

DISTRICT COURT, CITY AND COUNTY OF DENVER,  
COLORADO  
1437 Bannock Street, Denver, Colorado 80202

Plaintiffs: Ananda Marga, Inc., a Colorado Nonprofit  
Corporation; et al.

v.

Defendants: Acharya Vimalananda Avadhuta, an individual; et  
al.,

and

Intervenor: Ananda Marga Pracaraka Samgha.

Attorneys for Intervenor Ananda Marga Pracaraka Samgha:

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Case No: 2010CV1867

Division 1

**ANSWER TO FIRST AMENDED COMPLAINT,  
AFFIRMATIVE DEFENSES, AND COUNTERCLAIMS  
OF INTERVENOR**

COMES NOW Intervenor Ananda Marga Pracaraka Samgha ("AMPS" or "Intervenor"),  
by counsel, and in answer to Plaintiffs' First Amended Complaint ("Complaint") states the  
following. The Intervenor denies any and all allegations not specifically admitted herein.

**Jurisdiction and Venue**

1. Paragraph 1 states a legal conclusion, to which no answer is required.
2. The first sentence of paragraph 2 states a legal conclusion, to which no answer is  
required. The Intervenor admits that the named Defendant Acharya Vimalananda Avadhuta is  
the rightfully appointed Sectorial Secretary of Ananda Marga, Inc., ("AM Inc.") by order of  
AMPS and that the remaining Defendants are the rightfully appointed Directors of AM Inc.,

which transacts business, and owns property in Colorado. Intervenor denies the last sentence of paragraph 2.

3. Paragraph 3 states a legal conclusion, to which no answer is required.

### **The Parties**

1. Intervenor denies that the AM Inc. is a Plaintiff. Given the dispute regarding the lawful leadership of the AM Inc., as more fully stated in Intervenor's Counterclaims and incorporated herein, Intervenor will refer to the individual Plaintiffs collectively as the "Former Board." Intervenor admits that AM Inc. is a Colorado nonprofit corporation with offices at 854 Pearl Street, City and County of Denver, Colorado 80203.

2. Intervenor denies that Fernando Kumar (a.k.a. Ac. Tirthananda Avt.) is a current Director and Officer of AM Inc.

3. Intervenor denies that Donald W. Nelson (a.k.a. Ac. Vedaprajinananda Avt.) is a current Director and Officer of AM Inc.

4. Intervenor denies that Rubens C. Texeira (a.k.a. Ac. Rainjitananda Avt.) is a current Director and Officer of AM Inc.

5. Intervenor denies that Prabha Thakur (a.k.a. Avtk. Ananda Vibba Ac.) is a current Director of AM Inc.

6. Intervenor denies that Jody Wright (a.k.a. Ac. Devanistha) is a current Director of AM Inc.

7. Intervenor denies that William C. Dorf (a.k.a. Valmiki) is a current Director of AM Inc.

8. Intervenor denies that L. Michael Hemmelgarn (a.k.a. Vinaya) is a current Director of AM Inc.

9. Intervenor denies that Wayland Secrest (a.k.a. Vishvadeva) is a current Director of AM Inc.

10. Intervenor denies that Ananda Marga of Denver, Inc. is a proper plaintiff. Intervenor lacks knowledge or information sufficient to form a belief as to the truth of the remaining allegations contained in paragraph 10 of the Complaint and for that reason denies the same.

11. Intervenor lacks knowledge or information sufficient to form a belief as to the truth of the allegations contained in paragraph 11 of the Complaint and for that reason denies the same.

12. Intervenor lacks knowledge or information sufficient to form a belief as to the truth of the allegations contained in paragraph 12 of the Complaint and for that reason denies the same.

13. Intervenor denies that Ananda Marga Yoga Society, Inc. is a proper plaintiff. Intervenor lacks knowledge or information sufficient to form a belief as to the truth of the remaining allegations contained in paragraph 13 of the Complaint and for that reason denies the same.

14. Intervenor lacks knowledge or information sufficient to form a belief as to the truth of the allegations contained in paragraph 14 of the Complaint and for that reason denies the same.

15. Intervenor lacks knowledge or information sufficient to form a belief as to the truth of the allegations contained in paragraph 15 of the Complaint and for that reason denies the same.

16. Intervenor lacks knowledge or information sufficient to form a belief as to the truth of the allegations contained in paragraph 16 of the Complaint and for that reason denies the same.

17. Intervenor lacks knowledge or information sufficient to form a belief as to the truth of the allegations contained in paragraph 17 of the Complaint and for that reason denies the same.

18. Intervenor lacks knowledge or information sufficient to form a belief as to the truth of the allegations contained in paragraph 18 of the Complaint and for that reason denies the same.

19. Intervenor lacks knowledge or information sufficient to form a belief as to the truth of the allegations contained in paragraph 19 of the Complaint and for that reason denies the same.

20. Intervenor lacks knowledge or information sufficient to form a belief as to the truth of the allegations contained in paragraph 20 of the Complaint and for that reason denies the same.

21. Intervenor lacks knowledge or information sufficient to form a belief as to the truth of the allegations contained in paragraph 21 of the Complaint and for that reason denies the same.

22. Intervenor lacks knowledge or information sufficient to form a belief as to the truth of the allegations contained in paragraph 22 of the Complaint and for that reason denies the same.

23. Intervenor lacks knowledge or information sufficient to form a belief as to the truth of the allegations contained in paragraph 23 of the Complaint and for that reason denies the same.

24. Intervenor admits the allegations contained in paragraph 24 of the Complaint.

25. Intervenor admits the allegations contained in paragraph 25 of the Complaint.

26. Intervenor admits the allegations contained in paragraph 26 of the Complaint.

27. Intervenor admits the allegations contained in paragraph 27 of the Complaint.

28. Intervenor admits the allegations contained in paragraph 28 of the Complaint.

29. Intervenor denies that Mr. Bhatnagar is an Indian citizen. Intervenor admits the remaining allegations in paragraph 29 of the Complaint.

30. Intervenor lacks knowledge or information sufficient to form a belief as to the truth of the allegations contained in paragraph 30 and, on that basis, denies the same.

#### **General Allegations**

31. Intervenor hereby incorporates its answers to all the previous paragraphs as if fully set forth herein.

32. Intervenor admits the allegations contained in paragraph 32 of the Complaint.

33. Intervenor states that AM Inc.'s 1974 Bylaws speak for themselves and denies any allegations contained in paragraph 33 that are inconsistent therewith.

34. Intervenor states that AM Inc.'s 1974 Bylaws speak for themselves and denies any allegations contained in paragraph 34 that are inconsistent therewith. Intervenor admits that AM Inc. is referred to within the global organization of Ananda Marga Pracaraka AMPS as the Sectorial Office of the New York Sector. Intervenor admits that AM Inc. is associated with AMPS and affirmatively states that AMPS (a.k.a. "AMPS Central") is the parent organization for AM Inc.

35. Intervenor admits that AM Inc. is recognized as a church by the Internal Revenue Service (IRS) for purposes of recognition of tax exempt status under section 501(c)(3) of the

Internal Revenue Code. Intervenor further admits that the IRS has recognized AM Inc.'s affiliates as churches and as subordinate entities to AM Inc. Intervenor further admits that one of AM Inc.'s objectives, among many, is to propagate the philosophy and practices of Yoga.

36. Intervenor admits that other organizations within the New York Sector of AMPS throughout the United States and North America, among other locations, are recognized as subordinate to AM Inc. Intervenor further admits that AM Inc. maintains control over the assets of its subordinates. Intervenor affirmatively states that AMPS Central, as the global parent organization, maintains ultimate authority and control over the assets of AM Inc. and its subordinate affiliates.

37. Intervenor admits that AM Inc. is governed by a Board of Directors, which includes the Sectorial Secretary, President, Vice-President, Secretary, Treasurer, and other Directors as alleged in paragraph 37 of the Complaint. Intervenor further admits that the AM Inc. Board of Directors has the authority and power to manage and control the assets and activities of AM Inc. in accordance with and subject to the direction of the Sectorial Secretary and to establish administrative policies regarding AM Inc. Intervenor denies that the allegations in paragraph 37 contain a complete and adequate description of the governance structure of AM Inc. Instead, Intervenor affirmatively states that the direction of the Sectorial Secretary and the establishment of any major administrative policies regarding the governance of AM Inc. are all subject to the oversight, consent and approval of Intervenor.

38. Intervenor admits the allegations contained in the first three sentences of paragraph 38 of the Complaint but denies that these allegations provide a complete and adequate description of the governance structure of AM Inc. Intervenor denies the allegations contained in the last sentence of paragraph 38 of the Complaint as stated.

39. Intervenor denies the allegations contained in paragraph 39 of the Complaint.

40. Intervenor lacks knowledge or information sufficient to form a belief as to the truth of the first two sentences of paragraph 40 and on that basis denies the same. Intervenor denies the last sentence in paragraph 40 of the Complaint.

41. Intervenor denies the allegations in paragraph 41 of the Complaint.

42. Intervenor denies the allegations in paragraph 42 of the Complaint.

43. Intervenor admits that AM Inc.'s subordinate affiliates are subordinate entities of AM Inc. and that AM Inc. controls the assets of each subordinate affiliate. Intervenor denies that such structure is in sharp contrast to the governing structure in the rest of the AMPS organization and denies that the allegations contained in paragraph 43 of the Complaint provide a complete and adequate description of the governance structure of AM Inc. Intervenor affirmatively states that AMPS Central, as the global parent organization, maintains ultimate authority and control over the assets of AM Inc. and its subordinate affiliates.

- a. The Intervenor lacks knowledge or information sufficient to form a belief as to the truth of the allegations contained in paragraph 43a and on that basis denies the same.
- b. The Intervenor lacks knowledge or information sufficient to form a belief as to the truth of the allegations contained in paragraph 43b and on that basis denies the same.
- c. The Intervenor lacks knowledge or information sufficient to form a belief as to the truth of the allegations contained in paragraph 43c and on that basis denies the same.
- d. The Intervenor lacks knowledge or information sufficient to form a belief as to the truth of the allegations contained in paragraph 43d and on that basis denies the same.
- e. The Intervenor lacks knowledge or information sufficient to form a belief as to the truth of the allegations contained in paragraph 43e and on that basis denies the same.
- f. The Intervenor lacks knowledge or information sufficient to form a belief as to the truth of the allegations contained in paragraph 43f and on that basis denies the same.

