

<p>COLORADO COURT OF APPEALS 101 West Colfax Ave., Suite 800 Denver, Colorado 80202</p>	
<p>Appeal from Denver County District Court The Honorable Michael A. Martinez Case No. 2010CV1867</p>	
<p>Plaintiffs-Appellants: Ananda Marga, Inc., et al.</p> <p>v.</p> <p>Defendants-Appellees: Acharya Vimalananda Avadhuta, et al.,</p> <p>and</p> <p>Intevenor-Appellee: Ananda Marga Pracaraka Samgha</p>	<p style="text-align: center;">▲ COURT USE ONLY ▲</p>
<p>Attorneys for Defendants-Appellees and Intervenor-Appellee:</p> <p>Timothy R. Obitts (CO Reg. 29107) Mae Cheung (11PHV2849) Gammon & Grange, P.C. 8280 Greensboro Drive, 7th Floor McLean, Virginia 22102 Telephone: (703) 761-5000 Facsimile: (703) 761-5023 TRO@gg-law.com MAC@gg-law.com</p> <p>Alan C. Friedberg (#6042) Pendleton, Friedberg, Wilson & Hennessey, P.C. 1875 Lawrence Street Tenth Floor Denver, Colorado 80202-1898 Telephone (303) 839-1204 Ext. 701 Facsimile (303) 831-0786 afriedberg@penberg.com</p>	<p style="text-align: center;">CASE NO. 11CA1405</p>
<p style="text-align: center;">APPELLEES' OPPOSITION TO MOTION FOR EXTENSION TO FILE AMICUS BRIEF</p>	

Defendants-Appellees Acharya Vimalananda Avadhuta, Clark E. Forden, Dipendra Kumar Singh (a.k.a. Ac. Dharmapremananda Avt.), Dirk Duill (a.k.a. Ac. Divyalokeshananda Avt.), Shyam Sundar Kaushesh, and Piyush Bhatnagar, and Intervenor-Appellee Ananda Marga Pracaraka Samgha (“Intervenor-Appellee,” though referred to by Plaintiffs-Appellants and by AMPS-Kolkata as “AMPS-Ranchi”) (Defendants-Appellees and Intervenor-Appellee shall be referred collectively as “Appellees”), by counsel, file their opposition to AMPS-Kolkata’s Motion for Extension of Time to File Amicus Brief (“Kolkata Motion”).

This Court should deny the Kolkata Motion for the following independent reasons. First, AMPS-Kolkata is not a proper amicus in this action. It has no legal interest in the United States that would be directly affected by this Court’s ruling, and its alleged international interests will not be affected by this Court’s determination of issues governed by the First Amendment to the United States Constitution. Second, AMPS-Kolkata has completely failed to establish any cause for its failure to timely file an amicus brief. AMPS-Kolkata has had 265 days – almost nine months – to prepare and file an amicus brief but has provided scant explanation for its inability to do so until very the last minute. Third, an extension of time would prejudice the Appellees in light of the multiple extensions that have already been granted in this appeal. This appeal has already been delayed by 127

days due to transcription difficulties and Appellants obtaining new counsel for the appeal. The uncertainty created by this appeal prevents Appellees from accomplishing AMI's religious and spiritual mission.

BACKGROUND

Would-be Amicus AMPS-Kolkata is an organization that broke away from Ananda Marga Pracaraka Samgha ("AMPS"), a religious organization begun in India with branches all over the world, including in the "New York Sector" of AMPS (which is comprised of the United States, Canada, and Mexico, among other countries). As was established at trial through several witnesses for the Plaintiffs-Appellants ("Appellants"), AMPS in India underwent severe internal upheaval, culminating in 2003 when a number of AMPS spiritual leaders, known as "*acaryas*" and "*purodhas*," left AMPS and created a competing organization in Kolkata, West Bengal, India. (CD1, 5-9-11, 114:16-115:4; 232:19-233:4); (CD1, 5-10-11, 232:15-233:14; 233:25-234:4); (CD1, 5-12-11, 45:21-24).¹ Intervenor-Appellee is the organization from which the dissenting *acarayas* and *purodhas* broke away. Intervenor-Appellee has its operational headquarters in Ranchi, West Bengal, India, and is therefore referred to by Appellants and AMPS-Kolkata as "the Ranchi Administration" or "AMPS-Ranchi."

