tax
14 exemption or anything else.

15 Q All right.

16 A We were not under anyone else's control and
17 also that we acted as the central or parent organization
18 for all of the qualified subordinates.

19 Q Did you ever make any claims in any letters to
20 the IRS that AMPS Central was the central church?

21 A None whatsoever.

22 Q Okay. Now, skip ahead a page and look on --
23 there's a schedule A, churches, attached to this
24 document.

25 A I see it.

1 Q Okay. Now -- and you see a number of boxes
2 down the right hand side where it just asks you to check
3 yes or no, correct?

4 A Correct.

5 Q Okay. Now, in the description part where it
6 asks the questions, for example in number two, does the
7 organization have a written creed or statement of faith,
8 number four uses the words code of doctrine and
9 discipline. And as you go down, there are these phrases
10 such as religious hierarchy, ecclesiastical government,
11 ordaining ministers. So can you tell me -- when you were
12 writing your responses, what's the context of using
13 phrases like that in your responses?

14 MR. OBITTS: I'd say this is leading. He's
15 reading from the document to him.

16 THE COURT: No. Overruled.

17 Q (By Mr. Erwin) Go ahead.

18 A Okay. The context was at least twofold.
19 Number one, we were trying to meet IRS requirements and
20 sometimes it felt like it was an elephant in a bottle,
21 honestly, because Ananda Marga is a vast mission, and
22 it's an ideology above all. But at the same time Ananda
23 Marga, Inc., needed to comply with tax regulations.

24 So I had numerous communications with the EO
25 Division, which I mentioned yesterday in Cincinnati who

1 was handling the applications at those times. And I
2 believe that's where we sent it. Yes. We sent it to
3 Cincinnati. And they -- they instructed us --

4 MR. OBITTS: Your Honor, this is hearsay now.
5 Objection.

6 THE WITNESS: I was instructed --

7 THE COURT: Sustained.

8 Q (By Mr. Erwin) Okay. So I'll just ask you
9 simply, when you're -- when you're writing your actual
10 written responses, where did you get those phrases?

11 A Those phrases were from the IRS Publication
12 1878.

13 Q Okay. Now, let's -- let's go ahead and look at
14 under the revised attached explanations which starts on
15 -- after the application.

16 A Okay.

17 Q And these are your explanations. And did you
18 also help prepare these?

19 A Yes, I did.

20 Q Okay. So in here you see a lot of references
21 to the word our. Our founder, our mission, our
22 corporation. Can you provide some context on what you
23 meant by our?

24 A In my experience of having worked on these kind
25 of documents for many years, in fact over a period of a

1 few decades, we used our according to the context. It
2 would change according to the context that it was in.

3 Q Okay. And in the context of these letters what
4 does the phrase parent organization mean?

5 MR. OBITTS: Your Honor, I object to this line
6 of questioning. He has testified that he was not the
7 primary author of this.

8 MR. ERWIN: He just testified he was the
9 primary author.

10 THE COURT: Please don't direct your comments
11 to Counsel. Comments come to me. And that's it.

12 MR. ERWIN: Yes, Your Honor.

13 THE COURT: Okay? The objection's overruled.

14 MR. OBITTS: Thank you.

15 Q (By Mr. Erwin) What is the of the context of
16 the meaning of parent organization in the context of
17 these letters?

18 A Again, as I said yesterday it was the
19 organization that spawned us. Or the mission that
20 spawned us.

21 THE COURT: So when your witness says again,
22 that connotes they've already said it, so don't ask him
23 that again, okay?

24 Q (By Mr. Erwin) Can you look at Exhibit D-82?

25 THE COURT: Sorry, that was D-82?

1 MR. ERWIN: D-82.

2 THE COURT: Thank you.

3 THE WITNESS: I'm there.

4 Q (By Mr. Erwin) And this is a tax return? Form
5 990, 1999; is that correct?

6 A That is correct.

7 Q Did you -- did you prepare this tax return?

8 A I was part of the group preparing it, yes.

9 Q Okay. Look at part three. Did you prepare the
10 language stated in part three?

11 A I assisted in the preparation of it, yes.

12 Q And who else did?

13 A Acarya Rainjitananda Avadhuta.

14 Q Okay. So do you know what the -- in part A
15 there, do you know who Ananda Marga Central is being
16 referred to there?

17 A It was a phrase that we used to try and provide
18 some shorthand to the Internal Revenue Service to
19 describe that there were places in India that we were
20 sending funds to support various projects, initiatives,
21 et cetera.

22 Q Okay.

23 A There's -- there is no legal entity called
24 Ananda Marga Central.

25 Q Okay.

1 A We were just trying to -- a generic.

2 Q Now, were there any policies and procedures in
3 Ananda Marga, Inc., requiring you to provide money to any
4 particular organization in India?

5 A None whatsoever.

6 Q Okay. Please look at D-92.

7 A I'm there.

8 Q Now, in the second page and in part two up
9 there it says our church/mission is an offshoot of AMPS
10 Central from India. What is the context of the word
11 offshoot?

12 A Again, the organization that spawned us.

13 Q Now, if you'd look at D-105. Now, do you
14 recognize this?

15 A I do.

16 Q And did you prepare this?

17 A I was part of the --

18 Q Or assist in preparing this?

19 A I assisted.

20 Q And who else assisted in preparing it?

21 A Acarya Rainjitananda Avadhuta.

22 THE COURT: Is this still D-92? I'm sorry, I
23 missed it.

24 MR. ERWIN: Oh, no, Your Honor. This is D-105.

25 THE COURT: Thank you.

1 Q (By Mr. Erwin) And this is an INS document,
2 not an IRS document, correct?

3 A That's correct.

4 Q Okay. So how -- did you use a similar process
5 in developing language for INS documents that you used
6 for the IRS documents when you were preparing these?

7 A Similar in the sense that we were directed by
8 INS personnel on certain phrases that were required to be
9 put into the document. I was personally actually.

10 MR. OBITTS: Your Honor, objection. Hearsay.
11 Also object to the form. He -- he's saying you and he
12 previously testified assisted.

13 THE COURT: No. Overruled.

14 Q (By Mr. Erwin) And can you describe any
15 differences in the process? Or what was the process of
16 developing the language in this? I don't want you to
17 repeat what you said for the IRS thing, but was there
18 anything different here?

19 A Okay. The process was that Ananda Marga Yoga
20 Society had originally applied for Dada -- Dada Y --
21 Yatiishvarananda's application in the early 1970's before
22 I was there. That was granted and it became the
23 precedent for the future. In 2003 as I spoke briefly
24 about yesterday there were numerous petitions for green
25 cards, permanent residence status that were being

1 rejected. We were alarmed.

2 I contacted Immigration in numerous offices
3 throughout the country and asked for advice and guidance,
4 because the regulations were so new at that point they
5 could only give a certain kind of guidance, because they
6 were just getting adjusted to them themselves. They said
7 that we would need to become a church organization
8 because that was the new regulation. They later repealed
9 that within approximately 18 months so that it was no
10 longer required. But according to time, place, and
11 person we needed to adjust and our documents were
12 prepared according to their directions.

13 Q So would the meaning of the words in -- in
14 these documents, would your answer be the same if I asked
15 you what the meaning of the various phrases like parent
16 and everything?

17 A Yes, it would.

18 Q Okay. So please look at -- skip ahead to D-
19 155.

20 MR. ERWIN: May I approach, Your Honor?

21 THE COURT: Yes.

22 Q (By Mr. Erwin) Do you recognize this?

23 A I do.

24 Q Who prepared this?

25 A I did.

1 Q Okay. Can you please look to the third page of
2 this document?

3 A I'm there.

4 Q Okay. Now, down toward the bottom is a
5 paragraph that starts with the secretary then reported.

6 A I'm there.

7 Q Do you see that?

8 A Yes, you do.

9 Q Now, it says the secretary then reported that
10 the legal counsel has suggested that bylaws of Ananda
11 Marga, Inc., be updated and amended as Ananda Marga is
12 now much greater in scope, paren, due to refinements and
13 additions made by the founder to its structure and
14 functions, end paren, and will need greater protection to
15 afford -- afforded by corporate law.

16 Now, what was being refined there? This is --

17 A The founder, Baba, had -- it had expanded the
18 number of programs that were involved in the Ananda Marga
19 socio-spiritual organization.

20 Q So -- thank you.

21 A Can I add to that?

22 Q If -- if you --

23 A For instance, he created the Women's Welfare
24 Department as just one example in 1977, and we realized
25 at that point because of an audit that was going on with

1 the Internal Revenue Service the auditor personally told
2 me that we needed --

3 MR. OBITTS: Your Honor, that's hearsay now.

4 THE COURT: Sustained.

5 Q (By Mr. Erwin) So when you wrote that was it
6 your intention to state there that -- that Baba was
7 approving the bylaws of Ananda Marga, Inc.?

8 A Not --

9 MR. OBITTS: Objection. Leading, Your Honor.

10 THE WITNESS: Not at all.

11 THE COURT: Sustained.

12 Q (By Mr. Erwin) What was your intention in
13 writing that paragraph with respect to your relationship
14 with Ananda -- with Baba or AMPS?

15 A My intent and my intent in bringing it as part
16 of the meeting was that the changing Ananda Marga
17 mission, the socio-spiritual organizational structure had
18 changed and our -- we needed to look our bylaws and
19 decide what was necessary -- what was important to
20 include, what was important to exclude.

21 Q And -- and did you begin a process?

22 A We started a process but we decided to wait
23 until the audit was completed in the -- in March of 1982.

24 Q Okay. So let's go ahead and look at
25 Plaintiffs' Exhibit 4, and that would be --

1 MR. ERWIN: May I approach, Your Honor?

2 THE COURT: Yes.

3 Q (By Mr. Erwin) And what are these?

4 A These are the amended bylaws of Ananda Marga,
5 Inc., from July of 1982.

6 Q And who is the primary author of this document?

7 A I was the primary author.

8 Q Okay. Now, in the previous exhibit that we
9 just looked at we're talking about amending the bylaws.
10 Is this the bylaws that you were talking about?

11 A Yes.

12 Q Okay. Now, who provided you with any
13 directions that these bylaws needed to be changed?

14 A The Internal Revenue Service.

15 Q Did -- who else would have instructed you to --

16 A No one else.

17 Q -- amend these bylaws?

18 A No one else.

19 Q So now if I asked you what the meaning of
20 parent is in this document would it be the same as what
21 you've already testified to?

22 A It would be the same.

23 Q And if I asked you what AMP Central was would
24 the answer be the same?

25 A The answer would be the same.

1 Q Okay. Now, can you look at Section IX of
2 Article VI? It's on page two.

3 A I'm -- I'm there.

4 THE COURT: Still on Exhibit 4?

5 MR. ERWIN: Exhibit 4, Your Honor.

6 THE COURT: Yeah, okay.

7 MR. ERWIN: Plaintiffs' 4.

8 Q (By Mr. Erwin) And what is this -- what does
9 this section do?

10 MR. OBITTS: Your Honor, he's asking now for a
11 legal interpretation. The Courts have been clear that if
12 a document is unambiguous that it is up for the Court to
13 decide the meaning -- the plain meaning of the words.

14 THE COURT: I'll sustain the objection to the
15 form of the question. Let's see if you can rephrase it.

16 Q (By Mr. Erwin) When you wrote this paragraph
17 did you intend to convey any authority to any ERAWS
18 secretary of Ananda Marga?

19 MR. OBITTS: Your Honor, that's a leading
20 question.

21 THE COURT: No. You objected to the broad
22 question, so I'm going to allow him to ask this question.
23 Overruled.

24 MR. ERWIN: I'll rephrase it.

25 Q (By Mr. Erwin) When you drafted this section,

1 did you intend to convey any authority to any ERAWS
2 secretary to become the acting sectorial secretary of AMI
3 if the sectorial secretary were out of the sector?

4 MR. OBITTS: Same objection.

5 THE COURT: Overruled.

6 THE WITNESS: None whatsoever.

7 Q (By Mr. Erwin) And do you know if any ERAWS
8 secretary of the Ananda Marga organization was every
9 actually an officer of Ananda Marga, Inc.?

10 A To the best of my recollection and belief going
11 back to almost 37 years, none.

12 Q Now, please look at Article XV. Why did you
13 substantially edit this section from the 1974 bylaws?

14 A Mr. Jerome Simpson from the IRS said we needed
15 to narrow our scope.

16 MR. OBITTS: Your Honor, this is hearsay now.

17 THE COURT: Do you have a response?

18 MR. ERWIN: Um --

19 THE COURT: Objection sustained.

20 MR. ERWIN: Okay.

21 Q (By Mr. Erwin) These programs that are listed
22 here, are these programs of Ananda Marga, Inc., or are
23 they all programs of Ananda Marga and the socio-spiritual
24 organization?

25 A They were fundamentally from Ananda Marga

1 socio-spiritual.

2 Q Okay. Now, is it possible to have -- now,
3 would there be programs with these names of Ananda Marga,
4 Inc. -- let me rephrase that question. When were there
5 be programs listed here -- were all of these programs
6 actually implemented as part of Ananda Marga, Inc.?

7 A No.

8 Q Okay. Was the finance treasure of the socio-
9 spiritual section of Ananda Marga, Inc., always the
10 treasurer of Ananda Marga, Inc.?

11 A Only on occasion.

12 Q Okay. Now, in Article XVI there's an entire
13 section removed from the 1974 bylaws that provides the
14 general secretary authority to appoint Acaryas. Why did
15 you remove that section?

16 MR. OBITTS: Objection. Leading.

17 THE COURT: No. Overruled.

18 MR. OBITTS: Okay.

19 THE WITNESS: We wanted to limit the authority
20 of whatever general secretary there was to do that.

21 Q (By Mr. Erwin) Did anyone from AMPS object to
22 that amendment?

23 A None. Or, no, not at all.

24 Q Did anyone from AMPS object to any of these
25 amendments?

1 A No, not at all.

2 Q Okay. Did anyone from AMPS including any
3 general secretary or Baba to the -- review or approve
4 these amended bylaws?

5 A Not at all. It was impossible for them -- that
6 to happen.

7 Q Describe -- and how -- describe that process of
8 your getting these executed and why it would be
9 impossible.

10 A As the primary author I had the --
11 fundamentally the sole responsibility to prepare these in
12 accordance with my knowledge and experience. After the
13 summer retreat of 1982 a group of us returned to Denver,
14 including Acarya Yatiishvarananda who was still the
15 sectorial secretary at that time. I brought to his
16 attention that we needed to amend our governing
17 documents, both articles and bylaws. He said go ahead.
18 He gave his permission --

19 MR. OBITTS: Your Honor, that's hearsay.

20 THE COURT: Overruled.

21 MR. OBITTS: Okay.

22 THE WITNESS: I then prepared the documents and
23 I called together the four people, including myself, who
24 were here. I had sole control of these documents in my
25 computer and I had printed them out and I said, we need

1 to make these changes. We sat down as a group for about
2 25, 30 minutes. Everyone agreed to them. We signed off
3 on them and then I retained the sole copy of it and then
4 later made photocopies for our files that I needed to
5 submit to the Internal Revenue Service. That was the
6 process.

7 Q (By Mr. Erwin) Thank you. Now, put this away.
8 Can you please look at D-157.

9 MR. ERWIN: And may I approach, Your Honor?

10 THE COURT: Yes.

11 Q (By Mr. Erwin) Can I just ask you, when is the
12 first time you ever saw this document?

13 A Couple months ago during discovery.

14 Q Okay. While you were a director of Ananda
15 Marga, Inc., did any sectorial secretary ever present
16 this document for you for review or approval by the board
17 of directors?

18 A No.

19 Q Thank you. Can you please look at D-160? Are
20 you there?

21 A I am there.

22 Q Okay. And do you know if you prepared this
23 document?

24 A Yes, I did.

25 Q Okay. Now, who is the incoming sectorial

1 secretary here?

2 A Acarya Nityasuddhananda Avadhuta.

3 Q And who is the outgoing sectorial secretary?

4 A Acarya Daneshananda Avadhuta.

5 Q Who called this meeting? Or who does it say
6 called this meeting?

7 A Acarya Daneshananda.

8 Q Okay. And you -- you prepared that language,
9 right?

10 A I did.

11 Q Okay. Now look at Exhibit 61, please.

12 A 161?

13 Q 161. I apologize. Now, we've seen this
14 before. Who is the incoming sectorial secretary here?

15 A Acarya Ramananda Avadhuta.

16 Q And -- and who is the outgoing sectorial
17 secretary?

18 A Acarya Nityasuddhananda Avadhuta -- wait. Just
19 a minute.

20 Q Okay.

21 A Let me check. Acarya Nityasuddhananda
22 Avadhuta.

23 Q Okay. And it says -- and who does it -- and in
24 this document it says who called this meeting?

25 A Acarya Ramananda Avadhuta.

1 Q Why are they different? Why -- why is it
2 different that in one case the incoming is calling the
3 meeting and in one case the outgoing is calling the
4 meeting?

5 A We had no fixed policy.

6 Q Okay. Okay. Can you look at D-149?

7 A I'm there.

8 Q And do you recognize this document?

9 A I do.

10 Q Okay. You -- you -- did you prepare this
11 document? It's --

12 A I did not.

13 Q And what is this?

14 A This is -- it states that it's the bylaws of
15 Ananda Marga of Los Angeles, Inc.

16 Q And who is that entity? Is -- what's their
17 relationship with Ananda Marga, Inc.?

18 A They're a qualified subordinate under the group
19 exemption of Ananda Marga, Inc.

20 Q Okay. Now, look at Article IV.

21 A I'm there.

22 Q Okay. Now, skip ahead a little bit. Now, when
23 -- after Mr. Melanson left, did -- did -- who took over
24 the process of developing or -- or helping to prepare
25 affiliate bylaws?

1 MR. OBITTS: Lack of foundation as to
2 Mr. Melanson --

3 THE COURT: Sustained if he doesn't know --
4 we'll find out if he knows. Ask him if he knows.

5 MR. ERWIN: Okay.

6 Q (By Mr. Erwin) Do you know who began preparing
7 affiliate bylaws after Mr. Melanson left?

8 MR. OBITTS: Same objection.

9 THE COURT: Well, we're going to find out.
10 Overruled.

11 THE WITNESS: I do.

12 Q (By Mr. Erwin) And who is that?

13 A Predominantly myself.

14 Q Okay. So look down in Section V there.

15 A I'm there.

16 Q It's Article V, Section -- oops, my apologies.
17 Article IV, Section V. It says all assets of affiliate
18 organizations are subject to the ultimate control of the
19 sectorial office; is that correct?

20 A That is correct.

21 Q Did I read that correctly?

22 A You read that correctly.

23 MR. OBITTS: Your Honor, that's leading and I
24 further object to any questions of this witness. He
25 testified that he did not prepare this document therefore

1 he --

2 THE WITNESS: I --

3 THE COURT: He just said he did. He said
4 predominantly he prepared it. So the objection's
5 overruled.

6 MR. ERWIN: Your Honor --

7 THE COURT: In that respect. It's sustained on
8 terms of the form of the question.

9 MR. ERWIN: I want to correct something. He
10 actually said he didn't prepare this one.

11 THE COURT: Didn't he just say he was
12 predominantly responsible for preparing these forms?

13 MR. ERWIN: After this form was prepared,
14 correct.

15 THE COURT: After this one?

16 MR. ERWIN: Right.

17 THE COURT: Well, then the objection is
18 sustained.

19 MR. ERWIN: Okay.

20 Q (By Mr. Erwin) So let me ask you this. When
21 you began the process of preparing affiliate bylaws did
22 you use this language? Is this where the language came
23 from?

24 A It was substantially similar, yes. And based
25 on large part upon what had been put into place.

1 Q Okay. So can you describe for me in general
2 both, you know, when you started taking over the process
3 how did you create the, you know, what we're calling,
4 quote subordinate relationship between the affiliates and
5 Ananda Marga, Inc.?

6 A It was predominantly in their bylaws.

7 Q Okay. And were they required to put it in
8 their bylaws in order to become an approved affiliate of
9 Ananda Marga, Inc.?

10 A Absolutely.

11 Q Okay. And who was responsible at Ananda Marga,
12 Inc., for approving the affiliate bylaws?

13 A The corporate board of directors.

14 Q Okay. Now, let's quickly go back to Exhibit 4.

15 MR. ERWIN: May I approach, Your Honor?

16 THE COURT: Yes.

17 MR. ERWIN: With Exhibit 4?

18 Q (By Mr. Erwin) Now do you see Article IV
19 there?

20 A I do.

21 Q And you -- again, you prepared this document,
22 correct?

23 A Yes, I did.

24 Q Now, so who -- who -- under this document, who
25 is -- how are the affiliates supposed to gain their

1 approval from the Ananda Marga, Inc., board of directors
2 in order to become affiliates?