44. The Intervenor lacks knowledge or information sufficient to form a belief as to the truth of the allegations contained in paragraph 44 and on that basis denies the same.

45. As the Plaintiffs have alleged amendments to the Bylaws of AM Inc. and have not specified which Bylaws they refer to in paragraph 45 of the Complaint, Intervenor lacks knowledge or information sufficient to form a belief as to the truth of the allegations in paragraph 45 of the Complaint and on that basis denies the same.

46. Intervenor admits that AM Inc. amended its Bylaws in 1982. Intervenor states that the 1982 Amended Bylaws speak for themselves and denies any allegations in paragraph 46 of the Complaint inconsistent therewith. Intervenor denies the remaining allegations in paragraph 46 of the Complaint.

47. Intervenor denies that any resolution adopted by the Former Board after October 30, 2005 had any legal effect. Intervenor admits that the Former Board did not seek the approval of AMPS, AMPS Central, or the General Secretary of AMPS prior to purportedly making amendments to the Articles or Bylaws of AM Inc and ratifying such purported amendments after October 30, 2005. Intervenor lacks knowledge of the remaining allegations of paragraph 47 and denies the same on that basis.

48. Intervenor lacks knowledge or information sufficient to form a belief as to the truth of the allegations contained in paragraph 48 and, on that basis, denies the same. Intervenor further denies that any resolution adopted by the Former Board after October 30, 2005 had any legal effect.

49. Intervenor denies that Fernando Kumar is a Director of AM Inc. or the current Sectorial Secretary of AM Inc. Intervenor admits that Plaintiff Kumar was appointed as Sectorial Secretary in or around 2003.

50. Intervenor denies that the individual Plaintiffs are the duly appointed and elected Board of Directors and officers of AM Inc.

51. Intervenor admits that AMPS's founder and spiritual leader, Prabhat Ranjan Sarkar, died in 1990 in India. Intervenor further admits that since his death there has been conflict within AMPS and that a group of former-AMPS members purport to have established a competing governing body of AMPS in 2003, challenging the legal authority of AMPS Central. Intervenor lacks knowledge or information sufficient to form a belief as to the truth of Plaintiffs' allegations in the third and fourth sentences of paragraph 51 of the Complaint and on that basis denies the same. Intervenor further denies that it was impossible for AM Inc.'s Board of Directors to determine which of the so-called factions had authority over AMPS, AMPS Central, and AM Inc. Intervenor lacks knowledge or information sufficient to form a belief as to the truth of Plaintiffs' allegations regarding amendments to AM Inc.'s Bylaws and on that basis denies the same. Intervenor further denies that any action taken by the Former Board after October 30, 2005 had any legal effect. Intervenor denies any remaining allegations in paragraph 51 not specifically admitted herein.

52. Intervenor admits that there are lawsuits pending in India through which one or more dissident groups seek to wrest control of AMPS from AMPS Central. Intervenor denies that the Indian courts do not recognize any single claimant or its General Secretary to be AMPS/AMPS Central. The Intervenor denies the remaining allegations in paragraph 52 of the Complaint.

53. The Intervenor admits that the Defendants are associated with AMPS/AMPS Central and that Acarya Dhruvananda Avadhuta is AMPS's General Secretary. The Intervenor admits that the Central Office of AMPS is currently located in Ranchi, India but denies that AMPS/AMPS Central is a faction competing for control. The Intervenor lacks knowledge or information sufficient to form a belief as to the truth of the remaining allegations contained in Paragraph 53 of the Complaint and on that basis denies the same.

54. Intervenor lacks knowledge or information sufficient to form a belief as to the truth of the allegations contained in paragraph 54 and, on that basis, denies the same. Intervenor further denies that any resolution adopted by the Former Board after October 30, 2005 had any legal effect.

55. Intervenor admits that Acarya Dhruvananda Avadhuta, the General Secretary of AMPS/AMPS Central, sent a letter to Defendant Vimalananda on or around January 9, 2009, and states that this letter speaks for itself. Intervenor therefore denies any allegations in paragraph 55 inconsistent therewith. Intervenor further denies that Plaintiff Fernando Kumar was the then-incumbent Sectorial Secretary of AM Inc.

56. Intervenor admits that General Secretary Acarya Dhruvananda Avadhuta directed Defendant Vimalananda to appoint new members of the Board of AM Inc. and that the individuals listed in paragraph 56 of the Complaint were the individuals whom Defendant Vimalananda appointed as Directors of AM Inc.

57. Intervenor denies all the allegations contained in paragraph 57 of Complaint and further denies that any resolution adopted or actions taken by the Former Board after October 30, 2005 had any legal effect.

58. Intervenor admits that the Defendants directed that a letter be sent to the Former Board on or around February 12, 2010. Intervenor further states that the February 12, 2010 letter speaks for itself and therefore denies any allegations in paragraph 58 of the Complaint inconsistent therewith. Intervenor lacks knowledge or information sufficient to form a belief as to the truth of the remaining allegations in paragraph 58 and on that basis denies the same.

59. Intervenor admits that on or around February 12, 2010, Defendants Forden and Duill sent a letter to the members of the New York Sector of AMPS. Intervenor further states that that letter speaks for itself and therefore denies any allegations in paragraph 59 of the Complaint inconsistent therewith.

60. Intervenor admits that AM Inc. holds real and personal property in the state of Colorado and that such property should now be subject to the control of the Defendants, as the duly appointed Board of AM Inc.

61. Intervenor admits that Ac. Dhruvananda Avt., Defendant Ac. Vimalananda Avt. and one or more of the other Defendants has represented to individuals, businesses, affiliates and others both within and outside the state of Colorado that the Defendants are the duly appointed Board of Directors of AM Inc. Intervenor denies that any such representations are false or misleading. Intervenor lacks knowledge or information sufficient to form a belief as to the truth of the remaining allegations in 61 of the Complaint.

**FIRST CLAIM FOR RELIEF**  
**Declaratory Relief**

62. Intervenor hereby incorporates its answers to all the previous paragraphs as if fully set forth herein.

63. Intervenor denies the allegations contained in paragraph 63 of the Complaint.

64. Intervenor admits that the Defendants are the rightfully appointed Directors and/or Officers of AM Inc. and are exercising or attempting to exercise their legitimate authority as such. Intervenor further admits that the Defendants mentioned legal action against the Former Board as one among many options if the Former Board refused to cooperate with the Defendants.

65. Intervenor admits that the Court may grant declaratory relief, but denies that the Court may grant the declaratory judgment that Plaintiffs seek.

**SECOND CLAIM FOR RELIEF**  
**Injunctive Relief**

66. Intervenor hereby incorporates its answers to all the previous paragraphs as if fully set forth herein.

67. Intervenor admits that the Defendants are holding themselves out as Directors and Officers of AM Inc. pursuant to the direction of AMPS Central and are attempting to exercise their legitimate authority as such. Intervenor denies the remaining allegations in paragraph 67 of the Complaint.

68. Intervenor admits that the Defendants are exercising or attempting to exercise their legitimate authority over AM Inc.'s assets, affiliates, and affiliates' assets pursuant to the direction of AMPS Central. Intervenor denies the remaining allegations in paragraph 68 of the Complaint.

69. Intervenor denies the allegations in paragraph 69 of the Complaint.

**THIRD CLAIM FOR RELIEF**  
**Violation of the Colorado Nonprofit Corporation Act—Unauthorized Assumption of Corporation Powers**

70. Intervenor hereby incorporates its answers to all the previous paragraphs as if fully set forth herein.

71. Intervenor admits that the Defendants act as and on behalf of AM Inc. pursuant to the direction of AMPS Central. Intervenor denies the remaining allegations in paragraph 71 of the Complaint.

72. Intervenor denies the allegations in paragraph 68 of the Complaint.

**FOURTH CLAIM FOR RELIEF**  
**Violation of the Colorado Nonprofit Corporation Act—Unauthorized Possession of Corporate Assets and Property**

73. Intervenor hereby incorporates its answers to all the previous paragraphs as if fully set forth herein.

74. Intervenor denies the allegations in paragraph 74 of the Complaint.

75. Intervenor denies the allegations in paragraph 75 of the Complaint.

76. Intervenor denies the allegations in paragraph 76 of the Complaint.

77. Intervenor further denies that the Plaintiffs are entitled to the relief requested or to any relief whatsoever.

**AFFIRMATIVE DEFENSES**

Intervenor sets forth herein its affirmative defenses to the Complaint.

1. The Complaint fails to state a claim upon which relief can be granted.
2. The individual Plaintiffs have no authority or capacity to sue on behalf of AM Inc.
3. AM Inc. is not a proper plaintiff in this action.
4. Ac. Dhruvananda Avadhuta is the rightful and legitimate General Secretary of AMPS and as such has the power to remove or transfer Secretaries of all levels within AMPS, including Plaintiff Fernando Kumar.
5. AMPS Central, with registered headquarters in Ananda Nagar and administrative offices currently located in Ranchi, is the rightful and legitimate governing body of AMPS and has power and control over AM Inc., its property, assets, members and subordinate affiliates.
6. Plaintiff Fernando Kumar's act in convening a meeting of the individual Plaintiffs to amend AM Inc.'s Bylaws was *ultra vires* because it occurred after October 30, 2005, the date on which Kumar was transferred from his post as Sectorial Secretary by the legitimate religious authority of AMPS.
7. The individual Plaintiffs' act in purporting to amend AM Inc.'s Bylaws was not approved by AMPS Central and was therefore *ultra vires*.

8. AM Inc. and its subordinate affiliates have held and do hold their respective assets and real and personal property for the benefit and subject to the authority of AMPS Central, the global parent organization.