¹ This opposition uses the same format for citations to the record as was used in Plaintiffs-Appellants' opening brief.

In 2003, when the dissenters left AMPS and formed AMPS-Kolkata, they set up a separate organization, (CD1, 5-10-11, 232:15-233:14; 233:25-234:4), with an organizational structure parallel to Intervenor's. AMPS-Kolkata set up its own governance body, which is comprised, in part, of the Central Committee, the highest policy-making body in AMPS. (CD1, 5-9-11, 113:13-24; 232:19-233:4); (CD1, 5-10-11, 236:21-23); (CD1, 5-11-11, 108:23-209:10). Of particular relevance to this appeal, AMPS-Kolkata appointed its own Sectorial Secretary (spiritual and organizational leader) of the New York Sector (CD1, 5-12-11, 45:21-46:12), created a separate Ananda Marga legal entity in the United States, elected a Board of Directors that did not include any of the Appellants, and operated completely independently of Ananda Marga, Inc. ("AMI"). (Lexis/Nexis Transaction ("L/N Trans.") # 30514327, Plaintiffs' First Amendment Complaint ("Complaint"), ¶ 53; *see also* L/N Trans. # 31726942, Plaintiffs' Joint Answer to Defendants First Amended Counterclaims and Affirmative Defenses, ¶ 5).

As Appellants pointed out in their First Amended Complaint, AMPS-Kolkata made no effort to claim any control over AMI or its programs, properties, or assets (*Id.*). Furthermore, the Plaintiff former AMI Board members were not aligned with the breakaway AMPS-Kolkata group. (CD1, 5-9-11, 232:19-233:4); (CD1-5-12-11, 46:7-12). Instead, the Appellants stated publicly that AMI was

aligned with the Intervenor-Appellee, not with AMPS-Kolkata (CD3, Defs.' Ex. 327, p.1).

Plaintiff Fernando Kumar (also known as Acarya ("Ac.") Tirthananda Avadhuta ("Avt."), and referred to hereinafter as "Tirthananda") had been appointed as the Sectorial Secretary of the New York Sector by the Intervenor-Appellee's General Secretary, Ac. Dhruvananda Avt. ("Dhruvananda"), in January 2003. (CD1, 5-12-11, 102:8-103:6). When Dhruvananda removed Plaintiff Tirthananda from his post as Sectorial Secretary in October 2005, (CD4, 5-16-11, 32:20-24), Plaintiff Tirthananda and the other Plaintiff AMI Board members ignored the transfer order (CD4, 5-16-11, 31:23-32:5) and purported to amend AMI's bylaws in such a way as to effectively remove the Intervenor-Appellee's authority to replace the Sectorial Secretary of AMI. (CD4, 5-16-11, 34:5-9). The Plaintiffs-Appellants' purported reason for their actions as stated throughout this litigation was that the Board could not decide which faction of AMPS was the legitimate AMPS and, therefore, AMI would act independently of both AMPS-Kolkata and Intervenor-Appellee. (L/N Trans. # 30514327, Plaintiffs' First Amendment Complaint ("Complaint"), ¶ 51).