3 A There's a multi-step process. They apply for
4 it, they provide copies of their organizing or governing
5 documents, and it is reviewed by the corporate board of
6 directors. We have any communications needed with the
7 affiliate and then if there's no problems or any changes
8 to be made then generally they're approved as a qualified
9 subordinate.

10 Q And look in Section IV of this Article. Who
11 has ultimate control of the affiliate's assets?

12 A The Ananda Marga, Inc., incorporation.

13 Q Now, if an affiliate doesn't go through this
14 process what authority does Ananda Marga, Inc., have over
15 their board of directors?

16 A It doesn't.

17 Q Now, are there affiliate organizations in the
18 United States that -- that are related to Ananda Marga
19 that haven't gone through this process?

20 A Yes, there are.

21 Q Do you know approximately how many?

22 A A handful.

23 Q Okay. Are there other organizations in other
24 countries within the sector that haven't gone through
25 this process?

1 A Yes.

2 Q So with respect to the affiliate, do they
3 maintain their own bank accounts?

4 A They do.

5 Q And if they have property, is it generally in
6 their name subject to this --

7 MR. OBITTS: Your Honor, lack of foundation as
8 to his knowledge.

9 THE COURT: Sustained.

10 Q (By Mr. Erwin) Skip that question. Let me ask
11 you this. If -- if someone wants to donate money to a
12 program of an affiliate. If an affiliate is doing a
13 charitable program either in the United States or
14 elsewhere around the world, if an adherent wants to
15 donate money to that particular program or charitable
16 cause do they always provide -- does the money always go
17 through Ananda Marga, Inc.?

18 A Not at all.

19 MR. OBITTS: Lack of foundation.

20 THE COURT: Sustained.

21 Q (By Mr. Erwin) Do you --

22 THE COURT: You have to establish he knows
23 these things, he has reason to know these things before
24 you can then ask him the following question that you're
25 asking him. There's got to be a predicate foundation

1 established.

2 MR. ERWIN: Okay.

3 Q (By Mr. Erwin) Do you have knowledge of -- of
4 the management of the Ananda Marga, Inc., bank accounts?

5 A I do.

6 Q And do you know where the money is coming in
7 and out, you know, who is -- who is donating money to
8 Ananda Marga, Inc.?

9 A In general, yes.

10 Q Okay. So did you -- in that process have you
11 ever seen -- is -- is it the practice of Ananda Marga to
12 accept charitable donations for programs of the
13 affiliates?

14 A Can you rephrase that? I'm sorry.

15 Q Is it the practice of Ananda Marga, Inc., to
16 accept donations and accept checks and money if the
17 programs are not for Ananda Marga, Inc., programs?

18 A No.

19 Q But --

20 A Is it -- no.

21 Q How many people have held -- in your tenure as
22 a board of direct -- as a board member, how many people
23 have held the office of president and chair of the board
24 of Ananda Marga, Inc., that were not wholetimers?

25 A A number of them.

1 Q Do you recall their name, generally?

2 A Give me a moment and I'll recollect. At least
3 six.

4 Q At least six.

5 A I could give you're their names if you want.

6 Q If you'd like to, go ahead.

7 A Sure.

8 Q The first president of Ananda Marga, Inc., was
9 Paul Fahnestock who was mentioned earlier. He was
10 followed by Robert Lantaff, spelled L-a-n-t-a-f-f.
11 Robert Lantaff was followed by a local Denver attorney
12 named Steven J. Harhai spelled H-a-r-h-a-i. Mr. Harhai
13 was followed by Steven J. Richheimer spelled R-i-c-h-h-e-
14 i-m-e-r. Mr. Richheimer was followed by Steven J.
15 Phillips spelled P-h-i-l-l-i-p-s. And Mr. Phillips was
16 followed by James, middle initial F, Kaeser spelled K-a-
17 e-s-e-r.

18 Q Okay. Now, in your tenure as a board member,
19 do you recall any general secretary or Baba for that
20 matter objecting to any of these people holding the
21 position of president and chair of the board of Ananda
22 Marga, Inc.?

23 A Never.

24 Q Okay. In 2005 you were a board member of
25 Ananda Marga, Inc., correct?

1 A That is correct.

2 Q When did you first hear of any alleged transfer
3 of Dada Tiirthananda as the sectorial secretary?

4 A Personally?

5 Q Personally.

6 A Personally I kind of heard it through the
7 grapevine toward the end of 2005.

8 Q Did you ever -- in your capacity as a -- as a
9 director or Ananda Marga, Inc., were you ever presented
10 with an actual posting order transferring Dada
11 Tiirthananda in 2005?

12 A No, not at all.

13 Q Okay. Now, when is the first time you actually
14 saw a posting order from any general secretary or
15 purported general secretary of AMPS?

16 A There was never any time that I saw a posting
17 order.

18 Q Did you see one in 2006?

19 THE COURT: He just said there was never any
20 time.

21 MR. ERWIN: Okay.

22 Q (By Mr. Erwin) So in 2005 did anyone approach
23 the board of directors claiming to be an acting sectorial
24 secretary of Ananda Marga, Inc.?

25 A Never.

1 Q In 2006 did anyone contact the board of
2 directors claiming to be an acting general secretary of
3 Ananda Marga, Inc.?

4 A A general secretary?

5 Q I'm sorry, an acting sectorial secretary?

6 A Never.

7 Q Okay. So when is the first time you became
8 aware that there was a post -- a posting order out there
9 purporting to transfer Dada Tiirthananda as the sectorial
10 secretary of Ananda Marga, Inc.?

11 A About the beginning of March, 2006.

12 Q Okay. Now did -- in your -- in your capacity
13 as a board member what do you recall happened after
14 hearing that? Did -- let me rephrase the question.

15 A Okay.

16 Q At what point did the board of directors of
17 Ananda Marga, Inc., meet to consider this purported
18 transfer?

19 A We didn't meet to -- I don't believe we met to
20 consider it at all.

21 Q Was there a time when Acarya Vimalananda was --
22 claimed to have been posted as the sectorial secretary of
23 Ananda Marga, Inc.?

24 A Not to the best of my knowledge. Just Ananda
25 Marga New York sector.

1 Q Okay. Is that -- that's why -- that's where
2 there's confusion coming in here. I apologize. Let me
3 as you -- let me -- let me ask you this. When is the
4 first time you heard that Acarya Vimalananda was posted
5 as the sectorial secretary of the New York sector?

6 A Again, kind of through the grapevine. No,
7 sorry, sorry. The beginning of March, 2006.

8 Q Okay. Now, did the Board ever meet as a result
9 of that purported posting to consider whether to accept
10 him or not?

11 A We did. We did have a meeting and discuss it.

12 Q Okay. And what was the result of that meeting?

13 A We found that there were no votes in favor of
14 accepting that posting in relation to Ananda Marga, Inc.

15 Q Okay. Did -- when did the board of directors
16 ever ratify Acarya Vimalananda as the sectorial secretary
17 of AMI?

18 A Never.

19 Q Okay. When is the first time you became aware
20 that Acarya Vimalananda had reconstituted the board of
21 directors of Ananda Marga, Inc.?

22 Q In the -- approximately the second week of
23 February in 2010 when we got a notice from Gammon and
24 Grange. Attorneys in the case.

25 Q And from -- from 2006 to 2010 did Acarya

1 Vimalananda contact you personally as a board member of
2 Ananda Marga, Inc., asking to take part in directors
3 meetings?

4 A Never.

5 Q Okay. Now, we're just going to do some kind of
6 housecleaning issues. Can you look at Plaintiffs, we'll
7 start at Plaintiffs' 43.

8 MR. ERWIN: May I approach, Your Honor?

9 THE COURT: Yes.

10 THE WITNESS: I'm there.

11 Q (By Mr. Erwin) What is this?

12 A Corporate resolution of the board of Ananda
13 Marga, Inc., resolving to accept a gift of property from
14 Kathleen Adell Moore.

15 Q Okay. Who prepared this document?

16 A I did.

17 Q And did you present it to Mr. Melanson for
18 signature?

19 A I did.

20 Q Did you attend this meeting?

21 A I did.

22 Q And do these minutes accurately reflect what
23 happened in this meeting?

24 A They do.

25 MR. ERWIN: Your Honor, I move for Exhibit 44

1 to be admitted into evidence.

2 THE COURT: 44 or 43?

3 MR. ERWIN: 43, I apologize.

4 THE COURT: Any objection to 43?

5 MR. OBITTS: Your Honor, he -- I don't think
6 he's laid the foundation. I object.

7 THE COURT: Overruled. It goes to the weight.
8 43 is admitted.

9 (Plaintiffs' Exhibit 43 admitted into evidence.)

10 Q (By Mr. Erwin) Turn to 44.

11 A I'm there.

12 Q What is this?

13 A This is also a corporate resolution of the
14 board of Ananda Marga, Inc.

15 Q Did you prepare this document?

16 A I did.

17 Q Did you present it to Mr. Melanson for
18 signature?

19 A I did.

20 Q Did you attend this meeting?

21 MR. OBITTS: Your Honor, I'll stipulate to 44.

22 THE COURT: Okay. 44 is admitted.

23 MR. ERWIN: Okay.

24 THE COURT: By stipulation.

25 (Plaintiffs' Exhibit 44 admitted into evidence.)

1 Q (By Mr. Erwin) And look at 45.

2 A I'm there.

3 Q What is this?

4 A This is also a certified copy of a resolution
5 from the regular meeting of the board of directors of
6 Ananda Marga, Inc.

7 MR. OBITTS: Your Honor, we'll stipulate that
8 45, 46, 47, to speed things up.

9 MR. ERWIN: Okay.

10 THE COURT: Do you accept the stipulation?

11 MR. ERWIN: No, Your Honor.

12 THE COURT: All right.

13 MR. ERWIN: I'm sorry, I didn't hear the
14 question. I should have --

15 THE COURT: Do you accept the stipulation?

16 MR. ERWIN: Yes, Your Honor.

17 THE COURT: All right. 45 through 47 are
18 admitted by stipulation.

19 (Plaintiffs' Exhibits 45, 46, and 47 admitted into
20 evidence.)

21 Q (By Mr. Erwin) Okay. So let's look at Exhibit
22 44.

23 A 44?

24 Q P-44.

25 A P-44.

1 Q And what is the board of directors doing in
2 this meeting?

3 A Please give me a moment. Oh, yeah. Resolving
4 to apply for a capital improvement loan from United Bank
5 of Denver which later became Norwest and Wells Fargo.

6 MR. OBITTS: Objection. This is cumulative.
7 This is in evidence now.

8 THE COURT: Well, let's see if he's got a
9 question about it. So the objection's overruled for now.

10 Q (By Mr. Erwin) Okay. Did you have to -- did
11 the board of directors seek the approval from anyone
12 outside of the board of directors in order to effectuate
13 this transaction?

14 A None whatsoever.

15 Q Did the board of directors seek the approval
16 from anyone outside of the board of directors with regard
17 to any of the property transactions referenced in these
18 resolutions?

19 A None whatsoever.

20 Q Okay. Can you look at D-40?

21 MR. ERWIN: May I approach, Your Honor?

22 THE COURT: Yes.

23 Q (By Mr. Erwin) And this document's already in
24 evidence. Do you recognize that section that's titled
25 silent action?

1 A Yes, I do.

2 Q And --

3 THE COURT: What page, please?

4 MR. ERWIN: I'm sorry. It's on page 12 of the
5 document which is DFTS04250.

6 Q (By Mr. Erwin) Now, you're not a wholetime
7 Acarya, but did you -- did you actually type this up?

8 A Yes, I did.

9 Q You did? Does it accurately reflect what
10 Baba's system of silent action is?

11 A Yes, it does.

12 Q Okay. Thank you.

13 A To the best of my knowledge and belief.

14 MR. ERWIN: I have nothing further, Your Honor.

15 THE COURT: Cross-examination?

16 MR. OBITTS: Yes, Your Honor.

17 CROSS-EXAMINATION

18 BY MR. OBITTS:

19 Q Good morning, Mr. Hemmelgarn.

20 A Good morning.

21 Q Good. With regard to the last exhibit that was
22 in front of you, that's Defense Exhibit -- what was that,
23 32?

24 THE COURT: No, it was D-40.

25 MR. OBITTS: D-40. I apologize, Your Honor.

1 Q (By Mr. Obitts) With regard to silent action
2 you said that you typed that up and that was your
3 opinion; is that correct?

4 A Could you restate that?

5 Q This document that you typed up, that was your
6 personal opinion as to --

7 A No, that's -- that's not my -- wait. Please
8 rephrase the question. I want to be really clear about
9 it.

10 Q Yeah, sure. No problem. You said you typed up
11 this article, correct?

12 A Yes, I did.

13 Q Okay. And you're not a minister, are you?

14 A No, I'm not.

15 Q Isn't it true that Tiirthananda never informed
16 the Board that he was transferred on October 30, 2005, by
17 AMPS Central?

18 A Correct.

19 Q Isn't it true that it was a practice that when
20 the postings were announced at AMPS Central, at the World
21 RDS that the sectorial secretary would then notify the
22 board that they had been posted?

23 A Mostly, but not necessarily on all occasions.

24 Q You had served on the board or have been part
25 of Ananda Marga since 1974; is that correct?

1 A Ananda Marga in general?

2 Q Ananda Marga, Inc.

3 A Ananda Marga, Inc., since 1977, closely.

4 Q Okay. And so since that time there were
5 several postings of new general -- of new sectorial
6 secretaries to the New York sector, were there not?

7 A That is correct.

8 Q Isn't it true that Tiirthananda was the first
9 sectorial secretary to disobey those postings?

10 A I'm not aware that he disobeyed any postings,
11 no.

12 Q Okay. Why are you not aware that he disobeyed
13 any postings?

14 A I don't believe he disobeyed any postings.

15 Q Is that a time, place, and person thing?

16 A No.

17 Q Okay. So if there was a posting on October 30,
18 2005 at AMPS Central -- from AMPS Central and
19 Tiirthananda did not obey it, would you agree with me
20 that he did not obey it?

21 A Which AMPS Central?

22 Q So is it your position that on October 30,
23 2005, that Dhruvananda was not the general secretary of
24 AMPS Central?

25 A My understanding was that he was the general

1 secretary of AMPS Ranchi.

2 Q Okay. Isn't it true that you testified during
3 your deposition that it was your belief that Dhruvananda
4 no longer had legal authority in December of 2005?

5 A Legal authority to do what?

6 Q As general secretary of AMPS Central?

7 A I may have. It's still my belief.

8 Q Isn't it true that in March of 2006, the board
9 of directors of Ananda Marga, Inc., sent a letter out
10 that AMPS Central was what you were calling the Ranchi
11 faction?

12 A Nope. That's not what we said.

13 Q Okay. Well, we'll get to that then. Isn't it
14 true that Ananda Marga, Inc., is a legal embodiment of
15 Ananda Marga Pracaraka Samgha, New York sector?

16 A Which Ananda Marga Pracaraka Samgha?

17 Q That -- I'm the one asking the questions. So
18 if you can answer the question, you can say I don't know.

19 A I don't know.

20 Q Okay. Fine.

21 MR. OBITTS: Could you give me the sealed
22 deposition of this gentleman?

23 Q (By Mr. Obitts) If you could turn to page 54
24 of your deposition. Looking at line 11, if you could
25 read lines 11 through 14 into the record, please?

1 A Starting at line 11 it says:

2 "QUESTION: And is it true that Ananda Marga, Inc.,
3 is the legal embodiment of Ananda Marga Pracaraka Samgha,
4 New York sector, is it not?"

5 Q And your answer was?

6 A Line 14:

7 "ANSWER: I believe so."

8 Q Thank you. If you could set that aside. Now,
9 when you became an adherent of Ananda Marga you strove to
10 follow the teachings of Reverend Baba, did you not?

11 A To the best of my capacity.

12 Q Isn't it true that the sectorial secretary of
13 Ananda Marga, Inc., has always been appointed by AMPS
14 Central?

15 A No. Oh, I'm sorry. Could you rephrase the
16 question? I want to be clear about it. I'm sorry. I
17 may have misunderstood.

18 Q Isn't it true that the sectorial secretary of
19 Ananda Marga, Inc., has always been appointed by AMPS
20 Central?

21 A By the general secretary of AMPS Central.

22 Q Fair enough. That's your answer.

23 A That's my answer.

24 Q Okay. Fair enough. Thanks for clarifying
25 that. And isn't it true that the sectorial secretary

1 that is appointed by the general secretary is charged
2 with running the day-to-day affairs of the corporation?

3 A That the sectorial secretary is charged?

4 Q Yes.

5 A I don't know that he runs the day-to-day
6 affairs.

7 Q Isn't it true that the bylaws provide that he
8 is supposed to run the day-to-day affairs of the
9 corporation?

10 A I'd like to refresh my memory about that before
11 I answer.

12 Q Fair enough. Why don't we go to the amended
13 bylaws, Plaintiffs' Exhibit 4?

14 MR. OBITTS: May I approach, Your Honor, to
15 help the witness? Oh, sorry.

16 THE COURT: Yeah. Do you have Exhibit P-4?

17 MR. OBITTS: Plaintiffs' 4.

18 Q (By Mr. Obitts) And if you --

19 A Okay. I'm there.

20 Q Okay. And just to speed things along, if you
21 could look at Article VI, duties of the sectorial
22 secretary.

23 A I'm there.

24 Q Okay. If you want to review it and then maybe
25 you can respond to my question.

1 A Okay. I'll ask you -- I'll probably ask you to
2 rephrase --

3 Q That's fine.

4 A -- to restate it. Okay.

5 Q And so the question was, isn't it true that the
6 sectorial secretary is charged with running the day-to-
7 day affairs of the corporation?

8 A Going back to the document here, I don't see
9 anything where it says that.

10 Q Isn't it true that the sectorial secretary is
11 the one overall in charge of the corporation?

12 A Yes, it says that.

13 Q Okay. And in fact the sectorial secretary has
14 to sign all documents related to the transfer of assets
15 of the corporation, does he not?

16 A That's correct.

17 Q In fact, the board of directors under these
18 bylaws of 1982 cannot do anything with regard to the
19 assets of the corporation without the approval of the
20 sectorial secretary.

21 A Give me a moment. That is correct.

22 Q At what time do you recall did the sectorial
23 executive committee occur or appear in the New York
24 sector?

25 A Sometime in 1991.

1 Q Right. And after that time in 1991, isn't it
2 true that the board met once a year?

3 A Which board?

4 Q The board of Ananda Marga, Inc.

5 A That it -- starting in 1991 it met once a year?

6 Q Right. After the sectorial executive committee
7 was established the board of Ananda Marga, Inc., met only
8 once a year?

9 A I'd have to review the documents. I can't say
10 -- at least met once a year, yes.

11 Q Okay. And most of those meetings related to
12 the reconstitution of the board, correct?

13 A It may have. I'd want to see the documents to
14 refresh my memory.

15 Q Okay. Well, we'll --

16 A I don't keep them all in my head.

17 Q -- go through those board Minutes. Are the
18 board Minutes kept in a special place?

19 A They're generally with the sectorial office
20 secretary who is also the corporate secretary of Ananda
21 Marga, Inc.

22 Q Is it your understanding that Ananda Marga,
23 Inc., provided my law firm with all the board Minutes of
24 Ananda Marga, Inc.?

25 A To the best of my knowledge, yes.

1 Q If you could turn to Defendants' Exhibit 156.
2 Which are some board Minutes.

3 A I need a new book.

4 Q Defendants' 156.

5 A Okay. Yes, I'm there.

6 Q So these are the board Minutes of 1998,
7 correct?

8 A December 10, 1998.

9 Q Right. And this was the only board meeting
10 that year, correct?

11 A I honestly don't recollect.

12 Q Okay.

13 A Also I notice it's unsigned.

14 Q This is a document that you all produced in
15 discovery, is it not?

16 A Yes, it has a P number, so yes.

17 Q Is it the normal practice that the board
18 Minutes are signed and put in the board book?

19 A As a -- generally, yes, but I can't say 100
20 percent, no.

21 Q So maybe it could be the case that there wasn't
22 even a board meeting in 1998 then?

23 A No, I was part of this meeting, I believe.

24 Q Okay. Fair enough. So going to the top it
25 says that Ananda Marga, Inc., the legal embodiment of

1 Ananda Marga Pracaraka Samgha New York sector. That was
2 a true statement, was it not?

3 A Based upon my understanding at that time, yes,
4 since I prepared this document --

5 Q Okay.

6 A -- and in the context of this document. Yes.

7 Q Okay. Now, you said you were an accountant.
8 Do you hold a CPA license?

9 A I do not.

10 Q But isn't it true, especially for accountants,
11 and also for attorneys that it is important that you get
12 things right?