9. The Plaintiffs' claims are barred by the doctrine of unclean hands.

10. The scope of the Court's subject matter jurisdiction and the judicial methodologies available to the Court for adjudicating some issues that will arise under this dispute are limited by the First Amendment.

11. The Plaintiffs' claims are barred by the principles of judicial estoppel.

12. The Plaintiffs' claims are barred by the principles of equitable estoppel.

13. The Plaintiffs' claims are barred by the principle of unconscionability.

14. Intervenor intends to rely upon any further defense learned during the course of discovery or trial of this matter.

**WHEREFORE**, Intervenor respectfully requests that this Court:

1. Enter judgment in favor of Defendants and Intervenor and against Plaintiffs on all counts;

2. Award Intervenor its costs in this action, including but not limited to reasonable attorney's fees; and

3. Grant such other and further relief as this Court deems just and proper.

**COUNTERCLAIMS OF INTERVENOR  
FOR DECLARATORY AND INJUNCTIVE RELIEF**

COMES NOW, Intervenor Ananda Marga Pracaraka Samgha, by counsel, and for its counterclaims against the individual Plaintiffs state the following.

**Introduction**

1. Intervenor Ananda Marga Pracaraka Samgha (“AMPS,” “AMPS Central,” or “Intervenor”) is the religious organization that was founded in India in 1955 by Reverend Guru Prabhat Ranjan Sarkar, who is also referred to by his Sanskrit name of Shrii Shrii Anandamurti (the “Guru”).
2. The Guru’s religious, social, and philosophical teachings are the basis for the religion or religious mission known as “Ananda Marga,” a Sanskrit term that is translated as “the path of bliss.” AMPS’s goals are universalism, self-realization and service to humanity. The Guru founded AMPS as the society through which his teachings would be lived out and propagated.
3. The Guru registered AMPS in India so that the society would have a corporate existence and be able to interface with and receive the protections of the laws and structure of the wider society in which it was formed. AMPS is, however, first and foremost a religious society.
4. Since 1955, AMPS has grown beyond India and become an international organization, with follower members located in many countries around the world. AMPS is organized globally into nine sectors, and these sectors are each in turn divided into regions, dioceses, and increasingly smaller units. The secretary (or head) of each of these units is a religious monk or nun who is appointed by the General Secretary of AMPS, a leader in the global headquarters office in India. AMPS’s global headquarters is referred to as “AMPS Central,” and the position of General Secretary is one of the highest authorities within AMPS Central.
5. According to AMPS’s structure as created by the Guru himself and written in the Constitution of AMPS, the General Secretary has many powers, including but not limited to the power to appoint or transfer secretaries of all levels within AMPS.
6. The sector of AMPS that encompasses the United States is known as the New York Sector. The New York Sector’s headquarters is referred to within AMPS as the New York Sectorial Office, which established a corporate existence as Ananda Marga, Inc. (“AM Inc.”), a nonprofit Colorado corporation and purported Plaintiff. Each sector is led by a Sectorial Secretary, who is appointed and can be transferred or removed by the General Secretary of AMPS, subject to the approval of the President of AMPS.

7. The present dispute arose when the individually named Plaintiffs, counterclaim defendants herein (herein referred to collectively as the "Plaintiffs" or "Former Board") unlawfully sought to incite an insurrection against AMPS by, among other things, (1) ignoring an order from the AMPS General Secretary removing Plaintiff Fernando Kumar (a.k.a. Tiirthananda) as the Sectorial Secretary of the New York Sector, (2) purporting to make resolutions and amend the bylaws of AM Inc. so as to institutionalize the Former Board's disregard for the AMPS Central's authority, (3) refusing to acknowledge the new Sectorial Secretary of the New York Sector as appointed by the General Secretary of AMPS, and (4) continuing to act as and hold themselves out to be the rightful Board of Directors of AM Inc.

### Jurisdiction and Venue

8. This action is brought pursuant to Rules 57 and 65 of the Colorado Rules of Civil Procedure and the Uniform Declaratory Judgments Act, for declaratory and injunctive relief to determine and enforce the rights of the Defendants pursuant to the First Amendment of the Constitution of the United States.

9. This Court has personal jurisdiction over each of the individual Plaintiffs because they have willingly subjected themselves to the jurisdiction of this Court by purposely and willfully availing themselves of this Court in filing the original action.

10. This Court further has jurisdiction over the parties and subject matter of this litigation consistent with First Amendment limitations as articulated in *The Bishop and Diocese of Colorado v. Mote*, 716 P.2d 85 (Colo. 1986); *Levitt v. Calvary Temple of Denver*, 33 P.3d 1227 (Colo. App. 2001); *Watson v. Jones*, 80 U.S. (13 Wall.) 679 (1871); *Serbian Eastern Orthodox Diocese for the United States of America and Canada v. Miliojevich*, 426 U.S. 696 (1976); *Jones v. Wolf*, 443 U.S. 595 (1979); and *Kedroff v. St. Nicholas Cathedral of the Russian Orthodox Church in North America*, 244 U.S. 94 (1952).

11. Venue is proper in the City and County of Denver pursuant to Rules 98(a) and (c) of the Colorado Rules of Civil Procedure.

### The Parties

12. Intervenor Ananda Marga Pracaraka Samgha is a religious organization that is organized and registered under the laws of India.

13. Defendant Acharya Vimalananda Avadhuta ("Vimalananda") is the rightfully appointed Sectorial Secretary and President of AM Inc., a Colorado nonprofit corporation with offices at 854 Pearl Street, City and County of Denver, Colorado, 80203.

14. Defendant Clark E. Forden is the rightfully appointed corporate secretary of AM Inc.

15. Defendant Dipendra Kumar Singh (a.k.a. Acarya Dharmapremananda Avadhuta) is the rightfully appointed Vice President of AM Inc.

16. Defendant Dirk Duill (a.k.a. Acarya Divyalokeshananda Avadhuta) is the rightfully appointed Treasurer of AM Inc.

17. Defendant Shyam Sunkar Kaushesh is a rightfully appointed member of the Board of Directors of AM Inc.

18. Defendant Piyush Bhatnagar is a rightfully appointed member of the Board of Directors of AM Inc.

19. Plaintiff Fernando Kumar (a.k.a. Acarya Tirthananda Avadhuta) (“Tirthananda”) wrongfully purports to be a current director and/or officer of AM Inc. and is currently wrongfully asserting and exercising control over the corporate affairs and property of AM Inc. in contravention of the authority of AMPS and the rightfully appointed officers and Directors of AM Inc.

20. Plaintiff Donald W. Nelson (a.k.a. Acarya Vedaprajananda Avadhuta) wrongfully purports to be a current director and/or officer of AM Inc. and is currently wrongfully asserting and exercising control over the corporate affairs and property of AM Inc. in contravention of the authority of AMPS and the rightfully appointed officers and Directors of AM Inc.

21. Plaintiff Rubens C. Texeira (a.k.a. Acarya Rainjitananda Avadhuta) wrongfully purports to be a current director and/or officer of AM Inc. and is currently wrongfully asserting and exercising control over the corporate affairs and property of AM Inc. in contravention of the authority of AMPS and the rightfully appointed officers and Directors of AM Inc.

22. Plaintiff Prabha Thakur (a.k.a. Avadhutika Ananda Vibha Acarya) wrongfully purports to be a current director and/or officer of AM Inc. and is currently wrongfully asserting and exercising control over the corporate affairs and property of AM Inc. in contravention of the authority of AMPS and the rightfully appointed officers and Directors of AM Inc.

23. Plaintiff Jody Wright (a.k.a. Acarya Devanistha) wrongfully purports to be a current director and/or officer of AM Inc. and is currently wrongfully asserting and exercising control over the corporate affairs and property of AM Inc. in contravention of the authority of AMPS and the rightfully appointed officers and Directors of AM Inc.

24. Plaintiff William C. Dorf (a.k.a. Valmiki) wrongfully purports to be a current director and/or officer of AM Inc. and is currently wrongfully asserting and exercising control over the corporate affairs and property of AM Inc. in contravention of the authority of AMPS and the rightfully appointed officers and Directors of AM Inc.

25. Plaintiff L. Michael Hemmelgarn (a.k.a. Vinaya) wrongfully purports to be a current director and/or officer of AM Inc. and is currently wrongfully asserting and exercising control over the corporate affairs and property of AM Inc. in contravention of the authority of AMPS and the rightfully appointed officers and Directors of AM Inc.

26. Plaintiff Wayland Secrest (a.k.a. Vishvadeva) wrongfully purports to be a current director and/or officer of AM Inc. and is currently wrongfully asserting and exercising control over the corporate affairs and property of AM Inc. in contravention of the authority of AMPS and the rightfully appointed officers and Directors of AM Inc.

### General Allegations

27. Intervenor hereby incorporates all the allegations from previous paragraphs as if fully set forth herein.

28. In 1955, the Guru founded the organization in India called Ananda Marga Pracaraka Samgha ("AMPS"), which translated into English means "the organization for the propagation of the path of bliss." AMPS is an international religious organization built upon the spiritual philosophies of universalism and self-realization and the social philosophy of service to humanity.

29. The Guru initially registered and incorporated AMPS in the state of Bihar, India in 1955 under the Bihar Societies Registration Act, XXI of 1860. The Guru subsequently registered and incorporated AMPS in West Bengal, India under the West Bengal Societies Registration Act in 1964.

30. From its founding, AMPS is and has been a religious society with established governing structures that are implemented internationally from headquarters to the smallest village.

31. Although AMPS's governing structures and hierarchy can be described as being divided into different categories (religious, organizational and global), all of the structures work together to create a unified international religious organization dedicated to the mission and vision of Ananda Marga.

### Religious Hierarchy and Structure

32. AMPS has a hierarchy of religious authority in which persons who have successfully attained certain levels of spiritual discipline are given religious titles to signify their greater religious or spiritual authority within AMPS.