Nonetheless, Appellants informed AMPS-Kolkata of this legal action from its earliest stages and sought its support. In June 2010, two days *before* Appellants

answered the Appellees' Counterclaim, the AMPS-Kolkata legal secretary sent an email communication to Appellants referencing this action. (CD3, Defs.' Ex. 299, p. 2). The AMPS-Kolkata email was in response to an earlier communication from the Appellants. (*Id.*) Although the Appellants' original communication is not available, it appears to have contained a request for some documents from AMPS-Kolkata to aid the Appellants in their suit against the Appellees. (*Id.*)

In that June 2010 reply email, AMPS-Kolkata, through its legal secretary, disapproved of the Plaintiff former AMI Board members' action in amending the AMI bylaws, stating that the amendments violated the Reverend Baba's "cherished" organizational system. (*Id.*)² AMPS-Kolkata nevertheless stated that it hoped to engage in mutual discussion with the Appellants "[i]rrespective of whatever development takes place in USA court regarding your present legal battle." (*Id.*) Although AMPS-Kolkata did not intervene, it provided some degree of support to the Appellants by suggesting legal strategies (*Id.*). Additionally, Mr. Tapas Chakraborty, also known as Acarya Haratmananda Avadhuta, a member of the AMPS-Kolkata Central Committee, testified in the Appellants' case in chief at trial. (CD1, 5-11-11, 208:23-209:10).

² Note that Acarya Bhaveshananda Avadhuta, whose affidavit is attached to the Kolkata Motion, is copied on the e-mail correspondence designated as Defs.' Exhibit 299.

The trial on this matter concluded on May 16, 2011, and the written order of judgment was issued on May 27, 2011 *nunc pro tunc*. (L/N Trans. #37850764, Order). Appellants filed their notice of appeal on July 11, 2011. (L/N Trans. #38626705). Since then, the Appellees have consented to three extensions in this appeal thus far, totaling 127 days beyond the time provided in the Colorado Appellate Rules (*see* discussion in Argument section III below). AMPS-Kolkata now indicates that it intends to seek leave to file an amicus brief in this matter and asks that this court grant it a 30-day extension to file such brief. For 265 days – almost nine months – from the date of the notice of appeal, Appellees received no notice of any intent by AMPS-Kolkata to file an amicus brief. Appellees’ counsel was first contacted regarding AMPS-Kolkata’s intent to file an amicus brief in support of Appellants on April 2, 2011, the date on which such a brief would be due.

ARGUMENT

Under C.A.R. 29, this Court has broad discretion to decide whether to permit nonparties to file amicus briefs if such briefs will aid the Court in its consideration of the issues on appeal. For each of the following reasons, this Court should exercise its discretion and deny AMPS-Kolkata’s motion for extension of time.

I. AMPS-Kolkata Is Not A Proper Amicus Curiae.

AMPS-Kolkata appears to provide several reasons that it should be allowed to file an amicus brief in this matter. None of these clearly explain either (1) how this Court's ruling will have a direct and significant impact upon AMPS Kolkata, or (2) why allowing AMPS-Kolkata to participate as an amicus would be helpful to the Court. Appellees address each of the arguments separately below.

A. AMPS-Kolkata Has No Legal or Pecuniary Interests in the U.S. That Will Be Affected By This Court's Ruling.

The Kolkata Motion characterizes this action as just another instance of the various struggles between Intervenor-Appellee and AMPS-Kolkata over ownership and control of the AMPS organization around the world (Kolkata Motion ¶ 2). AMPS-Kolkata therefore argues that it has legal interests in the U.S. that should be represented in this appeal and cannot be fully represented by Appellants. Affidavit of Ac. Bhaveshananda Avt. ("Affidavit") ¶ 13. It claims that this Court's decision will "have serious and direct consequences for the legal and ecclesiastical relationship between AMPS-Kolkata and the entire of Ananda Marga body of organizations throughout the United States and elsewhere" (Affidavit ¶ 11). This action, however, has never involved AMPS-Kolkata, its affiliated organizations, or any of its interests.

