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

ANANDA MARGA, INC.,
et al.,

Plaintiffs,

v.

ACHARYA VIMALANANDA AVADHUTA,
et al.,

Defendants.

Case No. 10 CV 1867
Division 259

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

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

The matter came on for Court Trial on May 9, 2011,
before the HONORABLE MICHAEL A. MARTINEZ, Judge of the
District Court, and the following proceedings were had.

Transcript Prepared By:

CTS West, Inc.
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INDEX

	<u>PAGE</u>
<u>PLAINTIFFS' OPENING STATEMENT</u>	12
<u>DEFENDANTS' OPENING STATEMENT</u>	28
<u>WITNESSES:</u>	
<u>For the Plaintiffs:</u>	
<u>RUBENS TEIXEIRA</u>	
Direct Examination by Mr. Erwin	34
Cross-Examination by Mr. Obitts	149
<u>TRANSCRIBER'S CERTIFICATION</u>	250

E X H I B I T S

PAGE

For the Plaintiffs:

1	-	Articles of incorporation	stip.
2	-	Articles of incorporation	stip.
3	-	Bylaws	stip.
4	-	Bylaws	stip.
5	-	Bylaws	stip.
6	-	Bylaws	stip.
7	-	Articles of incorporation	stip.
8	-	Articles of incorporation	stip.
9	-	Constitution	stip.
10	-	Alteration of memorandum	stip.
15	-	Carya'carya - Part I	stip.
16	-	Carya'carya - Part II	stip.
21	-	Board meeting minutes	43
22	-	Board meeting minutes	43
23	-	Board meeting minutes	stip.
24	-	Board meeting minutes	stip.
25	-	Board meeting minutes	stip.
26	-	Board meeting minutes	stip.
27	-	Board meeting minutes	stip.
28	-	Board meeting minutes	stip.
29	-	Board meeting minutes	stip.
34	-	Board meeting minutes	52
35	-	Board meeting minutes	53
36	-	Board meeting minutes	54
37	-	Board meeting minutes	55
38	-	Board meeting minutes	60
40	-	Corporate resolution	62
42	-	Corporate resolution	63
62	-	Corporate resolution	67
68	-	Corporate resolution	stip.
84	-	Email	stip.
89	-	Email	stip.
90	-	Email	stip.
91	-	Email	stip.
93	-	Letter	stip.
95	-	Letter	stip.
98	-	Posting order	stip.
99	-	Posting order	stip.
101	-	Letter	stip.
119	-	Reclassification request	stip.
120	-	Response to reclassification	stip.
123	-	Crimson Dawn	stip.

E X H I B I T S

PAGE

For the Defendants:

D-69 -	IRS filing	stip.
D-70 -	IRS filing	stip.
D-71 -	IRS filing	stip.
D-72 -	IRS filing	stip.
D-73 -	IRS filing	stip.
D-74 -	IRS filing	stip.
D-75 -	IRS filing	stip.
D-76 -	IRS filing	stip.
D-77 -	IRS filing	stip.
D-78 -	IRS filing	stip.
D-79 -	IRS filing	stip.
D-80 -	IRS filing	stip.
D-81 -	IRS filing	stip.
D-82 -	IRS filing	stip.
D-83 -	IRS filing	stip.
D-84 -	IRS filing	stip.
D-85 -	IRS filing	stip.
D-86 -	IRS filing	stip.
D-87 -	IRS filing	stip.
D-88 -	IRS filing	stip.
D-89 -	IRS filing	stip.
D-90 -	IRS filing	stip.
D-91 -	IRS filing	stip.
D-93 -	IRS filing	stip.
D-94 -	IRS reclassification request	stip.
D-95 -	IRS filing	stip.
D-96 -	IRS filing	stip.
D-97 -	IRS filing	stip.
D-98 -	IRS filing	stip.
D-99 -	Letter	stip.
D-101 -	INS form - Petition	stip.
D-102 -	INS form - O & R classifications	stip.
D-103 -	INS form - Petition	stip.
D-104 -	INS form - O & R classifications	stip.
D-105 -	Letter	stip.
D-106 -	Letter	stip.
D-107 -	Letter	stip.
D-108 -	Letter	stip.
D-109 -	Letter	stip.
D-110 -	Letter	stip.
D-111 -	Letter	stip.
D-112 -	Letter	stip.
D-113 -	Letter	stip.
D-114 -	Letter	stip.
D-115 -	Letter	stip.

E X H I B I T S

PAGE

For the Defendants:

D-116	-	Letter	stip.
D-117	-	Letter	stip.
D-118	-	Letter	stip.
D-119	-	Letter	stip.
D-120	-	Letter	stip.
D-121	-	Letter	stip.
D-122	-	Letter	stip.
D-123	-	Letter	stip.
D-124	-	Letter	stip.
D-125	-	Letter	stip.
D-126	-	Letter	stip.
D-127	-	Letter	stip.
D-128	-	Letter	stip.
D-129	-	Letter	stip.
D-130	-	Letter	stip.
D-131	-	Letter	stip.
D-132	-	Letter	stip.
D-133	-	Letter	stip.
D-134	-	Letter	stip.
D-135	-	Letter	stip.
D-136	-	Letter	stip.
D-137	-	Application	stip.
D-138	-	Carya'carya	stip.
D-139	-	(Not identified)	stip.
D-140	-	(Not identified)	stip.
D-141	-	Carya'carya	stip.
D-142	-	Carya'carya	stip.
D-143	-	Carya'carya Part III	stip.
D-144	-	Articles of incorporation	stip.
D-145	-	Articles of incorporation	stip.
D-146	-	Bylaws	stip.
D-147	-	Amended bylaws	stip.
D-148	-	Amended bylaws	stip.
D-149	-	Bylaws	stip.
D-150	-	Affidavit	stip.
D-151	-	Affidavit	stip.
D-152	-	Petition	stip.
D-153	-	Letter	stip.
D-154	-	Reclassification request	stip.
D-155	-	Board meeting minutes	stip.
D-156	-	Board meeting minutes	stip.
D-157	-	Board meeting minutes	stip.
D-158	-	Board meeting minutes	stip.
D-159	-	Board meeting minutes	stip.

E X H I B I T S

PAGE

For the Defendants:

D-160	-	Corporate resolutions	stip.
D-161	-	Board meeting minutes	stip.
D-162	-	Board meeting minutes	stip.

1 MORNING SESSION, MAY 9, 2011

2 (Whereupon the court convened and the following
3 proceedings were entered of record.)

4 THE COURT: Calling Case 10 CV 1867. Ananda
5 Marga, Inc., et al. v. Acharya Avadhuta, et al. That's
6 my best effort, and I apologize if I brutalized it in
7 advance. We'll get better as we go through.

8 We're going to start our -- it's set as a jury
9 trial, and I don't know why, it's actually a Court trial.
10 We're going to find out who is here at this time. For
11 the Plaintiffs.

12 MR. ERWIN: Stephen Erwin --

13 MR. HALPERN: And Alex Halpern for the
14 Plaintiffs.

15 THE COURT: Mr. Erwin, what's your Registration
16 Number?

17 MR. ERWIN: 32643, sir.

18 THE COURT: Okay. And Mr. Halpern?

19 MR. HALPERN: 7704.

20 THE COURT: All right. And you're here on
21 behalf of both -- all Plaintiffs?

22 MR. HALPERN: Yes.

23 THE COURT: All right. And who is the
24 gentleman seated with you?

25 MR. ERWIN: This is Michael Hemmelgarn, and he

1 is one of the Plaintiff board of directors.

2 THE COURT: Spell your last name, please, sir.

3 MR. HEMMELGARN: H-e-m-m-e-l-g-a-r-n, Your
4 Honor.

5 THE COURT: Just the way it sounds. Thank you.
6 For the Defense?

7 MR. OBITTS: Sure. Mae Cheung and Timothy
8 Obitts for both the Defendants and Intervenors with
9 George Mueller and Alan Friedberg.

10 THE COURT: All right. The matter comes on for
11 Court Trial. Good morning. There are a couple
12 preliminary matters I think you all wanted to address
13 before we get started. Who wants to go first?

14 MR. FRIEDBERG: Your Honor, I'm Alan Friedberg,
15 it's 6042. We did get your order denying my motion to --
16 not to have to attend trial, and we'd like to ask you to
17 reconsider. Mr. Obitts is the Colorado attorney, and
18 represents both the Intervenors and the Defendants and
19 frankly I would have nothing to add to this trial.

20 THE COURT: Mr. Obitts is a Colorado registered
21 attorney?

22 MR. OBITTS: Yes, I am.

23 THE COURT: What's your registration number?

24 MR. OBITTS: Sure. My number is, Your Honor,
25 29107.

1 THE COURT: And that's an active license?

2 MR. OBITTS: Yes, it is, Your Honor.

3 THE COURT: Okay. How long have you been
4 licensed here in Colorado?

5 MR. OBITTS: Since 1997.

6 THE COURT: But you don't practice in Colorado?

7 MR. OBITTS: No, that's correct, Your Honor.

8 THE COURT: Okay. Mr. Friedberg, I understand
9 the concern, but my position is -- I think the Supreme
10 Court anticipates that we have local counsel, local
11 counsel fills a role. What all us attorneys envision and
12 what that role is or isn't is not for me to ascertain.
13 But the Supreme Court rule I think is pretty clear. The
14 fact that Mr. -- this isn't even Mr. Mueller. What was
15 your name again, sir?

16 MR. OBITTS: Obitts, O-b-i-t-t-s.

17 THE COURT: Obitts. The fact that Mr. Obitts
18 is licensed in Colorado is fine and wonderful, but the
19 reality is that license effectively is the same as a pro
20 hac vice license if he doesn't practice here.

21 MR. OBITTS: I'm -- I'm sorry, Your Honor, I do
22 have clients in Colorado and I do, do corporate law in
23 Colorado. I don't have an active litigation practice. I
24 have quite a few clients in Colorado Springs --

25 THE COURT: Okay.

1 MR. OBITTS: -- and so -- and so when I -- when
2 you said do you practice here, I thought do you have an
3 active litigation practice. I do practice in Colorado.

4 THE COURT: Okay. What -- what's the extent of
5 your practice here?

6 MR. OBITTS: Sure. I have some communications
7 clients and nonprofit clients in Colorado Springs, and I
8 provide advice to them related to nonprofit law,
9 communications law, and transactional matters for them.

10 THE COURT: Okay. But no litigation matters?

11 MR. OBITTS: I have litigated a matter in the
12 past in Colorado, but that was I want to say five or six
13 years ago.

14 THE COURT: Okay. Well, well, I'm going to
15 stand on my ruling at this point, Mr. Friedberg. I may
16 revisit it as we go through. I want to see Mr. Obitts'
17 performance and presentation. All right?

18 MR. FRIEDBERG: And may I ask one other thing,
19 Your Honor?

20 THE COURT: Yes, sir.

21 MR. FRIEDBERG: Since I'm a member of a law
22 firm, is it permissible to have someone else from the law
23 firm attend?

24 THE COURT: Who is the attorney from the law
25 firm -- is it your firm that's local -- local counsel or

1 you personally?

2 MR. FRIEDBERG: I -- I -- I believe we entered
3 as a firm, but I'm the one who signed the --
4 individually.

5 THE COURT: Mr. Obitts, I'm curious if you have
6 a license in Colorado why you bothered to have local
7 counsel.

8 MR. OBITTS: The reason why I did local
9 counsel, Your Honor, had to do strictly with the issue of
10 the LexisNexis filing with this Court and to have some --
11 a place on the ground here. That is why.

12 MR. FRIEDBERG: Your Honor?

13 THE COURT: Yes, sir.

14 MR. FRIEDBERG: Our best recollection is that
15 we didn't file an actual entry of appearance, we filed
16 the Answer and counterclaim on behalf of the Intervenor
17 and that was done by the firm with my signature.

18 THE COURT: If that's the case, Mr. Friedberg,
19 that would render you the responsible local counsel and
20 that would render the obligation yours to be present. So
21 that's going to be my ruling since I can't find the
22 specific pleading. To the extent that we were talking
23 about boots on the ground, I can think of no more
24 qualified or appropriate boots on the ground than yours.
25 I know you've been in court here before me, and we've

1 done a fine job, so I'm sure that you have something to
2 offer in this case. So we're going to go forward in that
3 regard. All right. Mr. Obitts, something else? No?
4 Mr. Mueller?

5 MR. MUELLER: Your Honor, George Mueller,
6 counsel for Defendants, Denver Counsel for Defendants.
7 Registration 5292. I was frankly going to ask for the
8 same thing, Your Honor. Mr. Cosgrove of our firm, Burns,
9 Wall and Mueller also entered his appearance as Denver
10 Counsel for Defendants, and we were going to ask for the
11 same accommodation given the -- what we think is the
12 qualifications of Mr. Obitts assisted by Ms. Cheung to
13 handle this case and try to reduce the expense of the
14 clients.

15 THE COURT: I understand that, but that's a
16 choice that the clients made here to retain local
17 counsel. I don't have anything to do with that. So the
18 same ruling applies. And we'll have Mr. Mueller present
19 as well until further order of Court. What else?

20 MR. ERWIN: Nothing from our side, Your Honor.

21 MR. OBITTS: We have nothing further.

22 THE COURT: Okay. I believe there was a
23 pending motion in limine and insomuch as this is a Court
24 Trial, there is no purpose to a motion in limine. You're
25 effectively asking the Court, as the fact finder, to

1 ignore, consider, or not consider certain advice -- or
2 certain evidence in a particular light and so forth. Not
3 only is that impractical, it's unrealistic. I'm
4 obligated as an officer of the court and a judicial
5 officer to determine the facts based upon all admissible
6 law applying the appropriate rules of procedure and rules
7 of evidence. So the motion in limine in a Court Trial is
8 impertinent so it's denied.

9 Obviously at the appropriate time if there's a
10 need for an evidentiary objection, then I would expect
11 that you'd make it. Mr. Mueller?

12 MR. MUELLER: I'm sorry, Your Honor, just as a
13 point of clarification since Mr. Cosgrove of our firm
14 also entered his appearance, could it be either
15 Mr. Cosgrove or myself that's here?

16 THE COURT: Either of you since he's already
17 entered.

18 MR. MUELLER: Okay. Thank you.

19 THE COURT: Thank you. Anything else?

20 MR. OBITTS: No, Your Honor.

21 THE COURT: All right. Before we get started
22 I'll note the courtroom is full of a number of
23 individuals observing at this point, and I'm going to be
24 entering a sequestration order. I'll note that the case
25 is extensive in terms of the parties, and the number of

1 parties, so my first question to Mr. Erwin I guess is are
2 the individuals that are present parties in the case?
3 Are they witnesses? Where are we?

4 MR. ERWIN: Your Honor, some are parties and
5 some are witnesses.

6 THE COURT: Okay. Well, as a -- given that I
7 don't -- haven't been introduced to anyone, and so I
8 don't know who's who and I don't know who's present, why
9 don't you tell me what parties are present and then if
10 they are witnesses, then I need to entertain a
11 sequestration order particularly in light of the nature
12 of the allegations in the case and the relief that's
13 being sought. Okay?

14 MR. ERWIN: Yes, Your Honor. We have
15 Mr. Michael Hemmelgarn here, he is the Plaintiff in the
16 case.

17 THE COURT: Right.

18 MR. ERWIN: We have Dada Rainjitananda who is
19 also a corporate Plaintiff in the case, a board of
20 directors member.

21 THE COURT: Okay.

22 MR. ERWIN: We have Dada Tiirthananda, he is
23 the sectorial secretary and also a Plaintiff and
24 corporate director in Ananda Marga, Inc. We have Dada
25 Veda he's our corporate director as well. We have

1 Wayland -- Dr. Wayland Secrest here is also a Plaintiff
2 director in the case. And Didi Cirasmita who is also a
3 Plaintiff director of one -- one of the Plaintiff
4 subordinate corporate entities. So the witnesses here in
5 the court right now are Acarya Yatiishvarananda,
6 Mr. Nagaraja Rao, and Dada Haratmananda.

7 THE COURT: Okay. And for the Defense,
8 Mr. Obitts?

9 MR. OBITTS: Sure thing. We have Mr. Clark
10 Forden here, he is a Defendant in the case. We have Dada
11 Dharmapremananda who's also a Defendant in the case as
12 well, and we have Dada Vimalananda who is a Defendant in
13 the case. And then we have Dada Divyalokeshananda who is
14 also a Defendant in the case. And then for the
15 Intervenor parties, we have Dada Rudrananda who's a --
16 for the Intervenors along with Dada Ramananda who are the
17 Intervenors. Dada Keshavenanda for the Intervenors as a
18 30(b)(6), and also they're all witnesses -- they're also
19 witnesses. And then finally Dada (inaudible).

20 THE COURT: All right. Well, if they're
21 individual witnesses -- if there are individuals here who
22 are individually names as a party they may be remain
23 seated. If they are beyond that as a member of the board
24 of directors, then I'm going to find that their interests
25 and the interests of their board are sufficiently

1 protected by the representation of counsel.

2 So those individuals, particularly if they are
3 witnesses in the case together with any other witnesses
4 that might be called in the case will now be instructed
5 to follow the Court's sequestration order which will
6 require that they not be physically present in the
7 courtroom until such time as they are called by either or
8 -- by either of the attorneys to provide their testimony
9 in this case.

10 They're to remind -- be reminded that they're
11 not to discuss the testimony that they have given or that
12 they may give in this case amongst themselves or with
13 anyone else. You're not to discuss that the anticipated
14 testimony that you may give, the testimony that you have
15 given and you're to make yourself available at the
16 request of counsel out in the hall. Now, we've got quite
17 a period of time where this matter is scheduled for, so
18 if you all know what your schedule is and you know that
19 you're not going to need these gentlemen, or a particular
20 group of folks today for example you're free -- if
21 they're present under subpoena you're free to reschedule
22 their timing so that they're not waiting around
23 unnecessarily. All right?

24 So I don't know who those individuals are. Or
25 how that applies, so I'm going to rely on Mr. Erwin and

1 Mr. Obitts to instruct your witnesses accordingly.

2 MR. ERWIN: And that -- Your Honor, that also
3 includes the 30(b)(6) designee?

4 THE COURT: Yes.

5 MR. FRIEDBERG: Your Honor, after a witness has
6 completed his testimony, his or her, may they sit in the
7 courtroom?

8 THE COURT: Yes, they may. Typically when a
9 witness has completed their testimony, I will make the
10 following statement, or something similar to it, and that
11 is that this witness is excused, and if there's no
12 objection is released from their obligation and they may
13 remain in the courtroom. If I don't hear an objection
14 made, then they'll be allowed to remain. If someone
15 envisions recalling that person, then they won't be
16 allowed to remain, okay?

17 MR. ERWIN: So can we take a minute to get them
18 out?

19 THE COURT: Yes. Why don't you do that.

20 MR. OBITTS: Your Honor, certainly I'm allowed
21 to have a corporate representative of the Intervenor
22 who's their legal secretary present?

23 THE COURT: Yes.

24 MR. OBITTS: Thank you.

25 THE COURT: Are we otherwise ready to proceed?

1 MR. OBITTS: Yes, Your Honor.

2 THE COURT: All right. Opening statement
3 please. Please be brief. I've read the voluminous
4 pleadings in this case, and I think I'm pretty well clear
5 on what the issues are and what particular relief each
6 party is seeking by way of declaration. So Mr. Erwin.

7 MR. ERWIN: Thank you, Your Honor.

8 PLAINTIFFS' OPENING STATEMENT

9 BY MR. ERWIN:

10 May it please the Court. Your Honor,
11 Plaintiffs in this case are Ananda Marga, Inc., a
12 Colorado nonprofit corporation, designated as a church
13 for federal tax purposes and its board of directors.
14 Plaintiffs also include a number of Plaintiff affiliate
15 corporations which are incorporated in various States or
16 countries and which have expressly subordinated
17 themselves to Ananda Marga, Inc., in their own governing
18 documents. Throughout this trial I will refer to Ananda
19 Marga, Inc., as AMI.

20 Among the Plaintiffs' directors is Acarya
21 Tiirthananda Avadhuta, who we also refer to as Dada
22 Tiirthananda who holds the position of sectorial
23 secretary of the New York sector of Ananda Marga, and the
24 positions of the sectorial secretary and president of
25 AMI. Many of the Plaintiff directors have been initiates

1 of the Ananda Marga social and spiritual movement and
2 mission since the 1970's.

3 Dada Tiirthananda has been the sectorial
4 secretary of the New York sector and the sectorial
5 secretary and president of AMI since 2003. During the
6 course of the trial, you will hear the testimony of Dada
7 Tiirthananda and other members of the Board, including
8 Dada Rainjitananda, Michael Hemmelgarn, and Dr. Wayland
9 Secrest.

10 Plaintiff Rainjitananda will tell the Court
11 that the New York sector is a geographical area
12 consisting of North and Central America, Hawaii, and the
13 Caribbean and is one of nine geographical areas
14 throughout the world designated by the founder of the
15 Ananda Marga movement and mission Shrii Shrii
16 Ananadamurti, who is also known as guru or affectionately
17 called Baba. Specifically Dada Rainjitananda will tell
18 the Court that AMI is the primary corporate entity formed
19 to manage the business affairs, assets, and property in
20 the United States and in other countries that make up the
21 New York sector, but only for those affiliated
22 organizations in the sector that have expressly agreed to
23 be subordinates of AMI.

24 And AMI was also formed to propagate the Ananda
25 Marga mission as a universal religion in the New York

1 sector. Dada Rainjitananda and Dada Yatiishvarananda
2 will also tell you that AMI is the successor to two U.S.
3 nonprofit corporations that go back to 1969 called Ananda
4 Marga Yoga Society, an Illinois corporation also known as
5 AMYS Illinois, and Ananda Marga Yoga Society of Kansas,
6 or AMYS Kansas, both of which continue to exist today
7 although AMYS Kansas is now doing business under a
8 different name. Collectively we will refer to the
9 predecessor corporations as AMYS.

10 AMI has articles of incorporation and bylaws,
11 its governing documents, that establish its board of
12 directors and its relationship with its subordinate
13 affiliates, including the Plaintiffs. And I will list
14 the Plaintiff subordinate affiliates. Ananda Marga of
15 Denver, Inc.; Ananda Marga Pracaraka Samgha, Inc.; Ananda
16 Marga Women's Welfare, Inc.; which is formerly AMYS
17 Kansas; Ananda Marga Yoga Society of Illinois, one of the
18 predecessor corporations that is now a subordinate
19 affiliate; Ananda Dhiira Sierra Foothills, Inc.; Ananda
20 Marga of Albany, Inc.; Ananda Marga of Eugene, Inc.; New
21 Day Ananda Marga School of Portland, Inc.; Progressive
22 Schools, Inc.; Ananda Marga of Minneapolis, Inc.; Ananda
23 Marga of North Caroline, Inc.; Ananda Marga of New York
24 City, Inc.; Ananda Marga of Philadelphia, Inc.; and
25 finally, Ananda Marga of Vermont, Inc.

1 You will hear from Plaintiff Joni Zweig, a
2 director of one of the Plaintiff affiliates who will
3 testify regarding the relationship between AMI and the
4 subordinate affiliates in the New York sector. Michael
5 Hemmelgarn will also testify regarding the affiliate's
6 relationship with AMI. Ms. Zweig will also testify
7 regarding the role of family Acaryas and Didis in Ananda
8 Marga, as well as her role as -- within the New York
9 sector office of AMURTEL and its relationship with the
10 central AMURTEL office.

11 Dada Rainjitananda, Dada Yatiishvarananda,
12 Michael Hemmelgarn will tell this Court that the AMI
13 governing documents identify a key position holder, the
14 sectorial secretary who has specific corporate powers and
15 duties. The AMI governing documents also identify the
16 AMIs affiliated with Ananda Marga Pracaraka Samgha
17 Central, or AMPS Central, and identify a key person
18 called the general secretary of AMPS Central, who
19 although not a director or officer of AMI has special
20 corporate powers.

21 And in the -- and of course the AMI governing
22 documents also identify other key position holders and
23 officers such as president, vice president, secretary,
24 and treasurer, each of which have their own specific
25 corporate powers and duties.

1 Dada Rainjitananda, Dada Yatiishvarananda, and
2 Michael Hemmelgarn will provide testimony that the
3 sectorial secretary is appointed by the general secretary
4 of AMPS Central pursuant to the procedures set forth in
5 the AMI governing documents.

6 This relationship is at the heart of this
7 current dispute. You will hear the testimony of the
8 first three sectorial secretaries of the New York sector
9 and two others concerning the relationship between the
10 general secretary of AMPS Central and the sectorial
11 secretary of the New York sector and the sectorial
12 secretary of AMYS for AMI.

13 Dada Rainjitananda will tell this Court what
14 AMPS Central is and how it is structured in India and
15 tell this Court how AMPS Central is structured as a
16 socio-spiritual organization with the specific
17 organizational and policy making bodies in India called
18 the Central Committee and Central Executive Committee
19 constituted pursuant to Ananda Marga socio-spiritual
20 treatise called Carya'carya. In this case we will refer
21 to the Central Committee as that body constituted
22 pursuant to Carya'carya.

23 Plaintiff Rainjitananda will also define and
24 describe the Ananda Marga ecclesiastical bodies in India
25 constituted pursuant to Carya'carya called the Acarya,

1 Avadhuta, and Purodha Boards, as well as the chair of the
2 Purodha -- the chair of the Purodha Board called the
3 Purodha Pramukha.

4 Throughout the pleadings in this matter,
5 Plaintiffs have used the term socio-spiritual AMPS to
6 describe the collective boards and committees constituted
7 pursuant to Carya'carya.

8 Plaintiff Rainjitananda will tell this Court
9 that there is a corporate entity in India called Ananda
10 Marga Pracaraka Samgha, or AMPS, which was formed at the
11 direction of Baba in 1955 and then reformed in 1964 as a
12 registered society, India's version of a nonprofit
13 corporation under the West Bengal's Society Registration
14 Act of 1961. Throughout the pleadings in this matter,
15 Plaintiffs have described this corporate entity as legal
16 AMPS and its governing body constituted pursuant to its
17 constitution, the AMPS constitution, as the AMPS
18 governing body.

19 Specifically, Plaintiff Rainjitananda will
20 describe how the AMPS governing body is constituted
21 pursuant to the regulations set forth in the AMPS
22 constitution. Plaintiff Rainjitananda will describe how
23 the procedures constituting the AMPS governing body are
24 different than the procedures for the constituting of the
25 Central Committee and will introduce India court cases

1 describing the difference.

2 The first three sectorial secretaries, some of
3 whom were the president of AMI and some of them were not
4 will also tell this Court that the relationship between
5 AMI and AMPS Central -- about the relationship between
6 AMI and AMPS Central. Each will provide testimony that
7 any reference in the AMI governing documents to AMPS
8 Central was meant to convey a relationship with socio-
9 spiritual AMPS and not legal AMPS. These early sectorial
10 secretaries will describe the relationship between the
11 AMI board of directors and socio-spiritual AMPS and its
12 organizational structures in those days to the extent
13 that they existed.