33. The highest religious title in AMPS is that of *purodha*. A *purodha* is one who has attained skill in consistently performing particularly advanced kinds of yoga meditation and who has been properly certified through a specific training program established by the Guru. A

*margii*, or general member, can become a *purodha* only after having attained the lower religious titles and by submitting to examination to be certified by a Central board of *purodhas*.

34. *Ananda Marga Caryacarya* (“*Caryacarya*”), which is AMPS’s social treatise and one of its scriptures, directs that “[a]s far as possible, only *purodhas* will be elected or nominated for any responsible post of the Marga [society].”

35. Because of the weight of religious authority given to *purodhas*, the Central *Purodha* Board (“*Purodha* Board”) is the highest religious body in AMPS. *Caryacarya* commands that “[e]ach and every Ananda Margi must obey the decision of the *Purodha* Board without any argument.”

36. The *purodhas* elect one *purodha* among themselves to serve as the head *purodha*, known as the *Purodha Pramukha*, a position that is held for life. The *Purodha Pramukha* is the chairperson of the *Purodha Board*.

37. The position of *Purodha Pramukha* is the highest authority in AMPS. Pursuant to *Caryacarya*, “The decision of the *purodha pramukha* will be considered correct and final. No one can alter the decision of the *purodha pramukha*. But if he considers it necessary, the *purodha pramukha* can change his previous decision.”

38. The next level of religious authority below *purodha* is that of *avadhuta* (monk) or *avadhutika* (nun). Because these monks and nuns devote the totality of their lives to the work of AMPS, they take on the disciplines of poverty and celibacy. They also take stricter vows of conduct and of obedience to AMPS and its leaders. As stated in *Caryacarya*, “The *avadhuta/ikas* will obey the *purodha pramukha*.”

39. The remaining levels of religious authority are those of *acarya* and *tattvika*, in descending order. Each of these levels requires the achievement of particular levels of meditation and other marks of spiritual discipline and progress.

40. Most titles of religious authority may be attained by married persons as well as unmarried persons, but only those unmarried individuals who have dedicated their whole lives to service of god and humanity (known within AMPS as “*Sanyassin*,” a term meaning “renouncer” that is often used to refer to the Hindu mendicant order) may become *avadhutas* and *avadhutikas*. Only *Sanyassin* are eligible to serve in positions of higher structural authority within AMPS.

41. *Margiis* who seek to attain any of these titles must submit to a certification process that is overseen and administered by corresponding Central boards – e.g., the *Purodha* Board, *Avadhuta* Board, *Acarya* Board, and *Tattvika* Board.

42. These Boards also administer discipline to their respective members if they have violated the relevant codes of conduct. For example, a *margii* who has been certified as both a

*tattvika* and an *acarya* can be disciplined by either or both of the relevant Boards. Because of the strict level of commitment and obedience required of *avadhutas*, the Central *Avadhuta* Board is always involved in the disciplining of *avadhutas*. For egregious and/or repeated violations of codes of conduct, the Boards may revoke these religious certifications.

43. The actions and decisions of these various boards are subject to the approval of the *Purodha Pramukha*.

#### Organizational Hierarchy and Structure

44. In addition to religious bodies to tend to the spiritual health of its members and of the organization, AMPS also has policy-making bodies and bodies who oversee and execute the policies and social programs of AMPS.

45. The highest policy-making body in AMPS is the Central Committee, which is made up of *purodhas* elected from among their *purodha* peers to serve in this capacity. Central Committee members serve for five-year terms.

46. Defendant Dirk Duill, whose Sanskrit name is Divyalokeshanada, is currently serving as a member of the Central Committee.

47. Plaintiff Rubens C. Texeira, whose Sanskrit name is Rainjitananda, has in the past served as a member of the Central Committee. Plaintiffs Donald W. Nelson and Prabha Thakur have served on the Central Committee in the past as well.

48. The *Purodha Pramukha* is the *ex-officio* President of the Central Committee, though he may choose to delegate the position of President to another individual. Resolutions made by the Central Committee or Central Executive Committee require the approval of the President, or the *Purodha Pramukha* in his capacity as President.

49. The next highest position in the Central Committee is the General Secretary, who is appointed by the *Purodha Pramukha* to manage the day-to-day affairs of the Central Committee.

50. Pursuant to the Constitution of AMPS, the General Secretary convenes meetings of the Central Committee, oversees the finances of AMPS in conjunction with the Finance Secretary, issues notices to the members and organizational units of AMPS, can incur debt on behalf of AMPS, and can bring and defend lawsuits on behalf of AMPS, its members, or its officers or employers.

51. AMPS's Constitution also gives to the General Secretary "the power to appoint different level Secretaries/Branch Secretaries/Assistant Secretaries/members, or agents and employees, and to transfer any of them according to law and these regulations for proper administration of the affairs of the Society." That same section gives the General Secretary the

power to “suspend, discharge or remove any member and Branch Secretary, different level Secretaries/ Officers/Agents/Employees for violation of the code of conduct, directions or orders.”

52. The General Secretary communicates his appointments and transfers through many means, including through posting orders and office orders.

53. All actions and decisions of the General Secretary are subject to the ultimate approval of the President, or the *Purodha Pramukha* in his capacity as President of the Central Committee.

54. AMPS’s organizational structure also includes various departments through which AMPS carries out its policies and executes its programs. Such program departments include women’s welfare, education, humanitarian relief, publications, education, training, and public relations. These departments exist at the headquarters-level as well as at the level of many of the geographic subdivisions. The secretaries or heads of the headquarters-level departments make up the Central Executive Committee, a cabinet-like body that is a subset of the Central Committee and that is headed by the General Secretary of AMPS. Resolutions of the Central Executive Committee are subject to the approval of the President, or the *Purodha Pramukha* in his capacity as President.

55. AMPS members use the term “AMPS Central” to refer collectively to the various headquarters-level religious and organizational authorities – the Central *Purodha*, *Avadhuta*, *Acarya*, and *Tattvika* Boards, the Central Committee, the Central Executive Committee, the headquarters-level department officers, the General Secretary, the President, and the *Purodha Pramukha*.

#### Global Hierarchy and Structure

56. Because AMPS is an international organization, it has a global structure that divides the organization into nine geographic sectors for administrative purposes, with AMPS Central as the global headquarters.

57. Each Sector has an organizational structure that mirrors that of the Central structure.

58. The Sector is led by a Sectorial Secretary, a *purodha* or *avadhuta*, who is appointed by the General Secretary, subject to the approval of the President/*Purodha Pramukha*. The Sectorial Secretary of a sector manages the day-to-day affairs of the sector and oversees the various program departments. The Sectorial Secretary is the representative of AMPS Central to the sector and is the representative of the sector to AMPS Central.

59. Pursuant to the AMPS Constitution, Sectorial Secretaries are appointed by the General Secretary of AMPS and may be transferred or removed by the General Secretary of AMPS, subject to the approval of the President/*Purodha Pramukha*.

60. A person who serves as Sectorial Secretary must have at least attained to the level of *avadhuta* or *avadhutika* (monk or nun). Where possible, the Sectorial Secretary should also be a *purodha*. A Sectorial Secretary who ceases to be an *avadhuta* is disqualified from continuing to serve as Sectorial Secretary.

61. Each Sector also has a Sectorial Executive Committee, which like the Central Executive Committee consists of the secretaries or heads of the various program departments at the sectorial level. These sectorial departments correspond to the headquarters-level departments in AMPS Central. The Sectorial Secretary is the chair of the Sectorial Executive Committee and an *ex-officio* member of each sectorial department. The department secretaries at the sectorial level answer to both the Sectorial Secretary as well as the secretary of the corresponding Central level department.

62. Each sector is further divided into regions, which are in turn subdivided into dioceses. Each of these units also has a governing structure similar to that of the Sectorial level. They are led by *avadhutas* who are chosen to be secretaries in the same manner as the Sectorial Secretary – appointed by the General Secretary subject to the approval of the President/*Purodha Pramukha*. They also have executive committees to manage the efforts of the various AMPS departments at the regional and diocesan level.

63. A Diocese Secretary reports directly to the Regional Secretary, who in turn reports to the Sectorial Secretary. The Sectorial Secretary answers directly to the General Secretary of AMPS.

64. Dioceses are subdivided into *bhuktis* (also called districts), *upabhuktis* (or subdistricts), and smaller units in some instances, with the village as the smallest unit. The leaders of these smaller units are general *margiis*, chosen by peers through a hybrid process of election and appointment. The elected leader is then presented to the Regional Secretary for approval and, if approved, leads under the supervision of the Diocese, Regional, and Sectorial Secretaries.

#### AMPS Internationally

65. While the Guru was alive, he was the *Purodha Pramukha* and President of AMPS.

66. AMPS began in India, and as its programs and following grew, the Guru began assigning individuals to establish chapters of AMPS in other countries around the world. As the Guru felt was best for the international organization, he posted individuals in different sectorial,

regional and departmental offices around the world and transferred some individuals from one country, sector or department to another.

67. After the Guru's death, AMPS and the General Secretary continued the practice of transferring and posting individuals to different positions through posting orders as he determined was best for the international organization.

68. Plaintiffs Fernando Kumar, Prabha Thakur and Rubens Texeira, and Defendants Acharya Vimalananda Avadhuta, Dipendra Kumar Singh, and Dirk Duill were all posted to the New York Sector by Acarya Dhruvananda Avadhuta, the current General Secretary of AMPS ("General Secretary Dhruvananda").

69. As AMPS grew in India and internationally, the Guru established procedures to enable the organization to maintain unity of purpose, vision and operation.

70. Among these procedures, the Guru required sectorial and departmental secretaries to report regularly to AMPS Central on the affairs and business of AMPS's sectors and units and to submit various decisions and/or resolutions to AMPS Central for approval.