13 A To the best of your knowledge and belief, yes.

14 Q If you'd turn to Exhibit 159. Defendants'.

15 A Okay.

16 Q So this is the minutes from the year 2000.

17 A Okay.

18 Q Okay. So this is the minutes from the year
19 2000, correct?

20 A April 10, 2000, yes.

21 Q Now, was there a board meeting in 1999?

22 A I don't know for sure.

23 Q Okay.

24 A I -- I believe that there was simply because we
25 tried to follow all of the corporation laws of the State

1 of Colorado.

2 Q Do you know then why it was not produced in
3 discovery to us?

4 A I don't.

5 Q Okay. Okay. Looking at this meeting, this was
6 the only meeting that year, was it not?

7 A I don't know for sure. I'd want to review the
8 documents to refresh my memory to be sure.

9 Q Okay. You -- you can go ahead and take a look
10 at this document to see.

11 A I know that when I prepared -- either prepared
12 or assisted in preparing these I was not in the habit of
13 stating that it was the only meeting of the year or a
14 meeting. This one happens to be a special board of
15 directors meeting which I would presume would mean that
16 we had a regular meeting at some time. But I don't know
17 for a fact at this moment.

18 Q Right. Then if there was a regular meeting, do
19 you know why it was not produced in discovery to us?

20 A Again, I don't.

21 Q Okay. Looking at the special meeting, the
22 special meeting had to deal with the sectorial office
23 secretary who was appointed by the general secretary of
24 AMPS Central Rainjitananda coming into the sector,
25 correct?

1 A That's correct.

2 Q Okay. Now, I think you previously testified
3 that the sectorial office secretary has nothing to do
4 with Ananda Marga, Inc., correct?

5 A Not by virtue of that title. But when they
6 come in often they will become also the corporate
7 secretary of Ananda Marga, Inc. But not in every case.
8 Mr. Melanson was also was not a sectorial office
9 secretary, and he was the secretary and people before
10 him.

11 Q Now, if you didn't produce minutes for a given
12 year it's because they didn't -- don't exist, correct?

13 A I don't know. I don't keep the records.

14 Q Okay. And if we could go down -- let me back
15 it up for one second. Isn't it true that Ananda Marga,
16 Inc., has nothing to do with the confirmation of
17 confirming the sectorial office secretary to that
18 person's position in what you're calling the socio-
19 spiritual AMPS New York sector?

20 A That's a little confusing, could you rephrase
21 it, please?

22 Q Sure. It is. I give you that one. Okay. It
23 is your position, is it not, that AMPS New York sector is
24 somehow different from Ananda Marga, Inc.?

25 A Wait.

1 Q Correct?

2 A Socio-spiritual AMPS, yes.

3 Q Okay. Is there a title of sectorial office
4 secretary for Ananda Marga, Inc., legal?

5 A Not per se.

6 Q Okay. Well, let's -- let's go down then.
7 Let's go down three-quarters of the page and it says as
8 there were no additions to our deletions from the agenda
9 the meeting proceeded with the new business at hand.
10 Number one, the formal transfer of authority from the
11 outgoing to the incoming sectorial office secretary and
12 the recognition of AC Rainjitananda AVT as the new
13 corporate secretary of both corporations. Did I read
14 that correctly?

15 A You did.

16 Q And you wrote this?

17 A I did.

18 Q If we could turn the page to Defendants'
19 Exhibit 160. And these are Defendants' Exhibit 160 is
20 the June 16, 2001, meeting of the minutes of the special
21 joint board of directors meeting, correct?

22 A That is correct.

23 Q Okay. Isn't it true that that was the only
24 meeting that year?

25 A Again, I don't recall.

1 Q Okay.

2 A The office is in New York and I was someplace
3 else.

4 Q It was your practice to attend all the board
5 minutes -- all the board meetings, was it not?

6 A As many as possible, yes.

7 Q Okay. Now, here it talks about
8 Nityasuddhananda as the spiritual director of Ananda
9 Marga, Inc., correct?

10 A That is correct.

11 Q Okay. And you're saying Ananda Marga, Inc., is
12 not a socio-spiritual organization?

13 A I didn't say that.

14 Q I'm asking you are you saying that Ananda -- is
15 it your position that Ananda Marga, Inc., is not a socio-
16 spiritual organization?

17 A My position is Ananda Marga, Inc., is a
18 corporation.

19 Q Okay. But I'm asking you is it your position
20 that Ananda Marga, Inc., is a socio-spiritual
21 corporation?

22 A I don't know of anything under Colorado
23 statutes that creates a socio-spiritual corporation.

24 Q Okay. Is it a religious nonprofit, Ananda
25 Marga, Inc.?

1 A Yes.

2 Q All right. Isn't it true that likewise in
3 Defendants' Exhibit 159 the sectorial secretary is also
4 called the spiritual director of Ananda Marga, Inc.?

5 A Yes.

6 Q Okay. And if you could turn back to
7 Defendants' Exhibit 160, there's a -- there's a corporate
8 resolution from June 16, 2001, do you see that?

9 A Is that the --

10 Q Number three and four at the bottom.

11 A Yes.

12 Q Okay. Fair enough.

13 THE COURT: What exhibit?

14 MR. OBITTS: Defense Exhibit 160, Your Honor.

15 THE COURT: Okay.

16 Q (By Mr. Obitts) Isn't it true -- sorry, do you
17 need glasses or anything?

18 A No, I just need to --

19 Q Yeah, no worries.

20 A -- blow my nose.

21 Q Do you want some water or anything?

22 A I'm fine.

23 Q Okay. Okay. Isn't it true that you were the
24 one who wrote this corporate resolution?

25 A Yeah.

1 Q Okay. If you could turn over to paragraph
2 seven -- or number seven on page two.

3 A Okay.

4 Q Okay? Isn't it true that the board of
5 directors would defer to the sectorial executive
6 committee related to major changes --

7 A Not at all.

8 Q -- to the corporate documents?

9 A Not -- not at all. That's not what I stated
10 here.

11 Q In 2002 was there an organizational policy of
12 Ananda Marga, Inc., related to duty charge handover?

13 A Not specifically.

14 Q Okay. Fair enough. So let's turn then to
15 Defendants' Exhibit 161, please. Do you have that?

16 A I do.

17 Q Okay. Fair enough. If you could go to the
18 second page, which is number five.

19 A Yes.

20 Q And it says something called the duty charge
21 handover according to organizational policy. Do you see
22 that?

23 A Yes.

24 Q Isn't it true that that is the organization
25 policy of AMPS Central?

1 A Yes.

2 THE COURT: Where was that?

3 MR. OBITTS: Sorry. Defense Exhibit 161, it's
4 the second page bate stamped P003632 --

5 THE COURT: Right.

6 MR. OBITTS: And it's number 5.

7 THE COURT: Okay.

8 MR. OBITTS: Thanks.

9 Q (By Mr. Obitts) Now, Ramananda was the
10 sectorial secretary of the New York sector prior to
11 Tiirthananda, was he not?

12 A Yes.

13 Q And when the posting for Tiirthananda to come
14 to the sector, isn't it true that Ramananda immediately
15 left to go to his new posting back at AMPS Central?

16 A No.

17 Q Okay. Was Defense Exhibit 161 the only board
18 Minutes for the year 2002?

19 A I don't know.

20 Q Isn't it true that Ramananda left the sector
21 prior to Tiirthananda arriving in the sector?

22 A My understanding is that he left in March of --
23 oh, pardon me a moment. This --

24 Q It's not that exhibit, I was jumping ahead on
25 you. So I don't mean to confuse you. What we do is we

1 check your knowledge and then we look at the document.

2 A Fair enough.

3 Q So -- so do you know -- do you know the answer
4 to that question? If you don't know, you can say I don't
5 know.

6 A Well, no. Please rephrase the question so --

7 Q Okay. The question --

8 A -- I can be clear about it.

9 Q The question was isn't it true that Ramananda
10 left the sector prior to Tiirthananda ever arriving in
11 the sector?

12 A My understanding is is that they met in
13 Frankfurt, Germany and completed the duty charge handover
14 in March of 2003.

15 Q Correct. And that was pursuant to the
16 organizational policy of AMPS Central, was it not?

17 A To the best of my knowledge, yes.

18 Q Okay. Isn't it true that no sectorial
19 secretary of Ananda Marga, Inc., has ever given a letter
20 of resignation to the board?

21 A To the best of my knowledge, correct.

22 Q If we could then turn over to Defendants'
23 Exhibit 162, please. Do you have that in front of you?

24 A I do.

25 Q Okay.

1 A I'm there.

2 Q This is the minutes of the special joint board
3 of directors meeting in 2003, correct?

4 A Yes.

5 Q And this was the one that was called Dada
6 Tiirthananda, the sectorial secretary of the New York
7 sector, correct?

8 A Correct.

9 Q Isn't it true that this was the only board
10 meeting that year?

11 A Again, I don't know.

12 Q Okay. Likewise prior to Ramananda coming in
13 the sector isn't it true that Nityasuddhananda --

14 A Nityasuddhananda.

15 Q Oh, I can't say it. Can I say Dada N and you
16 know who I'm talking about?

17 A You may say --

18 THE COURT: Say it three times fast.

19 Q (By Mr. Obitts) That Dada N left the sector
20 prior to Dada Ramananda arriving in the sector?

21 A I don't know.

22 Q Okay. Well, why don't we go back to
23 Defendants' Exhibit 161.

24 A I'm there.

25 Q And it reads participating were the following,

1 okay? And at the last sentence it says absent were Dada
2 N, that we're referring to.

3 A Dada N.

4 Q Fair enough.

5 A Dada N. Fair enough.

6 Q Which is Acarya Nityasuddhananda -- sorry, also
7 a minister of the Ananda Marga mission who was already
8 transferred to his new posting. Did I read that
9 correctly other than the pronunciation?

10 A You did.

11 Q Thanks. And the Ananda Marga mission they were
12 talking about there is AMPS, correct?

13 A The Ananda Marga socio-spiritual mission.

14 Q Likewise if we look at Defense Exhibit 162
15 where Tiirthananda is not calling this meeting as
16 sectorial secretary it says participating were the
17 following and it says absent were Acarya Ramananda also a
18 minister of the Ananda Marga mission who was already
19 transferred to his new posting. Did I read that
20 correctly?

21 A You did.

22 Q Okay. Do you know why there were no board
23 minutes in the meeting in 2004 that were provided to us?

24 A I do not.

25 Q Do you know why there were no board meeting

1 minutes in 2005 that were provided to us?

2 A I do not. I don't keep the records.

3 Q Okay. Isn't it true that the next board
4 meeting was in -- on January 28, 2006?

5 A No. Not -- not correct.

6 Q Okay. There were some meetings, informal
7 meetings, were there not around the 8th of January,
8 correct?

9 A Earlier than that.

10 Q Okay. The 6th?

11 A Correct.

12 Q Okay. So the 6th and the 8th and then --

13 A The 6th to the -- to my recollection the 6th
14 and the 7th of January we had board meetings.

15 Q Okay. And then on the 28th of January?

16 A We actually had some I believe a couple days
17 before and then the final meeting on January 28th to
18 ratify.

19 Q So isn't it true that for a period of about
20 three years there were no meetings of the board of
21 directors?

22 A I don't know.

23 Q Isn't it true -- well, you testified previously
24 that you're part of Ananda Marga, Inc., legal department,
25 correct?

1 A Yes.

2 Q Isn't it true that you on letters to
3 individuals stated that you were the associate secretary
4 of the legal department -- or assistant secretary of the
5 legal department for Ananda Marga New York sector?

6 A I may have. I'd like to see documents that
7 show that.

8 Q Sure. We'll -- we'll get to those. Isn't it
9 true that what you're referring to as AMPS New York
10 sector socio-spiritual had no bank accounts?

11 A No, not true.

12 Q Okay. What bank accounts did it have?

13 A When I first moved to -- when I first moved to
14 Denver --

15 Q Let me withdraw that question. Isn't it true
16 at your deposition that you testified that you didn't
17 know?

18 A It's possible I did.

19 Q Okay. And somehow between the deposition and
20 now you have knowledge?

21 A I recollected some additional information, yes.

22 Q Oh, okay. Okay. With regard to when -- do you
23 know what the ISMUB Department is?

24 A I know the name of it, I don't know much else
25 about it.

1 Q Okay. Isn't it true that AMPS Central would
2 send people to inspect the New York sector sectorial
3 office?

4 A It's possible. I never participated in
5 anything like that.

6 Q Okay. Do you know of AMPS New York sector ever
7 filed any tax returns?

8 A I don't believe so.

9 Q Okay. Isn't it true that all donations
10 solicited by AMPS New York sector on Ananda Marga, Inc.'s
11 website went to Ananda Marga, Inc.'s bank account?

12 A The -- which Ananda Marga website are you
13 talking about?

14 Q Sure. The website I'm talking about is the
15 AMPS.org website.

16 MR. ERWIN: Objection. Cumulative.

17 THE COURT: Overruled.

18 Q (By Mr. Obitts) It's AnandaMarga.us. Sorry.
19 www.anandamarga.us website.

20 A I don't know because I don't handle the
21 website.

22 Q Okay. But you handle the finances, correct?

23 A Used to.

24 Q Used to. When did that stop?

25 A About 1981. In -- in terms of transactions and

1 things like that.

2 Q Can you tell me if Ananda Marga, Inc., is not
3 the -- the New York sector socio-spiritual organization
4 why in the world do the bylaws have programs as a socio-
5 spiritual organization?

6 A Sure. Coordinated cooperation.

7 Q Okay. So, you're saying that Ananda Marga,
8 Inc., and the AMPS New York sector are both part of the
9 Ananda Marga mission?

10 A Ananda Marga, Inc., is definitely a part of the
11 Ananda Marga mission. The Ananda Marga socio-spiritual
12 New York sector is also part of the mission.

13 Q Okay. If you would be so kind and turn to
14 Defendants' Exhibit 192, please?

15 THE COURT: This a good time for a break?

16 MR. OBITTS: That would be great, Your Honor.
17 Thank you.

18 THE COURT: All right. Let's take 15. Court's
19 in recess.

20 (Whereupon a recess was taken.)

21 (Whereupon the Court reconvened and the following
22 proceedings were entered of record.)

23 THE COURT: Please be seated. And Mr. Obitts,
24 you may proceed.

25 MR. OBITTS: Sure.

1 Q (By Mr. Obitts) During Mr. Erwin's direct, he
2 had asked you questions related to the tax filing for
3 church status for Ananda Marga, Inc. Do you recall that?

4 A Basically, yes.

5 Q Yes. And there were in fact two filings.
6 There was one in 2003 and then an amendment in 2004,
7 correct?

8 A Correct.

9 Q Okay. If you would be so kind as to turn to
10 Defendants' Exhibit 94, which is the 2003 filing.

11 A I'm there.

12 Q Right? Yes? Now, if you go to the first
13 schedule attached to this letter is Schedule A for
14 churches, which is page three.

15 A I'm there.

16 Q Okay. Now, with all of these schedules you
17 could have checked no on the box, correct?

18 A I haven't --

19 Q If it was inapplicable?

20 A Correct.

21 Q Fair enough. In paragraph 12 on page 12 of the
22 Schedule A it talks about describing the organization for
23 religious hierarchy or ecclesiastical government and then
24 you put please see attached, correct?

25 A That is correct.

1 Q Now, certainly that's not a check the box, is
2 it?

3 A It is not.

4 Q Right. And so there was a paragraph 12 in the
5 attached explanation which is page five of that attached
6 explanation.

7 THE COURT: You said this is D-92 -- or 94. My
8 bad.

9 MR. OBITTS: D-94, Your Honor.

10 THE COURT: I wrote it but I didn't -- I was in
11 the wrong place.

12 MR. OBITTS: Okay. There's a lot of tax
13 documents.

14 THE COURT: There we go. All right. I got it.

15 Q (By Mr. Obitts) All right. So do you have
16 that in front of you?

17 A I do.

18 Q Okay. And the bates number is DFTS00347. Do
19 you see that at the bottom right hand corner?

20 A I do.

21 Q And then this is then becoming the description
22 of the hierarchal structure of Ananda Marga, Inc., as
23 part of the Ananda Marga mission, is it not?

24 A To the best of our knowledge at that time, yes.

25 Q Previously you testified that you never

1 referred to AMPS Central in the filings, correct? Or did
2 you not? Maybe I misunderstood. Did I misunderstand
3 you?

4 A Yes.

5 Q Okay. Isn't it true that under the Ananda
6 Marga mission the Purodha Pramukha is the highest
7 spiritual authority?

8 A In a sense. He's not the guru.

9 Q That's -- that is true but for a period of time
10 the guru was a Purodha Pramukha.

11 A Yes.

12 Q Yes.

13 A To the best of my knowledge, yes.

14 Q Yes. Okay. And in 2000 -- October 30, 2005,
15 who was the Purodha Pramukha of AMPS?

16 A Acarya Shraddhananda Avadhuta, I believe his
17 name's been spelled before.

18 Q Yes. And on February 28, 2006, who was the
19 Purodha Pramukha of AMPS?

20 A The same person.

21 Q In fact, he held that position until he died in
22 2008, did he not?

23 A Correct.

24 Q Now, let's turn then to exhibit -- Defendants'
25 Exhibit 94 -- I mean, sorry, 72, which is the 2004

1 filing. In this filing you checked the same boxes as the
2 2003, did you not?

3 A I'd want to compare to make sure.

4 Q Okay.

5 A What was -- sorry, what was the other exhibit?

6 Q I'm sorry. It -- it was Defendants' Exhibit
7 94.

8 A 94. Yes, I did.

9 Q Okay. And if you go then to Schedule -- the
10 revised attached explanations. That was what was
11 revised, was it not? From the first time? I'm not
12 trying to trick you. It says revised attached --
13 explanations. DFTS00418.

14 A Yes.

15 Q Okay?

16 A Yes.

17 Q And so does it help refresh your recollection
18 if that was what as revised with the filing?

19 A It does.

20 Q Okay. Fair enough.

21 A Fair enough.

22 Q And you were trying to make this filing as true
23 and accurate as possible -- whoops, as true and accurate
24 as possible because you knew the IRS would be relying
25 upon this correct?

1 A Correct. Based on our knowledge at the time.

2 Q Okay. So let's go down to the third paragraph
3 of this document. It states that Ananda Marga Pracaraka
4 Samgha, AMPS, based in Ananda Nagar is a world
5 headquarters and parent organization of our mission. And
6 the mission that you're talking about there that's the
7 Ananda Marga mission of which Ananda Marga, Inc., is a
8 part?

9 A Yeah. Yes.

10 Q Okay. Good.

11 A Yes.

12 Q And it was registered in Bihar in 1956 and
13 later under the Societies Act of West Bengal in 1961.
14 Did I read that correct?

15 A Yes.

16 Q And then it goes on, it says it exists as a
17 means to propagate the Trantrika disciplines
18 Anandamurtiji resurrected and modernized for today's
19 world.

20 A That's correct.

21 Q Was it your understanding that at that time
22 that the Supreme Court of India in 1982 had ruled that
23 AMPS Central registered under the Societies Act of West
24 Bengal in 1961 was a religious denomination?

25 A I was not aware of that.

1 Q Okay. So there was no discussion -- okay.
2 Well, you already answered that. So why would I ask the
3 follow-up question? Good answer. And so it goes onto
4 the next paragraph that says the North American branch of
5 Ananda Marga was formed and has existed as a nonprofit
6 corporation in various states in the USA since 1969. And
7 I'll just stop there. And that was a true statement, was
8 it not?

9 A To the best of my knowledge and belief, yes.

10 Q And that -- that description is describing
11 Ananda Marga Yoga Society in Illinois and Ananda Marga
12 Yoga Society in Kansas and then finally Ananda Marga,
13 Inc., the final successor corporation, correct?

14 A That's correct.

15 Q Okay. And then once again on page four of this
16 revised document, which is DFTS00421, which is once again
17 in number 12 which is explaining or describing the
18 organization's religious hierarchy or ecclesiastical
19 government, correct?