When the dissenters left AMPS in 2003 and formed the breakaway organization in Kolkata, they also created a separate legal entity in the United States that operated wholly independently of AMI and its subordinate affiliate entities (Complaint ¶ 53). AMPS-Kolkata appointed its own Sectorial Secretary to the New York Sector (CD1, 5-12-11, 45:21-46:12). AMPS-Kolkata has never claimed control of AMI or its subordinate affiliates or attempted to exercise ownership or control of AMI's properties or assets (Complaint ¶ 53). Furthermore, after 2003 and prior to the events that form the factual basis of this lawsuit, the Plaintiff former AMI Board members never claimed any alliance or allegiance of AMI with AMPS-Kolkata. They in fact stated the opposite – that AMI was aligned with the Intervenor-Appellee (CD4, 5-16-11, 30:20-32:9).³

This action, therefore, is not and has never been a struggle between Intervenor-Appellee and AMPS-Kolkata over control of AMI. It has, instead, been an internal dispute within the so-called Ranchi administration (i.e., Intervenor-Appellee) and some of its own religious ministers and agents refusing to acknowledge and obey Intervenor-Appellee's reposting of Tirthananda as

³ To Appellees' knowledge, AMI, under the control of the Plaintiffs, continued to operate independently of AMPS-Kolkata at least up until the trial. Prior to AMPS-Kolkata's Motion, neither AMPS-Kolkata nor Plaintiffs have ever asserted or even suggested that AMI was connected to or under the control of AMPS-Kolkata.

Sectorial Secretary, as they were required to do not only within the structure of AMPS but also according to the AMI Bylaws.

AMPS-Kolkata, with its own separate legal entity in the U.S., has no direct legal interest in the United States that will be affected by the outcome of this action. The June 2010 e-mail from AMPS-Kolkata to the Appellants underscores this, referring to Appellants' lawsuit as "your present legal battle," (CD3, Defs.' Ex. 299, p.2), rather than a legal battle that the would-be Amicus perceived as having any impact whatsoever on AMPS-Kolkata. To the extent that AMPS-Kolkata claims that its legal interests in the U.S. are threatened by this action, that assertion is without any factual basis and stands entirely upon the conclusory assertions of its own motion.

B. AMPS-Kolkata Had Ample Opportunity to Intervene to Protect Its Supposed Interests.

Even if this Court were to accept AMPS-Kolkata's assertion that it has legal interests in the U.S. that are directly impacted by this litigation, and that the Appellants cannot adequately represent those interests, AMPS-Kolkata waived its opportunity to protect such alleged interests by deciding not to intervene in this action at the trial level. AMPS-Kolkata was made aware of this action at least as early as June 2010. It chose at that time not to intervene. By contrast, the organization that Appellants refer to as AMPS-Ranchi was acutely aware of the

impact this litigation could have on its interests and, in October 2010, intervened to ensure that its interests were properly represented at trial.

AMPS-Kolkata's assertion – for the first time and at the last possible moment – that it has direct legal interests in the United States that it cannot protect without participating as an amicus – is contradicted by its past actions regarding this litigation. It would make a mockery of the judicial process to permit AMPS-Kolkata to sit back and wait until after the entire discovery and trial court process has concluded, a final judgment has been entered, and more than 265 days have passed since the notice of appeal was filed to decide that it does not like the outcome and then seek to enter as an amicus to protect its alleged interests. The time to intervene to protect its own supposed interests passed long before April 2, 2012. This appeal is not the proper venue for AMPS-Kolkata to attempt to litigate its alleged ownership interests, and it should not be allowed to circumvent the trial process by stepping in to assert its interests for the first time in these appellate proceedings.

C. This Court's Decision Will Not Affect AMPS-Kolkata's Purported International Interests:

AMPS-Kolkata also claims that its legal and ecclesiastical interests “elsewhere” (i.e., outside of the United States) will be affected by this Court's ruling (Affidavit ¶ 11). Although AMPS-Kolkata never clearly explains what it

means by this, paragraph 12 of the Affidavit contains a hint. That paragraph refers to the “far-reaching and damaging effects the trial court’s decision will have on the orderly resolution of the multiple parallel and reactive disputes, both ecclesiastical and property, between the Intervenor-Appellee AMPS-Kolkata, and each organization’s various subordinate affiliated entities, currently ongoing in the courts of the India [*sic*], Australia, and elsewhere” (Affidavit ¶12). In other words, AMPS-Kolkata believes this Court’s decision will directly affect cases between Intervenor-Appellee and AMPS-Kolkata pending in foreign countries.