14 You will hear the testimony of the first three
15 sectorial secretaries, one additional former sectorial
16 secretary, and the current sectorial secretary, Dada
17 Tiirthananda as well as other long-time AMI board members
18 establishing that since the first missionary was sent to
19 the New York sector under the guidance of Baba AMYS, AMI,
20 and its subordinate affiliates have operated as
21 autonomous corporations in a coordinated cooperative but
22 not subordinated cooperative relationship with socio-
23 spiritual AMPS and its general secretary.

24 They will all provide testimony that none of
25 them have ever had any relationship with legal AMPS or

1 its governing body. The relationship of coordinating and
2 cooperation with socio-spiritual AMPS will be
3 corroborated by previous New York sectorial secretaries,
4 Mr. Nagaraja Rao, Dada Yatiishvarananda, Dada
5 Nityasuddhananda, and Dada Haratmananda all of whom have
6 firsthand knowledge regarding how the AMYS and AMI
7 corporations were formed and were managed during their
8 tenures. Dada Yatiishvarananda, Dada Nityasuddhananda,
9 Dada Haratmananda will also testify as former members of
10 the first Central Committee formed in 1991 which is the
11 highest policy making -- policy making body of socio-
12 spiritual AMPS regarding the relationship between the
13 Central Committee and the New York sector corporations.

14 Mr. Rao, Dada Yatiishvarananda, Dada
15 Nityasuddhananda, and Dada Haratmananda as well as Dada
16 Tiirthananda, Dada Rainjitananda will testify that a
17 dominating subordinate hierarchical organization was
18 contrary to the teaching of Baba. That such is not
19 established by the Ananda Marga, Inc., governing
20 documents, and that it was never in place de facto.

21 So who are the Defendants and Intervenor in
22 this case? The Defendants are a group of individuals who
23 in 19 -- in 2009 attempted to oust the individual
24 Plaintiffs and assume the position of the board of
25 directors of Ananda Marga, Inc. They based their claim

1 of the alleged authority of the Intervenor. The
2 Intervenor claims to be both legal AMPS and socio-
3 spiritual AMPS and claims that the two were one in the
4 same. The Intervenor claims to have the power to act as
5 the AMPS Central referred to in the AMI governing
6 documents and that their general secretary is the general
7 secretary referred to the AMI documents.

8 We refer to Intervenor as AMPS Ranchi because
9 as we -- as will be seen, they are only one of the
10 factions in India who claim to be the leadership that the
11 AMPS Central referenced in the AMI governing documents.

12 Plaintiffs have rejected these claims and seek
13 declaratory and objective relief confirming that the
14 individual Plaintiffs are the legitimate board of
15 directors. Mr. Rao, Dada Yatiishvarananda, Dada
16 Nityasuddhananda, Dada Haratmananda, Dada Tiirthananda,
17 Dada Rainjitananda, Michael Hemmelgarn, and Dr. Wayland
18 Secrest will all provide testimony that no -- that at no
19 time have the governing documents at AMYS or AMI
20 incorporated, referenced, accepted -- or accepted the
21 AMPS constitution, or Carya'carya a conventions of AMI.
22 Nor as any board of directors of AMYS or AMI ever
23 resolved to ratify, accept any conventions, resolutions,
24 procedural orders, rules or regulations contained in the
25 AMPS constitution, Carya'carya, or convention -- as

1 conventions of AMI.

2 The critical events affecting the members of
3 AMI board of directors occurred in 2005 and 2006. In
4 1990, Baba, the founder of the Ananda Marga mission,
5 passed away in India. Dada Tiirthananda, Dada
6 Rainjitananda, Data Yatiishvarananda and Dada
7 Nityasuddhananda, as well as Dr. Wayland Secrest will
8 testify or provide testimony that following Baba's
9 passing rifts began to develop among Baba's followers.

10 By 2003 these rifts became lawsuits in various
11 courts in India regarding who lawfully controlled the
12 various legal and socio-spiritual AMPS governing entities
13 and key positions in India. Critically one of the most
14 important issues in these India lawsuits is which persons
15 were in fact the legitimate leadership of Ananda Marga in
16 India and specifically the governing body or board of
17 directors of legal AMPS, and which persons -- and which
18 person is the validly elected general secretary of legal
19 AMPS.

20 Another important issue in these legal -- in
21 these India cases are which persons are the legitimate
22 Central Committee of socio-spiritual of AMPS and who is
23 its validly appointed general secretary as well as which
24 person is the validly chosen Purodha Pramukha.

25 Most of the India litigation is not resolved to

1 this date. Our evidence will establish that since at
2 least 2003 there have been unresolved disputes as to who
3 are the leaders of AMPS Central and who is the general
4 secretary, and since 2008 who is the validly chosen
5 Purodha Pramukha of AMPS Central.

6 Moreover, Plaintiffs will show the Court that
7 the person acting as Intervenor are only one of the
8 factions with a claim to have elected the governing body
9 of legal AMPS who have chosen a valid general secretary
10 and only one of the factions with a claim to have chosen
11 the Central Committee and have a validly appointed
12 general secretary of socio-spiritual AMPS.

13 Again, the Intervenor is called AMPS Ranchi
14 because AMPS Ranchi is the place in India where the camp
15 offices are located. The other factions are called AMPS
16 Kolkata because Kolkata is the place in India where their
17 camp offices are located. And as well as the Unity Group
18 which has been working to unify the various factions into
19 a common mission. Dada Yatiishvarananda, Dada
20 Haratmananda, Dada Rainjitananda will provide testimony
21 that recently AMPS Kolkata and the Unity Group which
22 collectively comprise a majority of the total AMPS
23 workers and whole time Acaryas around the world have
24 indeed united and recently formed a new Central
25 Committee, appointed a new general secretary, and Purodha

1 Pramukha. Dada Nityasuddhananda or Haratmananda will
2 also tell this Court that the Kolkata faction -- action
3 elected a governing body of legal AMPS back in 2003 which
4 is the basis of the two lawsuits playing out in India,
5 one of which AMPS Ranchi was the Plaintiff disputing
6 Kolkata's election of the governing body in 2003 and
7 which has recently been dismissed by the India courts.
8 And the other is a case based on the same issue with the
9 same parties but the Kolkata faction is the plaintiff
10 claiming the governing body elected by AMPS Ranchi is
11 invalid. And that case is still pending.

12 So, what brings us to the court today? On
13 October 30, 2005, a person named Dada Dhruvananda acting
14 as the general secretary of AMPS Ranchi.
15 Dr. (sic) Tiirthananda and Dada Nityasuddhananda will
16 testify that Dada Dhruvananda allegedly announced his
17 intention to transfer Dada Tiirthananda as sectorial
18 secretary of the New York sector in an annual meeting
19 being held in India. Dada Tiirthananda, Dada
20 Rainjitananda, Michael Hemmelgarn, and Dr. Wayland
21 Secrest will testify that sometime after October 30,
22 2005, word of the announcement spread across the New York
23 sector, but neither Dada Tiirthananda, Dada
24 Rainjitananda, Michael Hemmelgarn, nor Dr. Wayland
25 Secrest saw an official posting order approved by any

1 president of AMPS Central Committee officially
2 transferring Dada Tiirthananda as the sectorial secretary
3 of the New York sector to the Suva sector, which
4 comprises parts of southeast Asia and Australia.

5 Dada Tiirthananda, Dada Rainjitananda, Michael
6 Hemmelgarn, and Dr. Wayland Secrest will also testify
7 that sometime in November of 2005 a group of core
8 adherents called Margiis from the New York sector sent a
9 communication to the Purodha Board of which Dada
10 Dhruvananda was a member requesting that the Purodha
11 Board consider reviewing the proposed transfer of Dada
12 Tiirthananda and requesting a reconsideration of such
13 transfer. Dada Tiirthananda, Dada Rainjitananda, Michael
14 Hemmelgarn, and Wayland Secrest will testify that the
15 Purodha Board did in fact reconsider and stay or cancel
16 the proposed transfer of Dada Tiirthananda to the Suva
17 sector. And Dada -- and the Dada who was to replace Dada
18 Tiirthananda as the sectorial secretary of the New York
19 sector, Dada Dhruvananda was reassigned to the post of
20 central office secretary in India and never took charge
21 as the New York sector sectorial secretary or the
22 sectorial secretary of AMI.

23 Dada Tiirthananda, Dada Rainjitananda, Michael
24 Hemmelgarn, and Dr. Wayland Secrest will then testify
25 that from October 30, 2005, until at least February 28,

1 2008, Dada Tiirthananda remained in his post as the
2 sectorial secretary of the New York sector and as the
3 sectorial secretary and president of AMI. Dada
4 Tiirthananda did not retire, resign, or abdicate his
5 position as the sectorial secretary or president of AMI
6 and no one claimed to be a newly appointed sectorial
7 secretary or acting sectorial secretary of the New York
8 sector or AMI. And finally, no one from AMPS objected to
9 Dada Tiirthananda remaining in his post as the sectorial
10 secretary of the New York sector, as the sectorial
11 secretary and president of AMI until after February 28,
12 2006.

13 Dada Tiirthananda, Dada Rainjitananda, Michael
14 Hemmelgarn, and Dr. Wayland Secrest will testify that on
15 January 28, 2006, the board of directors of AMI with the
16 approval of Dada Tiirthananda as the sectorial secretary
17 of AMI resolved to amend the bylaws of the corporation to
18 place reasonable restrictions on the process of
19 appointing or removing any sectorial secretary of AMI and
20 that they did so in compliance with the governing
21 documents of the corporation. These amended bylaws were
22 executed by Dada Rainjitananda on February 10, 2006.
23 Dada Tiirthananda, Dr. Rainjitananda, Michael Hemmelgarn,
24 and Dr. Wayland Secrest will further testify that the
25 governing documents of AMI do not require the board of

1 directors to seek or obtain the approval from anyone at
2 legal AMPS or socio-spiritual AMPS including any general
3 secretary in order to amend the governing documents of
4 AMI.

5 They will also tell this Court that at no time
6 has any board of directors of AMI accepted, ratified,
7 incorporated as part of the governing -- as part of the
8 governing documents or conventions of AMI any legal AMPS
9 or socio-spiritual AMPS convention, rule, procedure,
10 order, resolution, regulation including any requirement
11 that AMI seek the approval of the legal AMPS or socio-
12 spiritual AMPS or any general secretary to amend its
13 governing documents.

14 On February 28, 2006, Dada Dhruvananda
15 announced the subsequent transfer of Dada Tiirthananda as
16 sectorial secretary of the New York sector replacing him
17 with Dada Vimalananda, a Defendant in this case.
18 Dr. Tiirthananda, Dada Rainjitananda, Michael Hemmelgarn,
19 and Dr. Wayland Secrest will tell this Court that
20 sometime after February 28, 2006, the board of directors
21 received a purported formal posting order signed by Dada
22 Dhruvananda stating, quote, Acarya Vimalananda Avadhuta
23 is hereby posted as sectorial secretary AMPS New York
24 sector, paren, NY sector, end paren, relieving Acarya
25 Tiirthananda Avadhuta, end quote. And it also stated,

1 quote, Acarya Tiirthananda Avadhuta upon being relieved
2 will report to the sectorial office of AMPS Qahira sector
3 for his future assignment.

4 Dada Tiirthananda, Dada Rainjitananda, Michael
5 Hemmelgarn, and Dr. Wayland Secrest will tell this Court
6 that after February 28, 2006, the board of directors of
7 AMI convened and quickly determined that there were no
8 votes to ratify Dada Vimalananda as the sectorial
9 secretary of AMI, and that Dada Dhruvananda nor any other
10 purported general secretary of AMPS Central proposed an
11 alternative -- alternate or pro temp sectorial secretary
12 of AMI pursuant to the 2006 amended governing documents
13 of AMI.

14 Dada Tiirthananda, Dada Rainjitananda, Michael
15 Hemmelgarn, and Dr. Wayland Secrest will tell this Court
16 since 2006 they've continuously managed the affairs of
17 AMI as directors. Additionally, Dada Tiirthananda will
18 tell this Court that even during February of 2006 the
19 members of AMPS Ranchi continued to address and recognize
20 him as the sectorial secretary. Dada Tiirthananda, Dada
21 Rainjitananda, Michael Hemmelgarn, and Dr. Wayland
22 Secrest will tell this Court that prior to Dada
23 Vimalananda's reconstitution of the board of AMI in 2009,
24 Dada Vimalananda made little or no effort to contact the
25 board of directors of AMI, attend a meeting of the board

1 of directors, or notify the board of directors that they
2 were being removed under his alleged authority as the
3 sectorial secretary of AMI.

4 The evidence will show therefore that under the
5 terms of the 2006 governing documents of AMI, Dada
6 Tiirthananda was never legally removed as the sectorial
7 secretary or president of A -- of the corporation and in
8 fact is the currently serving -- is currently serving in
9 those positions. Dada Dhruvananda was merely a partisan
10 acting on behalf of one faction in a power struggle in
11 India and did not have the legitimate unilateral
12 authority to remove Dada Tiirthananda.

13 More immediately whether or not Dada
14 Dhruvananda was a legitimate general secretary, the
15 Plaintiffs will show that the proper steps to remove Dada
16 Tiirthananda were not taken in 2006, or any time
17 thereafter in compliance with the AMI governing
18 documents, and ultimately the approval of the board of
19 directors of AMI is required under its bylaws to remove a
20 sectorial secretary and appoint a new sectorial secretary
21 and no such approval was given.

22 THE COURT: Mr. Obitts?

23 DEFENDANTS' OPENING STATEMENT

24 BY MR. OBITTS:

25 May it please the Court. Timothy Obitts, I'm

1 going to take heed to your advice to keep it short.

2 THE COURT: Thank you.

3 MR. OBITTS: So basically the evidence boils
4 down to this. Is AMPS a hierarchal organization or not?
5 The evidence will show that in fact it is. The evidence
6 will show from the statements made under penalty of
7 perjury by the board members of Ananda Marga, Inc., to
8 various U.S. governmental agencies, over 40 in total,
9 will show that AMPS has a hierarchal organization, has a
10 code of conduct, has discipline, has doctrine, has holy
11 scriptures, all of which Ananda Marga, Inc., is beholding
12 to. The evidence will also show from these documents
13 that Ananda Marga, Inc., is the legal embodiment of the
14 AMPS New York sector.

15 What does that mean? Reverend Baba divided up
16 the world into nine sectors for organizational purposes
17 and that is what their documents say. Further, those
18 documents say that the New York sector is one of those
19 sectors. The documents also will say and their testimony
20 will also say that AMPS Central is in charge of posting
21 all wholetimer Acaryas.

22 And what are Acaryas? Acaryas are priests.
23 And those priests also take vows of obedience that they
24 must follow. And those vows of obedience are to the AMPS
25 structure of which the Intervenors are the head of that

1 structure.

2 So the evidence will show also through the
3 testimony of the only expert in this case, which is
4 Professor Dawson, a renowned expert in new religions
5 regarding the fact that in guru entities they are always
6 hierarchical. There is no such thing as having an entity
7 at the local level being equal to that of the guru. That
8 just does not exist. And the evidence will show that the
9 documents submitted by Ananda Marga, Inc., to federal
10 government agencies will also show that.

11 So now we get to the issue of what happened in
12 2003. So in 2003 some individuals split and the evidence
13 will show that they split because their former general
14 secretary was no longer part of the Central Committee so
15 he could not become elected again as -- or appointed as
16 the general secretary. So a group of individuals that
17 were called Bengalis, or Bengali origin, split from there
18 and there were lawsuits that were filed. Mr. Erwin is
19 right in saying that there were two lawsuits filed. The
20 one lawsuit that was dismissed was on the grounds that
21 the individual had died, and so therefore was no longer
22 the Plaintiff in the case.

23 However, in the existing lawsuit that was
24 filed, the Court made an interim ruling and the evidence
25 will show that the people that the Plaintiffs call the

1 Ranchi faction are in fact AMPS Central and that Acarya
2 Dhruvananda Avadhuta is the general secretary and the
3 acting Purodha Pramukha, which is the equivalent of a
4 Pope, for the Ananda Marga Pracaraka Samgha religion.

5 That takes us now to the 2005 time frame. The
6 evidence will show that in October 30, 2005, Mr. Fernando
7 Kumar, who they're calling Dada Tiirthananda, was posted
8 to the Suva sector pursuant to the procedures of Ananda
9 Marga -- AMPS. I'll just use that word. That the
10 evidence will show through testimony that the posting is
11 immediate and that after October 30, 2005, he was
12 responsible for handing over the charge, but he was no
13 longer the acting sectorial secretary of the New York
14 sector. The evidence will show that he obviously failed
15 to do so, that's why we're here today.

16 And the evidence will show that at the time of
17 the purported amendments in 2006 by the board of Ananda
18 Marga, Inc., he was no longer the sectorial secretary
19 thus the bylaws are invalid because they are ultra virus.
20 Furthermore the bylaws would be invalid because each
21 board member along with Fernando Kumar broke their vows,
22 broke the holy scriptures, broke the procedural orders,
23 broke the entire structure, and fractured it. The bylaws
24 were written for a specific purpose. The evidence will
25 show that the bylaws were approved by Central along with

1 the other organizational documents. The evidence will
2 also show from the Plaintiffs' witnesses that they abide
3 by the Carya'carya which they have purported to say.

4 So at the end of the day, it's a whole question
5 of is this a hierarchal organization? Does this fall
6 within the Serbian Orthodoxy case or not? Did
7 Tiirthananda or Fernando Kumar violate his vows or not?
8 And that's -- we're asking you to find that the
9 organization is hierarchal; that he violated his vows;
10 and that the bylaws are invalid; and that then obviously
11 the posting of Dada Vimalananda, Defendant, was valid.
12 Thank you, Your Honor.

13 THE COURT: Thank you, Mr. Obitts.
14 Plaintiff call your first witness.

15 MR. ERWIN: I'd like to call Dada
16 Rainjitananda.

17 THE COURT: Please come forward and be sworn.
18 Raise your right hand.

19 RUBENS TEIXEIRA
20 called as a witness on behalf of the Plaintiffs, having
21 been first duly sworn, testified as follows:

22 THE WITNESS: Yes.

23 THE COURT: Please be seated, sir. As we're
24 getting started now with the testimony and a -- I know
25 we're going to be having a number of witnesses

1 testifying, there's a number of pronunciations that are
2 involved and spellings. And so Counsel, what I'm going
3 to ask you to do is to prepare a glossary of names and
4 terms and specific to when they were called in the case
5 so that for purposes of preparing the record are
6 transcribers, you know, the record reflects, obviously,
7 we don't have a court reporter in front of us or we would
8 have given her a list -- him or her a list of names and
9 spellings, but we can do it after the fact. But
10 nonetheless I'm going to need a clarification so that we
11 know who exactly is testifying and the correct spelling.

12 So, sir, before we get started, the other thing
13 is you're going to find it's kind of difficult to hear.
14 You were sitting back there, you might have observed
15 that. In the courtroom there's also a tremendous amount
16 of activity going on outside the building. There's some
17 refurbishment and so forth, so it can get noisy at times.
18 I will ask you to please do your best to speak up at an
19 audible level.

20 Use the microphone in front of you and in
21 particular, because our proceedings are being recorded
22 electronically by this little machine over here to my
23 right, it doesn't have the capability to discern between
24 multiple voices speaking at the same time. So it's
25 imperative that you permit your question or to complete

1 the question they are asking you before you begin to
2 speak. And we will ask the questioner to afford you the
3 same courtesy. All right?

4 THE WITNESS: Yes.

5 THE COURT: All right. Mr. Erwin, you may
6 proceed.

7 MR. ERWIN: Your Honor, may I approach the
8 witness to provide him with the exhibit notebooks?

9 THE COURT: Yes, you may.

10 MR. ERWIN: Your Honor, would you like a hard
11 copy of the notebook or would you like a CD?

12 THE COURT: Probably both, because my law
13 clerk's going to be following along as well, so I'll take
14 the hard copy and he'll take the soft.

15 All right. And, Mr. Erwin, why don't we start
16 with the spelling so we have an accurate record.

17 MR. ERWIN: Okay.

18 DIRECT EXAMINATION

19 BY MR. ERWIN:

20 Q Can you state your name, please?

21 A My name is Acarya Rainjitananda Avadhuta.

22 Q And can you spell that, please?

23 A Acarya is A-c-a-r-y-a; Rainjitananda, R-a-i-n-
24 j-i-t-a-n-a-n-d-a; Avadhuta, A-v-a-d-h-u-t-a.

25 Q Do you go by any other names?

1 A My other name is Rubens Canedo Teixeira.

2 Q And can you spell that as well, please?

3 A R-u-b-e-n-s; Canedo, C-a-n-e-d-o; Teixeira, T-
4 e-i-x-e-i-r-a.

5 Q Thank you. And may I call you Dada
6 Rainjitananda?

7 A Yes, please.

8 Q Dada Rainjitananda, when did you become
9 involved with Ananda Marga?

10 A I became involved with Ananda Marga in Brazil
11 in 1982. At that time I was finishing my studies at the
12 University of Engineering, and I was searching for some
13 meaning in life and also it was a transition between the
14 student life and life in the society, so it was a phase
15 of stress. So I was researching on religious things with
16 my Catholic background and philosophic reading Nietzsche,
17 and I came across a book about yoga.

18 I was very impressed with the ideas of yoga,
19 that it's a practice, it's not something you just have to
20 believe but something that you practice and you can
21 achieve. So I started practicing yoga in a regular yoga
22 academy. And one day one of the -- I will call Dada --
23 Dadas of Ananda Marga like I am today, a monk, came to
24 this academy and invited us to a lecture about meditation
25 at the school of the law.

1 I attended that lecture, and after the lecture
2 I decided I wanted to learn meditation. After I learned
3 mediation, I was the only person of Ananda Marga in that
4 town, I continue practicing, I felt a lot of benefit, so
5 I decided to get more involved with Ananda Marga, and I
6 took further lessons of meditation. And at a certain
7 point after my graduation, I was already working, I had a
8 company and I felt that what I was getting benefit from
9 the meditation was very important, and I thought many
10 other people in the world could get that benefit but it
11 took me a long time to find a teacher, so I thought it's
12 very important to be a teacher.

13 And I decided to become what I am today, a
14 teacher, an Acarya, and for that I talk with my partner
15 in my company and I said, I'm leaving the company and I'm
16 going to India, I want to become a teacher of meditation
17 an Acarya, a monk. And he was very much against, but I
18 convince him by saying that how many people do you know
19 that want the job I'm doing now? He said, I know many
20 people. There are economic problems in Brazil,
21 everybody's looking for a job. And I said, And how many
22 do you know that want to be a monk and go and teach
23 meditation? He said, Only you. I said, So I feel that's
24 more important for me than to stay here. So --

25 Q And what positions -- organizational positions

1 have you held in Ananda Marga since your initiation?

2 A Okay. I went to India and I got my training.
3 After training Baba post me first to an area called the
4 Nairobi sector which is sub-Sahara Africa. I was
5 supposed to be the regional secretary of the Mozambique
6 region which comprised Mozambique and Malawi, Zambia,
7 Zimbabwe. I travel to -- first to Nairobi. When I
8 arrived there, my health was not very good, so the
9 sectorial secretary of Nairobi sector decided that I
10 should not go to that region, and I should stay in the
11 Nairobi region, because they have more resources and it's
12 near the main office or the sectorial office. So I held
13 that position for about six months.

14 After that the regional secretary of the region
15 that I was supposed to go, he had some problems and had
16 to leave the country and I was then told by the sectorial
17 secretary that I should go to that region. So I became
18 the RS Mozambique. I held that position for about a
19 year. Then I was informed by the sectorial secretary
20 that I'm now transferred to another area calling the
21 Berlin sector which is in Europe. I waited until my
22 reliever came, he relieved me and I traveled to Germany.
23 I was supposed to be RS Gibraltar region which comprises
24 of Portugal, Spain, Gibraltar.

25 But at the meet -- a few days after my arrival

1 there was a meeting of all the -- let's say the monks, we
2 call them -- we call ourselves wholetimers or WT's
3 because we dedicate our whole life to the mission. So
4 there was a meeting of all the WT's, a coordinating
5 meeting, it's called RDS. R goes for Review, D for
6 Defect, S for Solutions. In that meeting all the
7 regional secretaries came and the sectorial secretary
8 informed me that I will not go to the Gibraltar region
9 and I will work in the Frankfurt region. I stayed in
10 that post for about six months.

11 Then we had another meeting, RDS, and I was
12 told by the sectorial secretary that now I'm posted to
13 the Rome region which comp -- which is mainly Italy. So
14 I proceeded to Italy, and I took over charge as a
15 regional secretary of Roma region. After that, I held
16 that position for about -- a little bit more than a year,
17 then I was transferred as the sectorial -- departmental
18 secretary, my departments were EMS or Eka Manav Samaj.
19 It means one human society. My job was to propagate the
20 idea that the human society's one, that we are all
21 brothers and sisters, there is no superior or inferior
22 and the idea of universalism.

23 I held that position together with other AMGS,
24 Ananda Marga Geography Schools to provide education --
25 cheap education, having schools in all centers. Or

1 another department called printing press. I -- we had a
2 printing press to print books and any other materials. I
3 held that position until after my guru or Baba passed
4 away. And then I was made a sectorial office secretary
5 of Berlin sector. I held that position until 1999, at
6 that time the general secretary transferred me to the New
7 York sector holding a similar position, the sectorial
8 office secretary.

9 Q And you've been in that position since?

10 A I've been in that position until now.

11 Q What is Ananda Marga, Inc.?

12 A Ananda Marga, Inc., is a Colorado corporation
13 which manages the affairs of Ananda Marga, Inc., and
14 proposes to reach a universal religion. And it follows
15 its own bylaws, its articles of incorporation. It's
16 managed by its board of directors. I'm also a member of
17 the board of directors holding the position of corporate
18 secretary.

19 Q And when were -- describe how you became the
20 corporate secretary of Ananda Marga, Inc.

21 A In my previous positions in other sectors I
22 never held any corporate position, I was only with the
23 socio-spiritual organization, Ananda Marga. But when I
24 arrived in New York sector after I took my charge as
25 sectorial office secretary, the sectorial secretary

1 appointed me as corporate secretary and a meeting was
2 held, I don't know the exact date, some time in the
3 beginning of the year 2000 where I was instated as the
4 corporate secretary of Ananda Marga, Inc.

5 Q And who appointed you as the corporate
6 secretary of Ananda Marga, Inc.?

7 A The appointment was made by the sectorial
8 secretary of Ananda Marga, Inc., and his name is Acarya
9 Dhyaneshananda Avadhuta.