71. Under the Guru's established procedures, matters that are to be submitted to AMPS Central by the sector for approval from Central include, without limitation, the purchase and/or sale of real property; the construction of new properties or the renovation of existing properties; the management of sectorial assets; the establishment and registration of corporate entities; matters of personnel and staffing; the application for certification of members in the religious titles of *tattvika*, *acarya*, *avadhuta*, or *purodha*; the disciplining of members; proposed tour programs (travel) for AMPS "Wholetimers" (as *Sanyassin* are sometimes called); the establishment and management of Ananda Marga schools or trades; and legal matters concerning the sector, including immigration, registration of trademarks, and compliance with copyright.

72. Decisions of AMPS Central on these matters are communicated to the sectors by several methods, including procedural orders, office orders, posting orders, and resolutions of the Central Committee and Central Executive Committee. Each Sectorial Office is obligated to maintain copies of these orders in its files.

73. In its December 1996 session, the Central Committee passed a resolution and issued a procedural order regarding the registration of AMPS units in countries outside of India (the "1996 Resolution"). The 1996 Resolution required that "any society or trust existing or formed in future must submit all amendments, change of office bearers and change of by-laws to the Sectorial Office for approval by the General Secretary."

74. That same 1996 Resolution and procedural order required that "[a]ll lands and fixed assets of all trusts and societies must be registered in the name of the General Secretary, AMPS or of a person appointed by the General Secretary. The trust or society must enter into a

lease agreement with the General Secretary for use of such properties and assets whenever possible.”

75. The 1996 Resolution was communicated to all sectors, including but not limited to the New York Sector.

76. A true and accurate copy of the 1996 Resolution is attached hereto as Exhibit 1.

#### Disputes Regarding AMPS in India

77. Although AMPS’s registered headquarters is in the township of Ananda Nagar in the state of West Bengal, India, AMPS Central’s administrative offices (the “Central Office”) had been located in Kolkata, West Bengal (“Calcutta”).

78. After the Guru’s death in 1990, the different ethnic groups within AMPS in India disagreed over the location of the AMPS Central Office and over the governance and control of AMPS. These tensions culminated in 2002 when AMPS Central moved the Central Office from Calcutta to its registered headquarters in Ananda Nagar.

79. Those who objected to this move expressed their dissatisfaction by remaining behind in Calcutta, purporting to declare a new governing body of AMPS. These individuals are referred to collectively herein as the “Calcutta Dissidents.”

80. Following an attack on the headquarters at Ananda Nagar, AMPS Central thereafter moved the Central Office to Ranchi as a safety measure, and the Central Office is still currently located in Ranchi.

81. In 2003 after conducting an internal judicial inquiry, the *Purodha Pramukha*, at the recommendation of the *Purodha* Board, expelled from AMPS those *purodhas* belonging to or sympathetic with the Calcutta Dissidents, and General Secretary Dhruvananda expelled any non-*purodha* members with similar sympathies.

82. Since 2003, the Calcutta Dissidents have raised multiple legal challenges to the authority of AMPS Central and particularly of General Secretary Dhruvananda.

83. Every court in India that has ruled upon any action involving legal challenges to the authority of the Central Office and General Secretary Dhruvananda has recognized the Central Office in Ranchi as the existing AMPS governing body, has recognized Dhruvananda as the General Secretary of AMPS, and has ordered that the Central Office and General Secretary Dhruvananda remain in control of AMPS.

### **First Litigation – Title Suit 305/2003**

84. In 2003, the Calcutta Dissidents filed civil suit T.S. 305/2003 in the court of the Civil Judge (Senior Division) in the district of Purulia, West Bengal, Republic of India, a trial court with original jurisdiction over matters of equity, among other things (the “Trial Court”). The Calcutta Dissidents sought three things: (1) a declaration that the Calcutta Dissidents’ leaders are the governing body of AMPS, (2) a temporary and permanent injunction ordering General Secretary Dhruvananda and other officers of the Central Office to cease from continuing to act as AMPS Central, and (3) a court order directing General Secretary Dhruvananda and the Central Office leaders to hand over the control of AMPS to the Calcutta Dissidents.

85. The Trial Court denied the petition for temporary injunction on March 18, 2006 and ruled that the Central Office should continue to act as AMPS Central while the remaining claims were pending. The Calcutta Dissidents appealed that decision.

86. On July 19, 2006 the Additional District Judge, 2<sup>nd</sup> court, Purulia, the court with intermediate appellate jurisdiction over such matters (the “Intermediate Appellate Court”), affirmed the Trial Court’s ruling on different grounds, stating that “the existing Governing Body will remain as it is and they will function as functioning now,” until final resolution of the Calcutta Dissidents’ remaining claims. The Intermediate Appellate Court also placed some additional requirements upon General Secretary Dhruvananda and the Central Office, which the Central Office appealed.

87. On appeal, the Calcutta High Court, the highest court in the state of West Bengal (the “High Court”), affirmed the Trial Court’s and Intermediate Appellate Court’s rulings denying the temporary injunction and ordered that “the present governing body of the Samgha [society] shall continue to function.” However, the High Court stayed the additional requirements imposed by the Intermediate Appellate Court. The High Court issued its order on September 25, 2006.

88. The remaining issues in T.S. 305/2003 are still pending with the Trial Court.

### **Second Litigation – Title Suit 359/2003**

89. In 2003, the Calcutta Dissidents also filed civil suit T.S. 359/2003 in the Trial Court, seeking that General Secretary Dhruvananda and the Central Office leaders be temporarily enjoined from continuing to act as AMPS Central and that General Secretary Dhruvananda and the Central Office be enjoined from giving effect to the orders expelling the Calcutta Dissidents.

90. The Trial Court denied the petition for temporary injunction on June 14, 2005, and the Calcutta Dissidents appealed.

91. The Intermediate Appellate Court set aside the Trial Court's ruling in part on December 24, 2007. It ordered that the expulsion orders should not be given effect, but nonetheless stated that "it would not be prudent to restrain [AMPS Central] from continuing in the office." The Intermediate Appellate Court affirmed that "the present governing body will remain in management" of AMPS.

92. The remaining issues in T.S. 359/2003 are still pending with the Trial Court.

### **Third Litigation – Ananda Marga Primary School**

93. In 2008, an *avadhutika* (nun) who had been posted by General Secretary Dhruvananda in 2003 to be the principal of the Ananda Marga Primary School and who was subsequently replaced in 2007 by General Secretary Dhruvananda filed civil suit T.S. 90/2008 in the Trial Court. She sought a declaration that General Secretary Dhruvananda is not the General Secretary of AMPS and asked the Trial Court to temporarily and permanently enjoin General Secretary Dhruvananda from giving effect to his posting order replacing her as principal.

94. In considering the temporary injunction, the Trial Court reviewed the history of litigation by the Calcutta Dissidents against General Secretary Dhruvananda and the Central Office and denied her petition on July 1, 2008.

95. The Trial Court found that "on the strength of the orders of the Ld. [Learned] Appellate Court as well as the Hon'ble [Honorable] High Court, the function of [Dhruvananda] as the General Secretary of the said Samgha cannot be challenged." The Trial Court further found that under the AMPS Constitution, General Secretary Dhruvananda "has every right and status to pass any transfer or posting order at any time to the plaintiff."

### **Fourth Litigation – Title Suit 152/2008**

96. Also in 2008, some dissidents filed civil suit T.S. 152/2008 Trial Court seeking a declaratory judgment that the then-elected *Purodha Pramukha* and President of AMPS was not rightfully elected. The dissidents asked the Trial Court to temporarily and permanently enjoin the then-elected President and *Purodha Pramukha* from holding himself out as such. The Trial Court agreed that the dissidents had some valid objections to the election and temporarily enjoined the person functioning as President and *Purodha Pramukha* from doing so until the suit could be fully resolved.

97. In the same order, the Trial Court ruled that to "avoid[] the deadlock in the administration of Ananda Marga and Ananda Marga Pracaraka Samgha, the General Secretary of the samgha [society] shall act as *purodha pramukha* till the disposal of the instant suit provided."

98. The Trial Court issued this order on December 6, 2008. General Secretary Dhruvananda was General Secretary at the time of the Trial Court's ruling.

99. AMPS Central appealed the temporary injunction, and on August 30, 2010, the Intermediate Appellate Court granted AMPS Central's appeal and set aside the temporary injunction, allowing the *Purodha Pramukha* to resume functioning as such.

100. The remaining issues in T.S. 152/2008 are still pending with the Trial Court.

#### AMPS in the United States – Immigration Matters

101. In 1970, the New York Sector of AMPS was duly incorporated in Kansas as the Ananda Marga Yoga Society of Kansas, Inc. ("AMYS"), the predecessor to AM Inc.

102. From the time of its original incorporation, AMYS recognized AMPS as its parent organization.

103. AMYS was a parent organization to other AMPS-related organizations in the United States.

104. Because AMPS's General Secretary may assign *margiis* from other countries to various posts in the United States, AM Inc., or its predecessor AMYS, has regularly sought immigration visas for these individuals.

105. Upon information and belief, in these visa applications and their accompanying documentation, AM Inc., or its predecessor AMYS, has repeatedly represented to the United States immigration authority that these individuals are assigned to the New York Sector by the General Secretary and/or AMPS Central.

106. On October 11, 1972, the United States Immigration and Naturalization Service ("INS") recognized the Ananda Marga Yoga Society of Kansas, Inc. as a religious organization and, under section 203(a)(3) of the Immigration and Nationality Act, granted clergy status to the person then appointed by the General Secretary to be the Sectorial Secretary of the New York Sector.

107. In this 1972 ruling, the INS regional commissioner found based on the record before him that "the Acting General Secretary of the Ananda Marga Pracaraka Samgha in India appointed the beneficiary as a religious minister attached to the Ananda Marga Yoga Society in North America, which is a branch of Ananda Marga Pracaraka Samgha (Central)."

108. In 2005, General Secretary Dhruvananda posted Mr. Jitendra Kumar to the New York Sector and assigned him to a position in the United States. Pursuant to this posting, AM Inc. then submitted an R-1 Visa Petition for Mr. Kumar.