20 A Correct. That's the title of that section.

21 Q Good. And what was contained in here is also a
22 true statement.

23 A To the best of my knowledge and belief in the
24 context of this document at that time.

25 Q And then it goes on into paragraph 13 and it

1 says, does the organization have established places of
2 worship. Do you see that?

3 A Yup.

4 Q And that's DFTS00422. And it says there are
5 four locations owned and used by this corporation. A,
6 Ananda Marga North American Headquarters, 97-38 42nd
7 Avenue, Corona, New York, 11368. Did I read that
8 correctly?

9 A You did.

10 Q And that is the corporate headquarters for
11 Ananda Marga, Inc., is it not?

12 A Yes. Well, it's the New York office.

13 Q Okay.

14 A The Colorado corporate headquarters is
15 someplace else.

16 Q Okay. But the where -- okay. The corporation
17 was incorporated in Colorado, correct?

18 A Correct.

19 Q And its corporate headquarters were Pearl
20 Street at that time, correct?

21 A Correct.

22 Q And then it moved its corporate headquarters to
23 New York, did it not?

24 A Correct.

25 Q Do you recall a time in 2005 when the board of

1 directors of Ananda Marga, Inc., wanted to sell the
2 Denver jagrti?

3 A I -- I am unaware of any time when our board of
4 directors wanted to send -- sell the Denver jagrti.

5 Q Okay. It -- on -- up above on the same page at
6 the very top under 12 you describe AMPS Central authority
7 assigning wholetime Acaryas to various organizational
8 positions at one or more of these various levels
9 throughout the world. Do you see that?

10 A I do.

11 Q Okay. And the organizational positions would
12 include --

13 MR. OBITTS: Your Honor, am I --

14 THE COURT: I don't know what you're doing, but
15 you better stop it.

16 MR. OBITTS: -- I'm cutting in and out. I'm in
17 the -- you scared me there for a second. I'm talking in
18 the same --

19 THE COURT: Are you --

20 MR. OBITTS: -- and it's coming in and out.

21 THE COURT: Well, it's recording it.

22 MR. OBITTS: Do you want me to just start
23 yelling?

24 THE COURT: It's just a matter of not
25 amplifying it.

1 MR. OBITTS: Okay. As long as it's being
2 recorded. That's what I was afraid of.

3 THE COURT: No, it's being recorded.

4 MR. OBITTS: Okay. Thank you, Your Honor.

5 THE COURT: If I can't hear you, I'll ask you
6 to speak up but otherwise --

7 MR. OBITTS: Okay. Thank you.

8 THE COURT: And the witness as well. It might
9 just be the way you have your notebook placed, but --

10 MR. OBITTS: Okay. I'll try to move it. There
11 we go.

12 Q (By Mr. Obitts) And so my question to you is
13 one of those organizational positions, that's the
14 position of sectorial secretary of the New York sector?

15 A Yes.

16 Q Isn't also one of those positions regional
17 secretary of the New York sector?

18 A To the best of my knowledge at that time we had
19 already changed the 1982 bylaws where it no longer
20 included the section about posting other Acaryas.

21 Q Prior to October 30, 2005, isn't it true that
22 no regional secretary had been appointed by anybody other
23 than the general secretary of the New York -- of AMPS
24 Central?

25 A I don't know.

1 Q Isn't -- you testified previously that you
2 prepared the affiliate documents after another individual
3 stopped doing so, correct?

4 A Predominantly yes. There was only a handful to
5 prepare, so --

6 Q Okay. Isn't it true that in the template that
7 the previous individual left you that the affiliate
8 organization's bylaws provide in relevant part that the
9 general secretary of AMPS Central is the one who can --
10 the only one who can appoint and remove a regional
11 secretary?

12 A To the best of my recollection that is in those
13 documents.

14 Q If you could turn please to Defendants' Exhibit
15 102.

16 A Okay.

17 Q Okay?

18 A I'm there.

19 Q All right. Did you help prepare this document?

20 A Let me look. There is only one page. This is
21 102? D-102?

22 Q That's right. It's a supplement to Form I-129.
23 So it's a supplement page to another filing.

24 A I don't believe I did simply because I try to
25 use really proper English and this says --

1 Q Fair enough. Then we'll move onto a different
2 exhibit. Let's move on to Defendants' Exhibit 104 then.

3 A I'm there.

4 Q Okay. Did you prepare this document?

5 A I don't believe so, because again, it doesn't
6 have good English in it in places.

7 Q Oh, okay. Fair enough. Then we'll move away
8 from all the things that have improper English.

9 A I use the like has been in the USA.

10 Q Okay. Fair enough. If you'd be so kind as to
11 turn to Defendants' Exhibit 192.

12 A Need a different book. Thank you, Counsel.
13 It's a lot of stuff. I'm there.

14 Q Okay. I'm going to ask you have you ever seen
15 this booklet before other than in this litigation?

16 A I may have seen one floating around someplace,
17 but I didn't --

18 Q All right. Then we won't talk to you about it.
19 You don't have any knowledge related to this book but --

20 A No, I don't.

21 Q Okay. If you could then, sorry, turn to
22 Defendants' Exhibit 71, please. I -- I apologize. This
23 is actually Defendants' Exhibit 73.

24 A I'm there.

25 Q Oh, boy. This document is a tax filing of

1 Ananda Marga, Inc., is it not?

2 A Yes, it is.

3 Q Did you help prepare this document? 1985.

4 A Probably so, yes.

5 Q Okay. And on part three it says support of
6 Ananda Marga Central Office, do you see that?

7 A Yes.

8 Q And the Central Office is Ananda Marga
9 Pracaraka Samgha; is it not?

10 A Yes.

11 Q Likewise whenever you prepared the tax returns
12 or participated in the preparations of the tax returns
13 for Ananda Marga, Inc., and it says Central Office, that
14 Central Office is Ananda Marga Pracaraka Samgha, is it
15 not?

16 A Generally speaking. As I said before it was
17 kind of a -- it was -- Ananda Marga Central was kind of a
18 catch all that we used for a lot of stuff.

19 Q Okay.

20 A We were using shorthand.

21 Q Let's skip forward a few years then to 1994,
22 which is Defendants' Exhibit 79. Do you have that
23 document?

24 A I do.

25 Q Fair enough. In part three -- I'm sorry, first

1 of all did you help prepare this document?

2 A I did.

3 Q Your signature is on this document, is it not?

4 A It is.

5 Q Okay. Fair enough. So looking at part three
6 which is P000921 you state in relevant part support of
7 AMPS Central, our parent organization. And my question
8 -- correct? Did I read that correctly?

9 A You did.

10 Q And my question to you is that is AMPS Central,
11 is it not?

12 A Correct. That same generic lumping.

13 Q That same -- okay. So there is more than one
14 parent for Ananda Marga, Inc.?

15 A No, I'm describing Ananda Marga Central that we
16 had used in prior.

17 Q Oh, okay.

18 A That -- that same general lumping of stuff.

19 Q Okay.

20 A Projects and initiatives and relief work and
21 all of that.

22 Q And in fact you use Ananda Marga Central in
23 India describing it as the parent organization of Ananda
24 Marga, Inc., in many of these tax filings, do you not?

25 A I may. I'd want to look at the documents to be

1 specific.

2 Q Sure. Why don't you go ahead and look at
3 Exhibits 80 through -- through 86, which would be the
4 last tax return, 990, in 2003.

5 A Wait, I'm -- I'm sorry. I'm at --

6 Q Sure.

7 A -- Defense Exhibit 80.

8 Q Defense Exhibit 80 through 86.

9 A Okay.

10 Q In each one of these tax returns that you
11 provided us they all say that Ananda Marga Central is
12 Ananda Marga, Inc.'s parent organization, correct?

13 A I will review it and see.

14 Q Yeah, sure. No problem.

15 A Through which number, sir?

16 THE COURT: 86.

17 Q (By Mr. Obitts) 86.

18 A Through 86. Almost there.

19 Q Oh, no worries.

20 A They do all say that.

21 Q If you would be so kind as to go to Defendants'
22 Exhibit 33.

23 A I'm there.

24 Q Good. And if you would be so kind as to turn
25 to what's Bate stamped as DFTS04068 in the bottom right

1 corner.

2 A Okay. I'm there.

3 Q What is this document?

4 A This is a page in a Crimson Dawn publication.

5 Q And it's a finance report, is it not? Yes?

6 A It says finance report but I don't see any --
7 very few numbers there as I would prepare.

8 Q Okay. And is your Sanskrit name Vinaya?

9 A No, pronounced Vinaya.

10 Q I'm sorry. Okay. But V-i-n-a-y?

11 A I actually sign it with an A at the end.

12 Nowadays. But at that time I was still using it without
13 an A.

14 Q Okay. But the A is silent?

15 A Depends upon the pronunciation and what part of
16 India you're in.

17 THE COURT: Just ask him to --

18 MR. OBITTS: Okay, okay, okay.

19 THE COURT: -- if it's him.

20 Q (By Mr. Obitts) And that is you there on that
21 document? Yes, thanks, fair enough.

22 A Yes, it is. Fair enough.

23 Q Okay. If you would be so kind as to turn to
24 Defendants' Exhibit 37. And if you could go to page 27
25 of that document.

1 A I'm there.

2 Q Okay. Great. And at the bottom corner you've
3 put Vinaya ASFSNYS. What is ASFS?

4 A Acting sectorial finance secretary.

5 Q And isn't it true that this is a financial
6 statement for Ananda Marga, Inc.?

7 A I don't know 100 percent because when I arrived
8 in Denver in 1977 there were many bank accounts that
9 weren't even part of Ananda Marga, Inc., that were for
10 various socio-spiritual departments. So I'd have -- I'd
11 want to see the source documents and review, you know, so
12 that I could be accurate and sure.

13 Q Okay. We could turn then to Defendants'
14 Exhibit 45. And it's a two -- I'm sorry. Page 32, are
15 you there?

16 A I'm there.

17 Q Good. And this is a letter written by you, is
18 it not?

19 A Yup.

20 Q Okay. And you're again acting sectorial
21 finance secretary for the New York Sector. And this
22 document is describing the finances of Ananda Marga,
23 Inc., is it not?

24 A The whole report?

25 Q Yes.

1 A Not necessarily.

2 Q Okay. Well, let's go to one paragraph in this
3 report.

4 A Sure.

5 Q Let's go a third paragraph up from the bottom.
6 The second sentence. And it says and the incessant
7 pressure from the Central Office -- do you see that?

8 A Yes.

9 Q And the Central Office there is Ananda Marga
10 Pracaraka Samgha in India, is it not?

11 A Yes.

12 Q Okay. If you could turn over to page two of
13 this document. It's under five, budgets and quotas. Do
14 you see that?

15 A Page two?

16 Q Two of your letter.

17 A Oh, two of my letter.

18 Q Yeah, yeah, yeah. It's DFTS04419 --

19 A Okay.

20 Q -- in number give going down it says
21 communications and Acarya travel remain our two biggest
22 expenses, do you see that?

23 A Yes.

24 Q Okay. And then it goes on to read, in the mean
25 time we've taken a \$200 per month quote to send to the

1 Center for its support as our first priority. My
2 question to you -- did I read that correctly?

3 A You did.

4 Q Yes. And my question to you is Center is AMPS
5 Central, is it not?

6 A I believe so, yes.

7 Q Okay. Once last Crimson Dawn. If you could
8 turn to 54, please. Defendants'.

9 A I'm there.

10 Q Okay. If you could turn to page 10 of that
11 document. And this is a letter written by you; is it
12 not?

13 A Yes, it is.

14 Q And it is describing an audit by the IRS; is it
15 not?

16 A That is correct.

17 Q And that audit was of Ananda Marga, Inc., was
18 it not?

19 A That is correct.

20 Q It was not of the socio-spiritual of New York
21 Sector, correct?

22 A It was for Ananda Marga, Inc.

23 Q Okay.

24 A That's what I said.

25 Q And it says it's from the sectorial legal

1 board. The letter.

2 A Okay.

3 Q Correct? And who -- the sectorial legal board
4 was Ananda Marga, Inc., correct?

5 A I honestly don't recall for sure then.

6 Q Okay. Then it goes on and states over the last
7 eight months Ananda Marga operations at the sectorial
8 office in Denver were audited by the Internal Revenue
9 Service of the United States. Do you see that?

10 A I do.

11 Q Okay. And that was a true statement?

12 A That is correct.

13 Q Okay. Previously you testified that very early
14 on in the direct of Mr. Erwin that at some point you came
15 to the distinction that Ananda Marga, Inc., is not a
16 church but it's a church for tax purposes?

17 A That -- I said federal tax purposes.

18 Q Oh, okay. Federal tax purposes. So you would
19 agree that Ananda Marga, Inc., fits within the 16 point
20 test -- 14 point test defining a church?

21 A I would agree that we patterned our documents
22 so that we could come under that because it was required
23 by immigration, as I testified.

24 Q Okay. When did you come to that distinction?

25 A Sometime in 2003.

1 Q Okay.

2 A Which -- which -- I'm sorry. Which distinction
3 again?

4 Q That -- that Ananda Marga, Inc., is a church
5 for tax purposes?

6 A We came to that full determination in 2004 when
7 the IRS did grant that.

8 Q Okay. And Ananda Marga, Inc., has held itself
9 out as a church, correct?

10 A A church for federal tax purposes.

11 Q Okay. And -- and --

12 A I've been very specific about that.

13 Q I understand. In your letter of 2003 to the
14 IRS, isn't it true that you and the author, Rainjitananda
15 state that Ananda Marga, Inc., has always been a church?

16 A For federal tax purposes, yes.

17 Q Okay.

18 A The IRS --

19 Q And so my question to you is plain and simple,
20 Ananda Marga, Inc., wanted to take advantage of the
21 federal church status, correct?

22 A We wanted to because Immigration required it.

23 Q Okay.

24 A Time, place, and person.

25 Q All right. And you've used that church status

1 to your advantage, have you not?

2 A We've tried to, yes.

3 Q In fact, you haven't had to file any form 990's
4 since 2003, correct?

5 A That's correct. That was a side benefit but it
6 was okay.

7 Q Have you ever notified the IRS that you are not
8 a church?

9 A What kind of church. Church for federal tax
10 purposes or church according to other people's
11 connotations or denotations?

12 Q I'm asking you have you ever notified the IRS
13 that you don't consider yourself a church?

14 A We've never notified the IRS that we've never
15 considered ourselves a church for federal tax purposes,
16 correct. If that's what you mean.

17 Q No. I don't mean that.

18 A We've never held out to the IRS that we were a
19 church under common parlance definitions. We've said
20 that we were a church for federal tax purposes to comply
21 with IRS requirements and Immigration.

22 Q You stated that at some point you came to the
23 realization that AMPS Central was both as socio-spiritual
24 and a legal entity, correct?

25 A No, that's not what I said.

1 Q Okay. What did you say?

2 A I recall saying that AMPS Central was kind of
3 a catch-all term that we used --

4 Q No, I'm talking about during the direct of --
5 of -- by Mr. Erwin --

6 THE COURT: Well, he's already told me and if
7 -- if you don't have a specific question related to that
8 I don't want him to repeat it.

9 MR. OBITTS: Okay.

10 Q (By Mr. Obitts) Isn't it true that there is no
11 distinction between AMPS Central, the registered society,
12 and AMPS Central the socio-spiritual organization?

13 A Incorrect.

14 Q Okay. You've previously testified, isn't it
15 true, when Mr. Erwin was asking you questions that at the
16 time that you made the filing with the IRS that you
17 thought that it was one and the same? Do you recall
18 that?

19 A Yes.

20 Q Okay. And my question to you is what is the
21 basis of your knowledge of learning that they are somehow
22 separate?

23 A Oh, okay.

24 Q Yeah.

25 A The basis of my knowledge is actually looking

1 at the constitution and Carya'carya and seeing that the
2 governing body or central committee of each is empowered
3 in a different way.

4 Q Okay. So --

5 A One is one and one is the other.

6 Q So it is your own lay interpretation of
7 documents, correct?

8 A I can read, yes.

9 Q And you came to that realization during this
10 case, correct?

11 A I came to the full realization of it during
12 this case.

13 Q If you could be do kind as to turn to
14 Defendants' Exhibit 197.

15 A Thank you. I'm there.

16 Q Okay. Previously I asked you the question
17 related to whether or not you held yourself out as an --
18 associate director of the legal affairs bureau, Ananda
19 Marga New York sector, correct?

20 A Yes.

21 Q And you said you weren't totally sure, but
22 you'd like to look at a document. If you could turn to
23 the last page of this document, maybe that will help
24 refresh your recollection.

25 A I see it.

1 Q Okay. Isn't it true that you held yourself out
2 as Associate Director of Legal Affairs Bureau for Ananda
3 Marga New York sector?

4 A Yeah. Yes. Yes.

5 Q Okay. Fair enough. Were you heavily involved
6 in 1984 with Ananda Marga, Inc.?

7 A 1984?

8 Q Yes. Because I know you took a brief absence,
9 and I'm trying to make sure I've got this right.

10 A Yes, I believe so.

11 Q Okay. Do you recall that at that time there
12 was something called an Internal Guide Book for LFT
13 Workers?

14 A I don't.

15 Q Okay. If you could turn to Defendants'
16 Exhibit --

17 A I wasn't an LFT.

18 Q Okay. Fair enough. Could you turn to
19 Defendants' Exhibit 249, please?

20 A I'm there.

21 Q Okay. This document is called legal structure
22 in tax matters, is it not?

23 A It is.

24 Q And this is a document that you prepared,
25 correct?

1 A Basically, yes.

2 Q Okay. And Defense Exhibit 249 is a true and
3 accurate copy of this document, correct?

4 A I'd like to review it for a moment to make
5 sure.

6 Q Oh, yeah. Absolutely. Yeah, please.

7 THE COURT: What's the document titled? Legal
8 Tax Structure?

9 MR. OBITTS: It's called, Your Honor, Legal
10 Structure and Tax Matters.

11 Q (By Mr. Obitts) So this is a true and accurate
12 copy of this document?

13 A Yes, it is.

14 MR. OBITTS: Your Honor, at this time I'd like
15 to move Exhibit 249 into evidence.

16 MR. ERWIN: No objection, Your Honor.

17 THE COURT: 49 (sic) is admitted without
18 objection.

19 MR. OBITTS: Okay.

20 THE COURT: You may proceed.

21 (Defendants' Exhibit 249 admitted into evidence.)

22 Q (By Mr. Obitts) So this is to -- purpose is to
23 provide commonly asked questions about Ananda Marga's
24 legal set up and tax status throughout the New York
25 sector; is that correct?

1 A That was my intention. I prepared it as a
2 draft, but yes.

3 Q Oh, okay.

4 A But yes, it had -- it -- I prepared it as a
5 draft.

6 Q And you were trying to be as accurate as
7 possible in this document?

8 A Based upon my knowledge at the time and in the
9 context of this document, yes.

10 Q Okay. If you could turn then to the fourth
11 page of this document, do you have that? The top
12 paragraph, describe -- it's after the heading so where,
13 when and how was Ananda Marga organized itself here.
14 Which is on the bottom of page three. You're describing
15 it.

16 A Okay.

17 Q Fair enough?

18 A Yeah. Fair enough.

19 Q And you arrived in relevant part, Ananda Marga,
20 Inc.'s sectorial headquarters started in 1969 in
21 Carbondale, Illinois, and then goes on down below and
22 describes that there are regional offices and then there
23 are more than 100 subordinates. Correct?

24 A That's correct.

25 Q And so there were more than 100 entities that

1 were part of Ananda Marga, Inc.'s group tax exemption,
2 correct?

3 A That is correct.

4 Q Fair enough. And when you talk about the
5 sectorial headquarters, that's the sectorial headquarters
6 for the New York sector, correct?

7 A Yeah.

8 Q Okay.

9 A Yes.

10 Q Okay. And then it goes on who are the
11 principles of each corporation and you've got -- there's
12 two paragraphs. And the second paragraph, it says, the
13 sectorial secretary being the head of Ananda Marga and
14 New York sector is legally the president and CEO of
15 Ananda Marga, Inc. That was a true statement, was it
16 not?

17 A I believe so, yes.

18 Q And then it goes on to say that as well as the
19 ultimate supervising authority and in charge for all the
20 Ananda Marga in North America, correct?

21 A Yes. Under our arrangement for coordinated
22 cooperation, that's true.

23 Q On the first page of this document you -- you
24 do a glossary and you define the word affiliate here,
25 correct?

1 A Correct.

2 Q Okay. If you go up to the first paragraph it
3 says, the last sentence, afterwards please contact the
4 sectorial office for assistance regarding your particular
5 situation whether you are in the USA or other countries.
6 My question to you is is that the sectorial office of the
7 New York sector socio-spiritual? As you define it.