10 Q Can you spell that? I think we already have
11 Acarya spelled.

12 A Dhyaneshananda, D-h-y-a-n-e-s-h-a-n-a-n-d-a.

13 Q And where -- are you the custodian of the
14 corporate records of Ananda Marga, Inc.?

15 A Yes. I'm -- as the corporate secretary, I'm
16 also the custodian of the records of Ananda Marga, Inc.

17 Q And where are the corporate records of Ananda
18 Marga, Inc., held?

19 A The corporate records of Ananda Marga, Inc.,
20 are held at the office in New York City located at 97-38
21 42nd Avenue, Corona, NY, 11368.

22 Q Are corporate records of Ananda Marga, Inc.,
23 held anywhere else?

24 A To my knowledge, all corporate records of
25 Ananda Marga, Inc., are held at that office.

1 Q Okay. Now, as the corporate secretary, I'd
2 like to -- this is the time when we get to go through and
3 admit some exhibits, okay. Could you open book one of
4 two, please?

5 A Book one.

6 Q Now, what is Exhibit 1, can you look at Exhibit
7 1?

8 A Exhibit 1 is the articles of incorporation of
9 Ananda Marga, Inc.

10 MR. OBITTS: Your Honor, we've -- if I could
11 speak for a second.

12 MR. ERWIN: Yes.

13 MR. OBITTS: In our pretrial management order,
14 the Defendant Intervenors have stipulated that many of
15 these exhibits are admissible, and maybe we could speed
16 things up so he doesn't have to identify it and maybe
17 it's done number and we could read them through and we
18 could speed this along.

19 THE COURT: Do you accept the stipulation?

20 MR. ERWIN: I do, Your Honor.

21 THE COURT: Okay. So what exhibits
22 specifically have been admitted by stipulation?

23 MR. ERWIN: We've got -- one second, Your
24 Honor.

25 (Pause in proceedings.)

1 MR. ERWIN: I can read them all off, I actually
2 have a list here.

3 THE COURT: Oh, okay.

4 MR. ERWIN: I was just trying to pull up, sorry
5 for the delay. Exhibit 1, Exhibit 2 -- actually Exhibits
6 1 through 10, Exhibit 15, Exhibit 16, Exhibit 68, Exhibit
7 84, Exhibit 89, 90, admissible against Vimalananda, same
8 with 91, 93, 95 --

9 MR. OBITTS: 95 was just against Clark Forden.

10 MR. ERWIN: Against Clark Forden, I apologize.
11 Exhibit 98, Exhibit 99, Exhibit 101, Exhibit 119, Exhibit
12 120, 121 -- sorry, not 121 -- 120, 123. I believe that's
13 all.

14 (Plaintiffs' Exhibits 1, 2, 3, 4, 5, 6, 7, 8, 9, 10,
15 15, 16, 68, 84, 89, 90, 91, 93, 95, 98, 99, 101, 119,
16 120, 123 admitted into evidence.)

17 THE COURT: Okay. Those exhibits will be
18 admitted by stipulation. As such you do not have to lay
19 foundation prior to using them, you may just refer to
20 them. As for what they are as Exhibit 1 for example. So
21 beyond that, any other exhibits, lay the appropriate
22 foundation and offer their admission. You may proceed.

23 MR. ERWIN: Thank you, Your Honor.

24 Q (By Mr. Erwin) Okay. Can you please look at
25 Exhibit 21? Can you tell me what this is?

1 A Exhibit 21 minutes of special board of
2 directors meeting of Ananda Marga, Inc.

3 Q And is this a business record of Ananda Marga,
4 Inc.?

5 A Yes.

6 MR. ERWIN: Okay. Move to admit Exhibit 21
7 into evidence.

8 THE COURT: Any objection, Mr. Obitts?

9 MR. OBITTS: We don't object to this one.

10 THE COURT: All right. 21's admitted.

11 (Plaintiffs' Exhibit 21 admitted into evidence.)

12 Q (By Mr. Erwin) Exhibit 22, please?

13 A Exhibit 22 also minutes of special board of
14 directors meeting of Ananda Marga, Inc.

15 Q Is this also a business record of Ananda Marga,
16 Inc.?

17 A Yes.

18 MR. ERWIN: I'd like to move this into -- I'd
19 like to move to admit this into evidence.

20 MR. OBITTS: No objection.

21 THE COURT: 22's admitted without objection.

22 (Plaintiffs' Exhibit 22 admitted into evidence.)

23 Q (By Mr. Erwin) And Exhibits 24 through 39 are
24 all board of -- can you look at Exhibits 24 through 39,
25 are these all board of director minutes and meetings of

1 Ananda Marga, Inc.?

2 MR. OBITTS: Your Honor, to --

3 THE WITNESS: Yes.

4 MR. OBITTS: -- to short-circuit, we'll
5 stipulate to 24 through 28.

6 THE COURT: Okay.

7 MR. OBITTS: -- as admissible.

8 THE COURT: 24 to 28 will be admitted by
9 stipulation.

10 (Plaintiffs' Exhibits 24, 25, 26, 27, and 28
11 admitted into evidence.)

12 Q (By Mr. Erwin) Okay. Can you look at Exhibit
13 29? What is this?

14 A Minutes of regularly scheduled board of
15 directors meeting of Ananda Marga, Inc.

16 Q Would this be held as a business record?

17 A Yes.

18 MR. ERWIN: Move to admit 29 as --

19 MR. OBITTS: Your Honor, this is an unsigned
20 document, so I have no way to verify that this was
21 authentic.

22 THE COURT: I'm going to sustain the objection
23 on foundation. Mr. Erwin, the rule is 803(6), okay? If
24 there's much more foundation that you need to establish a
25 business record other than asking a witness is this a

1 business record. So he apparently is a knowledgeable
2 person that would be able to answer those questions for
3 you.

4 Q (By Mr. Erwin) You were the sectorial office
5 secretary in Ananda Marga, Inc., 1990?

6 A I became the corporate secretary of Ananda
7 Marga, Inc., in the year 2000.

8 Q Okay. I'm going to skip this one.

9 MR. ERWIN: One second, Your Honor.

10 Q (By Mr. Erwin) Okay. Would this document be
11 kept in the regular course of business of Ananda Marga,
12 Inc.?

13 A Exhibit 29?

14 Q Yes.

15 A Yes. We keep all these documents on a
16 corporate book and these documents are in the book, they
17 are not signed but they are in our book, yeah.

18 Q Is this the type of record that's normally kept
19 by your business?

20 A Yes. Especially some of the records by Acarya
21 Daneshananda Avadhuta who was my predecessor that we have
22 a number of resolutions that were not signed and they are
23 now a record, yeah.

24 MR. ERWIN: Now, I'd like to admit this into
25 evidence.

1 THE COURT: Mr. Obitts, do you maintain your
2 objection?

3 MR. OBITTS: Yeah, it's the same objection,
4 these are unsigned documents, there's no evidence that he
5 was -- that they keep unsigned documents, the previous
6 documents are signed and under seal which appears to be
7 the practice, there's no questions regarding do you keep
8 documents unsigned in the board book or not. There's
9 just no foundation there.

10 THE COURT: Sustained as to foundation.

11 Q (By Mr. Erwin) Please look at Exhibit 34.

12 A Exhibit 34, minutes of special joint board of
13 directors meeting of Ananda Marga, Inc.

14 Q And do you recognize this document?

15 A Yes.

16 Q And did you sign this document?

17 A I signed this document.

18 Q Did you attend the meeting?

19 A I did.

20 Q You did. Is this a business record?

21 A It's a business record.

22 MR. ERWIN: Move to submit this into evidence.

23 MR. OBITTS: Your Honor, he --

24 THE COURT: Is there an objection, Mr. Obitts?

25 MR. OBITTS: There is an objection, it's --

1 lack of foundation. He's not saying how the records are
2 kept.

3 THE COURT: Yeah. Sustained. I'm going to
4 take a recess. I want you to read 803(6), so you figure
5 out what you need to ask him to be able to offer these
6 exhibits. You can't ask him the conclusory question, is
7 this a business record? You can ask him everything else
8 leading up to that, okay? So read the rule, let's take a
9 quick 10 minute break while you do that.

10 Sir, if you will please come back and sit back
11 in the chair when we come back, all right? Until then
12 you can stand up and stretch.

13 THE WITNESS: Thank you, Your Honor.

14 THE COURT: Thank you. Court's in recess.

15 (Whereupon a recess was taken.)

16 (Whereupon the court reconvened and the following
17 proceedings were entered of record.)

18 THE CLERK: All rise. Courtroom 259 is back in
19 session.

20 THE COURT: Please be seated. All right. Sir,
21 come on up.

22 MR. OBITTS: Your Honor, we'll stipulate to
23 Exhibit 23 and 29 as well.

24 THE COURT: Okay. So Exhibit 23 through 29 are
25 admitted by stipulation.

1 (Plaintiffs' Exhibits 23 and 29 admitted into
2 evidence.)

3 THE COURT: Mr. Erwin, you may proceed.

4 Q (By Mr. Erwin) Okay. Dada R, can you turn to
5 Exhibit 27, please?

6 A Yes.

7 Q And what is this?

8 A These are the minutes of regularly scheduled
9 board of directors meeting of Ananda Marga, Inc.

10 Q Is this a record of the actions of the board of
11 directors of AMI?

12 A Yes. This -- this is.

13 Q Are corporate minutes kept in the ordinary
14 course of business?

15 A Yes, we keep the minutes of our meetings in the
16 ordinary course of business.

17 Q Was it the practice so it was the practice to
18 keep such meetings?

19 A Yes. It -- it's our practice to keep the
20 minutes of the board of directors meetings.

21 Q Was it the practice to make these meetings at
22 or near the time of the board of directors meeting with a
23 person with knowledge?

24 A Would you repeat the question?

25 Q Was it the practice to Ananda Marga, Inc., to

1 prepare board of directors meetings at or near the time
2 of the meeting by a person with knowledge of that
3 meeting?

4 A Yes. The practice was that the secretary will
5 prepare the minutes of the meetings.

6 Q And where are the meetings kept?

7 A You mean the minutes?

8 Q The minutes.

9 A Yeah, we keep the minutes in the office. We
10 have like we -- a folder, we call it corporate book and
11 we keep all the minutes in that book.

12 Q And is this a true and accurate copy of these
13 minutes?

14 A Yes.

15 MR. ERWIN: Your Honor, I'd like to admit
16 Exhibit 27 into evidence.

17 THE COURT: You just stipulated to exhibits 23
18 to 29, so it's already in evidence.

19 MR. OBITTS: That's right.

20 MR. ERWIN: Okay. Sorry.

21 Q (By Mr. Erwin) Let's go to Exhibit 30. What
22 is this?

23 A This is the minutes of regularly scheduled
24 board of directors meeting took place on June 30, 1992.

25 Q And is this a record that -- is this a record

1 of the actions of the board of directors of Ananda Marga,
2 Inc.?

3 A Yes. These -- these are the records of the
4 action of the board of directors of --

5 Q And a record --

6 A -- the corporation.

7 Q -- such as this kept in the ordinary course of
8 business --

9 A Yes.

10 Q -- of Ananda Marga, Inc.?

11 A We keep this document in our ordinary course of
12 business.

13 Q And it was the practice to keep these minutes?

14 A Yes. It's the practice to keep these minutes
15 as I mentioned in this corporate book, yeah.

16 Q And are these corporate minutes made at or near
17 the time of the meeting by someone with knowledge of the
18 meeting?

19 A Yes. As I mentioned, it's the practice that
20 the secretary -- must be that the secretary's present at
21 the meeting, he would prepare the minutes.

22 Q And you -- do you -- where do you maintain
23 these corporate minutes?

24 A I maintain all of them in the same corporate
25 book in the office of Ananda Marga, Inc.

1 Q Is this a true and accurate copy of these
2 minutes?

3 A Yes.

4 MR. ERWIN: At this time I'd like to move for
5 Exhibit 30 into evidence.

6 MR. OBITTS: Your Honor, he --

7 THE COURT: Yes.

8 MR. OBITTS: -- testified that he was there in
9 1999 and he's talking about the practice since then. He
10 didn't lay a foundation of a practice back in 1992.

11 THE COURT: That's correct. Objection
12 sustained as to foundation.

13 Q (By Mr. Erwin) Can you please turn to Exhibit
14 34? What is this?

15 A Minutes of a special joint board of directors
16 Ananda Marga, Inc., and also Ananda Marga Global Trading
17 Company.

18 Q Please identify this -- and did you attend this
19 meeting? Did you attend this board meeting?

20 A Yes, I attended the meeting.

21 Q Did you prepare these minutes --

22 A I --

23 Q -- and meet -- these minutes?

24 A -- I prepared the minutes.

25 Q And did you sign the minutes?

1 A Yes, I did.

2 Q Is this a true and accurate copy of these
3 minutes?

4 A Yes, this is an accurate -- true and accurate
5 copy of the minutes.

6 Q And are these corporate minutes maintained in
7 the regular -- ordinary course of business by Ananda
8 Marga, Inc.?

9 A Yes, they are.

10 Q And where did you keep these minutes?

11 A They are kept in the office in a corporate
12 book.

13 Q Is this a true and accurate copy of these
14 minutes?

15 A Yes.

16 MR. ERWIN: I'd like to move for Exhibit 30 to
17 be placed into evidence -- 34 to be placed into evidence.

18 MR. OBITTS: No objection this time.

19 THE COURT: 34's admitted.

20 (Plaintiffs' Exhibit 34 admitted into evidence.)

21 Q (By Mr. Erwin) Let's go to Exhibit 35. Please
22 identify this exhibit.

23 A This is also minutes of a special joint board
24 of directors meeting of Ananda Marga, Inc., and the
25 Ananda Marga Global Trading Company.

1 Q Did you attend this meeting?

2 A Yes, I attended this meeting.

3 Q Did you sign these minutes?

4 A I signed -- I prepared the minutes and I signed
5 them.

6 Q Is this a true and accurate --

7 A This is a true and accurate copy, yes.

8 MR. ERWIN: At this time I'd like to move for
9 Exhibit 35 to be placed into evidence.

10 THE COURT: 35, Mr. Obitts?

11 MR. OBITTS: He didn't talk about whether or
12 not they were kept in the ordinary course of business so
13 I object but I --

14 MR. ERWIN: He prepared --

15 MR. OBITTS: -- he'll question then I won't
16 object.

17 MR. ERWIN: -- and signed them.

18 THE COURT: I'm going to admit the obj -- the
19 exhibit, I find the objection goes to the weight, not its
20 admissibility in light of the totality of the foundation
21 to this point. So 35's admitted. You may proceed.

22 (Plaintiffs' Exhibit 35 admitted into evidence.)

23 Q (By Mr. Erwin) We'll go to Exhibit 36, please.

24 A Yes.

25 Q Can you identify this?

1 A Yes, I identified this one.

2 Q Okay. What is it?

3 A It's the minutes of special joint board of
4 directors meeting, Ananda Marga, Inc., AMI, and Ananda
5 Marga Global Trading Company.

6 Q Did you prepare these minutes?

7 A I prepared the minutes and I signed them.

8 Q And is this kept in the ordinary course of
9 business of Ananda Marga, Inc.?

10 A Yes, they are.

11 Q Is this a true and accurate copy of these
12 minutes?

13 A Yes.

14 MR. ERWIN: Move to Exhibit 36 to be placed
15 into evidence.

16 MR. OBITTS: No objection.

17 THE COURT: 36 is admitted without objection.

18 (Plaintiffs' Exhibit 36 admitted into evidence.)

19 Q (By Mr. Erwin) Can you please go to Exhibit
20 37?

21 A Yes.

22 Q And can you please identify what this is?

23 A This is the minutes of Ananda Marga, Inc.,
24 board of directors meeting.

25 Q And did you attend this meeting?

1 A Yes, I attended and I recorded the meeting and
2 I prepared the minutes.

3 Q Are these minutes kept in the ordinary course
4 of business of Ananda Marga, Inc.?

5 A Yes, they are.

6 Q Is this a true and accurate copy of these
7 minutes?

8 A Yes.

9 MR. ERWIN: I move for Exhibit 37 to be placed
10 into evidence.

11 THE COURT: As to Exhibit 37?

12 MR. OBITTS: No objection, Your Honor.

13 THE COURT: 37's admitted.

14 (Plaintiffs' Exhibit 37 admitted into evidence.)

15 Q (By Mr. Erwin) Would you please move to
16 Exhibit 38?

17 A Exhibit 38.

18 Q Can you please identify this exhibit?

19 A The minutes of a special board of directors
20 meeting of Ananda Marga, Inc.

21 Q Did you prepare these minutes?

22 A Yes, I did.

23 Q Are these minutes kept in the ordinary course
24 of business of Ananda Marga, Inc.?

25 A Yes, they are.

1 Q And did you sign these minutes?

2 A I have signed them.

3 Q What's the date that these were signed?

4 A The date of signing?

5 Q Yes.

6 A I signed these on February 10, 2006, and --

7 Q And can you tell me is this a true and accurate
8 copy of these minutes and resolutions?

9 A Yes, it -- they are.

10 MR. ERWIN: I'd move for Exhibit 38 to be
11 placed into evidence.

12 MR. OBITTS: Your Honor, I object, this appears
13 to be a cumulative exhibit with multiple minutes and
14 different resolutions, and I ask that foundation be laid
15 for each one. Also, Your Honor, we'd object that this is
16 a validly held board meeting as well.

17 THE COURT: Mr. Erwin, I'm going to sustain the
18 objection on the grounds that there appear to be multiple
19 entries from multiple dates and that has not yet been
20 explained as to why that is the case, so if you'll
21 establish that additional foundation, you may resubmit
22 the exhibit.

23 MR. ERWIN: Okay.

24 Q Can you look at Exhibit 38 starting on P003559?

25 A Yes.

1 Q Okay. And that appears to go page P003562?

2 A Correct.

3 Q Okay. Can you please identify what this
4 document is?

5 A Okay. These are the minutes of the board of
6 directors meeting and I recorded these minutes and I
7 signed them on --

8 Q And what's --

9 A -- February --

10 Q -- the date of this meeting?

11 A The date of the meeting, January 7. The date
12 of -- I signed the minutes and prepared on February 10.

13 Q Are these regular -- kept in the regularly kept
14 in the course of business of Ananda Marga, Inc.?

15 A Yes.

16 Q And are these true and accurate copy of these
17 minutes?

18 A Yes.

19 Q Did you sign them?

20 A Yes, I signed them.

21 MR. ERWIN: Okay. I'd like to admit Exhibit
22 38, pages P003559 through P003562 into evidence.

23 THE COURT: Are you going to redact the
24 remaining portions of the exhibit? Or if not, just go
25 ahead and lay the remaining foundation for remainder of

1 it and offer it as one exhibit.

2 Q (By Mr. Erwin) Now, can you look at P003563?

3 A Yes.

4 Q And can you please identify this particular
5 P00 -- and this goes to page P003568, can you identify
6 this document?

7 A Yes. Okay. These are the cumulative minutes
8 and resolutions of the special board of directors
9 meetings of Ananda Marga, Inc. I recorded the minutes,
10 and I prepared and I signed it --

11 Q Okay. And what's --

12 A -- on February 10.

13 Q -- you signed them. Is this -- are these
14 minutes kept in the ordinary course of business of Ananda
15 Marga, Inc.?

16 A Yes.

17 Q Okay. Please look at P003569.

18 A Okay.

19 Q It's the last page of the exhibit.

20 A Yes. It's --

21 Q Can you identify this, please?

22 A The corporate resolution taken by the board of
23 directors of Ananda Marga, Inc., and I prepared it and
24 signed it.

25 Q And is this document kept in the ordinary

1 course of business of Ananda Marga, Inc.?

2 A Yes.

3 Q And the date it was signed?

4 A I signed it on 30 September 2007.

5 MR. ERWIN: At this time I'd like to move
6 Exhibit 38 into evidence.

7 MR. OBITTS: Your Honor, I have two grounds for
8 objections. The first one is that it does not appear to
9 be in the ordinary course with regard to the first
10 portion of the exhibit, the meeting's on January 7th,
11 2006, and the signature is over a month later. All the
12 other corporate board minutes kept in the ordinary course
13 of business are signed within two days. So we object on
14 the first portion on that ground and also we have a --
15 hopefully the Court will grant us a standing objection
16 related to any meeting of the board after October 30th,
17 2005, as being invalid.

18 THE COURT: All right. I'll note that obj --
19 I'm sorry, go ahead.

20 MR. OBITTS: Okay. And then with regard to the
21 second portion, once again, now, this is a cumulative
22 minutes. This is the first time we've ever seen any
23 cumulative minutes. So the question really is, is that
24 then kept in the ordinary course of business or not? And
25 with regard to the corporate resolution at the end, it

1 appears to be somehow related to I do not know what
2 because there are no minutes related to it. So that's
3 not in the ordinary course, because normally you have
4 minutes related with resolutions which they've done in
5 the past with the previous minutes and resolutions
6 attached to it. So I object to that as well.

7 THE COURT: Okay. I'm going to note the
8 standing objection to the board meetings after I think
9 you said September 30th, 2005.

10 MR. OBITTS: October 30th.

11 THE COURT: October 30th, 2005. That objection
12 will be noted. And you may maintain the standing
13 objection. As to the remaining objection, the exhibit
14 will be admitted with the exception of the last page
15 which there's not been sufficient foundation to
16 corroborate it or tie it into Exhibit 38. It may be a
17 stand-alone exhibit at some point, but for now I'm going
18 to redact it. The rest of the exhibit will be admitted,
19 and I'll find your objection goes to the weight I might
20 give it, not its admissibility.

21 (Plaintiffs' Exhibit 38 admitted into evidence.)

22 THE COURT: You may proceed, Mr. Erwin.

23 MR. ERWIN: Thank you.

24 Q (By Mr. Erwin) Would you please look at
25 Exhibit 40? Can you please tell me what this is?

1 A Yes. Actually Exhibit 40 -- so we are -- we
2 are going over 39?

3 Q Yes, we are.

4 A Exhibit 40, okay. It's a resolution of the
5 board of directors of Ananda Marga, Inc. It's --

6 Q And is this a resolution that's kept in the
7 ordinary course?

8 A Yes, it's kept.

9 Q Okay. And where are these kept?

10 A In the same corporate book at the office of
11 Ananda Marga, Inc.

12 Q And is the practice of Ananda Marga, Inc., to
13 keep corporate resolutions such as this in the corporate
14 records?

15 A Yes, it's our practice.

16 Q And is this a true and accurate copy of the
17 minutes you found in your book?

18 A Yes.

19 MR. ERWIN: I'd like to move for Exhibit 40
20 into evidence.

21 MR. OBITTS: Your Honor, this goes back to a
22 document that is 1983. He's not talking about any
23 personal knowledge or any information related to how it
24 was kept in the ordinary course of business.

25 THE COURT: I'm going to note the objection, it

1 goes to the weight, not its admissibility. Exhibit 40
2 will be admitted.

3 (Plaintiffs' Exhibit 40 admitted into evidence.)

4 THE COURT: Go ahead, Mr. Erwin.

5 Q (By Mr. Erwin) Can you please turn to Exhibit
6 42. Can you please identify this document?

7 A Corporation resolution of Ananda Marga, Inc.,
8 board of directors of Ananda Marga, Inc.

9 Q And is this a record that's a record of the
10 action of the board of directors of Ananda Marga, Inc.?

11 A Yes, it is.

12 Q And are corporate minutes kept in the ordinary
13 course of business?

14 A This corporation resolution is kept in the
15 ordinary course of business.

16 Q And is it the practice of Ananda Marga, Inc.,
17 to keep corporate minutes such as this?

18 A Yes.

19 Q And is it the practice of Ananda Marga, Inc.,
20 to make corporate minutes at or about the time of the
21 meeting by a person with knowledge?

22 A Yes. The corporate secretary is the one who
23 makes the minutes if he is present at the meeting.

24 Q Who signed this document?

25 A Mr. Edward Melanson, he was the corporate

1 secretary at the time.

2 Q And was it your practice to maintain records
3 regarding property transfers in the corporate books of
4 Ananda Marga, Inc.?

5 A Yes. There are some records of property
6 transfer in the corporate book.

7 Q Do you keep resolutions related to property in
8 a separate book or in the same book?

9 A No, no, in the same book.

10 Q Okay. Is this a true and accurate copy of this
11 document that you found in the book?

12 A Yes.

13 MR. ERWIN: At this time I'd like to move for
14 Exhibit 42 into evidence.

15 THE COURT: Same objection, Mr. Obitts?

16 MR. OBITTS: Same objection. This is a
17 corporate resolution, not minutes. And there's nothing
18 attached to it. He hasn't testified related to how they
19 kept resolutions in the past.

20 THE COURT: All right. From what I've heard
21 the evidence to this point is sufficient foundation
22 albeit minimal to support the admission of the exhibit,
23 and so I will admit it and note your objection.

24 (Plaintiffs' Exhibit 42 admitted into evidence.)

25 Q (By Mr. Erwin) Can you turn to Exhibit 43,

1 please? Can you identify this document, please?

2 A Yeah, corporate resolution of the board of
3 directors of Ananda Marga, Inc.

4 Q Is this a record that's of the actions of the
5 board of directors of Ananda Marga, Inc.?

6 A Yes.

7 MR. OBITTS: Your Honor, I object, lack of
8 knowledge.

9 THE COURT: I'll sustain to the form of the
10 question. Why don't you rephrase your question.

11 Q (By Mr. Erwin) Is it the practice of the board
12 of directors of Ananda Marga, Inc., to prepare
13 resolutions regarding property transfers?

14 A Yes.

15 Q And are corporate minutes such as this kept in
16 the ordinary course of business of Ananda Marga, Inc.?

17 A Yes.

18 MR. OBITTS: Same objection, lack of knowledge.

19 THE COURT: Sustained.

20 Q (By Mr. Erwin) Do the -- is it the normal
21 course of the board of directors of Ananda Marga, Inc.,
22 to prepare resolutions regarding property transfers of
23 Ananda Marga, Inc.?

24 A Yes.

25 Q And has it always been the -- has it been the

1 practice since you're the corporate secretary for the
2 board of directors to maintain such records?

3 A Since I have been corporate secretary, it has
4 been the practice.

5 Q Is it the practice that resolutions regarding
6 property transfers of Ananda Marga, Inc., be kept by the
7 board of directors at or -- at the same time as when the
8 meetings are held by a person with knowledge?

9 A Ah --

10 MR. OBITTS: Objection as to time frame, Your
11 Honor.

12 THE COURT: Yeah, sustained. You have to --
13 for the records that are prior to this role, you have to
14 show that he has some knowledge about that, how they did
15 it, why they did it, when they did it. Okay?

16 MR. ERWIN: Okay. Let's skip this one for now.

17 THE COURT: Well, just glancing at 45 through
18 50, you're going to have the same issue and Mr. Obitts is
19 going to wear out his shoes.