109. On June 2, 2005, AM Inc. submitted to the visa office of the United States Consulate in Calcutta, India ("Calcutta Visa Office") a letter to accompany the R-1 Visa Petition for Mr. Jitendra Kumar, with an attached copy of an April 1, 2005, letter from General Secretary

Dhruvananda identifying Mr. Kumar as a bonafide religious minister of AMPS. True and accurate copies of the June 2, 2005 letter to the Calcutta Visa Office and April 1, 2005 letter from General Secretary Dhruvananda are attached as Exhibit 2.

110. This June 2, 2005 letter states that AMPS's "Central authorities have assigned Mr. Kumar to North America for the next 5 years" and requests an R-1 multiple entry visa for Mr. Kumar.

111. This June 2, 2005 letter was signed by Plaintiff Texeira.

112. In or around December 2002, General Secretary Dhruvananda posted Mr. Ramanand Singh to the New York Sector and assigned him to a position in the United States. Pursuant to this posting, AM Inc. then submitted an R-1 Visa Petition for Mr. Ramanand Singh. Upon information and belief, AM Inc. attached to the application a copy of a letter from General Secretary Dhruvananda identifying Mr. Ramanand Singh as a bonafide religious minister of AMPS.

113. On July 7, 2005, AM Inc. submitted to the visa office of the United States Consulate in Calcutta, India ("Calcutta Visa Office") a letter to accompany the R-1 Visa Petition for Mr. Ramanand Singh.

114. This July 7, 2005 letter states that AMPS's "Central authorities recently extended the assignment of Mr. Singh to North America for 5 years" and requests an R-1 multiple entry visa for Mr. Singh.

115. This July 7, 2005 letter was signed by Plaintiff Texeira.

116. Upon information and belief, these R-1 visa applications were granted by the U.S. Immigration authorities.

#### AMPS in the United States: AM Inc. Bylaws

117. Upon information and belief, AM Inc.'s Directors certified and adopted bylaws on March 30, 1974.

118. AM Inc.'s Directors amended its bylaws on July 21, 1982 (the "1982 Amended Bylaws").

119. The 1982 Amended Bylaws state that AM Inc. "is affiliated with 'Ananda Marga Pracaraka Samgha, Central,' the global parent organization."

120. Article 5 of the 1982 Amended Bylaws states that "[t]he Sectorial Secretary is appointed by the General Secretary of Ananda Marga Pracaraka Samgha, Central. The remaining officers shall be appointed by the Sectorial Secretary."

121. The 1982 Amended Bylaws also state that any amendments to the Bylaws must be approved by the Sectorial Secretary.

122. Upon information and belief, the original 1974 Bylaws articulated a similar process for the selection of the Sectorial Secretary of AM Inc. and for the approval of amending AM Inc.'s bylaws.

#### Insubordination by the Former Board

123. In or around 2003, General Secretary Dhruvananda appointed Plaintiff Tiirthananda as the Sectorial Secretary of the New York Sector of AMPS.

124. At the time, Tiirthananda had attained to the titles of *tattvika* and *acarya* and had taken the *avadhuta* monastic vows of obedience.

125. In his time as Sectorial Secretary of the New York Sector, Tiirthananda has taken numerous steps to separate the New York Sector from AMPS Central and the rest of the global organization. For example, at least as early as March 2005, Tiirthananda regularly failed to appear for worldwide meetings in the Central office that sectorial secretaries are required to attend. Tiirthananda also regularly failed to submit the required regular reports to AMPS Central.

126. On October 30, 2005, General Secretary Dhruvananda issued an order transferring Tiirthananda to another sector and replacing Tiirthananda with a new Sectorial Secretary for the New York Sector.

127. Despite the established governing structures of AMPS, Tiirthananda disregarded General Secretary Dhruvananda's transfer order and refused to vacate his post as New York Sectorial Secretary.

128. Upon information and belief, Tiirthananda led the members of the Former Board in purporting to amend AM Inc.'s bylaws so as to prevent the unilateral removal of the Sectorial Secretary by the General Secretary. The Former Board purports to have adopted these amended bylaws in January 2006.

129. The 2006 purported amended bylaws are invalid because the Former Board did not seek the approval of the General Secretary for the 2006 purported amended bylaws, as required by the 1996 Resolution.

130. Upon information and belief, all members of the Former Board were aware of General Secretary Dhruvananda's October 30, 2005 posting order transferring Tiirthananda when the Former Board purported to amend the bylaws in 2006.

131. The purported 2006 amended bylaws have no legal effect because Tiirthananda was removed as Sectorial Secretary on October 30, 2005. Therefore, all actions by Tiirthananda as purported Sectorial Secretary after October 30, 2005, including but not limited to the approval of the purported 2006 amended bylaws, were unauthorized.

132. All actions taken by the Former Board since October 30, 2005 have no legal effect.

#### The EC, AMCC, and Unity Movements

133. Tiirthananda and the Former Board do not purport to belong to the Calcutta Dissidents or to act under their direction.

134. Tiirthananda and the members of the Former Board, or some of them, belong to a movement that calls itself Effecting Change ("EC"). Tiirthananda at one point was the leader of the EC movement in the United States and the New York Sector.

135. Upon information and belief, the EC movement has been replaced by the Unity Movement (alternately referred to as the AMCC or the Third Front; referred to hereinafter as the "Unity Movement").

136. Upon information and belief, the EC and Unity movements have not elected or purported to elect their own Central Committee, General Secretary, or *Purodha Pramukha*.

137. Upon information and belief, Tiirthananda and the Former Board do not purport to acknowledge any person holding himself out as *Purodha Pramukha* or General Secretary or any body holding itself out as AMPS Central.

138. The EC and Unity Movements seek to incite an insurrection against General Secretary Dhruvananda, the *Purodha Pramukha*, and other leaders in AMPS Central.

#### Appointment of a New AM Inc. Board of Directors

139. On February 28, 2006 General Secretary Dhruvananda confirmed his October 30, 2005 posting order removing Tiirthananda as Sectorial Secretary of New York Sector. He appointed Defendant Vimalananda as the new Sectorial Secretary and directed Tiirthananda again to report to the Central Office in Ranchi to receive his next assignment.

140. After being appointed Sectorial Secretary of the New York Sector, Defendant Vimalananda wrote several letters to Tiirthananda asking him to hand over control of AM Inc. and the New York Sector. Tiirthananda ignored these requests.

141. Additionally, General Secretary Dhruvananda issued office orders requiring Tiirthananda to hand over control of AM Inc. to Defendant Vimalananda. Tiirthananda ignored these requests as well.

142. From 2007 through 2008, after learning of the purported amendments to AM Inc.'s bylaws, General Secretary Dhruvananda issued several letters and other communications to the Former Board members advising them that, consistent with the 1996 resolution and procedural order, "no change whatsoever can be made without approval and consent of the parent body of the Ananda Marga." General Secretary Dhruvananda informed them that such changes were "highly irregular, objectionable, illegal and unethical," and directed the Former Board "to revert the unauthorized changes without any further delay," and send copies of the old and new bylaws to AMPS Central.

143. AMPS Central also sent communications to Tiirthananda personally, informing him that his behavior was "a gross violation of GURU's mandate, irregular and unethical, and a serious offence that amounts to defiance of the code of conduct prescribed for [avadhutas]."

144. Tiirthananda and the Former Board effectively ignored each of these letters.

145. Faced with the Former Board's repeated insubordination, General Secretary Dhruvananda directed Defendant Vimalananda, the rightfully appointed Sectorial Secretary, to appoint a new Board of Directors of AM Inc. in a communication dated January 9, 2009.

146. Pursuant to Articles 5 and 6 of the 1982 Amended Bylaws, Defendant Vimalananda removed all members of the Former Board as Directors of AM Inc. and appointed all the Defendants and Steve Maniscalco as the Directors of AM Inc.

147. The Former Board refuses to hand over control of AM Inc. and its assets, including but not limited to membership lists, corporate records, bank accounts and the corporate offices, to the Defendants as the properly appointed Board of AM Inc.

148. Additionally, on June 9, 2009, General Secretary Dhruvananda posted Defendant Dirk Duill to the New York Sector in the position of Sectorial Office Secretary, a position that had been held by Plaintiff Texeira. The posting order from General Secretary Dhruvananda ordered Plaintiff Texeira (using his Sanskrit name of Rainjitananda) to return to AMPS Central for his next assignment.

149. Texeira has refused to comply with General Secretary Dhruvananda's transfer order.

#### The Former Board's Misrepresentations

150. Although the Former Board refuses to acknowledge the authority of General Secretary Dhruvananda and AMPS Central, since October 30, 2005 the Former Board has

continued to invoke AMPS Central's authority in making representations to U.S. immigration authorities, seeking immigration visas for *margis* who are sympathetic to the EC movement.

151. In January 12, 2007, the Former Board, purporting to act on behalf of AM Inc., submitted a letter to a U.S. immigration officer seeking to extend the R-1 Visa of Mr. Jitendra Kumar. A true and accurate copy of this letter is attached as Exhibit 3.

152. This letter is virtually identical in structure and substance to the June 2, 2005 letter in support of the R-1 Visa application for Mr. Kumar. Like that June 2, 2005 letter, the January 12, 2007 represents that AM Inc.'s "Central authorities have extended Mr. Kumar's assignment to North America for the next 3 years."

153. This January 12, 2007 letter is signed by Plaintiff Texeira.

154. Unlike the June 2, 2005 letter, there is not an accompanying letter from General Secretary Dhruvananda regarding Mr. Kumar's assignment to the New York Sector.

155. Mr. Kumar's assignment to the New York Sector was not extended for an additional three years by General Secretary Dhruvananda or anyone else in AMPS Central.

156. Upon information and belief, Mr. Kumar's assignment to the New York Sector was not extended for an additional three years by any individual that the Calcutta Dissidents purport to be General Secretary.

157. Upon information and belief, this R-1 visa application was approved.

158. On March 22, 2008, the Former Board, purporting to act on behalf of AM Inc., submitted a letter to the Calcutta Visa Office to accompany the R-1 Visa Petition for a Ms. Bishnupriya Panigrahy.