8 A Again, there as some overlap.

9 THE COURT: Which was it?

10 THE WITNESS: Sectorial office of the New York
11 sector.

12 Q (By Mr. Obitts) Going to what's marked at the
13 bottom DFTS00911, which is the fifth page of this
14 document, it's the bottom paragraph, and the second
15 sentence there was use of subordinate self-teaching legal
16 checklist, or S-TCL available from the sectorial office.
17 My question to you is this. Was there a subordinate self
18 teaching checklist that you prepared?

19 A I started a draft of one.

20 Q Okay.

21 A Again, this was a draft. This was never --

22 Q Okay.

23 A -- ratified by our board or anything.

24 Q Mm-hmm. On the next page it talks about an
25 organizational legal handbook. In the last paragraph.

1 It says forthcoming.

2 A Mm-hmm.

3 Q Yes?

4 A Yes.

5 Q Okay. Fair enough. And isn't it true that
6 that organizational legal handbook was a handbook that
7 Dr. Secrest was helping coordinate and creating?

8 A Actually he was the primary impetus behind it.

9 Q Okay.

10 A He just asked my assistance.

11 Q Fair enough. Let's -- let's take a look at
12 that document, then. That is Plaintiffs' Exhibit 121.

13 A This may be it, let me check.

14 Q Yeah, Plaintiffs' Exhibit 121.

15 A Oh --

16 Q It's a document called --

17 A Plaintiffs' Exhibit --

18 Q Yup. It's a document called --

19 A Okay.

20 Q -- Moving Together. And this was the
21 organizational legal handbook which was referred to in
22 the previous exhibit, was it not?

23 A Not necessarily.

24 Q Okay. But it's your understanding that -- how
25 is it not necessarily?

1 A Because it was a draft and actually Dr. Secrest
2 had contacted me and asked me to pen down some thoughts
3 which I took some time to do, obviously.

4 Q Oh, sure.

5 A And then to provide them to him.

6 Q Okay.

7 A I don't know much about what happened with it
8 after that other than a few review copies were provided
9 or printed up by somebody. I think he did it to let key
10 adherents look at it -- look at it and give feedback.

11 Q All right. So it's your testimony here today
12 that Moving Together was not published?

13 A No, I said it was published.

14 Q Okay. Fair enough.

15 A By Mr. -- by Dr. Secrest.

16 Q Okay. And in fact in a newsletter of Ananda
17 Marga, Inc., individuals could purchase it for \$5.

18 A I read that recently. I wasn't aware of that
19 at the time.

20 Q Okay. Well, let's take a look at this document
21 called moving together. Well, let's back it up. Let's
22 go to Defendants' Exhibit 293. Keep that in front of
23 you, and we'll just stack them up.

24 A You said 293?

25 Q Yes. Yes, please. Do you have that? I'm

1 sorry.

2 A Almost.

3 Q It's tough.

4 A Okay.

5 Q Do you have that in front of you?

6 A I do.

7 Q And this is a letter dated July 25, 1996, on
8 Ananda Marga, Inc., letterhead, is it not?

9 A It is.

10 Q This was a document that produced in discovery
11 by the Plaintiffs, was it not?

12 A That is correct.

13 MR. OBITTS: Your Honor, at this time I'd like
14 to move Defendants' Exhibit 293 into evidence.

15 THE COURT: Any objection to 293?

16 MR. ERWIN: It's already in.

17 MR. OBITTS: It's already in? Good.

18 THE COURT: It's in already.

19 MR. OBITTS: Okay.

20 Q (By Mr. Obitts) If you could go to the P000673
21 of this document. Do you have that document -- do you
22 have that in front of you?

23 A I do.

24 Q And those are the finances -- financial
25 statement of Ananda Marga, Inc., at the time?

1 A It would appear so, yes.

2 Q And you prepared those, did you not?

3 A I don't believe I did. I had a newborn at the
4 time.

5 Q Oh, okay. No worries. Do you know who
6 prepared that?

7 A I do not.

8 Q Okay. Are you aware that in 1995 the New York
9 sector had an ACB Core Group?

10 A I believe so, yes.

11 Q And isn't it true that the purpose of the ACB
12 Core Group is for family Margii, in other words
13 nonpriests to provide suggestions to the sectorial
14 secretary?

15 A I believe it was actually more than just family
16 adherents.

17 Q Okay. So actually some Acarya were on there as
18 well?

19 A To the best of my recollection.

20 Q Great. And turning a couple pages back to
21 00670, it's under the heading Strengthening
22 Organizational Structure it talks about Vishvadeva, and
23 my question to you is who is Vishvadeva?

24 A Pronounced Vishvadeva. That's Dr. Wayland
25 Secret.

1 Q Okay. Vishvadeva. I'll -- I'll get that right
2 next time. Okay. And if you could turn then to what's
3 bate stamped as P000674. Do you see that?

4 A I do.

5 Q Okay. And it says Organizational Handbook, new
6 edition. Do you see that?

7 A I do.

8 Q And it's being offered for sale for \$5,
9 correct?

10 A Yes.

11 Q Okay. Then let's go back to then --

12 A At least that's what it says here.

13 Q I understand. Let's go back to Plaintiffs'
14 Exhibit 121, please.

15 A Okay.

16 Q Which is the same date as this newsletter,
17 Defendants' Exhibit 293, of July, 1995, correct? 1995.

18 A This says July 1995. What are you comparing it
19 to?

20 Q I'm comparing it to Defendants' Exhibit 293.

21 THE COURT: Whoa, whoa, whoa.

22 THE WITNESS: I'm confused. Sorry.

23 THE COURT: Exhibit 121 is dated July --

24 MR. OBITTS: Okay. No problem. I'll move

25 to --

1 THE COURT: -- 2005.

2 MR. OBITTS: I apologize. I move to strike my
3 last question.

4 THE COURT: How about I just ignore and you
5 start over?

6 MR. OBITTS: Okay. That's sounds good.

7 THE COURT: Okay.

8 MR. OBITTS: I won't even go there. Since this
9 is already in evidence, I won't go anywhere with this
10 document.

11 MR. ERWIN: Which -- which document?

12 MR. OBITTS: Plaintiffs' 121.

13 MR. ERWIN: Your Honor, we didn't stipulate to
14 that document being in evidence.

15 MR. OBITTS: Plaintiffs' 121.

16 THE COURT: 121 says it's stipulated. It's in
17 my list. It's in the pretrial order -- or the trial
18 management order, and as such it is deemed an admission.
19 If you didn't mean to, you should have read the order.

20 Q (By Mr. Obitts) If you could turn -- I only
21 have a couple more questions. Just some housekeeping
22 matters. If you could turn to Defendants' Exhibit 293,
23 please? We already did that. Let's do Defendants'
24 Exhibit 290 -- 284.

25 A I am there.

1 Q Okay. This is the 1993 Minutes of the regular
2 board of directors meeting for Ananda Marga, Inc., is it
3 not?

4 A That is correct.

5 Q And you were present at that meeting?

6 A Yes, I was.

7 Q Okay. If I want -- I've got a -- I want to ask
8 you a question to get clarification regarding a paragraph
9 in here. So it's the third up from the bottom and it's
10 the second sentence. It says, also the pledge system is
11 being followed by some and then only sporadically. Do
12 you see that?

13 A I do.

14 Q And that was the one-eighth pledge system, was
15 it not?

16 A No, that's not.

17 Q And this is a pledge system from the units and
18 the regional offices?

19 A We were trying to solicit pledge -- no. Not --
20 not specifically just those. We were trying to solicit
21 donations. We experimented our board with various
22 percentages. One-tenth, I think the board did one-eighth
23 at one other time and then we were looking at one-tenth
24 as a tithe, that didn't work out. We were experimenting.

25 Q Isn't it true that Margiis are supposed to give

1 two percent of their total income?

2 A It's a recommendation in Carya'carya.

3 Q Okay.

4 A People are free to choose.

5 Q Okay. Fair enough. If you would be so kind to
6 take a look at Defendants' 285, please? Which is a
7 corporate resolution dated December 10, 1998. And at the
8 same time I want you to have in front of you --

9 A Wait, which -- which number again?

10 Q 285.

11 A 285.

12 Q It's the next one over.

13 A This --

14 Q We'll get you a new book. No. Corporate
15 resolution.

16 A Oh, 285.

17 Q Yeah, yeah, yeah.

18 A Okay. Yes.

19 Q At the same time if you could pull in front of
20 you Defendants' Exhibit 310. 310.

21 THE COURT: It's in the same book.

22 MR. OBITTS: Okay.

23 THE WITNESS: Oh.

24 Q (By Mr. Obitts) So just put your finger in 285
25 and a finger in 310, please.

1 A Okay.

2 Q Okay? So 310 is a -- is a general power of
3 attorney, correct?

4 A Yes, it is.

5 Q Did you prepare that document?

6 A In substantial part, yes.

7 Q Okay.

8 A But not -- but not entirely.

9 Q And could you please read to us what the date
10 of that document is?

11 A I see two different dates on there.

12 Q Okay. But the -- that's fine. But it relates
13 to the transfer of the posting of one SS to another SS
14 correct?

15 A Yes, it does.

16 Q And with Defendants' Exhibit 310, you were
17 trying to make that as true and accurate as possible
18 because the public was going to rely on that document,
19 was it not?

20 A Yes. To the best of my knowledge and belief in
21 the context of this document at this time.

22 Q Fair enough. If you could then turn to -- back
23 to Defendants' Exhibit 285. We're looking at subpart
24 three. And it says Dada Devashraddhananda is authorized
25 to enact the formal power of attorney and other such

1 documentation to affect the transfer of authority legally
2 to Dhyaneshananda his successor to sectorial secretary
3 and spiritual director of the Ananda Marga Mission for
4 the New York sector. Did I read that correctly?

5 A You did.

6 Q Okay. And Exhibit 310 is that power of
7 attorney; is it not? Defendants' Exhibit 310?

8 A Yes, it is.

9 Q Okay. And when you say here Ananda Marga
10 Mission for the New York sector, you're talking about
11 what you refer to as Ananda Marga socio-spiritual New
12 York sector, correct?

13 A I actually think I was referring to Ananda
14 Marga, Inc., here.

15 MR. OBITTS: I've got nothing further with this
16 witness.

17 THE COURT: Recross (sic). Limited to
18 redirect.

19 REDIRECT EXAMINATION

20 BY MR. ERWIN:

21 Q Can you turn to -- it will be with the tax
22 forms in -- around D-85.

23 A I'm sorry, which?

24 Q D -- it's in the D-80's. I'll give you a
25 number in just one second.

1 A And you said tax forms?

2 Q Actually, can you turn to D-75?

3 THE COURT: D-73 or D-70?

4 MR. ERWIN: D-75.

5 THE WITNESS: You said D-75?

6 MR. ERWIN: That's correct.

7 Q (By Mr. Erwin) Now, part three. Now, the
8 documents he had you look at before you stated that it
9 always used the word Central when describing with the
10 Ananda Marga Central Office. Does it use the word --
11 does it use the word parent there when --

12 A I'm sorry?

13 MR. OBITTS: It misstates his testimony. I
14 gave a year range.

15 THE COURT: Yeah. But he's asking him
16 specifically about this document and does this document
17 list Ananda Marga PS Central as the parent organization.
18 That's really what he's asking you.

19 THE WITNESS: It does not.

20 Q (By Mr. Erwin) Thank you. Now, prior to 2003
21 did you consider Ananda Marga, Inc., to be a church in
22 what your words were common parlance?

23 A I did not.

24 Q Why not?

25 A I didn't want to join a church organization

1 after my experiences growing up. And so I was grateful
2 to have found something that I thought was representative
3 of a universal ideology and would embrace all people of
4 different faiths and creeds and backgrounds because from
5 the age of four I felt like I wanted to have friends from
6 all around the world. Brothers and sisters.

7 Q And would you have joined if it were a
8 hierarchal church similar to the, you know, Christian
9 Catholic church?

10 A No way.

11 Q Please look at Plaintiffs' Exhibit 121.
12 Plaintiffs' 121, I'm sorry.

13 A Oh. Okay. I'm there.

14 Q Okay. Now, in July of 1995 was Dr. Secrest an
15 officer or director of Ananda Marga, Inc.?

16 A No, he was not.

17 Q Was this document prepared at the request or
18 direction of the board of directors of Ananda Marga,
19 Inc.?

20 A It was not.

21 Q Was it ever brought to the board of directors
22 of Ananda Marga, Inc., for review or approval?

23 A It was not.

24 Q Did at any time did the board of directors of
25 Ananda Marga, Inc., provide Mr. Secrest with approval to

1 speak for the board in -- in -- on issues that are laid
2 out in this document?

3 A At no time.

4 Q Okay. Can you go back and look at Defense
5 Exhibits -- I think it was 285 and 310. D-285 and D-310.

6 A Okay. I'm there.

7 Q Now, was it the standard practice of Ananda
8 Marga, Inc., to -- let me ask you this. Who requested
9 this power of attorney to be created? Do you recall?

10 A I believe it was the board of directors.

11 Q Was it the standard practice when sectorial
12 secretaries were being transferred in Ananda Marga, Inc.,
13 to require power of attorneys?

14 A After a certain point I suggested that to the
15 board, and then it was adopted.

16 Q Okay. Okay.

17 A I -- I felt it would give more clear legal
18 transferability there.

19 Q Okay. Let me just ask you one question about
20 the previous exhibit, Plaintiffs' 121. When was the
21 first time you saw that? Do you recall? That Moving
22 Together document.

23 A I remember seeing some drafts, some initial
24 like email -- let's see, some files, electronic files, or
25 something in -- in 1995 a little bit. And I went, hmm,

1 what's this? Looks interesting.

2 Q To the best of your knowledge was that ever
3 implemented in the sector?

4 A Not at all.

5 MR. ERWIN: That's all, Your Honor.

6 THE COURT: Recross limited to redirect.

7 MR. OBITTS: Absolutely.

8 REXCROSS-EXAMINATON

9 BY MR. OBITTS:

10 Q Since we appear to be focused on the Moving
11 Together book, I'm going to ask you questions regarding
12 that. And that is Daneshananda was a board member of
13 Ananda Marga, Inc., was he not?

14 A At various times.

15 Q Okay. How about in 1995?

16 A I'd want -- I'd want to see a roster, I'm
17 sorry. I don't keep all that in my head.

18 Q 1996. Okay. We'll find you some board minutes
19 from 1996, okay? Fair enough. Was it the -- isn't it
20 true that it was not the practice of the board members to
21 control what went out in Ananda Marga, Inc.'s newsletter?
22 Correct? That was left to the officers of the
23 corporation.

24 A Not necessarily. It was kind of loose then.

25 Q Okay.

1 A Also, like I said, I had a newborn, and I
2 wasn't tracking real well on that kind of stuff.

3 Q Sure. Okay. All right. Isn't it true
4 that the board minutes of Ananda Marga, Inc., after 1993
5 are very sparse as to issues related to day-to-day
6 affairs of the organization?

7 A Prob -- it's possible. I'd want to review
8 them, but, my --

9 Q Well, we just went through a whole bunch of
10 them together. Remember that during my cross-
11 examination?

12 A Yeah, I don't believe that that was all of
13 them.

14 Q Okay.

15 A And I don't believe that they were managing day
16 to day affairs necessarily either. I treat those
17 differently than I do policy or procedural affairs.

18 Q Was it your understanding that Dr. Secrest
19 relied upon the Manila sector guidebook?

20 A In my discussions with him he said that was one
21 of the places he got some information. And he was just
22 kind of floundering -- you know, floundering isn't the
23 right word but pulling from various sources and kind of
24 like running it up the flagpole to see who saluted.

25 Q Could you turn to Defendants' Exhibit 397,

1 please?

2 A 397?

3 Q 397.

4 A Okay.

5 Q That would be in a different book.

6 MS. CHEUNG: Volume six.

7 Q (By Mr. Obitts) Volume six. 397, please.

8 A Right. I'm there.

9 Q Okay. This was a document produced by
10 Plaintiffs in discovery, was it not?

11 A It has a P number on it so I'd say yes.

12 Q Okay. And this is a document that we just
13 referred to as the Manila Sector Guidebook, correct?

14 A It -- it appears to be that way. I've never
15 seen this before.

16 Q You've never seen it before?

17 A No, sorry.

18 Q And the Roman Catholic Church has a Pope, does
19 it not?

20 A Yup.

21 Q The Ananda Marga Mission has a Purodha
22 Pramukha, does it not?

23 MR. ERWIN: Objection. Beyond the scope of
24 redirect.

25 THE COURT: No, he talked at length about why

1 he didn't -- why he wasn't attracted to the church, or to
2 the -- to an organization that has church-like structure
3 based on his prior experience, so the objection's
4 overruled. Answer the question, please.

5 THE WITNESS: Sorry. Could you repeat it,
6 please?

7 Q (By Mr. Obitts) The Roman Catholic Church has
8 a Pope, correct?

9 A Correct.

10 Q Ananda Marga Pracaraka Samgha has a spiritual
11 head called a Purodha Pramukha, correct?

12 A It has a Purodha Pramukha.

13 Q Who is its spiritual head.

14 A In a loose sense, yes. He's the chairperson of
15 the Purodha Board and the Purodha Board is the highest
16 ecclesiastical body, so in -- in a sense, yes, he's the
17 spiritual head. But he's not the guru, who is the real
18 spiritual head as far as we're concerned.

19 Q Why is it that in the year -- two IRS filings
20 in 2003 and 2004 you listed the Purodha Pramukha as the
21 spiritual head?

22 A Because that was my understanding at that time
23 and in the context of that document, yes.

24 Q Did you grow up Roman Catholic or another faith
25 tradition?

1 A I grew up Roman Catholic.

2 Q Okay. Isn't it true in the Roman Catholic
3 Church that there is a House of Cardinals?

4 A I believe so, yes.

5 Q Okay. Isn't it true that in the Ananda Marga
6 Mission there is a Purodha Board?

7 A That is correct.

8 Q And the Purodhas are ones that have obtained
9 the highest level of Vishesh Yoga. Did I butcher that?

10 A There are -- my understanding of Purodhas,
11 since I'm not one I'm just offering my observations --

12 Q Okay. Keep talking.

13 A Oh, okay. My understanding of Purodhas is that
14 they've been --

15 Q Keep -- keep talking. I'm trying to find an
16 exhibit to speed things up.

17 A Oh, okay. It's kind of distracting to go back
18 and forth.

19 Q I apologize.

20 A I'd prefer to wait.

21 Q Okay. Go ahead.

22 A Okay. My understanding of Purodhas is is that
23 it's a multi-part process to be known as a Purodha. One
24 can learn Vishesh --

25 Q Yes.

1 A Vishesh Yoga lessons. And then I believe as
2 one of the other witnesses testified they undergo an
3 examination for proficiency. I wouldn't necessarily call
4 it higher lessons, I would call it advanced lessons,
5 because I don't consider them ranks in that sense.

6 Q Okay. Isn't it true that in the Ananda Marga
7 mission there are Acaryas which are ministers, correct?

8 A Correct.

9 Q Okay. And then above the Acarya then you can
10 have -- then you get the title of Tattvika? No? Other
11 way around? Okay. Tattvika, then Acarya, then it
12 becomes Avadhuta, correct?

13 A Correct.

14 Q And then inside Avadhuta there's a senior
15 Avadhuta, correct?

16 A I'm not aware of that.

17 Q Okay. And then above Avadhuta is Purodha,
18 correct?

19 A I wouldn't say above. Like I mentioned before,
20 I would say that their training in advanced techniques,
21 they're not ranks in the same way.

22 Q Isn't Purodha one -- in the Ananda Marga
23 mission is one who has been examined and is supposed to
24 be amongst the most enlightened?

25 A That's a loaded question. I would say that a

1 Purodha has been trained in advanced techniques like I
2 said before; and secondly, the question of enlightenment
3 is -- that's such a broad area, I don't know that I can
4 answer that.

5 Q Okay. Fair enough. Isn't it true in the Roman
6 Catholic Church the level is Deacon, then Priest, then
7 Bishop, then Archbishop, then Cardinal, then Pope?

8 MR. ERWIN: Objection. No foundation that he
9 has any knowledge of the structure of the Catholic
10 Church.

11 THE COURT: Well, he's testified to some extent
12 about it, so the objection's overruled. If he doesn't
13 know, he can obviously say he doesn't know.