But it is far from self-evident how this Court’s determination of legal questions arising under the First Amendment will impact proceedings in foreign countries that are not governed by the Constitution of the United States. Appellees are not aware of, and AMPS-Kolkata has not presented, any instances of pending legal proceedings in India, Australia, or any other foreign country in which the matter at issue specifically hinges upon an interpretation of the First Amendment of the United States Constitution. None of AMPS-Kolkata’s purported international legal interests at issue in pending litigation in other countries will be affected by this Court’s determination of the First Amendment issues before it.

D. AMPS-Kolkata's Involvement Will Not Aid This Court.

The possibility that AMPS-Kolkata's participation as an amicus will provide assistance to this Court is necessarily limited by the issues that this Court can consider in this appeal. An appellate court is limited to considering the questions raised by appealing parties. *Denver United States Nat'l Bank v. People ex rel. Dunbar*, 29 Colo. App. 93, 480 P.2d 849 (1970); *First Lutheran Mission v. Dept. of Rev.*, 44 Colo. App. 417, 613 P.2d 351 (1980). In particular, this Court may not consider any additional issues raised by amicus curiae. *Id.*

Appellants' opening brief raises two issues on appeal, both involving questions of First Amendment law. AMPS-Kolkata makes the vague statement that its involvement can be helpful to this Court "in a number of ways" (Affidavit ¶12). However, it articulates only one such way – its "most important" one: it claims to be in the best position to inform the Court of the "far-reaching and damaging effects the trial court's decision will have" on ecclesiastical and property disputes between Intervenor-Appellee and AMPS-Kolkata in litigation pending in India, Australia, and other countries. (*Id.*) However, this Court's task is to make a determination as to the correct interpretation of the First Amendment of the United States based upon the facts presented in the trial court record and relevant prior First Amendment precedents. In making that determination, this Court cannot

properly consider the effects its ruling in this case may have on pending litigation in foreign jurisdictions applying foreign law rather than the First Amendment to the United States Constitution.

This “most important” aid AMPS-Kolkata can offer this Court is in fact not helpful at all, but rather a significant distraction. It is not a proper consideration for this Court, and the briefing schedule should not be delayed to accommodate it. Nor should the briefing schedule be delayed for the other “number” of unstated ways in which AMPS-Kolkata may be helpful to this Court.

II. AMPS-Kolkata Has Not Shown Cause for Its Delay In Filing An Amicus Brief.

C.A.R. 29 provides that “[a]ny amicus curiae shall file its brief within the time allowed the party whose position as to affirmance or reversal the amicus brief will support unless the court for cause shown shall grant leave for later filing, in which event it shall specify within what period an opposing party may answer.” This court should deny the Kolkata Motion because AMPS-Kolkata has not shown cause for its failure to timely file its amicus brief.

The Appellants filed their notice of appeal in this matter in July 2011. There have been three extensions in the briefing schedule of this appeal, totaling 127 days. From the filing of the notice of appeal until the final deadline for Appellants’ opening brief, AMPS-Kolkata had 265 days – almost nine months – to decide to

file an amicus brief, locate counsel, and prepare and file its brief. And yet the Kolkata Motion asserts that AMPS-Kolkata “has not had sufficient time to prepare an amicus brief,” and indicated that the affidavit by Ac. Bhaveshananda Avt. (“Bhaveshananda”) would provide AMPS-Kolkata’s reasons for this inability (Kolkata Motion ¶ 6). The Affidavit does nothing of the sort. Instead, it states vaguely that there are “numerous logistical, financial, and other concerns,” which AMPS-Kolkata intends to overcome. The Affidavit, does not, however, set forth these numerous concerns except to say that they “include communication difficulties between India and the U.S.,” the fact that Bhaveshananda himself is at present serving as a witness in a separate lawsuit in Australia, and that AMPS-Kolkata has “only recently been able to engage counsel to represent [it] for purposes of the amicus brief” (Affidavit ¶ 14). These reasons are insufficient cause for further delay.