20 MR. ERWIN: Okay.

21 Q (By Mr. Erwin) Can you look at the other book,
22 please. Go to Exhibit Number 62, please. Can you
23 identify this?

24 A Corporate resolution of the board of directors
25 of Ananda Marga, Inc.

1 Q What's the date?

2 A The meeting was held on October 11, signed on
3 October 12.

4 Q Did you prepare these minutes?

5 A Yes, I did.

6 Q Or this res -- did you prepare this resolution?

7 A I prepared the resolution, yeah.

8 Q Okay. And you have knowledge of the facts
9 stated in the resolution?

10 A Yes.

11 Q You signed this resolution?

12 A I did.

13 Q Now, is this resolution kept -- is this a
14 record of the actions of the board of directors --

15 A Yes.

16 Q -- of Ananda Marga, Inc.? Are the corporate
17 minutes kept in the ordinary course of business?

18 A Corporate minutes and corporate resolutions are
19 kept in the regular course of business.

20 Q And it was the practice -- was it the practice
21 to keep such resolutions --

22 A Yes.

23 Q -- in the corporate books?

24 A Yes.

25 Q Do you have knowledge of whether this

1 particular resolution was signed at or near the time that
2 it was -- the resolutions were made?

3 A Yes.

4 Q And did you maintain this in the corporate
5 resolutions book of AMI?

6 A Yes.

7 MR. ERWIN: Okay. I'd like to admit Exhibit 62
8 into evidence.

9 THE COURT: Mr. Obitts?

10 MR. OBITTS: Your Honor, if he could just ask
11 him if it's a true and accurate copy.

12 Q (By Mr. Erwin) Is it a true and accurate copy
13 of these minutes?

14 A Yes.

15 MR. OBITTS: Then I have no objection.

16 THE COURT: 62's admitted without objection.

17 (Plaintiffs' Exhibit 62 admitted into evidence.)

18 Q (By Mr. Erwin) Can you please turn to Exhibit
19 64? Can you please tell me what this is?

20 A A deed of a property. It's -- the property of
21 Ananda Marga, Inc., in Missouri.

22 Q Okay. And what's the date of this?

23 A It's dated the 10th day of May, '83.

24 Q And are deeds of trusts or property deeds of
25 Ananda Marga, Inc., kept in the ordinary course of

1 business of Ananda Marga, Inc.?

2 A Yes, they are.

3 Q And where are they kept?

4 A They are kept in the office, not in the same
5 corporate book, in another file.

6 Q They're kept in a separate file?

7 A In a separate file in the office, yes.

8 Q Okay. Was it the ordinary practice of the
9 corporation to keep property deeds in a particular file
10 in the office?

11 A Yes.

12 Q Okay. And did you -- and you maintained a
13 specific file with corporate deeds?

14 A I maintain.

15 Q Okay. Is this a true and accurate copy of the
16 deed that was found in those records?

17 A Yes.

18 MR. ERWIN: At this time I'd like to admit
19 Exhibit 64 into evidence.

20 MR. OBITTS: Your Honor, this is not a self-
21 proving document. A certified copy would be self-proving
22 as to a property record, so I'm objecting that it
23 contains hearsay or hearsay basis as well as the fact
24 that he has not testified as to the knowledge, as to the
25 regular course of business prior to 1999 and this is a

1 1983 document.

2 THE COURT: Objection sustained.

3 Q (By Mr. Erwin) Please turn to Exhibit 86. Can
4 you please tell me what this is?

5 A This is a posting order for one Didi,
6 Avadhutika Ananda Vikiirna.

7 Q And do you recognize this document?

8 A Yes, I received this document.

9 Q And how do you recognize the document? When
10 did you receive the document?

11 A I -- I was mailed this document from -- yeah.
12 The -- this Avadhutika Ananda Vikiirna was posted in our
13 sector.

14 MR. OBITTS: Your Honor, I object to any
15 testimony related to this document, this is hearsay, the
16 document, corporate document from a non-party.

17 THE COURT: Well, I don't -- let's see if he
18 can lay the foundation. At this point I haven't heard
19 any so --

20 MR. OBITTS: Okay. And he hasn't offered it,
21 he's just asking questions about it.

22 Q (By Mr. Erwin) Do you remember when you
23 received this document?

24 A I want to remember the exact date.

25 Q Okay.

1 A Yeah.

2 Q Let's move on.

3 A But it's about that time, but I cannot remember
4 it exactly.

5 MR. OBITTS: Object to -- move to the -- not
6 the exact date is non-responsive and move to strike.

7 THE COURT: He said he doesn't remember, I'll
8 take it as that.

9 MR. OBITTS: Okay.

10 Q (By Mr. Erwin) And can you please turn to
11 Exhibit 87, please? Okay. Do you see the first page of
12 Exhibit 87, P003709?

13 A Yes.

14 Q Do you know what this document is, can you
15 identify it?

16 A Email received from the central office
17 secretary, but it's an email of the GS AMPS Central
18 Acarya Dhruvananda Avadhuta.

19 Q Okay. And are you one of the recipients of
20 this email?

21 A I'm just checking here. Yes.

22 Q You are?

23 A I am.

24 Q And when did you receive this email?

25 A Emailed February 2006.

1 Q Okay. And in what capacity were you receiving
2 this email?

3 A The email's addressed to all SOS, SOS means
4 sectorial office secretary.

5 Q So was this in your capacity as corporate
6 secretary of AMI?

7 A No. This is in my capacity as sectorial office
8 secretary of Ananda Marga --

9 Q Okay.

10 A -- socio-spiritual organization.

11 Q And is this a true and accurate copy of the
12 email that was sent to you?

13 A Yes.

14 Q Go to the next page. Do you recognize P003710?

15 A Yes.

16 Q Okay. And who sent you this ema --

17 A This --

18 Q -- who sent this is email?

19 A This email is sent by Dada Shubhatmananda. He
20 was the central office secretary.

21 Q Okay. And were you a recipient of this email?

22 A Yes. I'm -- I received this email, I'm a
23 recipient.

24 Q Okay. And do you recognize this email?

25 A Yes.

1 Q And when was this email sent to you?

2 A February 13, 2006.

3 Q In what capacity is this email being sent to
4 you?

5 MR. OBITTS: Objection, Your Honor, as to the
6 state of mind of the person sending it as to what
7 capacity.

8 THE COURT: I don't think that's what he's
9 asking him, so I'm going to give him a little leeway, it
10 might be premature at this point, but we'll find out from
11 the next question. I'm going to overrule the objection
12 at this point without prejudice, go ahead.

13 Q (By Mr. Erwin) I was asking in what capacity
14 are you receiving this email.

15 A Yeah. As sectorial office secretary.

16 Q And is that the same as the office secretary of
17 AMA?

18 A No, no, the -- I held two positions. One is
19 sectorial office secretary of Ananda Marga socio-
20 spiritual organization. The other is corporate secretary
21 of Ananda Marga, Inc.

22 Q Okay. Can you please --

23 A I was holding both positions.

24 Q Can you please tell me what's going on in this,
25 what's happened?

1 THE COURT: Wait, I want him to restate that
2 again. Sectorial office secretary of Ananda Marga and
3 what's the other position?

4 THE WITNESS: Corporate secretary of Ananda
5 Marga, Inc.

6 THE COURT: Of AMI?

7 THE WITNESS: Thank you.

8 THE COURT: Thank you. Go ahead, Mr. Erwin.

9 MR. ERWIN: Thank you, Your Honor.

10 Q (By Mr. Erwin) And can you tell me what's
11 being said in this email? Can you describe this email?

12 MR. OBITTS: Objection, Your Honor, the
13 document --

14 THE COURT: Sustained.

15 MR. OBITTS: -- speaks for itself.

16 MR. ERWIN: I'm going to go back, and I'm going
17 to offer P003709 into evidence, an email on that page.

18 THE COURT: You're going redact all of the
19 other documents that are --

20 MR. ERWIN: No, I was going to do it one by
21 one, but I could do them all the same time.

22 THE COURT: Well, here's the difficulty, you've
23 given me an exhibit marked as Exhibit 87, and it appears
24 to have 27 pages to it. You're going to need to show the
25 foundation for all of these and the admissibility for

1 every page on this exhibit for it to be admitted as an
2 exhibit under Exhibit 87.

3 I'm willing to entertain that first page if
4 that's what you want to do, or you can go back through
5 and lay the foundation for the rest of this stuff,
6 because otherwise, it can't come in. I mean Exhibit 87,
7 the first page refers to two attachments, I don't know if
8 the stuff you have here, the remaining 26 pages is the
9 attachments. I --

10 Q (By Mr. Erwin) Let's go back to -- can you
11 tell me what is Ananda Marga?

12 A Ananda Marga the word Marga means the path.
13 Ananda means bliss. Ananda Marga, the path of bliss.
14 It's a way of life which was -- which includes a
15 philosophy includes practice includes service, and it was
16 systemized by our guru, Baba, or Shrii Shrii Anandamurti.
17 And according to our knowledge, in 1939 was the first
18 time Baba introduced Ananda Marga by teaching the
19 practices of Ananda Marga to one individual and as time
20 goes on, he --

21 MR. OBITTS: Your Honor, I'd object as to this
22 individual wasn't born back in 1939, so his basis must be
23 based upon hearsay.

24 THE COURT: Well, he's -- I'm going to sustain
25 it on foundation. He may have an acquired basis in

1 knowledge but I don't know that yet so --

2 Q (By Mr. Erwin) What are your titles in Ananda
3 Marga?

4 THE COURT: Other than the ones you just told
5 me, SOS of Ananda Marga and corporate secretary of AMI?

6 MR. ERWIN: Yes.

7 THE COURT: Okay. There's more?

8 MR. ERWIN: There are more.

9 THE WITNESS: In Ananda Marga I am a Tattvika.
10 Tattvika means one who understands the philosophy and can
11 explain it. I'm an Acarya. An Acarya means one who sets
12 example by his own conduct and also teaches the personal
13 practices of meditation which I taught individually. And
14 we do other functions of Ananda Marga.

15 I'm also an Avadhuta. An Avadhuta who is one
16 who dedicates his whole existence to the service of
17 humanity, and I do not have my own individual family, it
18 means I'm not married or -- my family's only the humanity
19 or -- including other beings. I'm also a Purodha. A
20 Purodha is one who practice or has the ability and
21 dynamicity (phonetic) and practice an advanced technique
22 of meditation. These are my -- four of my titles.

23 Q And when did receive each of these titles do
24 you recall?

25 A I receive my Tattvika title in 1984. Also my

1 Acarya title in 1984. My Avadhuta title was the last
2 days of December '98 and beginning of '88, that period.
3 And the Purodha title was in 2001, yeah.

4 Q What type of spiritual training do you receive
5 in Ananda Marga -- did you receive in Ananda Marga?

6 A My first -- okay, my first training was
7 actually in Brazil and that was for something we call
8 local full-timer. We live the same discipline as a -- as
9 I'm living now but I just work locally, and it's for a
10 temporary period of time. So that training I took in
11 Brazil. Then I took a training in India that was in
12 1984. That became Acarya training. That we have
13 training centers -- a few training centers around the
14 world so I took a training in India and by the end of
15 1984, I was at that time Acarya.

16 MR. OBITTS: Your Honor, I would object as to
17 vague as to -- he used the word we. Is he talking about
18 Ananda Marga, Inc., or is he talking about somebody else?

19 THE COURT: Okay. Let's have him be a little
20 clearer given the overlap or alleged overlap of the
21 entities so we can have some clarity, okay?

22 Q (By Mr. Erwin) What do -- who's we?

23 A I better say I took a training, yeah.

24 Q Okay.

25 A Oh, about the training -- who gives the

1 training, that -- oh, sorry. The training is given by
 2 the GBTC, Global Basic Training Center, and it's called,
 3 Prasiksana Matha, yeah. That's a Sanskrit basically it
 4 says training center, yeah. It's not Ananda Marga, Inc.;
 5 Ananda Marga, Inc., does not train their Acaryas or
 6 Tattvikas.

7 Q So who does -- who trains all Acaryas,
 8 Avadhutas?

9 A Okay. The Central Tattvika Board and the
 10 Central Acarya Board, they certify our training. So
 11 that's when we become a Tattvika or an Acarya when we get
 12 certified by the Central Tattvika Board of Ananda Marga
 13 and the Central Acarya Board of Ananda Marga.

14 Q And what type of training do you receive?

15 A The training is in philosophy, also in the
 16 practice, the spiritual practices. There's various
 17 techniques, yoga techniques of Ananda Marga. That's the
 18 training.

19 Q And --

20 A And language. We also learn some Sanskrit. We
 21 -- we learn Bengali and knowledge of English also.

22 Q Can you describe the relationship between the
 23 Acarya Board and an Acarya?

24 A The Acarya Board sets the standards for the
 25 Acaryas, certifies the Acaryas. And the Acarya Board

1 also has the duty to raise the standard of the Acaryas in
2 case any mistakes or -- let's say lack of discipline of
3 Acaryas that is also overseen by the Acarya Board. And
4 the same is for -- by the Tattvika Board to the Tattvikas
5 by the Acarya Board to the Acaryas.

6 Q And Avadhutas as well?

7 A Avadhuta Board they have Avadhutas; and Purodha
8 Board for the Purodhas.

9 Q And you said you're a Purodha, correct?

10 A Yes.

11 Q So what -- what is your relationship as a
12 Purodha with the Purodha Board?

13 A Okay. It was the Central Purodha Board was
14 they wanted to organize -- or first that they approved my
15 learning of the advanced techniques of meditation. After
16 I learned all the techniques and I practiced for some
17 time, they organized a special training and then they
18 organized an examination. After passing the examination,
19 I became a Purodhas. The Purodhas Board will then
20 oversee my development as a Purodhas or my personal
21 discipline as a Purodhas and all other aspects of my
22 Purodhas life.

23 Q So what other aspects in your life does the
24 Purodha deal with you?

25 A The Purodha Board does not oversee my -- like

1 now I'm officer sector -- officer secretary of Ananda
2 Marga or I'm the corporate secretary. This is not
3 overseen by the Purodha Board. What they oversee is my
4 personal things as a Purodha.

5 Q And as a whole timer, can you identify -- well, first
6 of all identify who is Baba, who is guru?

7 A Baba is our guru. Guru means -- the word guru
8 means one who dispels darkness. Baba has given us the --
9 all the techniques of Ananda Marga, all the systems of --
10 practices of Ananda Marga. Baba personally initiated me
11 in the practice of Avadhuta and that was the -- Baba in
12 -- as a spiritual guru. Then Baba was also in the Ananda
13 Marga organization, also in the Ananda Marga Pracaraka
14 Samgha, AMPS. Baba was the founder and he elaborated all
15 the teachings, all the books of Ananda Marga and --

16 Q And in what books would one find the spiritual
17 philosophy that Ananda Marga set out?

18 A Okay. The basic book of Ananda Marga
19 philosophy is called the Ananda Sutram. And they all are
20 books -- a series of books called the Subhasita Samgraha.

21 Q Can you spell that?

22 A Subhasita, S-h-u-b-h-a-s-i-t-a (sic), Samgraha,
23 S-a-m-g-r-a-h-a. There are about 25 parts on this book.
24 This book is actually a compilation of this course of
25 Baba. Baba was not writing the books, Baba was

1 dictating. Either he will dictate like giving an open
2 let's say talk or he will dictate in small gatherings or
3 he will dictate privately to somebody and that's how the
4 books got produced. And it's a very vast collection of
5 books which include a social treatise or code, the
6 Carya'carya. Which we have been talking about.

7 Q Can you describe what is Carya'carya?

8 A The word Carya'carya means approximate, could
9 be, dos and don'ts. So in Carya'carya there are three
10 parts, Part I, II, and III. Part I has the ceremonies of
11 Ananda Marga let's say from birth to death so that
12 includes marriage and all the other ceremonies planting a
13 tree or opening up the house and et cetera. And they are
14 -- in this Part I they are a few chapters about the
15 organization. And there is also the definition of the
16 Purodha Board, the Acarya Board, Tattvika Board, and
17 Avadhuta Board. In Part II it's mostly conduct rules,
18 rules that help us to develop ourselves. In Part III
19 it's mostly the yoga techniques of exercises and other
20 techniques. So this is the part of the I, II, and III of
21 Carya'carya.

22 Q Okay. So can you tell me what other documents
23 are you aware of that comprise the spiritual philosophy
24 of Ananda Marga? Are there any others?

25 A The spiritual philosophy -- yes, there are

1 other books also. I mean I didn't (inaudible) all of
2 them. There is another series of books call Ananda
3 Vacanamrtam. Should I spell?

4 Q Yeah, you probably should spell it.

5 A Ananda, A-n-a-n-d-a, Vacanamrtam, V-a-c-a-n-a-
6 m-r-t-a-m. That's in about 34 -- yes, 34 parts of this
7 one. Ananda Marga or Baba also gave us social philosophy
8 let's say. It's called PROUT, Progressive Utilization
9 Theory. This is the fifth chapter of the book I
10 mentioned before, Ananda Sutram. And he also gave a
11 series of courses on PROUT. And that other series of
12 books and Baba also gave these courses in other subjects
13 linguistics and --

14 MR. OBITTS: Objection, it's non-responsive.
15 The question was the spiritual philosophy.

16 THE COURT: Sustained.

17 Q (By Mr. Erwin) So are there any other books
18 that set out the -- strictly the spiritual philosophy of
19 Ananda Marga?

20 A There are -- there are other books that have
21 been produced like Karma -- there's a book called Karma
22 Yoga. Actually there are many, many books, I'm not sure
23 if I can by memory cite all of them. And that's -- if I
24 should go in that direction.

25 Q Is there any one book that -- there's no one

1 book that sets out --

2 A No.

3 Q -- the spiritual philosophy?

4 A You know, for example -- okay. In the
5 Christian Church, I come from a Catholic background,
6 there is the Bible and that's one book with -- but in
7 Ananda Marga, it's not like that, we are completely
8 different. There are a series of books, and so I already
9 mentioned the main ones which are the Ananda Sutram, the
10 series of Subhasita Samgraha, the series of Ananda
11 Vacanamrtam, and I talked about the Carya'carya.

12 Q Okay. Let's talk about the social philosophies
13 of Ananda Marga. What sets out the social philosophies?

14 A Okay. We have neo-humanism. It's Baba's
15 concept of humanism. It's when humanism embraces all
16 creators, all beings, animate and inanimate. He called
17 it neo-humanism. And as the neo-humanism, we are all
18 brothers and sisters and equal individuals, yeah. Then
19 we have PROUT, the Progressive Utilization Theory. And
20 on that also there are series of these courses. Baba
21 also has books in other subjects related to the society
22 as science. He introduces science, Microvita which the
23 concept about the origin of life or the maintenance of
24 life.

25 Q And how did these both neo-humanism and PROUT

1 relate to Carya'carya?

2 MR. OBITTS: I'd object, Your Honor, we're
3 starting to delve into the province where the Court can't
4 go which is interpretation of scriptures.

5 THE COURT: Sustained.

6 Q (By Mr. Erwin) Where are the organization
7 philosophies of Ananda Marga set out?

8 A The -- the main book is the Carya'carya, Book
9 1, a few chapters which explains about the Central
10 Committee, Central Executive Committee. And that says
11 Carya'carya explains about they put on Board the Acarya
12 Board, the Avadhuta Board, the Tattvika Board. It also
13 explains about the Purodha Pramukha. The Purodha
14 Pramukha is the chairperson of the Purodha Board which is
15 something very different from a pope, completely
16 different. So that -- that is the main --

17 MR. OBITTS: Objection, Your Honor, we're
18 still --

19 THE WITNESS: -- book --

20 MR. OBITTS: -- we're going back into his
21 interpretation of the Carya'carya for your consideration.
22 As he's not the highest ecclesiastical authority, so
23 under Serbian v. Orthodoxy (sic) and a whole litany of
24 Supreme Court cases in Colorado, appellate cases, it's
25 not allowed from this witness.

1 THE COURT: Clearly there are ramifications of
2 testimony that invites scrutiny of scripture. That
3 testimony is not testimony, one, that is helpful to the
4 Court in this dispute; enlightening, certainly, but not
5 particularly germane. So I'm going to ask you re-frame
6 your presentation and to the extent that the Carya'carya
7 lays out the structure, I will hear that. But I won't
8 hear it until I hear the witness spell that. What is --
9 how do you spell Carya'carya?

10 THE WITNESS: Carya'carya, yes. C-a-r-y-a-c-a-
11 r-y-a.

12 THE COURT: Okay.

13 THE WITNESS: Carya'carya. I'm not sure if I
14 spelled Purodha.

15 THE COURT: Okay. Go ahead and spell that,
16 too.

17 THE WITNESS: Purodha, P-u-r-o-d-h-a.

18 Q (By Mr. Erwin) Can you please turn to Exhibit
19 16? I'm sorry, Exhibit 15. Exhibit 15.

20 MR. ERWIN: And this exhibit has been
21 stipulated; is that correct?

22 MR. OBITTS: That's correct.

23 MR. ERWIN: I'd like to move this --

24 THE COURT: We already did it.

25 Q (By Mr. Erwin) Okay. Can you look at page

1 DFTS00191?

2 A Yes.

3 Q Do you see chapter 39 there?

4 A Yes.

5 Q Okay. What is the title of that chapter?

6 A Your various organizations.

7 Q What is the Central Committee that's set out in
8 Chapter 39?

9 MR. OBITTS: Your Honor, the document speaks
10 for itself. If he's testifying about something unrelated
11 to this document based upon what knowledge that is not
12 based upon this document, I wouldn't object to that.

13 THE COURT: Well, I'll note your objection, I'm
14 not sure what he's testifying to at this point,
15 Mr. Obitts, so on this subject, but I'm going to let him
16 explore it to some extent so the objection's overruled at
17 this point. You may answer the question, sir.

18 THE WITNESS: Would you mind repeating the
19 question --

20 Q (By Mr. Erwin) Just tell us --

21 A -- I got distracted.

22 Q -- what is the Central Committee that's
23 described here?

24 A Okay. This is the Central Committee of Ananda
25 Marga socio-spiritual organization. The Central

1 Committee is elected by the Purodhas, I'm a Purodha of
2 Ananda Marga, I participate in the elections of the
3 Central Committee. And the -- here it talks about also
4 Purodha Pramukha.

5 MR. OBITTS: Your Honor, he's now reading from
6 the document. If he has independent recollection, I'd
7 ask that the document be taken away from him. He's going
8 down and reading from the document to you. The document
9 speaks for itself.

10 MR. ERWIN: He's not reading.

11 THE COURT: The objection's overruled. Go
12 ahead.

13 Q (By Mr. Erwin) Go ahead and -- without reading
14 it --

15 A No.

16 Q -- describe what the --

17 A I --

18 Q -- Central Committee is.

19 A Okay. The Central Committee is -- is a body
20 elected by the Purodhas of Ananda Marga, like all the
21 Purodhas we elect the Central Committee. The Central
22 Committee -- I was a member of the Central Committee. So
23 we meet regularly. We --

24 Q When were you a member of the Central
25 Committee?

1 A When? I was first elected to the Central
2 Committee in the year 2002. I was -- there were only
3 three people who were not from India in that Central
4 Committee. I was one of them. I was elected in 2002.
5 And this Central Committee we meet and we discuss
6 programs and policies for Ananda Marga socio-spiritual
7 organization. The Central Committee has also the Central
8 Executive Committee. So the Central Committee is not the
9 executive committee. So after discussing the -- the
10 programs, policies, we usually -- it's committed to the
11 Central Executive Committee for implementation.

12 Q Okay. How is -- and how is the Central
13 Committee formed again?

14 A It's an election. All the Purodhas elect the
15 most ourselves. So we are not only voters, we are also
16 candidates and then we elect the Central Committee.

17 Q And when was the first Central Committee
18 formed?

19 A Okay. I was not in the first Central
20 Committee --

21 MR. OBITTS: Objection, request a foundation
22 for knowledge.

23 THE COURT: Do you know when it was formed?

24 THE WITNESS: I know. It was formed in 1991.

25 THE COURT: Thank you.

1 Q (By Mr. Erwin) And --

2 A That -- that first Central Committee was not an
3 election like the Central Committee of 2002. And then
4 there was another election that -- the first election of
5 Central Committee was actually in 1994.

6 Q So --

7 A Baba didn't -- Baba gave only some general
8 guidelines for the Central Committee that we should --

9 MR. OBITTS: Your Honor --

10 THE WITNESS: -- deal with --

11 MR. OBITTS: -- there's no question pending.

12 Move --

13 THE COURT: Sustained.

14 MR. OBITTS: -- to strike. He's going to ask
15 you a question then you can answer the question, all
16 right, sir?

17 THE WITNESS: Thank you.

18 Q (By Mr. Erwin) Was there a Central Committee
19 during Baba's time?

20 A There was no Central Committee during Baba's
21 time.

22 Q What is the role of the Central Committee as it
23 relates to Ananda Marga, Inc.?

24 A The Central Committee of the Ananda Marga
25 socio-spiritual organization is not connected to the

1 corporation Ananda Marga, Inc.

2 Q Would you be -- when -- under what
3 circumstances would the board of directors of Ananda
4 Marga, Inc., provide any of its resolutions to any
5 Central Committee?

6 A No, they -- the board of directors of Ananda
7 Marga, Inc., does not provide resolutions to the Central
8 Committee.

9 Q What authority does the Central Committee have
10 over the board of directors of Ananda Marga, Inc.?

11 A No authority.

12 MR. OBITTS: Your Honor, I'd object as to the
13 time frame and to the basis of --

14 Q (By Mr. Erwin) During --

15 MR. OBITTS: -- knowledge.

16 Q (By Mr. Erwin) During --

17 THE COURT: Sustained.

18 Q (By Mr. Erwin) During your tenure as a
19 director of Ananda Marga, Inc., what authority has --
20 what authority has the Central Committee had over the
21 board of directors?

22 A No authority. I -- I was a member of the
23 Central Committee from 2002, I was corporate secretary of
24 Ananda Marga, Inc., from the 2000, and the Central
25 Committee have no authority over the board of directors

1 of Ananda Marga, Inc.

2 Q During your tenure as a director of Ananda
3 Marga, Inc., did the board of directors ever provide any
4 resolutions for approval to any Central Committee or
5 Central Executive Committee?

6 A The board of directors of Ananda Marga, Inc.,
7 never provided any resolutions for approval neither
8 through the Central Committee nor to the Central
9 Executive Committee.