14 THE WITNESS: I can say I believe that's -- I
15 believe that's true.

16 Q (By Mr. Obitts) Okay.

17 A I --

18 Q And isn't it true that the Roman Catholic
19 Church has its central headquarters at the Vatican?

20 A I believe so. Yes.

21 Q Right. In Rome. Fair enough. And isn't it
22 true that the Roman Catholic Church is divided up
23 geographically just like Ananda Marga Mission is divided
24 up geographically?

25 A I'm not certain, honestly.

1 Q Okay. Fair enough. Did you go to Catholic
2 school growing up?

3 A I did. They -- they never taught us about that
4 stuff.

5 Q Okay. Fair enough. If you could turn to
6 Defendants' Exhibit 80, and we'll go back to the
7 Daneshananda. Defendants' Exhibit 80.

8 MR. OBITTS: Could you help him, Mae, please?

9 THE WITNESS: I'm there.

10 Q (By Mr. Obitts) Yes. Okay. So that is a tax
11 return, is it not? And can you tell me --

12 A It's an information return actually.

13 Q Okay. And what year is that?

14 A 1995.

15 Q Okay. And it's signed by the name of a person
16 by the name of Daniel C. Haven?

17 A That is correct.

18 Q As secretary of the corporation Ananda Marga,
19 Inc.?

20 A That's correct.

21 Q And Daniel C. Haven is also known as --

22 A Daneshananda.

23 Q -- Daneshananda. Correct. So previously you
24 testified that no one on the Board knew about this Moving
25 Together document, correct? That it was being published?

1 A To -- I don't recall that I said it that way.
2 I believe I said that the board never authorized that.
3 It wasn't under our auspices and it was a pet project of
4 Dr. Secrest.

5 Q Okay. Was it the practice of you and if you
6 know of other board members to review the newsletters of
7 Ananda Marga, Inc., on a regular basis?

8 A Sometimes.

9 Q Okay. You're not aware that anybody -- any
10 board member objected to the publication by Ananda Marga,
11 Inc., of the Moving Together Guidebook, are you?

12 A I wasn't aware that it was even published other
13 than Dr. Secrest printing some copies and taking them to
14 a retreat and showing them to a few people.

15 Q You're not aware that any board member objected
16 to him doing that, do you?

17 A I'm not aware that the board was at all aware
18 either way.

19 Q You were on the board and you were aware,
20 correct?

21 A I became aware, yes.

22 Q And obviously an officer, Daneshananda was
23 aware, correct?

24 A Given this he was an officer then, he was
25 aware.

1 MR. OBITTS: I've got nothing further, Your
2 Honor.

3 THE COURT: Okay. That will conclude the
4 testimony of this witness. If there's no objection, he
5 may step down, and he'll be excused and may regain his
6 seat. It's 12:10, I'll ask you to come back at 1:15.
7 We'll reconvene at that time. Court's in recess.

8 (Whereupon a recess was taken.)

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1 AFTERNOON SESSION, MAY 13, 2011

2 (Whereupon the Court reconvened and the following
3 proceedings were entered of record.)

4 THE COURT: Please be seated. All right.
5 We're returning to the record in 10 CV 1867 continuing
6 with Plaintiffs' case in chief.

7 Mr. Erwin, please call your next witness.

8 MR. ERWIN: Call Joni Zweig.

9 JONI ZWEIG

10 called as a witness on behalf of the Plaintiffs, having
11 been first duly sworn, testified as follows:

12 THE WITNESS: I do.

13 THE COURT: Please be seated. Make yourself
14 comfortable. Ms. Zweig, I'm going to ask you to follow
15 these guidelines as you provide your trial testimony.
16 Please do your best to listen carefully to the question
17 that you are asked and answer just that question, okay?

18 Secondly, remember that our proceedings are
19 being recorded electronically by the machine to my right,
20 which does not presently have the capability to discern
21 between multiple voices speaking at the same time. So
22 it's important that you permit your questioner to
23 complete the question that you are asking you before you
24 start to speak. We'll ask them to extend you the same
25 courtesy, all right? I need you to speak up, definitely.

1 THE WITNESS: Yes.

2 THE COURT: Pull the microphone closer to you.
3 You can adjust it to your comfort.

4 And, Mr. Erwin, the floor is yours.

5 MR. ERWIN: Thank you. And just to --

6 MR. OBITTS: Your Honor, before we start there
7 was a -- you filed -- you filed an order regarding the
8 recusal of witnesses. The lady's been in the courtroom
9 this entire time. She's not a party.

10 MR. ERWIN: I'm sorry, Your Honor, but she is a
11 director of Ananda Marga Vermont, which is a party.

12 MR. OBITTS: I -- I apologize. I didn't know
13 that.

14 THE COURT: Okay. All right.

15 MR. OBITTS: I'll sit down.

16 THE COURT: Okay.

17 MR. OBITTS: Sorry bout that.

18 THE COURT: So Ms. Zweig --

19 MR. ERWIN: And also just to let you know, Your
20 Honor, we may call a rebuttal witness, but this will be
21 our last witness on -- on our case in chief.

22 THE COURT: Okay. Fair enough. You may
23 proceed.

24 //

25 //

DIRECT EXAMINATION

1

2 BY MR. ERWIN:

3 Q Can you state your name, please?

4 A My legal name is Joni Zweig.

5 Q And what other names do you go by?

6 A Acarya Cirasmita and most people refer to me as
7 Didi.8 Q Okay. Can you spell your spiritual name,
9 please?

10 A C-i-r-a-s-m-i-t-a.

11 Q And may I call you Didi?

12 A That would be fine, thank you.

13 Q And Didi, what titles do you hold in Ananda
14 Marga?15 A I am a Tattvika, a Ghri Tattvika. Ghri means
16 family, so family Tattvika. And a Ghri Acarya, and I'm a
17 senior Acarya.

18 Q And when did you become an Acarya?

19 A I became an Acarya in 1999.

20 Q And how long have you been involved with Ananda
21 Marga?

22 A I took initiation in 1971.

23 Q Are you a Purodha?

24 A I'm not a Purodha.

25 Q Okay. Can a family Acarya become a Purodha?

1 A Absolutely.

2 Q Can a family -- I don't know, would it be
3 family Purodha, can a family Purodha become the Purodha
4 Pramukha?

5 A There's only been two recognized Purodha
6 Pramukhas. One was Baba who was a family person, and one
7 was Dada Shraddhananda who was a wholetimer, so I haven't
8 read anything that would say not but it has yet to be
9 seen.

10 Q Okay. And what are the duties of a family
11 Acarya?

12 A A family Acarya's responsibilities are to look
13 to the spiritual interests and the emotional support of
14 the Margiis. And a family Acarya is authorized to teach
15 the six lessons of Ananda Marga meditation. To teach
16 yoga as a yogic lifestyle, to officiate at ceremonies
17 such as weddings or funerals or baby namings. And to
18 provide moral and support for the organization of
19 Margiis, the groups of Margiis that I work with.

20 Q And how are family Acaryas different from
21 wholetimer Acaryas?

22 A Wholetimer Acaryas take vows of celibacy, they
23 take vows of -- excuse me, I shouldn't say what they take
24 vows of since I'm not a wholetimer. Let me rephrase my
25 answer. Wholetimers work and live exclusively as monks

1 and nuns. They don't own anything. They don't have
2 secular or nuclear families. They work full time for
3 Ananda Marga. Family Acaryas have small families.
4 Oftentimes they're married. And oftentimes they have
5 children, and we work within our community.

6 Q Do family Acaryas take vows and what type?

7 A Well, we take vows just as -- as anyone does
8 when they become an Acarya. We take vows as an Acarya,
9 but we don't have the same kinds of vows or the same
10 kinds of conduct rules that wholetimers do.

11 Q And what's -- are family Acaryas, do their
12 titles come from the same Acarya Board that the
13 wholetimers do?

14 A As far as I know, yes.

15 Q Now, are there particular wholetimer positions
16 within the organization that family Acaryas can't hold?

17 A Well, I would imagine a family Acarya wouldn't
18 sit on the Avadhuta Board because family Acaryas don't
19 become Avadhuta or Avadhuticas. And I believe that there
20 are a number of positions within the organization that
21 are more appropriate for a wholetimer because they're not
22 tied down by jobs and nuclear families, so it's more
23 appropriate for them to take a responsibility that
24 includes traveling or other responsibilities within the
25 organization.

1 Q And how do family Acaryas, how do they work
2 with wholetimers? What's the relationship?

3 A My experience has been very nicely. There
4 seems -- from my personal experience, it's been a very
5 nice relationship of support and a spirit of cooperation
6 -- bless you.

7 THE COURT: Excuse me.

8 MR. ERWIN: Bless you, Your Honor.

9 Q (By Mr. Erwin) Is there a hierarchal
10 relationship between family Acarya and wholetimer
11 Acaryas?

12 A That hasn't been my experience.

13 Q Can you tell me, what is AMURT?

14 A AMURT is the Ananda Marga Universal Relief
15 Team. It was founded in the early '60s by Baba in
16 response to devastation and a tremendous amount of human
17 suffering that happened after a cyclone hit in India,
18 West Bengal, I believe. And since then AMURT has grown
19 to be an international NGO whose mission is to uplift the
20 lives and to address the needs of the poor and afflicted
21 both in regular situations and in times of disaster and
22 calamity.

23 Q And what is AMURTEL?

24 A AMURTEL was founded by Baba in 1975
25 specifically to embrace the same mission as AMURT but

1 really to focus very specifically on the needs of women
2 and his -- his requirement was that the leadership of
3 AMURTEL should be women. And so women run, manage and
4 the constituency is women and those we treat and we serve
5 are women.

6 Q And do you hold any positions in either AMURT
7 or AMURTEL and can you describe those?

8 A I sit on the board, the sectorial AMURT -- we
9 have a joint board between AMURT and AMURTEL. It's
10 actually a legal board and it's AMURT USA. And I am -- I
11 sit on the board of AMURTEL, sectorial level.

12 Q And for how long?

13 A I've been on the board of AMURTEL since it was
14 first here in New York sector since 1975.

15 Q And can you describe the relationship between
16 -- well, can you -- you've already described what AMURTEL
17 does. Can you describe the relationship between the
18 sectorial AMURT board and any global AMURT board?

19 A I would be hesitant to be the one to do that,
20 because I'm not one of the main AMURT people. I sit on
21 the AMURT board as the representative from AMURTEL, as
22 the president of the AMURTEL board. So that answer would
23 probably be better given by someone from the AMURT board.
24 Somebody else.

25 Q Are you on the AMURTEL board?

1 A I am.

2 Q Would your answer be the same if I asked you
3 about the relationship between the AMURTEL Board and any
4 Central AMURTEL Board?

5 A It would probably be different.

6 Q And -- and can you describe that relationship?

7 A Yes. The AMURTEL Board is a sectorial board,
8 and my experience is I've been on the Board since 1975 is
9 that we have had very little relationship with any
10 central AMURTEL Board. In the past when I have had any
11 kind of communication with a central AMURTEL secretary,
12 it's been in regard to a global response, perhaps, to a
13 major disaster, trying to coordinate all of our resources
14 to make sure that we're doing the best that we can.
15 Organizationally there hasn't been any relationship
16 within my tenure as far as I know.

17 Q So would you consider the AMURTEL Board to be
18 subordinate to the AMURT -- or the global AMURT Board?

19 MR. OBITTS: Your Honor, I'm going to object to
20 this. Questioning about AMURTEL, she said it's an NGO,
21 it's not a party to this case.

22 THE WITNESS: I said AMURT was an NGO. Oh,
23 excuse me.

24 THE COURT: The objection's overruled.

25 Q (By Mr. Erwin) I'm sorry, the question was

1 would you consider the AMURTEL Board to be subordinate to
2 the central AMURTEL Board?

3 A No. Not at all.

4 Q Okay. And what are the informational sharing
5 procedures between the sectorial AMURTEL Board and the
6 central AMURTEL Board?

7 MR. OBITTS: Objection. Lack of foundation.

8 MR. ERWIN: She's the --

9 THE COURT: Overruled.

10 Q (By Mr. Erwin) Go ahead.

11 A Can you repeat the question, please?

12 Q Sure. What are the informational-sharing
13 procedures between the sectorial AMURTEL Board and the
14 central AMURTEL Board?

15 A When I'm in India if I'm in the same area as
16 the central AMURTEL secretary, I'll try to seek her out
17 so we can sit and update each other on what's going on.
18 Because we do try to see that -- to be as effective as we
19 can as an organization with the goal of serving those in
20 need, coordination is really important. Not just between
21 one sector and India but between all sectors together.

22 So if it's possible we might have a discussion
23 about who's doing what and anything that's new that might
24 be utilized within our organization. But that doesn't
25 happen very often, because I don't -- I don't usually see

1 the -- the Didi that's in India.

2 Q Okay. And do you hold any corporate -- have
3 you held any corporate positions related to Ananda Marga
4 in the U.S.?

5 A I've sat on the board of Ananda Marga, Inc.,
6 Vermont since 1977. And I served on the board of AM,
7 Inc., New York sector, from 2007 to 2008.

8 Q And what is AM Vermont? Ananda Marga Vermont?

9 A Ananda Marga Vermont -- Ananda Marga, Inc.,
10 Vermont is a corporate entity that oversees and maintains
11 the integrity of the finances, the -- not that we have
12 any properties, but any projects that we might have of
13 Ananda Marga Pracaraka Samgha in Vermont.

14 Q And does it have its own bank account?

15 A It does.

16 Q And if someone were to -- if an adherent were
17 to want to donate for a project sponsored by Ananda Marga
18 Vermont would that money go through Ananda Marga Vermont,
19 or would it automatically go to Ananda Marga, Inc.?

20 A Whatever the person would prefer.

21 Q But it doesn't have to go through Ananda Marga,
22 Inc.?

23 A No. We -- oftentimes and we're thrilled if
24 anyone wants to make a contribution, we're thrilled to
25 have donations made to Ananda Marga, Inc., Vermont, if

1 it's for a project that we directly can have involvement
2 with.

3 Q In your role as a director of Ananda Marga
4 Vermont, what is your relationship with the sectorial
5 secretary of Ananda Marga, Inc.?

6 A My relationship with both the sectorial
7 secretary and the sectorial women's welfare secretary is
8 one of mutual support and coordination. If they have
9 something that I can help them with, I'm more than happy
10 to and they've been very helpful to us any time. And so
11 it's -- it goes both ways.

12 Q Would that be the same as the sectorial
13 secretary's role throughout the sector?

14 MR. OBITTS: Object. Lack of foundation.

15 THE COURT: Sustained.

16 MR. ERWIN: Okay.

17 Q (By Mr. Erwin) What is -- in your role as
18 director of AMURTEL, which is a sectorial department or
19 program --

20 A Correct.

21 Q -- in the New York sector, what is your
22 relationship with the sectorial secretary of the New York
23 sector?

24 A As a member of the board of directors of
25 AMURTEL I work most closely with the SWWS and I also work

1 with the SS only if there's a need. So if for instance
2 there's -- we just had the series of tornados in the
3 southern part of the country they might call me and say,
4 Didi, what's going on with AMURTEL? Are you doing
5 anything? Is there anything you need from us to help
6 facilitate the work of AMURTEL? That would be an
7 instance where we would have some kind of relationship.

8 Or if -- if they had a need from me, for
9 instance they noticed that there was something going on
10 in a part of the sector I wasn't aware of, they might
11 call me and they might say, you know, There is a problem
12 for the women in -- in Nicaragua for instance, and is
13 there something that your Board can do to help with this
14 project?

15 Q Now, as a family Acarya, what obligations do
16 you have to follow any directions from a wholetimer
17 worker in the sector?

18 A I don't think the word obligations would be the
19 one that I would use here. There's a -- from my
20 experience, which is -- there's not very many family
21 Acaryas, so I -- I don't have a lot to call on. But from
22 my personal experience, the relationship is that if -- if
23 one makes a request of the other, then we -- either
24 wholetimer or a family Acarya tries to honor that to the
25 best of our capacity.

1 Q Okay. Now, as a board member of Ananda Marga
2 Vermont have you accepted any authority of the board
3 members of Ananda Marga, Inc., to provide your Board with
4 any directions? Do they review your resolutions or
5 approve your resolutions?

6 A When we first had Ananda Marga, Inc.,
7 incorporated I wasn't part of the Board, so I can't speak
8 to what happened before 1977. But since I've been on the
9 Board, that has never come up.

10 Q Okay. Now, is it your understanding that
11 currently your bylaws of Ananda Marga Vermont are set up
12 as affiliates of Ananda Marga, Inc.?

13 A That's correct.

14 Q And do you know why that is?

15 A I believe -- again, I wasn't the one that set
16 up the bylaws, so I'm hesitant to answer that question.

17 Q Okay. But that -- that's your understanding of
18 the current relationship, that there is an affiliate
19 relationship?

20 A There is an affiliate relationship.

21 Q And do you -- have you reviewed the bylaws
22 enough to know what that -- the extent of that affiliate
23 relationship is?

24 A I believe so.

25 Q What is it?

1 A Although I would have to read the bylaws to be
2 really accurate. The bylaws state that we are an
3 affiliate with Ananda Marga, Inc., with corporate offices
4 in Denver, Colorado. And it goes on to say that if for
5 some reason Ananda Marga, Inc., Vermont were to dissolve,
6 then any assets we had would revert back to Ananda Marga,
7 Inc., which has corporate offices in Denver.

8 Q Okay. Now, when did you first become aware of
9 -- of a split in Ananda Marga -- or did -- did you have
10 an occasion to come aware -- be -- become aware of a
11 split within Ananda Marga in India sometime in the early
12 2000's?

13 A I did. When I was -- actually it was earlier
14 than that. When I was in India finishing my Acarya
15 training -- or actually I began my Tattvika training in
16 1997. And at that time I spent six weeks in Central
17 Office in India. And so I was approached by a number of
18 wholetimers and I heard people's concerns, and it became
19 apparent to me that there was some discord going on.

20 And then again in 2000 when I was in India and
21 then again 2001 it became very apparent. There were a
22 lot of meetings going on that I could -- I could observe.
23 And then in 2002 and 2003, I was part of a team of
24 facilitators that traveled to India to sit with what were
25 then two groups, the Kolkata and the Ranchi factions to

1 try to see if we could mediate some kind of resolution
2 that would keep the organization from splitting. So at
3 that point I became very much aware of what the issues
4 were and -- and the -- the foundation of the discord.

5 Q And did you develop an allegiance to any one of
6 those groups over time?

7 A In the early part of the split, probably up
8 until not so many years ago I took a very strong position
9 of being neutral. I -- I really see Ananda Marga as --
10 as my organization, and I was not so willing to accept
11 that they were factions. I felt that as long as there
12 was a possibility for us to resolve this, then I was
13 going to go for that. So, no, I didn't choose an
14 affiliation with either side.

15 Q Okay. So in 2005 did you recognize Dada
16 Tirthananda as the sectorial secretary or someone else?

17 A Well, I initially recognized Dada Tirthananda
18 when he was posted as SS. And then when that posting
19 initially was -- when his initial transfer was happening
20 in October, I was one of the individuals from the core
21 group that pinned the letter to the Purodha Board
22 requesting a stay of that transfer. And when the stay
23 was received, then I've continued to acknowledge him as
24 SS and I have had no reason to change that.

25 Q Okay. So when -- in 2006 when people -- Dada

1 Vimalananda was purportedly posted, did you recognize
2 Dada Vimalananda or Dada Tiirthananda?

3 A I recognized Dada Vimalananda as a very
4 respected senior Acarya. And I respected Dada
5 Tiirthananda as a sectorial secretary for the New York
6 sector.

7 Q And what -- what is a Didi?

8 A A Didi is a phrase that means respected elder
9 sister, and it's used quite often in Ananda Marga to
10 address a female Acarya.

11 Q Okay. And how are Didis treated in Ananda
12 Marga? Do you have any reason to know how Didis are
13 treated since you are one?

14 A I am a Didi and I have very close friends who
15 are Didis, and I think in many ways the structure of the
16 organization that Baba gave, the philosophy that he -- in
17 so many of the books that he's written he speaks very
18 strongly about the importance for women to be strong, to
19 stand on their own feet.

20 At one point when I saw Baba in jail he -- I
21 asked him about the role of WWD, which is Women's Welfare
22 Department and the role of Didis. And he said to me
23 sisters should stop seeing themselves as suitcases. And
24 I was like, what? And then he went on to explain a
25 suitcase is something that they wait for somebody else to

1 carry. He said, women -- the sisters of this
2 organization, the sisters of this world should rise up,
3 and they should take their place in the forefront of
4 change and in the forefront of humanity. So he was very,
5 very much in favor of the role of women.