First, the Affidavit cites “communication difficulties between India and the U.S.” This assertion is contradicted by widely used modern communications technologies, such as electronic mail, that make possible instantaneous world-wide communication. The record is replete with electronic mail communications between individuals in India and in the U.S., with replies following within days, and often within hours or minutes. (*See, e.g.*, CD3, Defs.’ Ex. D181). Defendants’

Exhibit 299 itself is part of a string of email communications between would-be amicus AMPS-Kolkata and the Appellants, in which replies occurred within only three weeks of the previous message. It is indeed difficult to fathom that international communication difficulties have caused AMPS-Kolkata a nine-month delay. Indeed, nine months would have been more than sufficient time for communication even a century ago.

A second reason the Affidavit cites for its delay is that Bhaveshananda is currently serving as a witness in an Australian lawsuit.⁴ This, too, is not sufficient cause. At least two things are unclear on this point from either the Kolkata Motion or the Affidavit. First, it is unclear why Bhaveshananda himself is critical to AMPS-Kolkata's ability to prepare and file a brief in this action. An amicus cannot introduce new appellate issues or add facts to the record on appeal. Second, and more puzzling, is that the Affidavit offers no explanation as to why Bhaveshananda's current status as a witness in Australia has caused AMPS-Kolkata to fail to prepare and file an amicus brief over the last nine months.

Bhaveshananda's present service as a witness in Australian litigation is not cause

⁴ It is Appellees' understanding that neither Bhaveshananda himself nor AMPS-Kolkata is a party to the suit in Australia. AMPS-Kolkata has not provided any evidence that Bhaveshananda has been required by legal process to remain in Australia for the past nine months to participate in legal proceedings there or that, even if so required, he has been unable to authorize retention of counsel or to review a draft amicus brief during the past nine months.

for AMPS-Kolkata to be granted an extension of time.

Finally, AMPS-Kolkata states that it has only recently been able to engage counsel for the purpose of filing an amicus brief. While Appellees are sympathetic to the challenges of counsel who are engaged at the last minute, AMPS-Kolkata has not provided any explanation of why it was unable to engage counsel prior to April 2, 2012. The Affidavit does not offer any facts as to when AMPS-Kolkata began seeking counsel or how many steps it took to locate counsel within the last eight months and three weeks.

Despite being aware of this litigation from its very earliest stages almost two years ago and having almost nine months since the Appellants' notice of appeal, AMPS-Kolkata appears to have now decided that it would like to file an amicus brief. However, a last-minute decision, following upon months of indecision, is not "good cause" sufficient to grant an extension of time. AMPS-Kolkata has not shown any legitimate cause, let alone good cause, for its delay, and this Court should deny the motion for an extension of time.

III. Further Delay Would Prejudice the Appellees.

AMPS-Kolkata asserts in its motion that the requested extension "would not delay these appellate proceedings, or prejudice Appellees or the Intervenor-Appellee AMPS-Ranchi." (Kolkata Motion ¶ 7.) Neither of these assertions is true.

The requested extension would, by definition, delay the appellate proceedings. More importantly, the additional delay, in conjunction with the already lengthy and unusual delay in this matter, would prejudice Appellees.

On July 25, 2011, Appellants designated the entire trial transcript be included in the record on appeal. Because of the length of the trial proceedings and the challenges of transcribing audio recordings containing many foreign words and speakers with heavy accents, the court reporter transcribing the trial proceedings informed the parties that it would need an extra 77 days to complete the trial transcript for the record on appeal. Appellees therefore agreed to jointly move this court for the deadline for the record on appeal to be filed with this Court be enlarged from October 12, 2011 to December 27, 2011, (L/N Trans. #40256713, Joint Motion for Enlargement of Time In Which to Transmit Record on Appeal), which this Court granted on October 26, 2011. (L/N Trans. # 40574456, Order).