10 Q Now, who is -- what -- what is the legal
11 corporation of AMPS in India, what is that?

12 A In India there is a registered society, it's
13 called Ananda Marga Pracaraka Samgha. Okay. Maybe I
14 should spell it. Okay. Ananda Marga, A-n-a-n-d-a M-a-r-
15 g-a Pracaraka, P-r-a-c-a-r-a-k-a; Samgha, S-m -- S-a-m-g-
16 h-a. The meaning Samgha means community or society.
17 Pracaraka means to propagate, to teach. That's it,
18 propagate. So Ananda Marga Pracaraka Samgha is the
19 society that propagates the Ananda Marga. Ananda Marga
20 being the philosophy, the techniques. So there is a
21 society in India called Ananda Marga Pracaraka Samgha.
22 It's a registered society.

23 Q Can you please look at Exhibit 9? What is
24 this?

25 A This is the constitution that regulates that

1 registered society called Ananda Marga Pracaraka Samgha.

2 MR. OBITTS: Your Honor, I object, lack of
3 foundation as to his knowledge as to what regulates what.

4 THE COURT: I'm going to sustain it on
5 foundation as to this document at this point, and we'll
6 see where he goes with it.

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

8 A Yes.

9 Q And can you just tell me does this document
10 relate to the registered society you were just talking
11 about?

12 A Yes.

13 MR. OBITTS: Objection, same --

14 THE COURT: How do you know what this is, sir?

15 THE WITNESS: How do I know it?

16 THE COURT: How do you know what it is?

17 THE WITNESS: Yes, I first came in contact with
18 this document in the year 2005 and I -- let's see, read
19 it and -- but I -- I'm not a member of this society.

20 THE COURT: Okay.

21 THE WITNESS: Yeah.

22 THE COURT: Go ahead, Mr. Erwin.

23 Q (By Mr. Erwin) Do you have any knowledge as to
24 what -- who the managers of this entity are?

25 A Okay. As -- I have knowledge from reading the

1 document and so --

2 MR. OBITTS: Your Honor, I object if his
3 knowledge is based upon reading the document, the
4 document speaks for itself.

5 THE COURT: Well, we're trying to find out if
6 he has sufficient foundation about this document to
7 identify it. So that it may be offered for admission.
8 So the objection's premature at this point.

9 Q (By Mr. Erwin) Okay. Can you tell me how you
10 recognize this document? When did you first see this
11 document?

12 A Okay. I have the original copy on my office.
13 It's not -- how you say, it's not big as this one, eight
14 and a half by 11. It's a smaller booklet and it -- it's
15 -- I have a copy of it, yes. And I -- I first -- how you
16 say -- it was in the office for a long time, but I only
17 read -- came more in the -- got interest of them in the
18 -- about year 2005.

19 Q What do you know about the legal registered
20 society in India, what do you know about it?

21 A I don't know much about the corporation laws in
22 India. I know only about reading the document. So by
23 reading this document, I -- I saw that this --

24 MR. OBITTS: Your Honor, he's now interpreting
25 the document.

1 THE COURT: Yeah, the objection's sustained.

2 Q (By Mr. Erwin) When did you first hear that
3 there was a legally registered society named AMPS in
4 India?

5 A Okay. I -- when I was working other sectors
6 and also before coming here I never thought about Ananda
7 Marga as a legal society, and when we went to training
8 center, we never got this document to study. So it was
9 -- I -- I didn't know of the existence of this society.
10 In this sector by the year 2000, I -- the year 2005, the
11 general secretary, Dhruvananda, came to visit the New
12 York sector and he brought many copies of this documents
13 and he was giving to us copies of this document. So
14 that's when I came more -- I came to the knowledge that
15 the -- that there is this legal society, and this is the
16 constitution of this legal society.

17 Q Are you a member of this society?

18 A I'm not.

19 Q How do you know you're not a member?

20 A I never applied, I even -- yeah.

21 Q Have you ever paid any subscription --

22 A I never --

23 Q -- dues?

24 A -- paid any subscriptions or I didn't have any
25 contact with the society.

1 Q Have you ever taken part in any election or any
2 office-bearers of this entity?

3 A No, I never.

4 Q Have you ever had any communications with
5 anyone claiming to be a governing body of this entity?

6 A No. Not somebody introducing themselves as a
7 member of this society. Except when Dhruvananda visited
8 in 2005, he said he's the general secretary of this
9 society.

10 Q And can you describe any relationship that --
11 in your tenure as a director of Ananda Marga, Inc., can
12 you describe any relationship the board of directors of
13 Ananda Marga, Inc., has had with any of the officers or
14 directors of this corporate entity?

15 A We never had any relation with officers of this
16 corporate entity.

17 Q Does -- are -- do you know if this corporate
18 entity owns Ananda Marga, Inc.?

19 A This corporate entity --

20 MR. OBITTS: Your Honor --

21 THE WITNESS: -- does not own --

22 MR. OBITTS: -- objection --

23 THE WITNESS: -- Ananda Marga, Inc.

24 MR. OBITTS: -- I've been letting a bunch of
25 leading questions go for a while, but I have to start

1 objecting. He's leading the witness now.

2 THE COURT: Sustained as to the form of the
3 question, please rephrase it.

4 Q (By Mr. Erwin) Under what circumstances would
5 this Ananda Marga Pracaraka Samgha society in India own
6 any interest in Ananda Marga, Inc.?

7 A Under no circumstances this society will own
8 any interest in Ananda Marga, Inc.

9 Q Under what circumstances would this entity own
10 any property of Ananda Marga, Inc.?

11 MR. OBITTS: Same objection, Your Honor, these
12 are leading questions.

13 THE COURT: No, overruled.

14 MR. OBITTS: Okay.

15 Q (By Mr. Erwin) Under what cir --

16 A The properties of Ananda Marga, Inc., are owned
17 by Ananda Marga, Inc. No other entity has any interest
18 on the properties of Ananda Marga, Inc.

19 Q Under what circumstances would the board of
20 directors of Ananda Marga, Inc., accept any directions or
21 orders from any office-bearer of this entity?

22 A Under no circumstances.

23 Q Can you please look as Exhibit 1?

24 MR. ERWIN: And this document has been
25 stipulated, correct?

1 THE COURT: It's in.

2 Q (By Mr. Erwin) And what knowledge do you have
3 of this document?

4 A These are the articles of incorporation of
5 Ananda Marga, Inc.

6 Q And what date is it?

7 A It was 74. The date of this document -- let me
8 see the whole document, okay they stamp this from the
9 Colorado, the state of Colorado.

10 Q And remind the Court when you became an officer
11 of record of Ananda Marga, Inc.

12 A Sorry?

13 Q Remind us when you became an officer.

14 A I became an officer of Ananda Marga, Inc., in
15 the year 2000.

16 Q In the year 2000. Now, can you look at Exhibit
17 4?

18 MR. ERWIN: This has been stipulated as well,
19 correct?

20 MR. OBITTS: Yeah.

21 Q (By Mr. Erwin) And what are these? What is
22 your knowledge of these?

23 A These are the amended bylaws of Ananda Marga,
24 Inc., of the year 1982.

25 Q Were these the documents in effect when you

1 became an officer of Ananda Marga, Inc.?

2 A I couldn't hear.

3 Q Were these the bylaws of Ananda Marga, Inc.,
4 that were in effect when you became an officer?

5 A Yes. These were the bylaws that were in effect
6 when I became an officer.

7 Q Okay. Now, can you show me anywhere in these
8 documents where it mentions the constitution of AMPS?

9 MR. OBITTS: Your Honor, the document speaks
10 for itself.

11 THE COURT: Well, he's asking him about his
12 knowledge of the document, so the objection's overruled.

13 THE WITNESS: It doesn't say about the -- it
14 doesn't say about the constitution of AMPS in India.

15 Q (By Mr. Erwin) What about Carya'carya, do you
16 see any reference to Carya'carya?

17 A It doesn't refer to Carya'carya.

18 Q Do these bylaws incorporate, accept, or
19 reference any rules or regulations of Ananda Marga
20 Pracaraka Samgha in India?

21 MR. OBITTS: Objection, we're going back to the
22 leading.

23 THE COURT: No, overruled.

24 MR. OBITTS: Okay.

25 Q (By Mr. Erwin) You can answer.

1 A Would you mind repeating, I got distracted.

2 Q I can ask it this way. Where in these
3 documents does it accept any rules, regulations, or
4 conventions of this legal society of AMPS?

5 A It -- there is no mention of the legal society
6 in these documents. It doesn't accept those rules and
7 regulations.

8 Q Okay. And where in this document would it
9 reference any rules, regulations, or structures set out
10 in Carya'carya?

11 A It doesn't.

12 Q Okay. Are -- during your tenure as a director
13 of Ananda Marga, Inc., has the board ever passed any
14 resolutions or agreed to that the any rules, regulations,
15 or conventions of the legal society in India, the legal
16 society AMPS, would be binding on Ananda Marga, Inc.?

17 A During my tenure as an officer of Ananda Marga,
18 Inc., we never discussed about accepting anything from
19 that society. We had no connection. We -- we were
20 managing our corporation with the board of directors.

21 Q Okay. Now, are members of Ananda Marga, Inc.,
22 or adherents of Ananda Marga, Inc., did they become
23 members of this legal society in society?

24 A Okay. Ananda Marga, Inc., is not like -- is
25 not a membership organization. We had adherents. Our

1 adherents on -- adherents of Ananda Marga --

2 MR. OBITTS: Your Honor, object. He is -- he
3 said he lacks knowledge as to the incorporated entity of
4 India, so he has no basis of knowledge.

5 THE COURT: Well, he's asked -- the question
6 was whether as he put it -- Mr. Erwin put it, members of
7 AMI become members of the corporation in India or the
8 society in India, and I think that's a question if he
9 knows he can answer it. So the objection's overruled.

10 THE WITNESS: So Ananda Marga, Inc., is not a
11 membership organization. We have adherents. So our
12 adherents do not -- do not become automatically members
13 of any other society.

14 Q (By Mr. Erwin) Okay.

15 A Including the India one.

16 Q Can you describe -- what was Baba's role in
17 managing Ananda Marga during your tenure as a wholotimer?

18 MR. OBITTS: Objection as to foundation, he
19 testified he only came -- I withdraw the question (sic).

20 THE COURT: The --

21 MR. OBITTS: The objection, I apologize.

22 THE COURT: Okay. Go ahead.

23 THE WITNESS: My tenure as a wholotimer started
24 in 1984. Baba live his physical body in 1990. So we
25 used to refer to Baba even for our personal things and

1 Baba -- like in that period as I mentioned, I was never
2 involved with any corporate entity. I didn't -- in the
3 postings that I had, I worked with feeling I'm working
4 for Ananda Marga, I never thought I'm working for this
5 corporate entity or that corporate entity.

6 So I was working to propagate the ideas of
7 Ananda Marga, the practices of Ananda Marga, teaching
8 participating programs of Ananda Marga, service programs
9 in the various countries I had worked. So Baba was our
10 reference for how relate things. Even postings, I felt
11 Baba posted me in this country then he posted me in that
12 other one and then he posted me in that other one.

13 Q (By Mr. Erwin) Do you have any direct
14 knowledge about what Baba's organizational system or
15 organization directives were in Ananda Marga?

16 A Baba -- I was regional secretary in -- regional
17 secretary in various regions, and I managed the region
18 with my capacity and I got all the knowledge of course
19 from Baba even the programs. But Baba had so many
20 programs so I had to utilized my discrimination to choose
21 which programs I would be able to do in which places. So
22 I always felt that I was managing my region and I used to
23 go to the RDS meetings, Review, Defect, Solutions. These
24 coordinating meetings with other regional secretaries.
25 We exchanged information also with the sectorial

1 secretaries. The sectorial secretary was usually the
2 coordinator of these meetings. So if you -- we'll have
3 the regional secretaries and the sectorial ones
4 coordinate the meetings. And I feel that -- whenever
5 Baba was alive, whatever we were doing was actually
6 originating from him and his ideas, his programs.

7 Q And can you describe the relationship as a
8 regional secretary -- former regional secretary, what was
9 your relationship with the sectorial secretary in that
10 sector?

11 A I worked in -- as regional secretary in Nairobi
12 sector and also in Berlin sector. In Nairobi sector when
13 I was regional secretary of the Nairobi region which was
14 close to the sectorial office where the sectorial
15 secretary was, I -- and I was a very new Acarya in Ananda
16 Marga, I learned a lot from the sectorial secretary. The
17 sectorial secretary always taught me and helped me with
18 the work in the region, but he never interfered directly
19 on the work I was doing.

20 When I went to the other region which was
21 Mozambique region a little bit more far, I continued
22 managing that region with the knowledge I accumulated and
23 a lot of it came through the sectorial secretary, and he
24 also coordinated the programs that were interregional.
25 Let's say I was more on the interregional. But whatever

1 was beyond my region, the sectorial secretary was the one
2 coordinating.

3 And also when I arrived in the Nairobi sector,
4 I was -- I had a certain posting but the sectorial
5 secretary seen the situation of my health, he changed my
6 posting to -- for -- to another region where he could be
7 more conducive.

8 Q Let's take a step back for a second. What is
9 your knowledge of -- what is -- what is a sector?

10 A Baba divided the world in nine areas, this nine
11 geographical areas. And he called them sectors, nine
12 sectors. Like -- like in geography we studied that there
13 is the North American or South American, the American
14 continent. So Baba was not using those terms, he was
15 using the term sector. And he further divided the sector
16 in regions and further divided into smaller and smaller
17 units according to the area.

18 Q Can you describe the relationship between the
19 different geographical areas within the sector?

20 A Well, in those various areas there would be
21 various entities of Ananda Marga working and like suppose
22 a sector. A sector has many regions so a sectorial
23 secretary will have the scope of that whole area, and the
24 sectorial secretary will see that Ananda Marga will
25 develop in all that area. But in that area there are

1 regional secretaries working. So the regional
2 secretaries do the local work and the sectorial does the
3 coordination especially in areas that are beyond that
4 region.

5 Q And what's the relationship between the smaller
6 geographical areas in a sector?

7 A Smaller than regions?

8 Q Can you describe what the geographic regions --
9 how is the sector split up?

10 A Okay. The sector is split up, there is a
11 sector. Sector have -- let's say New York sector. New
12 York sector has 16 regions. And for example one region
13 will be called Kingston region and that Kingston region
14 will have Haiti, Dominican Republic and those coun -- the
15 Jamaican countries in the Caribbean.

16 And in those countries there will be like
17 corporate entities but the corporate entities are not --
18 how'd you say -- dependent on the -- what I want to say
19 is the region is just a geographical area, it's not an
20 entity in itself. So regions are divided into smaller
21 areas called dioceses which are divided in smaller areas
22 called dits, divided in smaller areas, panchayats, and
23 smaller areas, villages. So that's the names Baba was
24 using.

25 And the idea is that this knowledge -- okay

1 Baba had this idea that Ananda Marga belongs to the
2 society. It's -- this knowledge belongs to the society.
3 Now he wants it to be spread all over. And that's -- he
4 will kind of see that village, did we go there, did we
5 bring the knowledge of Ananda Marga to that village? So
6 my personal understanding is that all this division was
7 helping monitor that Ananda Marga as it spread
8 everywhere. So Ananda Marga Pracaraka Samgha, the
9 society spreading the Ananda Marga, we will spread this
10 Ananda Marga in all these areas.

11 Q How did the various corporate entities within
12 these regions and sectors relate to -- how do they work
13 together?

14 A Okay. All the corporate entities they follow
15 their bylaws or articles of incorporation as we call it
16 here in the U.S., other countries they may call
17 constitution. And if they choose to incorporate other
18 entities may be located in other areas as they're --
19 let's say parent -- so they will define in their
20 documents. But each -- each corporate entity has their
21 own separate documents.

22 MR. OBITTS: Your Honor, objection on lack of
23 knowledge.

24 THE COURT: You want to ask him how he knows
25 that.

1 Q (By Mr. Erwin) You were the regional secretary
2 in which sectors again?

3 A Nairobi sector and Berlin sector.

4 Q Okay. Did those -- what is your knowledge of
5 any corporate entities in those sectors?

6 A In Berlin sector one of my assignments was RS
7 Rome, I was regional secretary Roma region. In -- in
8 Roma region, Ananda Marga was organized as an
9 association. So local people, adherents of Ananda Marga,
10 they got together --

11 MR. OBITTS: Your Honor --

12 THE WITNESS: -- and they --

13 MR. OBITTS: -- I'm going under relevance
14 ground, we're talking about Ananda Marga, Inc., and the
15 New York sector in this case not about the Berlin sector
16 or the Nairobi sector or any other sector.

17 MR. ERWIN: It's relevant in how these sectors
18 work together, Your Honor.

19 THE COURT: Yeah, overruled. But let's move it
20 along.

21 THE WITNESS: In the Roma region, Ananda Marga
22 was organized as an independent association and this
23 association there are members, the members choose their
24 president and officers and they manage their affairs of
25 the Ananda Marga in -- in Italy. And I was not an

1 officer, I was the regional secretary, but I was not the
2 officer of that association. And in that association
3 there was a mention, there was place for spiritual
4 director but during my tenure there, they didn't include
5 me as a spiritual director of the association.

6 Q (By Mr. Erwin) And what about the New York
7 sector, how were the corporations in the New York sector
8 related to each other, what is your knowledge of that?

9 A Okay. In the New York sector, we have the
10 Canadian corporation where the Canadian corporation has
11 one that they already chosen to include Ananda Marga,
12 Inc., as their corporate parent in that documents. We
13 have -- in Mexico, it's like -- also -- it's they don't
14 use the incorporation there.

15 It's more like an association of -- they have
16 not incorporated Ananda Marga, Inc., as parent nor by the
17 documents I have in the office they incorporated an
18 Indian society. I -- other countries like Jamaica in
19 their corporate documents, they also have -- they are an
20 independent corporation.

21 Q So what authority does the board of directors
22 of Ananda Marga, Inc., have over any of these
23 corporations that haven't expressly coordinated
24 themselves to Ananda Marga, Inc.?

25 A Okay. Those who have expressed their

1 subordination, they also expressed how the relation is
2 with us. Yeah, so what -- according to what is in their
3 documents, we -- we have anything to say to them.

4 Q So what authority would the board of directors
5 of Ananda Marga, Inc., have to tell the directors of that
6 corporation who hasn't subordinated themselves what to
7 do?

8 A See, the corporations that have not
9 subordinated to Ananda Marga, Inc., we do not have any
10 authority on them.

11 Q Now, what authority does the general secretary
12 have in the New York sector?

13 MR. OBITTS: Objection, to the form. Asking
14 for foundation as to his knowledge first.

15 THE COURT: Sustained.

16 Q (By Mr. Erwin) Do you have any -- what do you
17 know about the general secretary's role in the New York
18 sector?

19 A Not talking about the corporate entity, Ananda
20 Marga, Inc.

21 Q Let's talk about as the sectorial off -- you
22 said you were the sectorial office secretary --

23 A Oh, yes.

24 Q -- of the New York sector.

25 A Right.

1 Q What is your relationship with the general
2 secretary?

3 A Okay. Normally the relationship of the general
4 secretary with the sectorial secretary and the general
5 secretary is -- does the general coordination globally
6 that's what -- why the sectorial secretary does the
7 general coordination sectorially. So that's kind of the
8 correspondence.

9 Q And during Baba's time, what did -- what was
10 the role of the general secretary of the socio-spiritual
11 organization or mission in the New York sector while you
12 were here?

13 A Okay. I -- I was here after Baba passed away I
14 came here.

15 Q Okay.

16 A Yeah, I came in --

17 Q What was --

18 A -- the year 2000.

19 Q -- the role of the general secretary -- what's
20 your knowledge of the role of the general secretary, the
21 socio-spiritual organization in those sectors where you a
22 regional secretary?

23 MR. OBITTS: Your Honor, I object, he
24 previously testified that the central secretary was the
25 one who had the relationship with the general secretary,

1 so there's no basis of knowledge unless he can lay a
2 further foundation.

3 THE COURT: Sustained to the form of the
4 question.

5 MR. ERWIN: Okay.

6 Q (By Mr. Erwin) When you were the regional
7 secretary, did you have a -- what communications did you
8 have with a general secretary?

9 A As a regional secretary, I didn't have direct
10 communication with the general secretary.

11 Q Okay. So in the New York sector, your -- where
12 you sit on -- where you say you're the sectorial office
13 secretary.

14 A Yes.

15 Q What do you know about the relationship between
16 the sectorial secretary and the general secretary?

17 MR. OBITTS: Your Honor, we need a foundation
18 as to basis of knowledge, because we could be going into
19 hearsay here pretty fast.

20 MR. ERWIN: I didn't ask for any hearsay, I
21 asked what his direct knowledge of the relationship was.

22 THE COURT: He's trying to get his foundation,
23 I'm going to give him some leeway to do that and the
24 objection's overruled.

25 Q (By Mr. Erwin) What is your direct knowledge

1 of the relationship -- and we'll give names. First of
2 all, who is the general secretary of Ananda Marga right
3 now?

4 A There is a dispute on that. The -- okay. Just
5 short time ago there were regional secretaries, three
6 people claiming to be the general secretaries.

7 Q And who are those?

8 A One was Dhruvananda, Parameshvarananda, and
9 Ravishananda.

10 Q And how did it come to be that there were there
11 general secretaries?

12 A Okay. After Baba left his physical body, there
13 were conflicts growing within Ananda Marga and by 2003,
14 there was the first we say split and counting the
15 Purodhas, we were about 60 Purodhas approximately and 20
16 of them formed another -- or they -- Central Committee
17 governing body, and then they started a case claiming to
18 be the -- let's say the right AMPS. And those conflicts
19 continued.

20 And by 2007, another split so there were like
21 -- there are 20 and 40 so approximately like 20 also
22 formed another Central Committee and that coincided with
23 the time that the tenure of the Central Committee ended
24 so that was the tenure was from 2002 to 2007. So it was
25 needed to call new elections so there was a lot of

1 conflict and there was a court ruling that all the 60
2 Purodhas or actually 59 should be called to an election.
3 So our election --

4 MR. OBITTS: Your Honor, I object as he's --

5 THE COURT: Yeah, the narrative is sustained.

6 Q (By Mr. Erwin) So who -- do you know who the
7 governing body of the legal society was in 2003?

8 A 2003 is when -- okay it depends on the month --
9 is when a case is started disputing the governing body of
10 the legal society.

11 Q Who were the parties do you know?

12 A The AMPS let's say faction of Ranchi and the
13 one of Kolkata.

14 Q And --

15 MR. OBITTS: Your Honor, I move to strike. He
16 testified previously that prior to 2005 we never heard
17 about AMPS legal. Now he's opining about AMPS legal back
18 in 2003.

19 THE COURT: Well, that's cross-examination, you
20 can point out on it, okay? Overruled.

21 Q (By Mr. Erwin) So do you know why this dispute
22 started?

23 THE COURT: Which dispute?

24 Q (By Mr. Erwin) Do you know -- do you know why
25 Ananda Marga split into different factions?

1 A That's a very difficult question to explain why
2 Ananda Marga divided into so many factions because that
3 is completely against Baba's teachings. And I can only
4 give my opinion, but I cannot really say exactly that's
5 the reason and there's personal disputes and like for
6 example --

7 MR. OBITTS: Your Honor, the question is asking
8 for knowledge as to the split and now he's going to
9 knowledge of other people, so I object as --

10 THE COURT: Well, he said he was going to give
11 his own opinion and at this point I don't know if he's --
12 it's not an expert opinion so there's lay opinion he can
13 offer, but I don't think there's foundation for that at
14 this point either so sustained in part.

15 Q (By Mr. Erwin) Can you describe any events
16 that took place from -- that you're aware of that took
17 place in 2003 to 2005 regarding the structure of Ananda
18 Marga?

19 A In 2003 it happened they split where two
20 structures -- two separate structures developed.

21 Q And how -- how did that happen? What
22 structures?

23 A It's -- it's just like two Ananda Margas, you
24 know, one is based in Ranchi, one is based in Kolkata.
25 They have their projects, they have their workers, their

1 Acaryas, Purodhas. It's like two separate
2 organizations --

3 Q Okay.

4 A -- functioning. That was --

5 Q And did each of them have --

6 A -- after 2003.

7 Q -- a general secretary?

8 A Sorry?

9 Q Did each of them have a general secretary?

10 A Yes.

11 Q Okay.

12 A They had the whole structure, both of them.

13 Q And in -- when you were a -- let's -- so in
14 2000 -- do you have any direct knowledge that in 2005 who
15 the central -- who was the Central Committee in 2005?

16 A 2005 I was a member of the Central Committee
17 that one that a tenure from 2002 to 2007 in 2005. And
18 parallel to that, there was another Central Committee
19 which was the one what we called based in Kolkata.

20 Q And that cen -- who was on that Central
21 Committee -- do you recall who was on that Central
22 Committee that lasted up until 2007?

23 A The one I was member?

24 Q Yes.

25 A Yes. I -- I cannot enumerate each and every

1 member exactly but I could --

2 THE COURT: How many members were there on that
3 committee?

4 THE WITNESS: Okay, initially the committee had
5 51 so about 20 went in that first two split so about 30
6 of us remained in the committee. I didn't do all the
7 math, so I -- I cannot give you an exact number.

8 THE COURT: So you were able -- the rules
9 provided for up to 60, right?

10 THE WITNESS: Yes.

11 THE COURT: And you all only had 51?

12 THE WITNESS: 60 was the maximum.

13 THE COURT: 60 was --

14 THE WITNESS: So when --

15 THE COURT: -- the maximum.

16 THE WITNESS: -- we did election in 2002, yeah,
17 we did -- we didn't have so many Purodhas so I -- exact
18 number I'm not saying, but I think we had 51 members in
19 the initial one, initial election.

20 THE COURT: And then 20 left?

21 THE WITNESS: About 20 left, yeah.

22 THE COURT: And that left 31?

23 THE WITNESS: Yeah.

24 THE COURT: Okay. What else?

25 THE WITNESS: Some also passed away and --

1 yeah, old.

2 THE COURT: That would be they left as well
3 though?

4 THE WITNESS: Right. Yes, right, Your Honor.

5 Q (By Mr. Erwin) What did the organization
6 position on the Central Committee, who were the leaders
7 of the --

8 A The Central Committee --

9 Q -- Central Committee?

10 A -- has a president and we have a convenor. But
11 in the Central Committee, we're all members. It's not --
12 there are not officers, central -- in the Central
13 Committee.

14 Q And what is the role of the president of the
15 Central Committee?

16 A He chairs the meetings and then he's the
17 chairperson of the Central Committee.

18 Q And what other duties does the president have?

19 A Okay. Well, how the president comes to be in
20 normal course of -- normal course the Purodha Pramukha
21 which is an elected person for life, he is the ex-
22 official president. But he can also appoint somebody
23 else to be a president of the Central Committee.