6 And he also said that an organization, or he
7 said a bird could not fly with only one wing. And he
8 always demonstrated that the Didis and the Dadas, or the
9 sisters and the brothers were both each of them a wing of
10 this -- of this spirit of this vision that we call carry
11 of creating social change and creating spiritual
12 development.

13 How the Didis are treated is -- is we still
14 have a lot of ways to go and because Ananda Marga we have
15 many different -- people from many different backgrounds,
16 and of course we all bring with us that sentiment that we
17 came from, and I personally had a very distressing
18 experience in November of 2010, if I can just relate that
19 quickly. That explain -- that --

20 MR. OBITTS: Your Honor --

21 THE WITNESS: That answers your question --

22 MR. OBITTS: Your Honor, I hate to interrupt
23 this nice lady but this is narrative.

24 THE COURT: Sustained to the narrative.

25 MR. ERWIN: Okay.

1 Q (By Mr. Erwin) Did anything happen recently
2 that affects your view of how Didis are treated in Ananda
3 Marga?

4 A Yes. In November of 2010 when I was in India,
5 I sat with a group of Didis.

6 MR. OBITTS: Your Honor, to relevancy here.

7 THE COURT: Sustained.

8 MR. ERWIN: Okay.

9 Q (By Mr. Erwin) Why did you join this lawsuit
10 as -- as a director of Ananda Marga Vermont?

11 A So I had mentioned earlier in my testimony that
12 in 2002 and 2003 I was part of a team of facilitators.
13 And I went over there three or four times and met with
14 the most senior worker from both sides for days on end.
15 And to be honest, we failed miserably in being able to
16 bring together a resolution.

17 So when I returned to New York sector from the
18 last trip, I -- I developed a firm determination that at
19 least what I could do was to work on maintaining the
20 unity within New York sector. And sitting with a number
21 of other senior members, we -- we all committed to do
22 whatever we could to avoid the infighting that was
23 happening in other sectors and creating such a sense of
24 demoralization amongst the Margiis that was affecting our
25 projects, affecting our work.

1 So for the past five or six years we worked
2 very hard both within our committees, within the boards,
3 with the projects, within our units, at retreats to try
4 to make everybody feel included and our hope was that
5 through dialogue, through cooperation, we would be able
6 to agree to disagree. And to leave the politics outside
7 of the work that we were trying to do as an organization.

8 And although it was difficult and there was a
9 lot of times when all of us had to maybe step back from
10 what we really wanted to say, for the most part we were
11 successful. We held retreats together collectively.
12 Members of all different factions, well at least members
13 of the Ranchi faction and those that were no longer
14 following or recognizing their GS sat together on the
15 core group. As far as I know, the various Acaryas sat on
16 the SEC together and attended RDS together.

17 Then in the summer of 2009 at the end of the
18 retreat, there was an announcement made that -- well,
19 first, excuse me, on the beginning of the retreat when we
20 were having our regularly scheduled core group meeting,
21 none of the members of the Ranchi faction showed up and
22 we waited and waited. Finally someone came and told us
23 that they were no longer going to participate which for
24 me personally I was --

25 MR. OBITTS: Your Honor --

1 THE WITNESS: -- was very upset about --

2 MR. OBITTS: Your Honor, I'm going to object to
3 both narrative and relevancy.

4 THE COURT: Sustained.

5 MR. ERWIN: Okay. Thank you. That's all I
6 have.

7 THE WITNESS: Okay.

8 THE COURT: Cross-examination.

9 MR. OBITTS: Just a -- just a couple brief
10 questions.

11 CROSS-EXAMINATION

12 BY MR. OBITTS:

13 Q Ms. Zweig, if you would be so kind and -- and
14 Ms. Cheung is going to help you, put in front of you
15 Defendants' Exhibit 247. Do you have the document in
16 front of you?

17 A Yes, I do.

18 Q And what is that document?

19 A The document in front of me says Internal
20 Guidebook for LFTs.

21 Q Okay. And have you seen this document before?

22 A Not that I recall.

23 Q Okay. You -- yeah. You had described the
24 relationship between family Margii and Acarya. And so I
25 just wanted to go over a couple things with you that are

1 in this guidebook of the New York sector. If you would
2 be so kind as to turn to the third page, it's marked
3 DFTS00670 at the bottom.

4 A Can you repeat that, please?

5 Q Yeah. It's marked DFTS00670 at the bottom.

6 A Okay. Hang on a minute.

7 Q No problem. It says Introduction at the top of
8 it. Do you see that, ma'am?

9 A Oh. Okay. Yes.

10 Q Okay. No worries.

11 A Mm-hmm.

12 Q And so you see there's a diagram there?

13 A Mm-hmm. Yes.

14 Q Okay. And it starts at the bottom with
15 initiation. That's what happens when someone wants to
16 become with Ananda Marga they get initiated, correct?

17 A Correct.

18 Q And they take some secret vows at that time,
19 correct? Or are given some vow?

20 A They don't take vows.

21 Q Okay.

22 A They take oaths.

23 Q Oaths. Okay. Okay. So they are given some
24 oaths which are secret to them and very personal to them,
25 correct?

1 A They're very personal to them.

2 Q Yes.

3 A Not necessarily secret.

4 Q Okay. Fine enough. And then they become a
5 general Margii, correct?

6 A Correct.

7 Q And then it says there can be LFT training.

8 A If that's what they choose to do.

9 Q And then if they're a family Margii, that would
10 be a householder?

11 A Can I clarify something for you?

12 Q Absolutely. Please.

13 A If this was done in 1986, and again, I have
14 never seen this document --

15 Q Okay.

16 A -- there were no family Acaryas at that point
17 outside of India, so it wouldn't be included in this
18 diagram.

19 Q Oh, okay. So I'm just trying to understand how
20 the family Acarya system works. That's all I'm trying to
21 get at.

22 A Right. So it wouldn't be relevant to this
23 document since this was 1986.

24 Q Not a problem then. We can set that one aside.
25 Now, Ananda Marga, Inc., Vermont, it's just named Ananda

1 Marga, Inc., now, correct?

2 A It's Ananda Marga, Inc., Vermont.

3 Q Okay. And it's under the group exemption of
4 Ananda Marga, Inc.?

5 A Correct.

6 Q Okay. Fair enough. If you would be so kind as
7 to turn to Defendants' Exhibit 370, please?

8 A Did you say 370?

9 Q Yes. Defendants' Exhibit 370. Do you have
10 that in front of you?

11 A I do.

12 Q It's the articles of association of Ananda
13 Marga Yoga Society. And that's of -- and then if you
14 turn the page, it's amendments of articles of association
15 of Ananda Marga, Inc.

16 A Correct.

17 Q Do you see that? So in 1978 Ananda Marga Yoga
18 Society in Vermont changed its name to Ananda Marga,
19 Inc., did it not?

20 A According to this document it did.

21 Q Okay. And going to the first page, or the
22 second page, I'm sorry, ma'am, regarding Ananda Marga
23 Yoga Society in the State of Vermont --

24 A I'm sorry. Can you say that again, sir?

25 Q Sure.

1 A Am I turning the page over?

2 Q No, no, no.

3 A Oh, okay.

4 Q If you could go back. It's Bate stamped
5 P008797 at the bottom right corner.

6 A Okay. Got it.

7 Q Okay. Good. And it says here that Ananda
8 Marga Yoga Society is associated with the Ananda Marga
9 Yoga Society, Wichita, Kansas, which is a branch of
10 Ananda Marga Pracaraka Samgha, Patna, India. Did I read
11 that correctly?

12 A You did.

13 Q Okay. When you joined Ananda Marga Yoga
14 Society, you joined Ananda Marga Yoga Society of Vermont?

15 A No.

16 Q What?

17 A No.

18 Q Okay. What was your first --

19 A I was living in New York at the time.

20 Q Okay.

21 A I moved to Vermont in 1976.

22 Q Okay. In 1976. And in 1976 it was still
23 Ananda Marga Yoga Society of Vermont.

24 A As far as I know. I wasn't on the Board at
25 that point.

1 Q No, I understand that. I'm just asking what
2 entity you were associated with then.

3 A And I'm explaining that. I wasn't -- that
4 wasn't something of interests to me so until I became a
5 member of the Board I really wasn't aware of the bylaws
6 or the Articles of Incorporation.

7 Q Okay. But in 1978 you became the clerk of
8 Ananda Marga Vermont, did you not?

9 A Correct.

10 MR. OBITTS: That's all I have, Your Honor.

11 THE COURT: Redirect limited in scope to cross-
12 examination.

13 MR. ERWIN: I don't have anything, Your Honor.

14 THE COURT: Okay. That will conclude the
15 testimony of this witness. If there is no objection,
16 he'll be excused -- she'll be excused, excuse me. Don't
17 forget your jacket.

18 THE WITNESS: Thank you.

19 THE COURT: All right. Any further evidentiary
20 presentation from the Plaintiff?

21 MR. ERWIN: I'm sorry? Excuse me. I didn't
22 hear you.

23 THE COURT: Any further evidentiary
24 presentation?

25 MR. ERWIN: Not at this time, Your Honor.

1 THE COURT: Okay. So the Plaintiff rests.

2 All right. Mr. Obitts?

3 MR. OBITTS: Yes, Your Honor. At this time I'd
4 like to move pursuant to the Colorado Rules of Civil
5 Procedure 41(b) to dismiss on the ground that upon the
6 facts and the law, the Plaintiffs have not proved their
7 claims.

8 May I go on, Your Honor?

9 THE COURT: Yes.

10 MR. ERWIN: Oh, Your Honor?

11 THE COURT: Yes.

12 MR. HALPERN: Hold on -- I'm sorry, I didn't
13 realize -- I was preparing -- I wanted to move -- before
14 we rested, I wanted to move -- and I ask the Court to
15 take judicial notice of some of the -- a series of the
16 court pleadings that are -- that are in Indian -- the
17 Indian trial court rulings that are in -- in the
18 Plaintiffs exhibits.

19 THE COURT: Do you know what exhibit number
20 they are?

21 MR. HALPERN: I do. They're 106 through 112.

22 THE COURT: Is there any objection to the Court
23 taking judicial notice of 106 through 112?

24 MR. ERWIN: Yes.

25 THE COURT: No, I'm asking Mr. Obitts --

1 MR. OBITTS: I need to look at them, Your
2 Honor. I apologize. You said Plaintiffs' exhibits?

3 MR. HALPERN: Yeah.

4 THE COURT: All right.

5 MR. OBITTS: I have a preliminary objection in
6 the fact that they had rested. So I object on that
7 ground. But I'm looking at them now if the Court is
8 inclined.

9 THE COURT: Well, yeah, I mean, at this point
10 it's a court trial. It was an oversight. I don't think
11 Mr. Halpern intended to ambush you in that way.

12 MR. OBITTS: Okay. That's fair enough.

13 THE COURT: So I'm going to permit him to
14 reopen his case to ask for the relief he's requested. So
15 please look at the exhibits and let me know if you have
16 an objection for me taking judicial notice of them.

17 MR. OBITTS: Your Honor, we will stipulate to
18 these provided that they stipulate that we're allowed to
19 introduce in their case in chief judicial notice of our
20 cases as well, some of which supercede their cases that
21 they cite.

22 THE COURT: What are these -- are you -- are
23 you citing legal authority from India or --

24 MR. OBITTS: What they are, Your Honor, is --

25 THE COURT: I don't have Plaintiffs' Exhibit --

1 let me check real quick.

2 Mr. Halpern, why don't you tell me briefly what
3 -- for what purpose you asked the Court to take judicial
4 notice of these matters? Obviously they are very
5 important pleadings involving AMPS and others in various
6 courts. Civil courts, Junior Division, High Court,
7 Appellate Division, Senior Division, Civil Division of
8 the various courts of India. Some are in Calcutta. So I
9 think under the same rule I previously applied, I think
10 it was 902(3) and 803(8) they're entitled to my
11 consideration for judicial notice, but for what purpose
12 do you tender those?

13 MR. HALPERN: Yes, Your Honor. As the -- as
14 you know, one of the primary issues pending in front of
15 the -- in front of the Court is whether or not there was
16 a -- an established general secretary in 2005, 2006 and
17 again in 2009, 2010, who -- whose directives were binding
18 on the sectorial secretary of Ananda Marga, Inc., such
19 that -- issues such as the transfer and so forth were --
20 you know, are legally valid in the U.S.

21 And these documents as well as the ones that
22 Mr. Obitts is referring as far as I know, demonstrate
23 clearly that there was ongoing court activity between
24 factions within -- with in the Ananda Marga world in
25 general that were being litigated that involved that

1 exact point.

2 THE COURT: Okay. Fair enough. Do you have an
3 objection, Mr. Obitts?

4 MR. OBITTS: The objection I have is that I
5 believe that one of their cases that they're asking you
6 to take judicial notice of has been superceded. So that
7 is a concern that we have, and that's why we're asking
8 that the Court then in their case in chief take judicial
9 notice of the cases that we have as well.

10 THE COURT: Okay. Fair enough. I will accept
11 the matters, 106 through 112 under 803(8) and 903(2),
12 so --

13 MR. HALPERN: Thank you, Your Honor.

14 MR. OBITTS: And Your Honor, may I --

15 THE COURT: Or 902(3) I think it was.
16 Backwards.

17 MR. OBITTS: And Your Honor, may I move ours in
18 at this time as well?

19 THE COURT: Yes, you may.

20 MR. OBITTS: Okay. Thank you.

21 THE COURT: And which are they?

22 MR. OBITTS: I will tell you. And we're going
23 to have to redact the first three pages of Defendants'
24 Exhibit 347, Your Honor.

25 THE COURT: 347 redacted.

1 MR. OBITTS: And then the second one is
2 Defendants' Exhibit 178 and redacting the expert report
3 of Hathi and Associates, an Indian law firm, from that
4 which are the first one, two, three, four, five, six
5 pages of that document.

6 THE COURT: Okay.

7 MR. OBITTS: Thank you.

8 MR. HALPERN: Sorry, that was 178?

9 MR. OBITTS: Yeah. 178.

10 THE COURT: 178 minus the first six pages.

11 MR. OBITTS: All right. May I proceed, Your
12 Honor?

13 THE COURT: Yes.

14 MR. OBITTS: Okay. Sure.

15 THE COURT: Was that it for your -- your
16 exhibits? The -- the items that you wanted me to take
17 judicial notice of?

18 MR. OBITTS: Yes, it is.

19 THE COURT: All right. So I will accept those,
20 Defendants' 347 and 178 in redacted form as has been
21 identified on the record. You may proceed.

22 MR. OBITTS: Thank you, Your Honor. This is a
23 case -- a case about a hierarchal church dispute. As the
24 Court is well aware from the extensive briefing that both
25 parties did related to the Serbian Orthodoxy, this case

1 we believe hits on all four corners of Serbian Orthodoxy.
2 Not only that, if you look at the facts as in evidence,
3 the facts from the testimony of Tiirthananda himself, was
4 that he recognized Dhruvananda as the general secretary
5 on October 30, 2005. And he failed to follow the posting
6 order.

7 Why did he fail to follow the posting order?
8 He failed to follow it because he thought there was an
9 ecclesiastical dispute at Central and the Plaintiffs want
10 you, Your Honor, to somehow reconcile or consider that
11 ecclesiastical dispute.

12 You've also heard testimony from
13 Yatiishvarananda saying that there was a tribunal
14 process, and he confirmed that there was a manual on
15 tribunal. You've heard no evidence from any of the
16 Plaintiffs that they somehow took advantage of that
17 ecclesiastical process which is a big problem for them
18 under Serbian Orthodoxy and the litany of cases that
19 follow it.

20 So we look at it either from the Serbian
21 Orthodoxy way or from a purely law way, where if you look
22 at their Exhibit 4, the amended bylaws in effect at the
23 time it is clear, and from their own admissions in their
24 March 11, 2006, email, that the general secretary had the
25 complete power of appointment and removal of the

1 sectorial secretary of Ananda Marga, Inc.

2 So if we look at it just from the facts of
3 Tiirthananda and the others and look at the bylaws itself
4 and their own admissions, the Defendants win the case and
5 they fail on their Complaint.

6 If we look at it from the Serbian
7 Orthodoxy matter, they have testified, Rainjitananda,
8 Yatiishvarananda about the hierarchal order that is a
9 pyramidical order with a very structured system of
10 reporting and directives. In fact Yatiishvarananda said
11 that Central was micro-managing the sector. So you have
12 a whole host of relevant corporate documents of the
13 Plaintiffs in the form of the Crimson Dawn and
14 correspondence that demonstrates this incredible and
15 complex hierarchal structure that was given to the -- to
16 the Ananda Marga individuals by their Reverend Baba and
17 guru that had to be followed.

18 Further, you heard testimony from everyone that
19 was an Acarya that came up except for Ms. Zweig, because
20 the testimony just didn't go there about the conduct
21 rules and the vows that Acarya take. Further these vows
22 are incredible. In fact Haratmananda joked about the
23 fact that it was so all encompassing but that they were
24 supposed to be obedient to those vows, and you heard
25 repeated testimony from these Acaryas that one of those

1 conduct rules was to follow their posting orders it is
2 clear that Tiirthananda failed to follow his posting
3 order and violated his vows.

4 You also heard information from
5 Yatiishvarananda, from Haratmananda, that the sectorial
6 secretary is the representative of the general secretary
7 and Central in the sector, the New York sector. Which
8 doubly complicates the issue for the Plaintiffs because
9 how could a representative who is there to serve the
10 general secretary sever completely the relationship and
11 say I am now no longer part of you.

12 It is as if I came here in front of the Court
13 and cut myself in half and said I am now two people. Now
14 that's probably a pretty bad example but -- but that is
15 what it is. It is a relationship of a representative now
16 saying you know what? I no longer want to be the
17 representative, even though the governing documents of
18 the -- of the entity that was created by Baba, because
19 they all said Baba created the New York sector, is
20 somehow wanting to divorce itself. And that's what
21 really this case is. This case is a -- an Acarya who
22 doesn't like what's going on up above in the hierarchy
23 who decides I'm just going to divorce from you.

24 Well, he can't do that. He can if he wants to
25 leave the organization. And what's most telling about

1 that, Your Honor, is the Crimson Dawn letter from the
2 first president of Ananda Marga, Inc., who states if
3 Yatiishvarananda doesn't like what Baba's directives are
4 and what's going on for -- for him to do for Baba and the
5 sector, he's got two choices. Baba can move him
6 elsewhere and discipline him or he can just leave.

7 It's the position of the Defendants and the
8 Intervenors that maybe he should just leave. So we
9 believe also that the facts show that this concept that
10 they've created of socio-spiritual versus legal is just
11 nonsense. The facts are overwhelming in their own
12 documents, Crimson Dawn, corporate board minutes, their
13 filing with the IRS under penalty of perjury, their file
14 -- the repeated filings -- I mean, is so cumulative, I
15 think there's maybe 30 to 40 filings with the INS that
16 are signed, some of them, by Tiirthananda himself that
17 makes absolutely no distinction between New York sector
18 socio-spiritual and Ananda Marga, Inc. Rather, the
19 documents under penalty of perjury and under truth
20 certification say the exact opposite. And now,
21 apparently today, they decide to say, hey, we're not a
22 church.

23 Well, unfortunately for them, they failed to
24 move to conform their facts to the Amended Complaint
25 which says I am a church.

1 So what happened then? After a person decides
2 to not follow the posting but even prior to that he
3 testified that there as a meeting in Kuala Lumpur and
4 then when I start to question him about the specifics of
5 that meeting he all of a sudden has amnesia. And the
6 reason he has amnesia is because he had -- the facts
7 demonstrate that he had a preplanned -- or premeditated
8 plan to do this severance this divorcing. And that he
9 in essence snookered the others regarding this.

10 You heard from Rainjitananda, and Hemmelgarn
11 and others that none of them knew that he had been
12 transferred on October 30, 2005. And you heard from
13 Hemmelgarn that the practice was that they would most of
14 the time announce to the Board that they had been
15 transferred. You also heard from Hemmelgarn that
16 Tirthananda was the first one not to follow the
17 postings.

18 So what they're asking you to do, Your Honor,
19 is they're asking you to determine about the validity of
20 the Purodha board staying the transfer in December but to
21 ignore the lifting of the stay that Tirthananda himself
22 admitted happened. First he didn't want to admit it, but
23 then we showed him the document that he collaborated in
24 writing that showed that the stay was lifted.