As December 27 neared, the court reporter informed the parties that it would need an additional 20 days because one day of recordings had been inadvertently omitted. Appellees agreed, once again, to jointly move with Appellants for another enlargement of time, this time to January 16, 2012. (L/N Trans. #41580043, Joint Motion for Enlargement of Time In Which to Transmit Record on Appeal). The record on appeal was certified as filed with this Court on January 17, 2012, (L/N

Trans. # 41926560), and, under C.A.R. 31, March 2, 2012 was set as the date for Appellants' opening brief.

In late February, counsel for Appellants requested Appellees' consent to one more extension of time, this time because of the length of the trial transcript, the size of the record, the complexity of the issues involved, and the Appellants' counsel's relative unfamiliarity with the issues. Appellees consented once more, and on February 28, 2012, Appellants filed an unopposed motion for extension, (L/N Trans. # 42766527, Unopposed Motion for Enlargement of Time in which to File Plaintiffs Appellants' Opening Brief), which this Court granted on March 2 (L/N Trans. # 42844086, Order). The deadline was thus extended for another 30 days to April 2, 2012, which Appellants were able to meet.⁵ This appeal has thus far been delayed by 127 days.

An appeal necessarily creates uncertainty, as the parties are unable to fully proceed with their affairs. In the case of a divided religious organization, this often means that the organization has difficulty moving forward with its religious mission and bringing much-needed healing to the organization. This case has been no different. The Appellees, now the Board of Directors of AMI, have been

⁵ The repeated delays in this appeal have been mirrored by delays in resolving Appellees' motion for attorney's fees and bill of costs in the trial court, the hearing for which was delayed by 149 days for similar reasons.

hampered in their ability to proceed with AMI's mission during the pendency of this appeal. Financial and human resources that the Appellees might otherwise commit to its religious and spiritual mission are instead being utilized to defend this appeal. Many Ananda Marga adherents are currently withholding both financial and other support for AMI while awaiting the outcome of this appeal. And the Appellees have largely refrained from making any major adjustments to bring greater order to AMI and the New York Sector until the appeal has concluded. Additional delay will only continue to hamper Appellees' ability to accomplish AMI's spiritual and religious mission.

CONCLUSION

For the reasons stated above, Defendants-Appellees and Intervenor-Appellee ask the Court to deny AMPS-Kolkata's motion for an extension of time to file an amicus brief. In the alternative, should this Court grant AMPS-Kolkata's motion, Defendants-Appellees and Intervenor-Appellee respectfully request that this Court also grant Defendants-Appellees and Intervenor-Appellee a corresponding 30-day extension to respond to Appellants' opening brief and AMPS-Kolkata's amicus brief simultaneously, and that this Court expand Defendants-Appellees' and Intervenor-Appellee's word limitation by 9,500 words in order to adequately respond to the issues raised in both briefs.

DATED this 9th day of April 2012.

PENDLETON, FRIEDBERG, WILSON
& HENNESSEY, P.C.

By: Alan C. Friedberg
Alan C. Friedberg

CERTIFICATE OF SERVICE

I hereby certify that on this 9th day of April 2012, a true and correct copy of the foregoing **APPELLEES' OPPOSITION TO MOTION FOR EXTENSION TO FILE AMICUS BRIEF** was served via the LexisNexis File and Serve system, addressed as follows:

Charles T. Mitchell, Esq.
Christopher C. Noecker, Esq.
Sander Ingebretsen & Wake, P.C.
1660 – 17th Street, #450
Denver, CO 80111

Sean R. Gallagher, #16863
Bennett L. Cohen, #26511
POLSINELLI SHUGHART PC
1515 Wynkoop St., Ste. 600
Denver, CO 80202

Timothy R. Obitts, Esq.
Mae Cheung, Esq.
Gammon & Grange, P.C.
8280 Greensboro Drive, 7th Floor
McLean, Virginia 22102

Vanne West