159. This March 22, 2008 letter is virtually identical in structure and substance to the June 2, 2005 letter and the July 7, 2005 letter. It states that Ms. Panigrahy was purportedly assigned by AM Inc.'s "Central authorities" to North America for five years and seeks an R-1 multiple entry visa for her.

160. This March 22, 2008 letter was signed by Plaintiff Texeira.

161. Ms. Panigrahy was not posted to the New York Sector by General Secretary Dhruvananda or AMPS Central.

162. Upon information and belief, Ms. Panigrahy was not posted to the New York Sector by any individual that the Calcutta Dissidents purport to be the General Secretary.

163. Upon information and belief, this R-1 visa application was approved.

164. Tiirthananda and the Former Board have continued to represent to other members of the New York Sector that they are the rightful Board of Directors of AM Inc. and to purport to issue notices on behalf of AM Inc.

#### AMPS Discipline of Plaintiffs Tiirthananda and Texeira

165. Plaintiff Tiirthananda's repeated insubordination and refusal to cooperate with AMPS Central violated AMPS's code of conduct. Therefore on February 26, 2010, AMPS Central removed Plaintiff Tiirthananda's certifications as *tattvika*, *acarya*, and *avadhuta*.

166. Plaintiff Texeira's repeated insubordination and refusal to cooperate with AMPS Central violated AMPS's code of conduct. Therefore on February 26, 2010, AMPS Central sent a letter to Plaintiff Texeira warning him that further disobedience would result in the removal of his religious certifications. On May 7, 2010, AMPS Central removed Texeira's certifications as *tattvika*, *acarya*, *avadhuta* and *purodha*.

167. Plaintiffs Tiirthananda and Texeira are now considered to be "ex-Wholetimers," without even the rights and privileges of general *margiis*. As ex-Wholetimers, they are not eligible to hold any titles of religious authority or positions of religious or organizational leadership in AMPS unless they repent, are re-accepted as general *margiis* by AMPS Central, and are recertified by each respective board in AMPS.

#### **FIRST COUNTERCLAIM Declaratory Relief Regarding Religious Office**

1. Intervenor AMPS hereby incorporates all the allegations from previous paragraphs as if fully set forth herein.

2. AMPS General Secretary Dhruvananda has twice acted in his recognized religious and legal authority to remove Plaintiff Tiirthananda from his post as Sectorial Secretary of the New York Sector on October 30, 2005, before the alleged amendment of Ananda Marga, Inc.'s bylaws. And on February 28, 2006, after Tiirthananda's repeated insubordination General Secretary Dhruvananda confirmed Tiirthananda's transfer.

3. General Secretary Dhruvananda appointed Defendant Vimalananda as Sectorial Secretary of the New York Sector and directed him to appoint new members of the Board of Directors of Ananda Marga, Inc.

4. Pursuant to General Secretary Dhruvananda's direction, Defendant Vimalananda removed the Plaintiff Former Board members on October 23, 2009 in accordance with the 1982 Amended Bylaws.

5. On October 23, 2009, with the approval of General Secretary Dhruvananda, Vimalananda appointed Defendants Clark E. Forden, Dipendra Kumar Singh (a.k.a. Acarya Dharmapremananda Avadhuta), Dirk Duill (a.k.a. Acarya Divyalokeshananda Avadhuta), Shyam Sundar Kaushesh, Piyush Bhatnagar, and Steve Maniscalco to be the members of the Board of Directors of Ananda Marga, Inc. Defendant Maniscalco has since resigned as a Director.

6. The Plaintiff Former Board members wrongfully claim to be the lawful Directors of Ananda Marga, Inc.

7. Plaintiff Tirthananda wrongfully claims to be, and have lawful authority to act as, the Sectorial Secretary of the New York Sector of Ananda Marga Pracaraka Samgha.

8. The rights, status and other legal relations of Intervenor AMPS and Ananda Marga, Inc. have been affected by the improper actions of Tirthananda and the members of the Former Board.

9. Pursuant to C.R.C.P. 57(a), the Court has “the power to declare rights, status and other legal relations whether or not further relief is or could be claimed.”

10. Pursuant to *Levitt v. Calvary Temple of Denver*, *Kedroff v. St. Nicholas Cathedral of the Russian Orthodox Church in North America*, and *Serbian Eastern Orthodox Diocese of America and Canada v. Miliojevich*, Intervenor AMPS, as the global parent of Ananda Marga, Inc., seeks a declaration that General Secretary Dhruvananda’s transfer order of Plaintiff Tirthananda is valid, that Defendant Vimalananda is the rightfully appointed Sectorial Secretary of the New York Sector of Ananda Marga Pracaraka Samgha pursuant to General Secretary Dhruvananda’s transfer order, and that all the Defendants are the rightfully appointed Board of Directors of Ananda Marga, Inc. pursuant to General Secretary Dhruvananda’s order to Vimalananda to appoint new Board members.

11. Pursuant to C.R.C.P. 57, the Intervenor, as the global parent organization of AM Inc., respectfully requests that this Court enter a Declaratory Judgment in its favor and against the Plaintiffs as described in paragraphs 1(a)-1(k) of the prayer for relief.

**SECOND COUNTERCLAIM**  
**Declaratory Relief Regarding Corporate Assets and Property**

12. Intervenor AMPS hereby incorporates all the allegations from previous paragraphs as if fully set forth herein.

13. Pursuant to AMPS General Secretary Dhruvananda’s direction, Defendant Vimalananda, as the duly appointed Sectorial Secretary of the New York Sector of Ananda Marga Pracaraka Samgha, has requested of Tirthananda and the other Plaintiff Former Board members to turn over possession and/or control of the assets, real property and personal property

of Ananda Marga, Inc. to the Defendants, as the duly appointed Board of Directors of Ananda Marga, Inc.

14. The Plaintiff Former Board members have refused to hand over such possession and/or control.

15. The Plaintiff Former Board members have wrongfully retained possession and/or control over all the assets, real property, and personal property of Ananda Marga, Inc., including but not limited to membership lists, corporate records, bank accounts, and the corporate offices.

16. The rights, status or other legal relations of Intervenor AMPS and Ananda Marga, Inc. have been affected by the improper actions of the Plaintiff Former Board members.

17. Pursuant to C.R.C.P. 57(a), the Court has “the power to declare rights, status and other legal relations whether or not further relief is or could be claimed.”

18. Under the neutral principles approach recognized in *Bishop and Diocese of Colorado v. Mote*, Intervenor AMPS, as the global parent of Ananda Marga Inc., seeks a declaration that General Secretary Dhruvananda’s order appointing Defendant Vimlananda as the Sectorial Secretary of Ananda Marga, Inc. and Vimalananda’s appointment of new Board members pursuant to General Secretary Dhruvananda’s direction gives Defendants the legal right to the possession, use and control of the assets, real property, and personal property of Ananda Marga, Inc.

19. Pursuant to C.R.C.P. 57, Intervenor AMPS respectfully requests that this Court enter an order denying the Plaintiffs’ prayer for declaratory relief and enter a Declaratory Judgment in Intervenor’s favor as described in paragraph 1(k) of the prayer for relief.

### **THIRD COUNTERCLAIM** **Injunctive Relief – Plaintiff Tirthananda**

20. Intervenor hereby incorporates all the allegations from previous paragraphs as if fully set forth herein.

21. General Secretary Dhruvananda, and Defendant Vimalananda pursuant to General Secretary Dhruvananda’s direction, has requested that Plaintiff Tirthananda hand over control of Ananda Marga, Inc. to Defendant Vimalananda, the duly appointed Sectorial Secretary of the New York Sector of Ananda Marga Pracaraka Samgha.

22. Plaintiff Tirthananda has refused General Secretary Dhruvananda’s and Defendant Vimalananda’s request and continues to hold himself out as the duly appointed Sectorial Secretary of the New York Sector of Ananda Marga Pracaraka Samgha.

23. Tiirthananda is illegally exercising or attempting to exercise authority over Ananda Marga, Inc., its assets and property, its subordinate affiliates and members within the New York Sector, the assets and property of Ananda Marga, Inc.'s subordinate affiliates, and its Board.

24. In so doing, Tiirthananda is causing serious and irreparable injury to AMPS, to Ananda Marga, Inc. and to the Defendants, who are the duly appointed Board of Directors of Ananda Marga, Inc. and, unless enjoined, will continue to do so.

25. Because this injury involves the control and direction of a religious organization, it cannot be adequately compensated by money damages, and Intervenor does not have an adequate remedy at law.

26. Pursuant to C.R.C.P. 65, this Court has the power to issue injunctions where there is no adequate remedy at law.

27. Intervenor AMPS seeks an order enjoining Tiirthananda from holding himself out as the Sectorial Secretary of the New York Sector of Ananda Marga Pracaraka Samgha; from exercising or attempting to exercise control over Ananda Marga, Inc. and its assets, members, subordinate affiliates, and Board; and requiring him to surrender possession and control of Ananda Marga, Inc. to Defendant Vimalananda as the Sectorial Secretary of the New York Sector of Ananda Marga Pracaraka Samgha appointed by General Secretary Dhruvananda.

28. Pursuant to C.R.C.P. 65, Intervenor AMPS respectfully requests that this Court enter an order denying the Plaintiffs' prayer for injunctive relief and granting Intervenor's prayer for injunctive relief as indicated in paragraphs 2(a)-2(c) of the prayer for relief.

#### **FOURTH COUNTERCLAIM** **Injunctive Relief – the Individual Plaintiffs**

29. Intervenor AMPS hereby incorporates all the allegations from previous paragraphs as if fully set forth herein.

30. Pursuant to General Secretary Dhruvananda's direction, Defendant Vimalananda, as the duly appointed Sectorial Secretary of the New York Sector of Ananda Marga Pracarka Samgha, has requested that the Plaintiff Former Board members hand over possession and control of Ananda Marga, Inc., its assets and property, its subordinate affiliates, and the assets and property of its subordinate affiliates.

31. The Plaintiff Former Board members have refused Defendant Vimalananda's request and continue to hold themselves out as the duly appointed Directors of Ananda Marga, Inc.