25 Either way the posting occurred prior to any

1 amendment. And then you heard -- you heard testimony
2 that on February 28, 2006, a new sectorial secretary was
3 posted to the New York sector. And once again,
4 Tiirthananda who had hijacked the organization of the New
5 York sector of Ananda Marga, Inc., in this sector did not
6 relent and did not let go. He failed to be obedient,
7 failed to follow the discipline, failed to follow the 17
8 points which include pyramidal order and structural
9 solidarity that you heard Yatiishvarananda talk about.

10 So when we take a look at Serbian Eastern
11 Orthodox Diocese v. -- I can never say that name.
12 Serbian Eastern Orthodoxy Diocese (sic), 426 U.S. 696,
13 (1976); as well as Presbyterian Church v. Hull Church,
14 393 U.S. 440; as well as Kreshik v. Saint Nicholas of the
15 Russian Orthodox Church of North America, 363 U.S. 190;
16 as well as Kedroff v. Saint Nicholas Cathedral, 344 U.S.
17 94 (1952); as well as Gonzalez v. Roman Catholic
18 Archbishop, 280 U.S. 1 (1929), the Defendants and
19 Intervenors win because there is an ecclesiastical
20 hierarchy and that hierarchy was not followed. And the
21 Court has only one choice and that is to enforce the
22 decision of the highest ecclesiastical body here which
23 was the general secretary and the Purodha Pramukha.

24 And you heard evidence regarding what role the
25 Purodha Pramukha had as a spiritual head of this

1 organization. And in the document that was recognized by
2 Yatiishvarananda related to the lifting of the stay. It
3 has Shraddhananda's signature on it. Is that right? I
4 -- I actually misspoke there. I'm sorry. I misspoke.
5 So ignore what I just said because that document was not
6 admitted yet. But what you have there, is you have the
7 writing of Tiirthananda related to the lifting of the
8 stay that was approved by the Purodha Pramukha.

9 So, in conclusion, Your Honor, either way you
10 look at it, whether you want to look at it under Serbian
11 Orthodoxy, or you want to look at it as looking at the
12 corporate documents and the facts the Plaintiffs have
13 failed to prove their case.

14 Furthermore -- that would be as Counts I and
15 II, declaratory and injunctive relief, as well as Counts
16 III and IV. And Counts III and IV is violation of the
17 Colorado Nonprofit Corporation Act. Your Honor, I'm not
18 aware of any such right of action for a private
19 individual. That is for the Attorney General of
20 Colorado.

21 Further, they have not put any proof of damages
22 or any elements of the cause of action for Counts III and
23 IV. So they fail as well. Thank you, Your Honor.

24 THE COURT: Mr. Erwin or Mr. Halpern, which one
25 of you? Mr. Halpern?

1 MR. HALPERN: Your Honor, the fundamental
2 constituent documents that -- of Ananda Marga, Inc., the
3 corporation, the Colorado Corporation are of course the
4 articles of incorporation and the bylaws. There are
5 related legal documents, which are the constitution of
6 Ananda Marga Pracaraka Samgha, a Bengali (sic)
7 corporation and the Carya'carya which is the spiritual
8 document that provides a variety of sorts of -- of
9 guidance and -- and directions to the operation of Ananda
10 Marga, the larger picture.

11 Now, when we speak -- now when we speak of
12 Ananda Marga -- those two documents are different. And
13 they create different sources of authority that are
14 elected by different means and so forth. So when we
15 speak of a legal Ananda Marga Pracaraka Samgha in India,
16 that's speaking of a specific thing that is governed by a
17 specific document. When we speak of socio-spiritual or
18 Ananda Marga Carya'carya, that is another concept which
19 is also governed by a different document. So those two
20 things have been separate from the very beginning. In
21 the -- from the point of view of the law.

22 Whether or not this is a hierarchical church,
23 quote, unquote, should be determined by a review in the
24 first instance of those three sources of authority which
25 are of course clearly within the scope of the Court's

1 review.

2 Reviewing the Carya'carya and reviewing the
3 AMPS constitution, you will find no reference whatsoever
4 to the existence and management of subordinate
5 organizations in other countries. None whatsoever.
6 There is nothing in those documents that purports to
7 create a subordinate relationship or a -- or a
8 dictatorial relationship relative to those other sectors.

9 Likewise when you review the bylaws of -- of
10 Ananda Marga, Inc., you will see that there is nothing in
11 there that describes qualities of -- of a legal
12 relationship between Ananda Marga, Inc., and Ananda Marga
13 either Carya'carya or Ananda Marga, the Bengali (sic)
14 corporation. There is one provision in those bylaws that
15 creates a relationship, and that's the one that says --
16 oh, I should add, but you will see that in that document
17 there was -- there are rather complex and rather thorough
18 provisions creating a subordinate relationship between
19 Ananda Marga, Inc., and its subordinate affiliates. So
20 obviously whoever wrote that, Mr. Hemmelgarn and others,
21 knew how to create or how to reflect that sort of a
22 relationship.

23 All of the information that was going through
24 so extensively in cross-examination is an attempt to
25 overcome the very clear and specific provisions of the

1 fundamental legal documents. And it fails. Because
2 those legal documents say exactly what they say and the
3 Court can look at that and read them.

4 Now, there is one important provision, really,
5 that appears in the bylaws, and that's the one that says
6 the general secretary can appoint the sectorial secretary
7 -- appoints the sectorial secretary.

8 From our point of view the whole issue of is
9 there a hierarchal church or not is beyond the relevant
10 scope of this litigation. All that's relevant is is
11 there was there a general secretary -- or the first thing
12 that's relevant is was there a general secretary who had
13 the authority to give -- to exercise the power that's
14 given to the general secretary in the Ananda Marga, Inc.,
15 bylaws in 2005 when purportedly the transfer occurred or
16 was -- was made of Dada Tiirthananda.

17 There has been all sorts of testimony that at
18 that time and for years before that there was a hot
19 dispute between factions within Ananda Marga as to --
20 following the death of the Baba as to who had the
21 authority to act as general secretary.

22 Now, in an earlier discussion, we had I agreed
23 with you and I still do that it is actually not your --
24 probably not within the jurisdiction of the civil courts
25 of the United States to either assume that somebody was a

1 general secretary in the face of a dispute or to hold
2 that -- or -- or to go into the issues within the
3 religious organization in India to try to sort that out.
4 Those are matters that are for another jurisdiction.
5 What we have is the simple proof that there was no
6 general secretary generally accepted. There was no
7 president generally accepted. And there was not -- there
8 was no Central Purodha Board generally accepted within
9 Ananda Marga. There was nobody who could exercise the
10 authority of the general secretary under that -- under
11 the provisions of the bylaws.

12 This of course distinguishes the case
13 absolutely from Serbian Orthodox where there was no
14 dispute as to whether or not -- as to who was the person
15 exercising the due authority. As dem -- further beyond
16 that the testimony established that no one -- that there
17 may or may not -- whatever happened in India there was no
18 notice given to -- to the -- to the -- to the board of
19 directors of Ananda Marga, Inc., to Ananda Marga, Inc.,
20 that a transfer had happened. Dada Tiirthananda and the
21 others said they found that out by rumor and
22 conversation. So even if there was a decision made by
23 somebody who had valid authority to make it, they didn't
24 communicate it.

25 There is also evidence that it was rescinded,

1 or that the decision was stayed. So even if there was a
2 decision made, nobody was notified about it was stayed.

3 There is a -- it is certainly not clear that
4 that stay was changed in a valid manner. Certainly at
5 the time the stay was allegedly -- was whatever that --
6 well, actually there's no even -- there isn't even any
7 evidence -- documentary evidence that the stay was
8 lifted. The evidence strongly indicates -- then in
9 February of 2006 the bylaws were amended and the process
10 for changing the general secretary was changed. That was
11 done by the board of directors in the exercise of their
12 fiduciary duty as they saw it to Ananda Marga, Inc., the
13 corporation of which they were -- which they were the --
14 the directors. And we know that the directors first
15 primary fiduciary duty under law in the United States is
16 to do actions which are in the best interest of their
17 corporation.

18 Subsequently another transfer posting order
19 went out after that change was made. Completely
20 different set of -- of fact -- of -- of transfers and in
21 fact indicating at that time that the transfer was that
22 -- that Dada Tiirthananda was being relieved of his
23 position of social -- of sectorial secretary, indicating
24 that he was indeed at that time still the sectorial
25 secretary. And the parties remained in the -- I -- I

1 would submit in the spirit of their religious of their
2 organization they remained able after that to work
3 together with Dada Tiirthananda in the position of
4 sectorial secretary for four years. There is a four year
5 hiatus during which time Dada Tiirthananda actively
6 served as the sectorial secretary, CEO, and president of
7 Ananda Marga, Inc.

8 That's certainly not consistent with a
9 situation where you might imagine that he had in fact
10 been removed and during that time there's no evidence
11 that anybody tried to do anything about it until February
12 of 2010. But by then, the dispute in -- the evidence is
13 the dispute in India had reached the point where there
14 was no agreement as to who was the Purodha Pramukha, the
15 highest ecclesiastical authority, who was the Central
16 Purodha board, who constituted the president and who was
17 the general secretary and in fact there were parallel --
18 three parallel organizations at one point, two parallel
19 organizations at another, all of which goes to show that
20 at -- and in the mean time Ananda Marga, Inc., and its
21 board of directors are proceeding and operating their
22 corporation in the United States pursuant to their
23 fiduciary duty and pursuant to the regulation -- the laws
24 and -- and procedures under their own bylaws.

25 So we submit that there is ample evidence in

1 support of the claims of the Plaint -- of the Plaintiffs,
2 that they are in fact the lawful board of directors of
3 Ananda Marga, Inc., have been since the creation of the
4 corporation. Thank you, Your Honor.

5 THE COURT: Thank you. Mr. Obitts, last word.
6 I'm curious also because of the manner in which you
7 presented the evidence and the expanded scope of your
8 inquiry that I gave you to address issues from your own
9 case in chief and then your efforts to ensure that all of
10 your evidence was in including the judicially noticed
11 reference to the cases before the conclusion of the
12 evidence. Are you asking me at this point for judgment
13 on your counterclaims as well or just that I dismiss
14 under Rule 41 the Plaintiffs' claims?

15 MR. OBITTS: Your Honor, what I was hoping to
16 do is to ask you to reconsider our motion for summary
17 judgment.

18 THE COURT: Okay.

19 MR. OBITTS: After -- and then if the Court
20 rules on our motion under 41(a) -- 41(b), and the Court
21 denies our motion to reconsider for summary judgment, I
22 was going to put on just a smattering of witnesses on
23 very minute details just to have my record complete. But
24 it would almost appear that if the Court were to rule for
25 41(b) in my favor, I would be a bit of an idiot not to

1 ask for the Court to ask for judgment. However, I'm not
2 a good poker player is my problem.

3 THE COURT: That's why I was asking. You know,
4 six to one half dozen of the other if you're asking me to
5 reconsider your summary judgment, I'm just trying to make
6 sure that everybody has a fair opportunity to address the
7 argument --

8 MR. OBITTS: Oh, sure. Sure. I'm sorry.

9 THE COURT: And so -- and I mean, if these guys
10 are in the position where they're the Plaintiffs in this
11 case are feeling that, you know, irrespective of my
12 ruling on the 41(b) they're going to get an opportunity
13 to address your claims --

14 MR. OBITTS: Sure.

15 THE COURT: -- then it would be impertinent --
16 imprudent for me to preclude that.

17 MR. OBITTS: No, I'm sorry.

18 THE COURT: So -- and that's what I'm trying to
19 get at. Because if you're asking me also to enter a
20 judgment whether it's by way of reconsidering the summary
21 judgment or in some other fashion I can do a Rule 50 on
22 your claims at this stage, then I'm going to -- I want
23 these guys to have an opportunity to respond to that. Is
24 that clear?

25 MR. OBITTS: That is absolutely clear. I -- I

1 am asking the Court to reconsider the motion for summary
2 judgment as well.

3 THE COURT: Okay.

4 MR. OBITTS: So do you want me to sit down and
5 let them address that?

6 THE COURT: Yeah. Why don't we do that for a
7 moment and then you can have the last word on both.
8 Mr. Halpern, so the relief requested is two pronged. If
9 you're -- if you're following my comments here he's
10 requested that I enter involuntary dismissal under Rule
11 41(b) of the Colorado Rules of Civil Procedure, and also
12 that I reconsider the prior ruling on the motion for
13 summary judgment and enter summary judgment on his behalf
14 on all of their claims. So you've been heard on the
15 41(b). Is there anything more you want me to know in
16 respect to his request for reconsideration and granting
17 of summary judgment on behalf of the Defendants?

18 MR. HALPERN: So, when you say granting the
19 summary judgment you mean granting --

20 THE COURT: He wants me to vacate the -- or to
21 reconsider the prior order and enter summary judgment on
22 behalf of the Defendants.

23 MR. HALPERN: Okay. So I'm going to ask you to
24 do the same thing on behalf of the Plaintiffs. Since he
25 seems to have concluded his case.

1 THE COURT: Well, that's what I'm trying to
2 figure out. I'm not trying to overly complicate this.
3 The point is at this point I just want you to address his
4 motions, because he's the only one that's made them at
5 this point.

6 MR. HALPERN: Okay. So --

7 THE COURT: Because there wouldn't be any
8 reason for me to reconsider your motion for summary --
9 your motion for summary judgment at this point if I deny
10 the motion under Rule 41(b), then that obviously means
11 that your motion for summary judgment, that there were
12 questions of fact and there's going to be some additional
13 evidence and then I'll be making a final determination.
14 So I guess at the conclusion of all of the evidence, if
15 you wish you may ask me to do that, but let's just stick
16 to what I said --

17 MR. HALPERN: Right.

18 THE COURT: -- laid out earlier, okay?

19 MR. HALPERN: Okay. So what I understand the
20 distinction that we're being made is I have just argued
21 that there is no basis to enter judge -- a directed
22 verdict or for that matter a re -- reawaken a summary
23 judgment motion against the Plaintiffs.

24 THE COURT: Right. And actually you -- you --
25 you actually argued that there is no basis for me to

1 grant his oral motion for dismissal -- involuntary
2 dismissal under Rule 41(b).

3 MR. HALPERN: Right.

4 THE COURT: So it's a bit of a different
5 standard under -- than the summary judgment standard,
6 okay?

7 MR. HALPERN: Right. And then the other part
8 of the question then would be whether or not there is a
9 basis to grant summary judgment on their claims that in
10 fact their nominees are the board of directors of AMI,
11 Inc.

12 THE COURT: That's what he's asking me --

13 MR. HALPERN: Right. And we have a complete
14 absence of evidence as to how those nominees were
15 appointed, by whom they were appointed, all we know is
16 that their appointment was never approved by the board of
17 -- by the sectorial secretary, Dada Tiirthananda, or by
18 the board of directors under the 2006 amendments. We
19 don't have any evidence as to who these people are, who
20 appointed them, how that appointment happened and under
21 what authority they purport to be able to serve in that
22 -- that position.

23 So I'm a little bit uncertain -- so I -- I
24 don't think you can grant their motion for summary
25 judgment on their claims because they don't have any --

1 or whatever motion it is because they don't have any
2 evidence about who they -- who they are and why they
3 should have -- be entitled to serve in those positions.

4 THE COURT: Okay. Thank you.

5 MR. HALPERN: Mm-hmm.

6 MR. OBITTS: Your Honor, with regard to the
7 last comments made by opposing counsel, Defendants'
8 Exhibit 383 is in evidence and it is a letter
9 reconstituting the board by -- by Vimalananda. Likewise
10 you have the posting order of Vimalananda as sectorial
11 secretary. So the evidence is there in this record.

12 Going back to the 41(b) aspects of it he --
13 opposing counsel says, well, you know, you can't look at
14 this as a church dispute. But he has requested Your
15 Honor to look at three sources of authority. One of them
16 he's asking you to interpret the Carya'carya. Your
17 Honor, you cannot do that under Serbian Orthodoxy. You
18 have to show deference to the hierarchal structure.

19 Next he says, well, if you just look at the
20 bylaws that will tell you about this because they have
21 this section about affiliated entities in there. They
22 define themselves as an affiliate of the parent
23 organization. From looking at the four corners of the
24 document, Your Honor, which you are required to do
25 because they have not put on any evidence of ambiguity as

1 to any of these documents, corporate documents, you are
2 able to define what an affiliate is as to them. They
3 define it so kindly for you. Furthermore, Hemmelgarn
4 when he was up here had a document that he identified
5 that he wrote called legal structure. In that he defines
6 what an affiliate is. He claims that he is the same
7 author of the '82 bylaws as well as that. So certainly
8 he knew what affiliate meant.

9 Finally they say well, there's a big confusion
10 regarding the GES. Unfortunately for them in their
11 numerous documents by the board of directors they all say
12 and even on the stand, that Dhruvananda was the GES in
13 2005. What makes matters even worse is that
14 Yatiishvarananda testified that the Kolkata faction left
15 AMPS Central. And Tiirthananda and Yatiishvarananda both
16 testified that the Kolkata faction had their own SS here
17 that was not him. They were not beholding to some other
18 organization. They were beholding to what they're
19 terming as the Ranchi administration.

20 Finally they -- well, I said finally twice, but
21 this is really the finally. Well, actually it's not. I
22 just turned the page.

23 THE COURT: Just stop saying finally.

24 MR. OBITTS: I will. I know. I get emphatic
25 and stuff. And so -- I'm sorry, it was Plaintiffs'

1 Exhibit 101 not Defendants' Exhibit 383, I'm very sorry,
2 Your Honor, related to the letter that puts -- that --
3 where Vimalananda reconstitutes the board.

4 THE COURT: Are you sure? Could have been
5 both. You guys --

6 MR. OBITTS: I know. I know.

7 THE COURT: -- multi marked exhibits.

8 MR. OBITTS: I am so sorry. Then they make the
9 argument about there being a dispute. And you heard on
10 the stand many times about this time, place, and person.
11 And it appears that when they don't like something they
12 like to use time, place, and person to form a type of --
13 it's not a word -- truth relativism. Maybe it is. And
14 they say, well, you know, we were confused about what was
15 up at Central however their documents show the opposite.
16 They didn't like what was going on up at Central, so they
17 decided to not follow it, which they could not do.
18 Especially Tiirthananda and Rainjitananda who are
19 Avadhuta who have serious vows which include obedience
20 and to follow posting orders.

21 Next you heard testimony that there was no
22 written statement of a serious state of controversy which
23 was required for the Purodha Board to stay it. The
24 action. There is no evidence of that.

25 Next they said that the -- there is no evidence

1 the stay was not changed. Tiirthananda admitted it on
2 the stand, and he identified a document that he wrote in
3 2007 admitting that the stay was lifted. Then they go
4 and talk about things that happened in 2009 and 2010.
5 What we're looking at, Your Honor, is 2005, 2006 time
6 frame.

7 Now it's my finally. And the finally is this.
8 I think what is most troubling for them is an exhibit
9 which is an email that's in evidence from the Kolkata
10 administration to them that chastises them for what the
11 board of directors did in breaking the structure of
12 Reverend Baba. So not only do we have, quote, the Ranchi
13 administration, but we have the Kolkata administration
14 saying that was wrong. And how do they respond? Maybe
15 it's time, place, and person. I don't know, but on that
16 moment the entire board of directors responded, you're
17 right. When we get this thing worked out, we're going to
18 change it back.

19 And with that said, I've got nothing further,
20 Your Honor.

21 THE COURT: Okay. Thank you. Here's what I'm
22 going to do for scheduling purposes. Since I was already
23 going to have to leave in about an hour anyway, I'm not
24 prepared to address your arguments in that short period
25 of time, because I'll have to review three full legal

1 pads of notes, single spaced, so -- plus I may want to
2 listen to parts of the record. And so in addition -- an
3 opportunity to review yet again your various motions and
4 the multitude of pleading -- excuse me, exhibits in the
5 case.

6 So what I'm going to do is I'm going to adjourn
7 for the day, and I'll direct you to come back Monday
8 morning at 10 o'clock, and I will rule on these motions
9 and depending on the ruling, the Defense needs to be
10 prepared to go forward with their evidentiary
11 presentation however truncated on the remaining issues
12 related to your counterclaims going forward. Okay? And
13 with that I bid you adieu. I thank you very much for
14 your time. Have a great weekend. Court's adjourned.

15 (Whereupon these proceedings were concluded.)
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