24 Q And who is the president of the Central
25 Committee that you were on? Who was the president of the

1 Central Committee you were on?

2 A Now?

3 Q In --

4 A Oh, in --

5 Q -- back in 2005 --

6 A Okay.

7 Q -- 2007.

8 A Oh, there was a lot of -- from 2002 to 2007 in
9 the beginning the Purodha Pramukha his name Acarya
10 Shraddhananda Avadhuta. Shraddhananda is S-h-r-a-d-d-h-
11 a-n-a-n-d-a. He was the elect -- he was the Purodha
12 Pramukha since the time Baba passed away. So in the
13 beginning, 2002, he was the president. And as things
14 moved along, his health became very bad, and he mentally
15 and physically so he couldn't manage any more. So
16 another --

17 MR. OBITTS: Your Honor --

18 THE COURT: Excuse me, sir, why do I need to
19 know who the president was from 2002 to 2007?

20 MR. ERWIN: Because it's relevant to the
21 follow-up question will be as to who the general
22 secretary is.

23 THE COURT: Why don't you just ask him that.
24 Who was the general secretary -- and isn't the operative
25 year here 2005?

1 MR. ERWIN: Right.

2 THE COURT: Okay. So that's all nice and
3 interesting but to hear all the other stuff and I've
4 certainly like I said been enlightened here, but it's not
5 helping me focus on to the core issues in dispute and
6 that's what we need to be. So let's get your witness on
7 focus and then let's get to a break. So finish up what
8 we're doing now and we'll go okay?

9 MR. ERWIN: Okay.

10 Q (By Mr. Erwin) So quickly who was the
11 president of the Central Committee in 2005?

12 A 2005 there was a controversy about the
13 president of the Central Committee.

14 Q Okay. Now, how was the general -- how is the
15 general secretary -- who is the general secretary?

16 A Okay. The general secretary -- okay, the
17 general secretary is appointed by the president of the
18 Central Committee. So now when the president of -- and
19 the president is like -- the general secretary works with
20 the president. So the moment there's a controversy on
21 the president and also the president has to approve the
22 actions of the general secretary so if there is a
23 controversy on the president, then there is a controversy
24 on the general secretary and whatever he does.

25 Q And did that -- how did that -- did that

1 controversy continue?

2 A Yes. In various occasions in meetings of the
3 Central Committee we will convene for the meeting and
4 then the convenor will say, okay, we are -- this is the
5 president and then members will say, no, how was this
6 president appointed. And discussions would ensue and
7 like a meeting April 2006 which was the last meeting I
8 attended of this Central Committee we couldn't accept a
9 president --

10 MR. OBITTS: Your Honor, I --

11 THE WITNESS: -- in that meeting.

12 MR. OBITTS: -- object as irrelevant as it's
13 past the October 3, 2005, time frame.

14 THE COURT: Overruled. I'll hear it. October
15 6th, he couldn't hear the meeting -- or April 2006.

16 THE WITNESS: The meeting -- should I continue,
17 Your Honor?

18 THE COURT: You can answer. You said we
19 couldn't accept something.

20 THE WITNESS: Oh, okay. Would you repeat the
21 question?

22 Q (By Mr. Erwin) You were talking about how you
23 couldn't accept --

24 A Oh, yes, okay.

25 Q So this meeting, April 2006, all the members of

1 the Central Committee convened and the convenor
2 introduced the president and the members question how was
3 this president chosen and the majority of the members
4 were not accepting the president. The meeting continued
5 for that whole day and next day in the morning -- then
6 the meeting was stopped by the convenor and he said that
7 the Central Committee already took previous resolution
8 that the Purodha Board would --

9 MR. OBITTS: Objection as to hearsay, Your
10 Honor.

11 THE WITNESS: I was --

12 THE COURT: Well, he was --

13 THE WITNESS: -- present.

14 THE COURT: -- there, right?

15 THE WITNESS: I was present at the meeting.

16 THE COURT: Goes to the effect on the listener,
17 overruled.

18 THE WITNESS: Okay. So in -- the convenor
19 ended the meeting with a statement that the previous
20 resolution of the Central Committee had requested the
21 Purodha Board to appoint a president, and with that, we
22 ended the meeting. And as a member of Central Committee,
23 I remained there waiting for the announcement of the
24 Purodha Board who the new president of the Central
25 Committee would be.

1 The Purodha Board had to convene to -- to
2 choose the new president. The four members in the
3 Purodha Board --

4 MR. OBITTS: Your Honor, now we're going into
5 narrative.

6 THE COURT: Yeah, we're going way far afield.
7 So I'm going to sustain the objection. Are you ready for
8 a break?

9 MR. ERWIN: Yes, Your Honor.

10 THE COURT: Is this a good point? All right.
11 Come back at 1:30.

12 THE WITNESS: Thank you.

13 THE COURT: Court's in recess.

14 (Whereupon a recess was taken.)

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RUBENS TEIXEIRA

called as a witness on behalf of the Plaintiffs, having been previously sworn, testified as follows:

DIRECT EXAMINATION (Continued)

BY MR. ERWIN:

Q What were -- what do you know about Baba's teachings about cooperation?

A Baba was supporting a system that he calls coordinated cooperation as opposed to subordinated cooperation. So coordinated cooperation means two people as equal human beings, we will relate amongst themselves and so not to ask the supervisor and supervised or master and servant but in a coordinated cooperated way.

Q And how does that apply to the organizational structure of Ananda Marga, Inc.?

A That is the essence of the organization structure of Ananda Marga and in Ananda Marga, Inc., that's the way we relate to like the central -- AMPS Central.

Q Now, let's talk about -- did you take any vows as a wholetimer?

A I took vows as an Acarya and as an Avadhuta.

Q What type of vows did you take?

A These vows are vows of dedication to the mission and to our guru. And to the ideology of -- his

1 ideology.

2 Q And how do these vows relate to your work as a
3 corporate officer of Ananda Marga, Inc.?

4 A There is no relation between those vows and my
5 position as a corporate secretary of Ananda Marga, Inc.

6 Q So describe the vows, what type of vows did you
7 take to whom and to what --

8 A Yeah, as I mentioned, the vows -- well, they
9 are secret vows, so I can't state the whole vow. But the
10 essence is that dedication to the ideology and to the
11 guru.

12 Q What do the vows say about obedience?

13 A It's a -- that's a conduct rule that -- we have
14 hundreds of conduct rules, over 120. Two of them are
15 related to the word obedience. One is saying obedience
16 is discipline and discipline is obedience and the other
17 one is obedience to the structure or code of discipline.
18 Now, as a wholetimer I have a certain code of discipline
19 as an Avadhuta, I have a code of discipline. As a
20 Purodha, I have a code of discipline. So observing those
21 codes very strictly.

22 Q How --

23 A That's the essence of the rule.

24 Q And how does obedience -- I'm sorry obedience
25 to a code of structure is that what you said?

1 A Structure or code of discipline.

2 Q Does that apply on the organizational level?

3 A That -- that's a vow like on as a wholetimer on
4 a spiritual thing, it's not like a -- a mundane obedience
5 in the organization. It's -- I have to balance my
6 application of these 120 conduct rules in my personal
7 life.

8 Q Okay. And who -- okay. We talked about your
9 titles, what, your titles of Acarya, Avadhuta, and
10 Purodha.

11 A Yes.

12 Q Who has -- who has the authority to cancel your
13 titles?

14 A The authority to cancel the titles lies with
15 the Boards, Tattvika Board, Acarya Board, Avadhuta Board,
16 Purodha Board.

17 Q And has anyone canceled your titles?

18 A Nobody who had any authority has canceled my
19 titles.

20 Q Did Dhruv -- does Dhruvananda have unilateral
21 authority to cancel your titles?

22 A No.

23 Q And why not?

24 A He's not on the Boards. And even if that is --
25 if he's any Board, the Board has to take a decision to

1 cancel the title.

2 Q Who is the Purodha Pramukha?

3 A The Purodha Pramukha is the chairperson of the
4 Purodha Board, that's the definition of the Purodha
5 Pramukha.

6 Q And what authority does he have over Ananda
7 Marga, Inc.?

8 A No, the Purodha Pramukha is not related to
9 Ananda Marga, Inc.

10 Q Does he have any authority to direct the board
11 of directors of Ananda Marga, Inc.?

12 A No.

13 Q Okay. And who is the Purodha Pramukha now?

14 A Now -- now there is a big dispute about who is
15 the Purodha Pramukha, there are legal cases going on in
16 India. There was an election for Purodha Pramukha
17 conducted by the Ranchi faction and that election is
18 being disputed in the court. And very recently another
19 Purodha Pramukha was chosen by the other two groups that
20 got together, they have united. And this new Purodha
21 Pramukha is the son -- adopted son of Baba, his name is
22 Acarya Kinshuk Ranjan Sarkar.

23 Q What role does the -- what role does the
24 Purodha Board have in socio-spiritual Ananda Marga?

25 A In Carya'carya there are some provisions about

1 the Purodha Board. Okay. One role of the Purodha Board
2 is related to the Purodha which we talked about --

3 MR. OBITTS: Objection, Your Honor, now he's
4 going into religious doctrine. Citing to the holy
5 scriptures the Carya'carya. And he's not the highest
6 ecclesiastical authority.

7 THE COURT: The objection's overruled.

8 THE WITNESS: The other role of the Purodha
9 Board as explained in Carya'carya is when there is a
10 controversy -- a serious controversy in Ananda Marga, the
11 decision of the Purodha Board is supreme.

12 Q (By Mr. Erwin) And what types of serious
13 decisions does the Purodha Board make?

14 MR. OBITTS: Objection, Your Honor, lack of
15 foundation. He's not testified that he's been on the
16 Purodha Board.

17 THE COURT: Sustained.

18 MR. ERWIN: Yes, he has said he's a Purodha.

19 THE COURT: Well, I'm going to sustain it on
20 foundation. You'll have to establish that.

21 Q (By Mr. Erwin) You're a Purodha, correct?

22 A I am a Purodha.

23 Q And -- okay. Let me -- has the Purodha Board
24 ever made a decision regarding who sits on the Board of
25 Ananda Marga, Inc.?

1 MR. OBITTS: Your Honor, objection, that's a
2 leading question.

3 THE COURT: No. Overruled.

4 MR. OBITTS: Okay.

5 THE WITNESS: The Purodha Board has -- when the
6 -- there was a controversy about alleged transfer of the
7 sectorial secretary of the New York sector and who was
8 also the sectorial secretary of the Ananda Marga, Inc.,
9 that became a controversy and the Purodha Board had a
10 meeting and ruled on that staying that transfer.

11 THE COURT: What did they do to the transfer?

12 THE WITNESS: They stayed it.

13 THE COURT: Stayed it.

14 THE WITNESS: Indefinitely.

15 Q (By Mr. Erwin) So -- and when was that?

16 A November 2005.

17 Q Okay. And -- and whose transfer were they
18 staying?

19 A They were staying the transfer of Acarya
20 Tirthananda Avadhuta.

21 Q Okay. And who is Dada Tirthananda in Ananda
22 Marga, Inc.?

23 A In Ananda Marga, Inc., Dada Tirthananda is the
24 sectorial secretary.

25 Q And what are the duties of the secretary?

1 A He also -- oh, he accumulates other duties
2 also. He accumulates also the duty of president,
3 chairperson of the Board.

4 Q And what are the general duties of the
5 sectorial secretary who's also a president of Ananda
6 Marga, Inc.?

7 A He appoints all the other officers.

8 Q Who else --

9 A He --

10 Q Okay. Who else --

11 A -- presides the meetings.

12 Q Who else has authority to appoint officers in
13 Ananda Marga, Inc.? Does anyone?

14 A The -- the general secretary has only the
15 authority to appoint the sectorial secretary which is
16 written in the bylaws of Ananda Marga, Inc. According to
17 the provisions of the bylaws, the general secretary can
18 appoint the sectorial secretary that's the -- all the
19 other officers appointed by the sectorial secretary and
20 according to the new bylaws it needs also approval from
21 the Board.

22 Q When did you first hear about a purported
23 transfer or Dada Tiirthananda as the sectorial secretary
24 in 2005?

25 A Sometime in November, 2005.

1 Q In November?

2 A Yeah.

3 Q Were you present when Dada Tiirthananda's
4 transfer was announced or --

5 A No, no, I was not present. I received an email
6 which contained a series of names which in -- it's like a
7 -- it was not a posting order, it was just the names and
8 saying like who will become what.

9 Q And how did you first learn that he was
10 transferred? Or -- or that a transfer had been
11 announced? How did you first learn that?

12 A Don't know exactly, but I -- I heard but I
13 don't know exactly the circumstances. I know I received
14 this email, I don't know exactly the date, but I know I
15 had talked to Dada also by telephone but I don't know
16 exactly.

17 Q And what are the procedures for transferring a
18 sectorial secretary of AMI?

19 A The procedures to transfer a sectorial
20 secretary of Ananda Marga, Inc., according to the bylaws
21 of 2006 there is a need of approval of the Board. The
22 procedure there in the bylaws.

23 Q Okay. Let's take a step back for a second. In
24 general who has the authority to transfer?

25 A The authority's given in the bylaws, the

1 general secretary has the authority to transfer. But
2 after that, the Board has to instate the new sectorial
3 secretary --

4 Q And --

5 A -- it's not something automatic.

6 Q And -- and who purported to transfer Dada
7 Tiirthananda in 2005?

8 A In 2005 Dhruvananda purported to transfer Dada
9 Tiirthananda.

10 Q Okay. And I'm asking about what is the regular
11 -- what are the procedures for Ananda Marga, Inc., for a
12 general secretary to appoint or remove a sectorial
13 secretary of AMI?

14 A Before the bylaws --

15 MR. OBITTS: Your Honor, I object. We've got a
16 foundation here, he's now talking about the governmental
17 structure and he hasn't stated anything about his basis
18 of his knowledge of the governmental structure --

19 MR. ERWIN: I -- he's --

20 MR. OBITTS: -- of Ananda Marga --

21 MR. ERWIN: -- he's a long-time Board member --

22 MR. OBITTS: -- Pracaraka Samgha.

23 MR. ERWIN: -- of Ananda --

24 THE COURT: Wait, don't interrupt him, okay?

25 Let him finish his objection. Are you done?

1 MR. OBITTS: Yes.

2 THE COURT: All right.

3 MR. ERWIN: Yes.

4 THE COURT: There's sufficient foundation in
5 the record to support this testimony, the objection's
6 overruled. You may answer, sir.

7 THE WITNESS: Would you please --

8 Q (By Mr. Erwin) What are the specific
9 procedures of Ananda Marga, Inc., for a -- someone with
10 the title of general secretary to appoint or remove the
11 sectorial secretary of Ananda Marga, Inc.?

12 A Okay. The provisions are in the -- in the
13 bylaws, okay. When I was in the beginning, the bylaws
14 were the 1982 bylaws. So it's a (inaudible) that the sec
15 -- general secretary can appoint or remove the sectorial
16 secretary. Okay. That -- that general secretary doing
17 that doesn't become automatic, we have to have a meeting
18 of the Board and the meeting of the Board the previous
19 sectorial secretary if present is turning it to the new
20 sectorial secretary. Sometimes in this procedures we
21 also use the system of a power of attorney that the
22 previous sectorial secretary would give to the -- the new
23 one and but for a sectorial secretary to become the
24 sectorial secretary in Ananda Marga, Inc., is after the
25 Board meets and instates that.

1 Q Is there a particular document -- what type of
2 a document would you normally see showing that a transfer
3 has been authorized or taken place?

4 A Normally the document is called a posting
5 order, and it states the name of the sectorial secretary,
6 the name of the previous sectorial secretary that's being
7 relieved and it's called a posting order.

8 Q And did you see one of those in 2005?

9 A In 2005 we didn't get a posting order, only we
10 saw it recently in the discovery.

11 Q Okay. And when a posting order is typically
12 signed or executed, what happens then in terms of
13 transferring a sectorial secretary? You get -- once you
14 get your posting, you see a posting order, what happens
15 then?

16 A Well, in normal course of situation how it was
17 happening is that previous sectorial secretary we would
18 communicate to the Board, okay, I am transferred, this is
19 the new sectorial secretary, we will have a meeting and
20 we will instate the new sectorial secretary. That was
21 what was happening in the normal course of --

22 Q So when would a sectorial secretary cease to be
23 the sectorial secretary of Ananda Marga, Inc., or
24 president of Ananda Marga, Inc., after receiving a
25 posting?

1 A Oh, it varies; it varies. There was not a
2 fixed time when it happens. But he becomes the sectorial
3 secretary often Ananda Marga, Inc., which is a Colorado
4 corporation after the Board meets, acknowledges, instates
5 the sectorial secretary.

6 Q Okay. And what I'm also asking is when you
7 receive a posting order, when is the current sectorial
8 secretary not -- no longer the sectorial secretary of
9 Ananda Marga, Inc.?

10 A Of Ananda Marga, Inc.? When the pro -- the
11 procedure of -- is done with the Board, that's when he
12 ceases to be the authorized officer.

13 Q And did the --

14 A As long as the Board has not met and instated
15 the new one, the old one remains officially as their
16 sectorial secretary of Ananda Marga, Inc.

17 Q Is it an automatic process as soon as --

18 A The -- usually the sectorial secretary will
19 meet with the -- they will meet and there will be a
20 charge handover process.

21 Q And so when -- when does an actual -- so does
22 the actual removal of the sectorial secretary as an
23 officer of Ananda Marga, Inc., take place?

24 THE COURT: He just said that.

25 THE WITNESS: Yeah. I explained it.

1 MR. ERWIN: Okay.

2 THE COURT: Three times.

3 THE WITNESS: Thank you, Your Honor.

4 THE COURT: I'm listening.

5 THE WITNESS: Yeah.

6 Q (By Mr. Erwin) Now, when did the Board meet in
7 2005 to install a new sectorial secretary?

8 A No, the Board never installed a new sectorial
9 secretary in 2005.

10 Q Okay. So after -- you said the Purodha Board
11 stayed the transfer, what happened then?

12 A Okay. That -- after the Purodha Board stayed
13 the transfer indefinitely Dada Tiirthananda continued as
14 our sectorial secretary, and we continued business as
15 usual. There was -- and that went on until 2006. That
16 was end of -- by February, March when we got the
17 information that he's again transferred.

18 Q Let me take one step back. Can you describe
19 what happened in 2005 to cause the Purodha Board to stay
20 the transfer, do you know?

21 A In 2005 there was a lot of controversy about
22 the issue of the president. So that's when the Purodha
23 Board stepped in, because the Purodha Board until then
24 had not taken an active role. The Purodha Board even
25 having -- how say -- having the power to rule on a

1 controversy, the Purodha Board was silent as controversy
2 was going on about the president. But at a certain
3 point, the Purodha Board stepped in and started taking
4 decisions.

5 Now, when it was -- the news spread here that
6 Dada Tiirthananda was transferred, then the Margiis,
7 there is a group of Margiis which we call the core group
8 or the ACB core, the core group of Margiis, they had
9 meetings and they decided to appeal to the Purodha Board.
10 So they sent a letter to the Purodha Board appealing on
11 the transfer of Dada Tiirthananda. So the Purodha Board
12 met and they stayed the transfer and after that the
13 Purodha Board never met to unstay the transfer.

14 Q Who was on -- who was on the Purodha Board at
15 that time?

16 A Four members of the Purodha Board one is Acarya
17 Dhruvananda, he is -- was also general secretary
18 sometime. And then Acarya Parameshvarananda, Acarya
19 Tiirthananda.

20 Q And Dhruvananda's other title at that time was
21 -- what was his title at that time as well?

22 A Okay. The other one was the Purodha Pramukha
23 Shraddhananda. And Dhruvananda was also holding the
24 title of general secretary of the AMPS Ranchi.

25 Q Okay. And he was -- was he also the one who

1 had issued the posting order --

2 A Yes.

3 Q -- the transfer -- or the transfer, correct?

4 A Yes. You see there was a lot of controversy at
5 that time and the controversy included the president,
6 included general secretary. So in that situation the
7 Purodha Board stepped in.

8 Q Now, from 2005 -- the end of 200 -- up until
9 the end of 2005, who objected to Dada Tiirthananda
10 remaining as the sectorial secretary of Ananda Marga,
11 Inc.?

12 MR. ERWIN: Objection, hearsay. He's asking
13 who objected as to it.

14 THE COURT: Overruled.

15 THE WITNESS: As corporate secretary of Ananda
16 Marga, Inc., we -- I didn't hear anybody objected to that
17 Dada Tiirthananda being the sectorial secretary of Ananda
18 Marga, Inc.

19 THE COURT: Which is why I overruled your
20 objection. Go ahead.

21 Q (By Mr. Erwin) When did anyone approach the
22 Board of Ananda Marga, Inc., claiming to be an acting
23 sectorial secretary?

24 A Nobody approach the Board of Ananda Marga,
25 Inc., claiming to be an acting sectorial secretary. We

1 were working as usual, Dada Tiirthananda was the
2 sectorial secretary, and there was no doubt about it.

3 Q What procedures were set out in the bylaws --
4 of the '82 bylaws of Ananda Marga, Inc., stating anything
5 about an acting sectorial secretary?

6 MR. OBITTS: Objection, the document speaks for
7 itself.

8 THE COURT: Overruled.

9 THE WITNESS: There is no acting sectorial
10 secretary.

11 Q (By Mr. Erwin) Okay. Who was to replace Dada
12 Tiirthananda in 2005 if the transfer had taken place?

13 A If the transfer had taken place, Dada
14 Shubhatmananda was supposed to take the place of Dada
15 Tiirthananda. And Dada Shubhatmananda was also included
16 in that same decision of the Purodha Board that stated
17 that Dada Tiirthananda's transfer, they assigned or
18 transferred Dada Shubhatmananda to the position of
19 central office secretary, and he took that position and
20 he worked in that position.

21 Q And did -- what communications did you have in
22 2005 as a director of Ananda Marga, Inc., with
23 Shubhatmananda about any claims of him being an acting
24 sectorial secretary or sectorial secretary?

25 A He was not claiming to be -- from the moment of

1 the stay order, he -- he assumed his position of central
2 office secretary, he never claimed to be sectorial
3 secretary.

4 Q Okay. And what was -- so what happened after
5 the end of 2005?

6 A After 2005 -- all the -- from the 2005 we
7 continued -- in Ananda Marga, Inc., we continued working.
8 Now, in the end of 2005 the situation in India became
9 worse. And the general secretary declared an emergency
10 and -- and seeing this whole situation, our directors
11 became very worried and they -- we started a series of
12 meetings to amend the bylaws of Ananda Marga, Inc., to
13 change the way the sectorial secretary is appointed.

14 Q And who -- who is we?

15 A The board of directors of Ananda Marga, Inc.

16 Q Who initiated that process?

17 A Dr. Secrest initiated the process and we had --
18 the Board had a series of calls, and we took resolutions
19 and we amended the bylaws.

20 Q What role did Dada Tirthananda have in
21 initiating those amendments?

22 A In fact it was Mr. -- Dr. Secrest that
23 initiated that, and Dada had to -- after he was -- how
24 you say -- thought about it he had to approve because
25 according to the bylaws, the sectorial secretary has to

1 approve a bylaws change. So he did his role as a
2 sectorial secretary according to the provisions of the
3 bylaws of 1982.

4 Q And when were these bylaws amended?

5 A The 1982 bylaws?

6 Q When were the 1982 bylaws amended?

7 A Yeah, in 1982 they were amended and that was
8 the first amended bylaws, 1982. And the second is the
9 one that happened in 2006.

10 Q And when in 2006 did that happen?

11 A The meetings started on -- by January 5th we
12 started the process. By January 28th we finished the
13 process. I wrote the minutes on February 10.

14 Q And do you know when these bylaws were signed?

15 THE COURT: He just said February 10.

16 THE WITNESS: Yeah, February 10.

17 MR. ERWIN: Okay.

18 THE WITNESS: Thank you.

19 Q (By Mr. Erwin) Can you please look at Exhibit
20 5?

21 A Yes.

22 Q Now, what are these?

23 A These are the amended bylaws of Ananda Marga,
24 Inc., of 2006. I have prepared this document and I have
25 signed it.

1 MR. ERWIN: Okay. And I think this document
2 was stipulated, correct?

3 THE COURT: It's in evidence.

4 MR. ERWIN: Okay. It's in evidence.

5 Q (By Mr. Erwin) Can you describe the procedures
6 -- can you generally describe the procedures for removing
7 a sectorial secretary under the 2006 bylaws?

8 A In -- okay without the general, the Board has
9 to approve I think it's two-thirds majority for the new
10 sectorial secretary.

11 Q Okay. And --

12 A There are other details if we don't approve, we
13 -- I return it to the general secretary and I -- I would
14 not like to describe to just by -- just saying -- but
15 this is how it is in general.

16 Q Okay. Can you please look at Exhibit 99?

17 THE COURT: Wait before you do that, on Exhibit
18 5, Article 6, is that the section dealing with the duties
19 of the sectorial secretary including the references to
20 replacement of the sectorial secretary?

21 THE WITNESS: Yes.

22 THE COURT: Okay. Is there anywhere else in
23 this amendment -- amended bylaw that sets forth the
24 specifics of changing or addressing the vacancy in the
25 sectorial secretary position?

1 THE WITNESS: That addressed the vacancy.

2 THE COURT: That's it?

3 THE WITNESS: He addressed the vacancy.

4 THE COURT: Nowhere else?

5 THE WITNESS: Ah --

6 THE COURT: Let me be more clear. Is that the
7 only place in the amended bylaws that addresses that?

8 THE WITNESS: To my understanding, yes.

9 THE COURT: Okay.

10 Q (By Mr. Erwin) Actually Dada R, can you look
11 at -- can you look at Article V?

12 A Yes.

13 Q What is -- can you describe what are the
14 procedures set out in Section II of Article V?

15 A Should I read the --

16 Q Don't read it, just tell me, are these the
17 procedures that you were talking about earlier?

18 A About appointing the sectorial secretary --

19 Q Okay. And what --

20 A -- the appointment.

21 Q -- does it say in there about removing the
22 sectorial secretary?

23 A Oh, the Board will consult with the key
24 adherents also. And before conducting their ratification
25 vote. Well, I -- let's see, I didn't memorize these

1 bylaws so I -- I --

2 THE COURT: I understand.

3 THE WITNESS: -- whenever I need them, I will
4 read very carefully.

5 THE COURT: That's fine, I understand. I don't
6 expect you to memorize them.

7 THE WITNESS: Yeah.

8 Q (By Mr. Erwin) Now, can you tell me in -- did
9 -- what happened after the Board amended the bylaws in
10 2006?

11 A After the Board amended the bylaws we heard --
12 or yeah, I -- I think I got an email that a new sectorial
13 secretary was being appointed.

14 Q And can you look at Exhibit 99, please? What
15 is this?

16 A This is the purported office order that Acarya
17 Vimalananda Avadhuta is posted as sectorial secretary,
18 AMPS, NY sector relieving Acarya Tirthananda Avadhuta.