32. The Plaintiff Former Board members are illegally exercising authority and control over Ananda Marga, Inc., its assets and property, its subordinate affiliates and members within the New York Sector, and the assets and property of Ananda Marga, Inc.'s subordinate affiliates.

33. In so doing, the Plaintiff Former Board members are causing serious and irreparable injury to Intervenor AMPS, to Ananda Marga, Inc., and to the Defendants, who are the duly appointed Board of Directors of Ananda Marga, Inc. and, unless enjoined, will continue to do so.

34. Because this injury involves the control and direction of a religious organization, it cannot be adequately compensated by money damages, and Intervenor does not have an adequate remedy at law.

35. Pursuant to C.R.C.P. 65, this Court has the power to issue injunctions where there is no adequate remedy at law.

36. Intervenor seeks an order enjoining the Plaintiff Former Board from holding themselves out as the Board of Directors of Ananda Marga, Inc.; enjoining these Plaintiffs from exercising authority and control over Ananda Marga, Inc. and its assets, members and subordinate affiliates; and requiring these Plaintiffs to surrender control of Ananda Marga, Inc., to the Defendants as the duly appointed Board of Directors of Ananda Marga, Inc.

37. Pursuant to C.R.C.P. 65, Intervenor AMPS respectfully requests that this Court enter an order denying the Plaintiffs' prayer for injunctive relief and granting Intervenor's prayer for injunctive relief as indicated in paragraphs 2(d)-2(g) of the prayer for relief.

WHEREFORE, Intervenor AMPS respectfully requests that this Court:

1. Enter an order granting declaratory relief as follows:
  - (a) Ananda Marga Pracaraka Samgha is a hierarchical religious organization.
  - (b) Ananda Marga Pracaraka Samgha is the global parent organization of Ananda Marga, Inc.
  - (c) Acarya Dhruvananda Avadhuta is the General Secretary of Ananda Marga Pracaraka Samgha.
  - (d) Acarya Dhruvananda Avadhuta transferred Plaintiff Fernando Kumar (a.k.a. Tiirthananda) from his post as Sectorial Secretary of the New York Sector of Ananda Marga Pracaraka Samgha on October 30, 2005.

- (e) Any actions taken by Plaintiff Tirthananda as purported Sectorial Secretary of the New York Sector of Ananda Marga Pracaraka Samgha since October 30, 2005 are of no legal effect.
- (f) Defendant Acarya Vimalananda Avadhuta is the rightfully appointed Sectorial Secretary of the New York Sector of Ananda Marga Pracaraka Samgha.
- (g) Defendant Acarya Vimalananda Avadhuta removed Plaintiffs Fernando Kumar (a.k.a. Tirthananda), Donald W. Nelson (a.k.a. Acarya Vedaprajinananda Avadhuta), Rubens C. Texeira (a.k.a. Rainjitananda), Prabha Thakur (a.k.a. Avadhutika Ananda Vibha Acarya), Jody Wright (a.k.a. Acarya Devanistha), William C. Dorf (a.k.a. Valmiki), L. Michael Hemmelgarn (a.k.a. Vinaya), and Wayland Secrest (a.k.a. Vishvadeva) from their positions as members of the Board of Ananda Marga, Inc.
- (h) Defendants Acarya Vimalananda Avadhuta, Clark E. Forden, Dipendra Kumar Singh (a.k.a. Acarya Dharnapremananda Avadhuta), Dirk Duill (a.k.a. Acarya Divyalokeshananda Avadhuta), Shyam Sundar Kaushesh and Piyush Bhatnagar are the rightfully appointed Board of Directors of Ananda Marga, Inc.
- (i) Plaintiffs Fernando Kumar (a.k.a. Tirthananda), Donald W. Nelson (a.k.a. Acarya Vedaprajinananda Avadhuta), Rubens C. Texeira (a.k.a. Rainjitananda), Prabha Thakur (a.k.a. Avadhutika Ananda Vibha Acarya), Jody Wright (a.k.a. Acarya Devanistha), William C. Dorf (a.k.a. Valmiki), L. Michael Hemmelgarn (a.k.a. Vinaya), and Wayland Secrest (a.k.a. Vishvadeva) have no authority to direct, supervise, or act on behalf of Ananda Marga, Inc., and they have had no such authority since October 30, 2005.
- (j) Any actions taken by Plaintiffs Fernando Kumar (a.k.a. Tirthananda), Donald W. Nelson (a.k.a. Acarya Vedaprajinananda Avadhuta), Rubens C. Texeira (a.k.a. Rainjitananda), Prabha Thakur (a.k.a. Avadhutika Ananda Vibha Acarya), Jody Wright (a.k.a. Acarya Devanistha), William C. Dorf (a.k.a. Valmiki), L. Michael Hemmelgarn (a.k.a. Vinaya), and Wayland Secrest (a.k.a. Vishvadeva) as the purported Board of Directors of Ananda Marga, Inc. since October 30, 2005 have had no legal effect.
- (k) The 2006 purported amendments to the Ananda Marga, Inc. bylaws by the Plaintiffs have no legal effect.
- (l) The Defendants have the right to exercise authority and control over the assets, real property and personal property of Ananda Marga, Inc.

2. Enter an order granting injunctive relief as follows:

- (a) Plaintiff Fernando Kumar (a.k.a. Tirthananda) is enjoined from holding himself out as the Sectorial Secretary of the New York Sector of Ananda Marga Pracaraka Samgha.
- (b) Plaintiff Fernando Kumar (a.k.a. Tirthananda) is enjoined from exercising authority and control, or attempting to exercise authority and control over Ananda Marga, Inc., its assets and property, its members and subordinate affiliates, the assets and property of its subordinate affiliates, and its Board of Directors.
- (c) Plaintiff Fernando Kumar (a.k.a. Tirthananda) is ordered to surrender possession and control of Ananda Marga, Inc., its assets and property, its members and subordinate affiliates, the assets and property of its subordinate affiliates, and its Board of Directors to Defendant Acarya Vimalananda Avadhuta.
- (d) Plaintiffs Fernando Kumar (a.k.a. Tirthananda), Donald W. Nelson (a.k.a. Acarya Vedaprajanananda Avadhuta), Rubens C. Texeira (a.k.a. Rainjitananda), Prabha Thakur (a.k.a. Avadhutika Ananda Vibha Acarya), Jody Wright (a.k.a. Acarya Devanistha), William C. Dorf (a.k.a. Valmiki), L. Michael Hemmelgarn (a.k.a. Vinaya), and Wayland Secrest (a.k.a. Vishvadeva) are enjoined from individually holding themselves out as the officers and/or Directors of Ananda Marga, Inc.
- (e) Plaintiffs Fernando Kumar (a.k.a. Tirthananda), Donald W. Nelson (a.k.a. Acarya Vedaprajanananda Avadhuta), Rubens C. Texeira (a.k.a. Rainjitananda), Prabha Thakur (a.k.a. Avadhutika Ananda Vibha Acarya), Jody Wright (a.k.a. Acarya Devanistha), William C. Dorf (a.k.a. Valmiki), L. Michael Hemmelgarn (a.k.a. Vinaya), and Wayland Secrest (a.k.a. Vishvadeva) are enjoined from collectively holding themselves out as the Board of Directors of Ananda Marga, Inc.
- (f) Plaintiffs Fernando Kumar (a.k.a. Tirthananda), Donald W. Nelson (a.k.a. Acarya Vedaprajanananda Avadhuta), Rubens C. Texeira (a.k.a. Rainjitananda), Prabha Thakur (a.k.a. Avadhutika Ananda Vibha Acarya), Jody Wright (a.k.a. Acarya Devanistha), William C. Dorf (a.k.a. Valmiki), L. Michael Hemmelgarn (a.k.a. Vinaya), and Wayland Secrest (a.k.a. Vishvadeva) are enjoined from exercising authority and control, or attempting to exercise authority and control over Ananda Marga, Inc., its assets and property, its members and subordinate affiliates, and the assets and property of its subordinate affiliates.

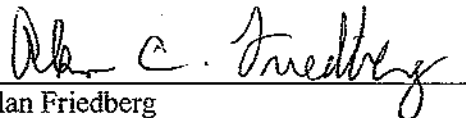
- (g) Plaintiffs Fernando Kumar (a.k.a. Tirthananda), Donald W. Nelson (a.k.a. Acarya Vedaprajananda Avadhuta), Rubens C. Teixeira (a.k.a. Rainjitananda), Jody Wright (a.k.a. Acarya Devanistha), William C. Dorf (a.k.a. Valmiki), L. Michael Hemmelgarn (a.k.a. Vinaya), and Wayland Secrest (a.k.a. Vishvadeva) are ordered to surrender authority and control of Ananda Marga, Inc., its assets and property, its members and subordinate affiliates, and the assets and property of its subordinate affiliates to the Defendants.

3. Grant Intervenor such other and further relief as this Court deems just and proper.

Dated this 15<sup>th</sup> day of October, 2010.

Respectfully submitted,

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

By:   
Alan Friedberg

*Counsel for the Intervenor Ananda Marga  
Pracaraka Samgha*

**CERTIFICATE OF SERVICE**

I hereby certify that on this 19th day of October, 2010, a true and correct copy of the above and foregoing Answer to First Amended Complaint, Affirmative Defenses and Counterclaims of Intervenor was filed and served via LexisNexis File and Serve pursuant to C.R.C.P. 121 §§1-26, addressed to the following:

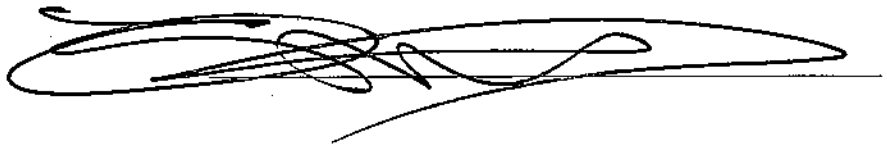
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A large, stylized handwritten signature in black ink, consisting of several overlapping loops and a long horizontal stroke at the bottom.