19 Q And what date is this document?

20 A 28 February 2006.

21 Q And did the Board -- again did the board of
22 directors ever meet to -- when did the board of directors
23 meet to discuss this posting order?

24 A Okay. We -- we had a very short meeting and we
25 -- I would say we discussed about it, but immediately we

1 note -- we saw that we cannot ratify this for various
2 reasons. One of the reasons being that we were not
3 recognizing this posting order, we are not recognizing
4 Dhruvananda as the only legitimate general secretary and
5 also we didn't hear that the Purodha Board had unstayed
6 the previous transfer of Dada Tiirthananda.

7 Q Now --

8 A So we basically didn't really consider this as
9 a valid document.

10 Q And where is Dada Tiirthananda supposedly to be
11 posted here?

12 A Well, he was supposed to be relieved as
13 sectorial secretary from the New York sector and posted
14 to Qahira sector. It's Cairo sector, Egypt, that Middle
15 East, that area.

16 Q Middle East?

17 A Yeah.

18 Q So that's not the same place -- is that the
19 same place he was supposed to be posted before?

20 A No, no. Before he was supposed to be posted to
21 the Suva sector which is Australia and that area. And
22 that one he was also supposed to be the sectorial
23 secretary there. This one is not defined.

24 Q When did the board of directors after seeing
25 this -- when did Tiirthananda as the sectorial secretary

1 after this?

2 A We didn't consider this a valid document, we
3 continued working with Dada Tiirthananda sectorial
4 secretary. There was -- we didn't do any change.

5 Q And do you recall when you first saw this
6 document?

7 A Signed with a stamp like this, I -- I think not
8 at that time, because at that time I received an email
9 with similar language but not signed and stamped like
10 that. No, the first time I remember seeing I don't
11 recall exactly.

12 Q Now, after February 28th, 2006, when did
13 Vimalananda contact you as a Board member of Ananda
14 Marga, Inc., claiming to be the new sectorial secretary
15 of Ananda Marga, Inc.?

16 A He never contact us -- the Board of Ananda
17 Marga, Inc. The -- the board of directors was not
18 contacted by him saying that he was the sectorial
19 secretary. I think only we got the letter in 2010, a
20 letter from the lawyer, and in that letter he -- he was
21 demanding that the Board hands over all the documents and
22 properties of Ananda Marga, Inc., and that we were ex-
23 members of the Board and there is new members of the
24 Board.

25 Q So how long was the board of directors of

1 Ananda Marga, Inc., continuing to operate as the board of
2 directors of Ananda Marga, Inc. --

3 A Well, we --

4 Q -- after this posting?

5 A -- continued to operate normally 2006, 2007,
6 2008, 2009, until -- I mean we are still operating but
7 then we have to start this case in 2010.

8 Q And so when did you see a letter of Vimalananda
9 purporting to reconstitute the board of directors of
10 Ananda Marga, Inc.?

11 A We saw that letter together with the lawyer's
12 letter which was in I think February 2010.

13 Q And when were you notified that you were
14 apparently removed as a director?

15 A Everything happened together, that letter came,
16 the letter from the lawyer, yeah.

17 Q And who is the current board of directors of
18 Ananda Marga, Inc.?

19 A The current board of directors are Acarya
20 Tirthananda is the secretary, I'm the corporate
21 secretary, Dr. Secrest is a director, Mr. Hemmelgarn is a
22 director, Didi Ananda Vibha is a director, and Dada
23 Vedaprajinananda is the vice president and William Dorf,
24 he's a director.

25 Q What authority does --

1 A And we haven't heard the one name -- I'm sorry
2 -- Jody Wright, she's also a director.

3 Q Okay. And what authority does Vimalananda have
4 to reconstitute the board of directors?

5 A Well, in the opinion of the board of directors
6 of Ananda Marga, Inc., he doesn't have that authority.

7 Q Can you tell me what is the sectorial executive
8 committee?

9 A Now, we are not talking about Ananda Marga,
10 Inc. We are talking about Ananda Marga as a socio-
11 spiritual organization. The sectorial executive
12 committee is a body that advises the sectorial secretary
13 of the Ananda Marga socio-spiritual organization.

14 Q And what is your role on the --

15 A Well, as I'm a member, as a sectorial office
16 secretary of the Ananda Marga socio-spiritual
17 organization, I'm a member of the sectorial executive
18 committee.

19 Q And who is the chair of the sectorial executive
20 committee?

21 A The chair is the sectorial secretary of the
22 socio-spiritual Ananda Marga --

23 Q And can you --

24 A -- and at present --

25 Q -- identify who that person is right now?

1 A At present is Acarya Tiirthananda Avadhuta.

2 Q Okay. And who generally -- do you know the
3 members of the sectorial executive committee are now?

4 A There -- there are many members.

5 Q Let me ask you this: How many of the board of
6 directors of Ananda Marga, Inc., sit on the sectorial
7 executive committee?

8 A Okay, I do, one; sectorial secretary Dada
9 Vedaprajinananda; Didi Ananda Vibha.

10 THE COURT: So three?

11 THE WITNESS: Four.

12 THE COURT: Four?

13 THE WITNESS: Four of us, yeah.

14 Q (By Mr. Erwin) And what is the relationship
15 between the sectorial elective committee and the board of
16 directors of Ananda Marga, Inc.?

17 A It's a relationship of coordinated cooperation,
18 there is not a formal defined relationship but we work
19 together, the board of directors of Ananda Marga, Inc.,
20 and sectorial executive committee to preach the --
21 propagate the teachings of -- of Baba in this area. But
22 that is not like -- neither one is superior or the other.
23 One doesn't give orders to the -- to each other.

24 Q When would the sectorial executive committee
25 review or approve resolutions of the Ananda Marga, Inc.,

1 board of directors?

2 A The sectorial executive committee does not
3 review any resolutions of the Ananda Marga, Inc., board
4 of directors. At the same time, the Ananda Marga, Inc.,
5 board of directors does not review the resolutions of the
6 sectorial executive committee. But as we have the
7 similar goals, there is a coordinated cooperation way of
8 working.

9 Q Okay. And what do you mean by the dif -- we've
10 already gone into that, I won't rehash that. Let me ask
11 you this: Going back to the 2006 bylaw amendments, who
12 did you seek the approval of -- who did the Board seek
13 the approval of to amend the bylaws?

14 A See according to our previous bylaws, 1982
15 bylaws, the only approval we need is from the sectorial
16 secretary. And we followed the procedures according to
17 that -- to those bylaws of 1982.

18 Q Okay. And under what circumstances would you
19 need the approval of anyone else other than the board of
20 directors and the sectorial secretary to approve your
21 bylaws?

22 A Under no circumstances we need approval of
23 anybody else. All the proceedings for changing the
24 bylaws and ratifying the new bylaws are in the -- in the
25 bylaws that are current.

1 Q And are you -- what procedures, conventions, or
2 rules of either socio-spiritual AMPS or legal AMPS have
3 been accepted by the board of directors requiring you as
4 a director to seek the approval of anyone outside the
5 board of directors to change the bylaws?

6 A There have never been any resolutions from the
7 board of directors or any documents from the board of
8 directors saying that we need anybody else's approval.
9 We -- we refer to the documents -- the bylaws and that's
10 what we follow.

11 MR. ERWIN: Your Honor, I'm done at this time.

12 THE COURT: Pass the witness.

13 Cross-examination?

14 MR. OBITTS: Good afternoon, Your Honor.

15 THE COURT: Good afternoon.

16 CROSS-EXAMINATION

17 BY MR. OBITTS:

18 Q Dada Rainjitananda, Ananda Marga is a worldwide
19 organization with its headquarters in India, is it not?

20 A The Ananda Marga as a socio-spiritual
21 organization is a worldwide organization following the
22 same systems that Baba gave. And at the time Baba gave
23 Ananda Nagar, it's located in India.

24 Q So you're testifying here that Ananda Marga
25 socio-spiritual organization is a worldwide religious

1 organization with its headquarters in India; is that
2 correct?

3 A Well, the world religious, that is extra.

4 Q So you're saying that Ananda Marga is not a
5 religious organization?

6 A I haven't said that so far.

7 Q Well, I'm --

8 A You didn't --

9 Q -- asking you a question.

10 A -- ask me.

11 Q The question to you is are you testifying here
12 today that Ananda Marga is a worldwide religious
13 organization with its headquarters in India?

14 A Ananda Marga is a worldwide socio-spiritual
15 organization, that's the term we use in Ananda Marga with
16 the headquarters at Ananda Nagar in India.

17 Q Was Reverend Baba the father of Ananda Marga
18 Pracaraka Samgha?

19 A Are you referring to the legal society or the
20 socio-spiritual organization?

21 Q I'm asking you a question, was Reverend Baba
22 the founder of Ananda Marga Pracaraka Samgha?

23 A The socio-spiritual organization Ananda Marga
24 was founded by Baba. Now, the legal society, there was a
25 Board that created that society of which Baba was one of

1 the members.

2 Q Isn't it true that until the Intervenors
3 intervened in this case that Ananda Marga, Inc., never
4 distinguished between socio-spiritual and legal Ananda
5 Marga Pracaraka Samgha?

6 A When -- we felt it important to define these
7 two terms so to clarify the relationship of Ananda Marga
8 with any Ananda Marga Pracaraka Samgha.

9 Q Isn't it true that you represented to the IRS
10 under the penalty of perjury that Reverend Baba founded
11 Ananda Marga Pracaraka Samgha in 1954 and then registered
12 it out of the West Bengali (sic) Association Act?

13 A We stated that Baba founded the Ananda Marga
14 Pracaraka Samgha.

15 Q That's not my question. My question is, isn't
16 it true that you stated under penalty of perjury to the
17 Internal Revenue Service that Ananda Marga Pracaraka
18 Samgha was founded by Reverend Baba in 1954 and that he
19 registered it with the West Bengali (sic) society
20 organization a --

21 A In --

22 Q -- in 1961 (sic)?

23 A In the representation to the IRS at the time --

24 Q I'm asking you a simple question.

25 MR. OBITTS: Your Honor, I'd ask him to -- that

1 you direct him to answer the --

2 MR. ERWIN: He is answering --

3 MR. OBITTS: -- question.

4 MR. ERWIN: -- the question, Your Honor.

5 THE COURT: No, he's not. I want you to listen
6 carefully to his question and answer just his question.

7 THE WITNESS: Okay.

8 THE COURT: If Mr. Erwin thinks there's
9 something that needs to be clarified, he'll get a chance
10 to come back and ask you more questions, okay?

11 THE WITNESS: Okay.

12 THE COURT: All right. Thank you.

13 THE WITNESS: All right. Would you repeat the
14 question?

15 Q (By Mr. Obitts) Sure. Isn't it true that you
16 represented under penalty of perjury to the Internal
17 Revenue Service that Reverend Baba founded Ananda Marga
18 Pracaraka Samgha and registered it under the West Bengali
19 (sic) Societies Act in 1961 (sic)?

20 A Actually it was registered in 1964.

21 Q Okay. So --

22 A Maybe -- maybe there --

23 Q That's fine. So --

24 A -- was -- I'm sorry, maybe in that letter maybe
25 we made some --

1 Q Okay. Let me rephrase --

2 A Yeah.

3 Q -- the question.

4 A Okay.

5 Q I could be wrong. Isn't it true that you --
6 that Ananda Marga, Inc., under the penalty of perjury
7 submitted to the Internal Revenue Service that Reverend
8 Baba formed Ananda Marga Pracaraka Samgha in 1954 and
9 registered it under the West Bengali (sic) Societies Act
10 in 1964?

11 A We have told the IRS that Ananda Marga
12 Pracaraka Samgha was founded by Reverend Baba in India in
13 1954. Maybe we made a not mistake there. It's -- I
14 think there is some controversy between '54 and '55. And
15 then registered in 1964, okay?

16 Q And that was done under penalty of perjury, was
17 it not?

18 A Well, we are stating what we -- our knowledge
19 at the moment, yes.

20 Q So the answer's --

21 A Maybe the '61 is not -- let's see --

22 Q And I proffered to you I was wrong on the date
23 of '61.

24 A Okay.

25 Q '64.

1 A All right.

2 Q You -- you stated that under the penalty of
3 perjury, did you not, on behalf of Ananda Marga, Inc.?

4 A I represented it on behalf of Ananda Marga,
5 Inc., as corporate secretary. Now, those words --

6 Q Under penalty of perjury.

7 A Okay. All right.

8 Q Yes?

9 A Yes.

10 Q Likewise Reverend Baba was the founder of the
11 New York sector, was he not?

12 A As I mentioned before, the New York sector in
13 my understanding is a geographical area. So it doesn't
14 come the point of find -- founding it. He -- he kind of
15 divided the world in those areas.

16 Q Did he designate the areas of the world in
17 setting up his organization Ananda Marga Pracaraka
18 Samgha?

19 A He divided the world in different areas because
20 he was -- that was his way of seeing the world. So he
21 divided it nine sectors, nine geographical areas. Then
22 he assigned people to those areas.

23 Q Isn't it true that it was Reverend Baba's idea
24 to establish a New York sector to send missionaries to
25 the United States amongst other countries in the New York

1 sector to establish a system of sending wholetimers to do
2 pracar or propagate his teachings?

3 A His system was to send wholetimers in the whole
4 world so he was sending to all the sectors.

5 Q So the answer --

6 A So -- but he was not giving how'd say -- he was
7 sending us and then giving some guidance and it's up to
8 those wholetimers to establish the Ananda Marga whatever
9 they are according to how they feel it's the best way.

10 Q Was Reverend Baba the guru of Ananda Marga Yoga
11 Society of Illinois?

12 A The -- the Yoga Society of Illinois is a
13 corporation. A corporation doesn't have a guru. He was
14 the guru of the people. A guru is a guru of the people.
15 It -- it's not the guru of a corporation.

16 Q Was Reverend Baba the foundation of Ananda
17 Marga Yoga Society of Illinois?

18 MR. ERWIN: Objection, Your Honor, he's asking
19 about things that were prior to his tenure with Ananda
20 Marga in the New York sector.

21 THE COURT: Well, he can ask him if he knows.
22 Overruled.

23 THE WITNESS: I don't have personal knowledge
24 of that.

25 Q (By Mr. Obitts) How about Ananda Marga, Inc.,

1 Reverend Baba was the guru of Ananda Marga, Inc., was he
2 not?

3 A As I mentioned previously, Ananda Marga, Inc.,
4 is a corporation and a corporation doesn't have a guru,
5 he may be guru, I'm -- I'm the corporate secretary of
6 Ananda Marga, Inc., he is my guru, but he is not the guru
7 of an organization like Ananda Marga, Inc., which is a
8 corporation here. The corporation doesn't have a guru.

9 Q Can you as a follower of Ananda Marga disobey
10 the dictates and directions of the guru?

11 A You see Baba, the guru, was teaching us many
12 things. And some things we can follow, some things we
13 cannot follow. Some things we understand, some things we
14 don't understand. So he -- in Ananda Marga for example
15 you may say my case because I have Ananda Marga I cannot
16 smoke, but that's -- the idea is I understand why smoking
17 is not good for me, that's why I don't do. Okay. So the
18 teachings of Baba were in that way. He wants us to be
19 self-directed. He wants us to be -- to understand and
20 that way we can guide our life and we can guide other
21 people's life. He doesn't want us to be just like follow
22 this because this is the rule or follow this because this
23 is the rule.

24 Q And my question to you is can one go against
25 his directions and dictates and be a Margii? Can one do

1 that?

2 A Baba was not giving dictates, he was giving
3 directions. And Margiis follow directions according to
4 their capacity and they continue as Margiis.

5 Q If one did not follow the direction of the
6 guru, one was disciplined, were they not?

7 A It all depends what is the direction, how did
8 he not follow, depends on time, place, and person. It's
9 not like -- like this.

10 Q So if I'm in a particular time and different
11 place and I'm a person, I can then decide whether or not
12 I need to follow the guru or not?

13 A One has always to decide -- one has always to
14 decide. And it's a personal choice to follow the guru
15 and it depends on -- on rational understanding, practice
16 and devotion.

17 Q Was -- was the Reverend Baba, was he
18 infallible?

19 A We don't have the concept of infallibility in
20 Ananda Marga.

21 Q I'm asking you the question, was Reverend Baba
22 infallible?

23 A If we don't have that concept, I never thought
24 about that concept.

25 Q Was he absolute?

1 A It's a very vague question.

2 Q So if I were to ask you the question, was
3 Reverend Baba the absolute, that is too vague for you to
4 answer?

5 A Reverend Baba was the guru.

6 Q So are you not willing to answer that question?

7 A I -- I can't ans -- okay, I don't agree with
8 that statement.

9 Q So you're saying that Reverend Baba was
10 fallible then if he was not the absolute?

11 A I didn't say that; that's your conclusion.

12 Q I'm asking you then was Reverend Baba fallible?

13 A I said we don't --

14 MR. ERWIN: Objection, asked and answered.

15 THE COURT: Yeah, he already answered it;
16 sustained.

17 MR. OBITTS: Fine.

18 Q (By Mr. Obitts) Were the writings of Reverend
19 Baba inspired?

20 A I don't understand the question. Inspired?

21 THE COURT: If you don't understand, you can
22 tell him that.

23 THE WITNESS: Yeah, I don't understand the
24 question. Inspired, would you define it?

25 Q (By Mr. Obitts) You said you grew up in the

1 Roman Catholic Church, did you not?

2 A Yes.

3 Q Okay. And the belief of the Holy Catholic
4 Church, Holy Roman Catholic Church is that the Bible is
5 the inspired word of God. And my question to you then --

6 MR. ERWIN: Objection, relevance.

7 Q (By Mr. Obitts) -- is --

8 THE COURT: It's a predicate to the question,
9 overruled.

10 Q (By Mr. Obitts) -- is whether or not the
11 writings of Reverend Baba were inspired.

12 A Yeah, I still don't understand. Because my --
13 even though I grew up in the Catholic religion, my
14 knowledge doesn't include that part.

15 Q Prior to 2007 during your time as sectorial
16 office secretary, did the sectorial secretary of the AMPS
17 New York sector receive directives from central to
18 implement in this sector?

19 A I don't have personal knowledge, the sectorial
20 secretary was the one doing that.

21 Q Isn't it true that at the sectorial executive
22 committee meetings that each person in charge of a
23 department provided a report to the sectorial secretary?

24 A In the sectorial executive committee meetings,
25 even though the departmental secretaries were there, we

1 were all members. We're all members of the sectorial
2 executive committee. And there was not reporting the
3 sectorial executive committee.

4 Q At the RDS for the sectorial -- for the sector,
5 for the New York sector prior to 2007 time frame, wasn't
6 it the case that there at the RDS meetings, that each
7 person in charge of a department inside of the sector
8 provided a report to the sectorial secretary for the
9 purposes of him taking it back to central in India?

10 A During RDS which I explained before, Review,
11 Defect, Solution, those were coordinating meetings, and
12 yes, for the review, reports are given and that is done
13 for coordination. So review is done, look for defects,
14 find solutions, and then the WT's go back to -- to the
15 field having that solutions in mind how they can solve
16 their problems.

17 Q And isn't it true also at those sectorial RDS
18 meetings that the sectorial secretary provided directives
19 and guidance for implementation from the Central
20 Executive Committee at Central to the various department
21 workers including you?

22 A The -- as -- as I mentioned, the sectorial RDS
23 were coordinating meetings and it's not that we just go
24 there to receive directives, we go there for a review,
25 for finding the facts and for finding solutions. And

1 Ananda Marga is a thinking organization so it thinks in
2 all levels so that was a place of coordination and
3 thinking.

4 Q But one of those things as part of -- what
5 you're saying is coordination is -- and thinking is that
6 the sectorial secretary provided directives and guidance
7 from the Central Executive Committee at AMPS Central?

8 A In case he provides that, it's up to each
9 departmental secretary to think if that's practical for
10 his department or not.

11 Q I'm ask --

12 A So --

13 Q I'm asking you a simple question. I'm asking
14 you whether or not it's true -- I'm actually saying it is
15 true that the sectorial secretary provided guidance and
16 directives from the Central Executive Committee at AMPS
17 Central for the various departments. Whether or not it's
18 up to as you say for that person to follow it or not is
19 not the question. My question is whether or not it's
20 true that that event happened.

21 A At times the sectorial secretary may bring
22 guidance from India and suggestions from India because he
23 goes to society India to attend RDS there. And they also
24 have RDS. So he in India is in connection with the --
25 all the WT's who have a global view of the organization,

1 because that's what they're supposed to do, a global
2 coordination, and he will meet also other sectorial
3 secretaries there. So he -- he will get ideas there, he
4 will have guidance there, and he will transmit it to the
5 sector.

6 THE COURT: So is it true or not true?

7 THE WITNESS: That he receives -- that he
8 brings ideas from the --

9 THE COURT: No, I'm --

10 THE WITNESS: -- center, yes.

11 THE COURT: -- just asking you is whether the
12 sectorial secretary at the RDS meetings gave instructions
13 and directions from the Central Executive Committee to
14 the various department chiefs for lack of a better phrase
15 and that's it?

16 THE WITNESS: The only point there is that
17 instructions means something like that. So that's the
18 only question on that.

19 THE COURT: Okay. So I understand you disagree
20 with his --

21 THE WITNESS: I -- I --

22 THE COURT: -- interpretation of that.

23 THE WITNESS: -- disagree with his --

24 THE COURT: And you've told me that --

25 THE WITNESS: -- interpretation.

1 THE COURT: -- repeatedly, and I understand
2 that that's what you're telling me.

3 THE WITNESS: Okay.

4 THE COURT: But so if you can't answer his
5 question, then you need to tell him that --

6 THE WITNESS: I'm sorry.

7 THE COURT: -- but don't tell me everything all
8 over again.

9 THE WITNESS: Okay.

10 THE COURT: Because I've already heard it a
11 lot, okay?

12 THE WITNESS: Okay.

13 THE COURT: I understand what you're saying.
14 Your -- your philosophy of the interpretation of the
15 philosophy clearly they have an alternate perception.

16 THE WITNESS: Right.

17 THE COURT: Right?

18 THE WITNESS: Right.

19 THE COURT: Okay.

20 THE WITNESS: Yes.

21 THE COURT: So let's try to get back on track.
22 Go ahead, Mr. Obitts.

23 MR. OBITTS: Thank you. Thank you, Your Honor.

24 Q (By Mr. Obitts) Isn't it true that the
25 Reverend Baba provided the organizational structure from

1 top to bottom of Ananda Marga Pracaraka Samgha all the
2 way from central to sectorial to regional to diocesan to
3 bhukti to village and then to unit?

4 A Would you repeat the question, please?

5 Q Sure. Isn't it true --

6 A I'm sorry.

7 Q -- that Reverend Baba provided the
8 organizational structure for Ananda Marga Pracaraka
9 Samgha from the top to bottom namely central then
10 sectorial then regional then dioceses then bhuktis or
11 villages and then finally units at the bottom?

12 A Baba gave guidelines. These guidelines are in
13 the Carya'carya and in there -- in Carya'carya it says
14 all down to village level. But those are not detailed
15 guidelines, they are general guidelines.

16 Q My question to you is --

17 A Baba gave general guidelines.

18 Q -- did Reverend Baba create the organizational
19 structure of Ananda Marga Pracaraka Samgha all the way
20 from central all the way -- up here all the way down to
21 village down to bottom?

22 A He gave the idea of that, but he -- he didn't
23 created that, because even now we don't have that.

24 Q So when you stated -- isn't it true that you
25 stated under penalty of perjury to the IRS that Reverend

1 Baba provided the organizational structure for Ananda
2 Marga and from the top at central then to the sector then
3 the region then the dioceses then the bhukti villages
4 then the units?

5 A Yes, we took that from the Carya'carya.

6 Q Okay. Isn't it true that there is absolutely
7 no writings anywhere that distinguish between Ananda
8 Marga, Inc., and Ananda Marga Pracaraka Samgha New York
9 sector?

10 A Well, the very constitution -- I mean bylaws
11 are in the -- and articles of incorporation of Ananda
12 Marga, Inc.

13 Q Okay. So when Ananda Marga, Inc. -- isn't it
14 true -- sorry. Isn't it true that Ananda Marga, Inc.,
15 repeatedly in its bylaws said that Ananda Marga, Inc., is
16 the legal embodiment of Ananda Marga Pracaraka Samgha New
17 York sector?

18 A I can't recall it in the bylaws. We might --
19 we have -- might have written that in some letter but not
20 in bylaws.

21 Q Okay. Isn't it also true that Ananda Marga,
22 Inc., put in its board minutes that Ananda Marga, Inc.,
23 is also known as Ananda Marga Pracaraka Samgha New York
24 sector?

25 MR. ERWIN: Your Honor, if he's going to ask

1 him about a particular document, he needs to show him the
2 document.

3 THE COURT: Not yet. Overruled. This is not a
4 deposition.

5 THE WITNESS: Would you repeat, please?

6 MR. OBITTS: Sure.

7 Q (By Mr. Obitts) Isn't it true -- and I'll even
8 back it up even more, isn't it true that during the time
9 that you were the corporate secretary of Ananda Marga,
10 Inc., and that you put in the minutes Ananda Marga, Inc.,
11 also known as Ananda Marga Pracaraka Samgha the New York
12 sector?

13 A I -- I guess so. I don't have the document in
14 front of me, but I think so. But in Ananda Marga
15 Pracaraka Samgha New York sector, the idea of New York
16 sector here is that --

17 MR. OBITTS: Objection, I've got --

18 THE WITNESS: Okay.

19 MR. OBITTS: -- no question pending.

20 THE WITNESS: Okay.

21 MR. OBITTS: Move to strike.

22 THE WITNESS: Sorry.

23 THE COURT: Okay. Thank you.

24 Q (By Mr. Obitts) So let me ask you the question
25 again, all right? And the question is isn't it true

1 there are absolutely no writings that distinguish between
2 Ananda Marga Pracaraka Samgha socio-spiritual New York
3 sector and Ananda Marga, Inc.?

4 A Ananda Marga, Inc., has its documents and it
5 has its bylaws and there it says what Ananda Marga, Inc.,
6 is for.

7 Q Okay.

8 A I don't know who was going to make those
9 writings if Ananda Marga, Inc., has to make those
10 writings or --

11 Q Isn't it true that you -- that Ananda Marga,
12 Inc., under your signature with your authority under --
13 as a secretary under penalty of perjury said that Ananda
14 Marga, Inc., was made as a 501(c)(3) entity to do the
15 work of Ananda Marga Pracaraka Samgha New York sector?

16 A I don't remember exactly the words.

17 Q But that document will speak for itself, won't
18 it.

19 A Okay.

20 THE COURT: Well, why don't you show it to him.
21 If you're going to --

22 MR. OBITTS: We'll --

23 THE COURT: -- impeach him --

24 MR. OBITTS: -- get there. I'm trying to --

25 THE COURT: Okay.

1 Q (By Mr. Obitts) Could Ananda Marga, Inc., act
2 in a manner that was in contraviction -- contra -- that
3 was contrary to the directives and teachings of Baba?

4 A That matter never arose that we were discussing
5 some -- to do something against the teachings of Baba.

6 Q Is it your testimony that Ananda Marga, Inc.,
7 has never acted in -- has never acted contrary to the
8 teachings of Reverend Baba?

9 A As far as my knowledge.

10 Q Isn't it true that Ananda Marga, Inc., follows
11 the Carya'carya?

12 A We never incorporated the Carya'carya's in the
13 documents of Ananda Marga, Inc. Now, what we have is
14 that suppose I'm an Acarya when I'm doing anything, I'm
15 using the Carya'carya, the ceremonies of the Carya'carya,
16 all the ceremonies.

17 MR. OBITTS: Mr. Erwin, do you have the sealed
18 deposition transcripts? That's great.

19 Q (By Mr. Obitts) I'm going to ask you a
20 question first. Isn't it true that when I deposed you,
21 you testified that the Carya'carya -- I'm sorry isn't it
22 true that you fol -- testified that Ananda Marga, Inc.,
23 follows the Carya'carya?

24 A I testified that Ananda Marga follow -- Inc.,
25 follows the Carya'carya in the sense of we incorporated

1 the ceremonies of Carya'carya but not the part of
2 organization.

3 Q You didn't say that during your testimony, did
4 you?

5 A We will see what is in the testimony.

6 Q We'll get there. Let's talk a bit about your
7 vows. Now, when you were -- decided to become an Acarya,
8 you went to a training center, did you not?

9 A Yes.

10 Q And that training center was run by Ananda
11 Marga Pracaraka Samgha, was it not?

12 A There is a detail the really, really the
13 training center daily activities is not run by Ananda
14 Marga Pracaraka Samgha.

15 Q Okay. Who's it run by then?

16 A It's run by Seva Dharma Mission.

17 Q Is that some distinct legal entity from Ananda
18 Marga Pracaraka Samgha?

19 A It's a distinct legal entity but the teachings
20 there are the teachings that are accepted by Ananda Marga
21 Pracaraka Samgha and that's why the Board certifies us as
22 an Acarya later, yeah.

23 Q So there are vows for Acaryas; is that correct?

24 A There are vows for Acaryas, yes.

25 Q And there's higher vows for Avadhutas; is that

1 correct?

2 A Well, I wouldn't say higher or lower but there
3 are different vows for Avadhutas.

4 Q Okay. And is there an oath called a kapalika,
5 k-a-p-a-l-i-k-a?

6 A That's a special meditation we practice, and we
7 take an oath when we learn that meditation.

8 Q Okay. Now, there are certain vows that all
9 Margii are supposed to follow; is that correct?

10 A Margiis take some vows at the moment of
11 initiation, those are some personal vows.

12 Q And some of those are called the shiilas; is
13 that correct?

14 A The shiilas are not vows, they are just conduct
15 -- points for conduct.

16 Q Okay. When one becomes initiated, one is
17 supposed to follow the guide to human conduct; is that
18 correct?

19 A When we -- when we initiate somebody we give
20 the basic teachings and slowly, slowly we introduced more
21 and more teachings. So Baba's -- let's say techniques
22 and practice are very vast so we introduce them slowly,
23 slowly to the individuals.

24 Q And these are conduct rules, are they not?

25 A They are also conduct rules. They guide the

1 conduct of individuals.

2 Q Okay. So for a general Margii, there's the
3 painca dasha shiila, p-a-i-n-c-a, new word dasha, d-a-s-
4 h-a --

5 A Painca --

6 Q -- and then sh --

7 A -- dasha means 15, yeah.

8 Q So that's the 15 points, and those 15 points
9 are found in the Carya'carya, are they not?

10 A They are in the Carya'carya.

11 Q Okay. Next is they have to follow the 16 rules
12 of conduct which are also found in the Carya'carya?

13 A The 16 points, yes.

14 Q And they're also supposed to follow the one
15 point local; is that correct?

16 A Yes.

17 Q And what --

18 A Just -- just --

19 Q -- is the one --

20 A -- keep in mind that --

21 Q There's no question pending. You answered it.
22 What is the one point local?

23 A Do you mind reading it -- I'm not a little bit
24 under stress and my memory is --

25 Q Is it true that all Acarya are supposed to have

1 these rules memorized to heart?

2 A Oh, yes. But, you know, there is sometimes a
3 difference between you say something inside and you say
4 something externally. And so you are asking me to say
5 externally I usually repeat it inside, and I'm a little
6 bit under stress so --

7 Q Okay. Because you're under stress, and I'm not
8 trying to put you under stress.

9 A Uh-huh.

10 Q -- I'll read to you what the one point local
11 is --

12 A That's correct.

13 Q -- and you let me know if it's correct. I just
14 have to get to it. One point local, no compromising
15 strictness in faith regarding the sanctity of Ista,
16 Adarsha, conduct rules, and supreme command.

17 A Okay. Yes, we have --

18 Q It -- it was --

19 A -- strictly follow that to the best of our
20 capacity.

21 Q Sorry, I have to scroll back up to where I was.
22 Okay. I'm there. Thank you. And then finally the
23 Margiis are supposed to follow the social codes as per
24 Carya'carya 1, 2, and 3, correct?

25 A Carya'carya 3 for example has 42 asanas or 42

1 exercises. The Margiis will not do all of them.
2 Everything -- let's see, the practice is individualized,
3 and it's not like you must follow this, you must follow
4 that, you must follow this. We -- each one will do the
5 best to their capacity, to their understanding, to their
6 convenience according to their working life or family
7 life or the WT life.

8 Q Okay. So your testimony is they're just
9 supposed to try their best?

10 A Yeah, is -- that's the rational approach.

11 Q And isn't it true that as a Acarya, you provide
12 the initiants and Margiis with charts to help them
13 fulfill these oaths that they are promising to follow?

14 A If we think that person is ready to use that
15 system of monitoring, we -- we provide them. And if they
16 request we provide. It monitors their progress.

17 Q So in the 15 points the 14th point is obedience
18 to the structural code of discipline; is that correct?

19 A Correct.

20 Q Likewise when one becomes an LFT, like you
21 became, there are additional vows that need to be taken;
22 is that true?

23 A They are not vows, they are conduct -- guides
24 for conduct.

25 Q Okay. So conduct rules that you're supposed to

1 follows; is that fair?

2 A You're supposed to follow to the best of your
3 capacity.

4 Q Fair enough. And those additional ones are the
5 34 points except Rule number 15, 23, 28, correct?

6 A Okay. Correct.

7 Q Okay. Likewise when one becomes an Acarya, one
8 now actually takes a vow, do they not?

9 A Yes, Acaryas take a vow, yes.

10 Q And one of those vows is a vow of poverty,
11 correct?

12 A You -- you can refer to it like that in the
13 Christian language and we have refer like that when we
14 are dealing in that context. The idea is that we don't
15 have personal property.

16 Q So it's a vow of having now personal property?

17 A It's a little bit different. I -- I cannot say
18 the vow here, our Acarya vow.

19 Q No, I'm not trying to get you to --

20 A Yeah.

21 Q -- say the vow because I know that your vow is
22 sacred.

23 A Uh-huh.

24 Q And it's not supposed to be repeated out loud
25 but --

1 MR. ERWIN: Your Honor, I object to him getting
2 into spiritual issues.

3 THE COURT: Well, I think he's bringing it back
4 in --

5 MR. OBITTS: Yeah.

6 THE COURT: -- so I'll sustain the objection,
7 but he's already on his way so --

8 Q (By Mr. Obitts) And the second one is a vow of
9 obedience, is it not?

10 A Obedience comes in those conduct rules. Those
11 two conduct rules you mentioned, obedience is discipline,
12 discipline is obedience and the other one, obedience to
13 the structural code of discipline. These are -- that's
14 what's related to obedience.

15 Q Isn't it true that there's a 37 point rule?

16 A 37.

17 Q 37, yes. Isn't it true that number 33 is
18 workers should have the dignity of labor and not the
19 dignity of post?

20 A Yes. And --

21 Q They have noth --

22 A -- I mean for us -- for us workers, WT's, Baba
23 referred to us as workers, post -- for example. One can
24 be general secretary today, can be like village secretary
25 the next day and it can be the other way around the other

1 day. So the post is not matters for us. What matters is
2 the work.

3 Q And so according to the conduct rules that you
4 take as part of your vows as an Acarya is that you're
5 supposed to follow the posting orders? Correct?

6 A You -- you are mixing the rules with the vows.
7 Can you --

8 Q Isn't it true --

9 A -- read the specific --

10 Q -- that under the rules --

11 A Can you --

12 Q -- the conduct rules, the conduct rules require
13 Acarya to follow the posting orders given to them?

14 A Can you read the rule, please? Sorry.

15 Q I'm asking you a question.

16 A Yes.

17 Q And the question is, isn't it true, Acarya
18 under the conduct rules are supposed to be required to
19 follow their postings?

20 A If we receive a posting order which is from a
21 legitimate authority, we are required to follow it.

22 Q Now, there's also an additional rule, is there
23 not?

24 A There are additional rules.

25 Q Yeah.

1 A There are more than 120 rules.

2 Q Right. And an additional conduct rule for the
3 Acarya and for the Avadhuta which you are and which Dada
4 Tiirthananda was on October 30th, 2005, correct, he was
5 an Avadhuta and an Acarya?

6 A He is still an Avadhuta and an Acarya.

7 Q Fine. One is called black money. What is the
8 black money rule?

9 THE COURT: Black as in the color?

10 MR. OBITTS: Yeah.

11 THE COURT: Okay.

12 THE WITNESS: We are supposed to keep good
13 accounts so that all our money is accounted for.

14 Q (By Mr. Obitts) Because the money belongs to
15 the organization, correct?

16 A Correct.

17 Q And that organization is Ananda Marga Pracaraka
18 Samgha, correct?

19 A It depends. Depends. Because suppose now I'm
20 corporate secretary of Ananda Marga, Inc., so some money
21 would belong to Ananda Marga, Inc., I cannot say it
22 belongs to somebody else.

23 Q The second rule is that supervisory workers
24 will have to keep or take proper care in all respects of
25 his supervised staff; is that true?

1 A That -- that's the -- that's true.

2 Q And the third rule is that there must be
3 promptness and regularity in submitting periodical
4 reports and returns as per the prescribed system?

5 A The rule is there now the system is to be
6 established and to be laid clear to the person in the
7 position the person is.

8 Q So it's your testimony that Ananda -- that
9 Reverend Baba did not provide the system?

10 A As I mentioned before, Reverend Baba provided
11 the guidelines, and he didn't go into the details into
12 the micro-managing. He gave the general details maybe to
13 some people who worked with him, he explained different
14 things. But for example in my training this was not
15 part, I didn't get -- this is the system that I have to
16 follow day by day. In different places where I work,
17 there were different systems that were developed locally
18 and I followed those systems locally.

19 Q Okay. And number four is all kind of office
20 records, inventories, accounts, should be maintained by
21 each worker, correct?

22 A Correct.

23 Q So whatever you're doing as a wholetimer posted
24 by Central in one of the nine sectors or at Central,
25 you're supposed to keep records of what you're doing,

1 correct?

2 A We are supposed to keep records to the best of
3 our capacity of what we do.

4 Q Okay.

5 A And those records will help us to coordinate
6 our work with other workers.

7 Q Okay. Number five is tour program should be
8 followed very strictly without any exception.

9 A Correct.

10 Q Isn't it true that Reverend Baba developed a
11 tour program whereby you have to submit your travel plans
12 in advance to a higher level posted worker to get it
13 approved prior to you being able to go on a tour?

14 A The tour program is a very good system of
15 coordination. When I'm -- I have to plan in advance when
16 I'm going somewhere, I plan in advance where I'm going to
17 go, and then I will share my tour program with other
18 people who are related so then we can coordinate how it
19 work. So that's a system introduced by Baba and it's a
20 very good system.

21 Q Isn't it true that the sectorial secretary has
22 to get his or her tour program approved by the general
23 secretary?

24 A The sectorial secretary if -- when he travels
25 to the center, then he will coordinate with other Central

1 workers, I mean -- and he prepares a tour program where
2 he's going. But there are exceptions. There are times
3 the sectorial secretary will not prepare the tour
4 program. I mean so it's -- it's a system for
5 coordination, and it's not a punitive system or a must-
6 system. It's the freedom of the individual preparing the
7 tour program and coordinating the tour program with
8 others.

9 Q Number six of the additional rules.
10 Supervisory workers will have to keep proper care that
11 each of his supervised workers is properly utilized.

12 A That's the rule.

13 Q And the seventh rule is number of sympathizers
14 created by one's conduct, correct?

15 A Sorry?

16 Q Number of sympathizers created by one's
17 conduct, number of initiants in other words?

18 A Okay.

19 Q Yes?

20 A Correct.

21 Q Okay. So when you finish your training you
22 went before Reverend Baba and he gave you a test, did he
23 not?

24 A It varied according to times. At times Baba
25 would give the test. At times other people gives the

1 test.

2 Q Okay. And then once you pass -- whoever it is,
3 the Acarya passes the test, they then become ordained; is
4 that correct?

5 A That's a -- we become an Acarya, yeah, we can
6 say ordained, yes.

7 Q What is the supreme command?

8 A The supreme command is contains three basic
9 points. One point is to practice meditation twice a day.
10 The other point is to follow Yama and Niyama which are
11 ten principles for personal conduct. And the other point
12 is to guide other people also on the path.

13 Q I'm going to give to you Defendants' Exhibit
14 235. And we'll get you --

15 MR. OBITTS: And, Your Honor --

16 THE COURT: Sir, do you need a break? Do you
17 want to take a break?

18 THE WITNESS: Maybe I need to drink.

19 THE COURT: Okay. There's water right there in
20 this pitcher.

21 THE WITNESS: Oh, here. Okay.

22 THE COURT: Be careful you have to hold the
23 handle down to pour it, but we can take a break if you
24 want.

25 THE WITNESS: Okay.

1 THE COURT: Why don't we take 15 minutes.

2 THE WITNESS: Thank you.

3 THE COURT: All right. Court's in recess.

4 (Whereupon a recess was taken.)

5 (Whereupon the court reconvened and the following
6 proceedings were entered of record.)

7 THE CLERK: All rise. Court 259 is back in
8 session.

9 THE COURT: Please be seated.

10 MR. OBITTS: May I proceed, Your Honor?

11 THE COURT: Yeah, go ahead.

12 MR. OBITTS: Okay.

13 Q (By Mr. Obitts) If you'd be so kind as to --

14 MR. OBITTS: A preliminary house-keeping
15 matter, in the trial management order there was a
16 stipulation amongst counsel that the examination of these
17 witnesses would be allowed to be used in my case in chief
18 as well so I don't have to recall them up and do the full
19 thing again. And I want to make sure that's on the
20 record.

21 THE COURT: That's certainly fine with me.

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

23 Q (By Mr. Obitts) If you would be so kind as to
24 turn to Defendants' Exhibit 235. What does this appear
25 to be?

1 THE COURT: How do we have numbers for both
2 Plaintiff and Defendant?

3 MR. OBITTS: There was a stipulation related to
4 that, that ours would be D in front numbered because we
5 were up to I believe 12 A's --

6 MS. CHEUNG: 16.

7 MR. OBITTS: -- 16 A's.

8 THE COURT: 16 A's.

9 MR. OBITTS: Yeah.

10 THE COURT: I counted them.

11 MR. OBITTS: Yeah, sorry, Your Honor.

12 THE COURT: All right. Next time clear that
13 with me before you do that.

14 MR. OBITTS: Okay. I apologize, Your Honor.

15 THE COURT: And just so we're clear where does
16 the last Plaintiffs' exhibit end?

17 MR. ERWIN: The last Plaintiffs' exhibit?

18 THE COURT: What's the last numbered exhibit
19 you have? 120 something.

20 MR. ERWIN: 122.

21 THE COURT: Okay.

22 MR. ERWIN: 123.

23 THE COURT: All right. So D as in dog 235.

24 MR. OBITTS: Yes.

25 THE COURT: That's what you're looking at, sir.

1 Q (By Mr. Obitts) Do you have that in front of
2 you?

3 A I have.

4 Q What is this document?

5 A It's a list of the 14 points.

6 Q Okay. And it's a multiple page document, is it
7 not?

8 A Yes, yes. There are many pages.

9 Q So it has on there the worker rules on the D-
10 235-3, correct?

11 A Yes.

12 Q And Avadhuta rules on the next page, correct?

13 A Correct.

14 Q And is it true that these are the worksheets
15 that are used by workers in Avadhuta as part of their
16 reporting that are required under the conduct rules?

17 A At various times we use different ones but when
18 we do reporting, the RDS, we don't use these.

19 Q Okay. And at any time have you used these
20 worksheets?

21 A Not this particular ones. As you see the --
22 some rules are not written completely. So there are
23 various versions of this one. It's not a standardized
24 system.

25 Q Okay. What is the normal standardized -- so

1 you're saying there is no standardized system?

2 A We don't have a standardized system of charts
3 like that. We copy the rules in the notebook. That's a
4 -- yeah.

5 Q You -- so you copy the rules in the notebook
6 and you -- do you -- and then you keep track by calendar
7 day whether or not you have been following those conduct
8 rules; isn't that true?

9 A Yeah, we do that to the best of our capacity in
10 different situations, yes.

11 Q And if requested by a higher authority, you
12 have to provide them with your written conduct rules with
13 this monthly calendar of checking off whether or not you
14 have followed those rules, correct?

15 A No. I mean we don't have a defined,
16 standardized system, yeah.

17 Q If requested by your superior, do you have to
18 provide such information?

19 A Here is a -- it's a spiritual thing, okay? Now
20 superior which you may mean is maybe in the
21 organizational mundane world. So this is more on the
22 spiritual side of personal conduct. So if I consider
23 somebody to be able to analyze my conduct, I may share it
24 with that person so that I can improve.

25 Q Isn't it true that as an Acarya you provide

1 worksheets like this to Margii to whom you are working
2 and ask them to fill it out for your review?

3 A Not all the time. I mean that's not -- that's
4 a suggestion. If I feel that Margii will get benefit
5 from something like that, because it takes a long time
6 from one Margii to understand the different practices and
7 to incorporate them into their daily life. It's not like
8 one becomes initiated and you give -- the person will run
9 away, will not continue in Ananda Marga, we'll have
10 nobody.

11 We -- we teach them very gradually. They learn
12 the meditation, they practice, so that's number one.
13 They learn the meditation, they do the meditation, they
14 get some realization, they ask what can I do to improve
15 my conduct, to improve my meditation? Then we introduce
16 different points. If -- and if we can introduce the --
17 like the 15 conducts then we may give the person one
18 chart. Sometimes not. It's not like boom, boom, boom,
19 you know?

20 Q You can put that exhibit away. Thank you.
21 When you -- part of your training process in becoming an
22 Acarya isn't it true that you have to handwrite what's
23 called a Dit. ES guidebook?

24 A Most -- most of the time, yes. Like I wrote a
25 Dit. ES guidebook.

1 Q Okay. And isn't it true that Dit. ES is an
2 abbreviated form of District ERAWS secretary?

3 A Actually, sorry, it was as Dit. S guidebook.

4 Q Okay. So you did a Dit. S guidebook?

5 A Right.

6 Q As opposed to at Dit. ES guidebook?

7 A Right.

8 Q Okay. And in handwriting that Dit. S
9 guidebook, isn't it true that you have to draw the
10 structure -- organizational structure and structural
11 structure of Ananda Marga Pracaraka Samgha?

12 A I wrote it 1984, I'm not remembering the
13 details, no. Yeah.

14 Q Let me help refresh your recollection.

15 A Uh-huh.

16 Q Let me describe what is supposed to be drawn in
17 the Dit. S guidebook. And let me find out if this
18 refreshes your recollection. At the top is a circle with
19 the words general secretary with a line going down with
20 two branches going out from either side. Below that it
21 says organizational side, below that is district
22 committees, unit committees, and general margiis. And
23 going out on the other side --

24 A Can you repeat that part?

25 Q Sure. Fine. At the top is general secretary

1 with a line going down with a line horizontal going
 2 across to two bubbles. One being organizational side,
 3 one being structural side. Below the organizational side
 4 is three bubbles and the lines going straight down called
 5 district committees, unit committees, and general
 6 margiis.

7 On the structural side there's a line that goes
 8 down with now another horizontal line and below that are
 9 three columns of bubbles. At the top of the one column
 10 of bubbles is sectorial secretary, a line going down to
 11 regional secretary, with a line going down to diocesan
 12 secretary, the line going down to district sectorial
 13 secretary with a line going down to block secretary with
 14 a line going down to panchayat secretary with a line
 15 going down to village secretary.

16 In the middle bubble is ERAWS secretary, E-R-A-
 17 W-S, with a line going down and two arrows -- I mean a
 18 horizontal line with two columns and bubbles going down
 19 listing SES, RES, DES, Dit. ES, VES, PES, VS, and then
 20 finally workers and then the other bubble a whole lot to
 21 acronyms.

22 A I'm having difficulty --

23 Q Does that refresh your recollection? No, it --

24 A I'm having difficulty with that, yeah.

25 THE COURT: You know, if you have the diagram,

1 just show it to him.

2 THE WITNESS: Yeah.

3 THE COURT: That's what it is.

4 MR. OBITTS: May I approach?

5 THE COURT: Yeah. Now, sir, take a look at
6 that, look at it thoroughly and see if that helps you
7 remember this Dit. S book or guidebook that you say that
8 you did and then he's going to ask you some questions
9 about it, okay?

10 THE WITNESS: Yeah.

11 THE COURT: When you're done looking at it,
12 tell him that, put it down and turn it over, okay?

13 THE WITNESS: Okay. I think it's not exact but
14 I can't remember perfectly the one I recorded.

15 THE COURT: Okay.

16 THE WITNESS: Yeah. There's some words I
17 remember in the one and they're not here.

18 THE COURT: All right. Well, then you can
19 answer his questions as you say to the best of your
20 capability.

21 THE WITNESS: Okay.

22 THE COURT: Okay?

23 THE WITNESS: Okay.

24 Q (By Mr. Obitts) All right. So to the best of
25 your capability, do you recall now drawing a diagram of

1 the organizational structure of Ananda Marga Pracaraka
2 Samgha?

3 A I copied this Dit. S guidebook in 1984 and I
4 don't remember using it when I was RS or other postings
5 so I -- it's a very faint recollection of the whole
6 guidebook.

7 Q And in that faint recollection was the drawing
8 that you did similar in form to that drawing?

9 A I --

10 Q You can take a look.

11 A No, I know but it -- this is very, how say,
12 nice drawing, and I don't remember nice drawing like
13 this.

14 Q Okay. But I'm talking as far as the structure
15 from general secretary at the top all the way down to --

16 A because --

17 Q -- village committee --

18 A Okay.

19 Q -- and worker and --

20 A In my worker life I never was requested to
21 implement that Dit. S guidebook so I kind of -- kind of
22 -- I studied it, but I -- you know, It's like you go to
23 school, you study something and if you want to remember
24 it now, you may not remember.

25 Q My question to you though is in the training

1 process when you had to draw it out --

2 A I -- I mean I had --

3 Q -- although this was pretty --

4 A I have --

5 Q -- is this something similar?

6 A I had to write the Dit. S guidebook. Now, how
7 many drawings were there and the details, I don't
8 remember perfectly.

9 Q Okay.

10 A I mean I -- if I had been using it all the
11 time, I -- and implementing it, I would remember.

12 Q If you would be so kind and get in front of you
13 Defendants' Exhibit 94 for identification purposes. Do
14 you have that in front of you?

15 A Yes.

16 Q Okay. In the 2003 time frame, isn't it true
17 that Ananda Marga, Inc., was having a hard time with INS
18 related to postings by Central, AMPS, of workers to the
19 New York sector?

20 A We were not having difficult time with posting
21 by -- we were having time in arranging visa for workers,
22 that's what we were having problem with.

23 Q Right. And that worker in that the R-1 visas
24 or religious worker visas are done through INS?

25 A Mostly was like green card applications,

1 because the R-1 visas were from the embassies at that
2 time. It changed later one.

3 Q Okay. So regardless in the 2002, 2003 time
4 frame, you were having problems with the governmental
5 agency related to immigration matters for which Ananda
6 Marga, Inc., decided to file 1023 within the Internal
7 Revenue Service; isn't that true?

8 A Yeah, we were having problem with the
9 immigration. And the immigration said that our
10 classification with the IRS was not sufficient to -- that
11 we could get green cards for our WT's. So that's when we
12 applied for reclassification and that's with the IRS.

13 Q And this filing was done on behalf of Ananda
14 Marga, Inc., correct?

15 A The filling was done on behalf of Ananda Marga,
16 Inc., yeah.

17 Q And it was to facilitate workers being posted
18 by the general secretary of Ananda Marga Pracaraka Samgha
19 in the New York sector, correct?

20 A We -- not exactly correct. We did it so that
21 we could get perm -- workers already posted here, they
22 could get permanent residence.

23 Q But those workers that were posted here were
24 workers that were posted by the general secretary of
25 Ananda Marga Pracaraka Samgha, correct?

1 A The general secretary signs posting orders but
2 there is a more elaborated system for posting.

3 Q So in the filings that you did with the IRS,
4 there was a series of filings. First one was in 2003,
5 and then there was a subsequent one in 2004; isn't that
6 correct?

7 A It was a continuous process in communication
8 with the IRS and their representatives and they kind of
9 directed us how to present ourselves and they directed
10 part of the language, and I was assisted by
11 Mr. Hemmelgarn to prepare these applications.

12 Q So if you take a look at the first three pages
13 of Defendants' Exhibit 94 on the third page, that is your
14 signature, is it not?

15 A Yes. As secretary of Ananda Marga, Inc., I
16 used to sign most of the documents of the corporation.

17 Q Isn't it true that as sectorial office
18 secretary that you were charged by Ananda Marga Pracaraka
19 Samgha Central with handling all visa and immigration
20 matters in the sector?

21 A No, I was doing that on behalf of Ananda Marga,
22 Inc. As corporate secretary, it's not my duty, yeah.

23 Q So if there were documents from Central to the
24 SOS New York sector related to immigration and visa
25 matters, is Central AMPS just wrong?

1 A You can show me the document maybe I can
2 analyze it.

3 Q Fair enough. So this document -- the first
4 three pages is signed with a truth certification,
5 correct?

6 A Signed with?

7 Q With a truth certification on the third page?

8 A Yes.

9 Q And the actual form 1023 that was signed was
10 signed under penalty of perjury, was it not?

11 A I -- I signed the form 1023.

12 Q Okay. So if a 1023 called for being signed
13 under penalty of perjury, then the document speaks for
14 itself, correct?

15 A You're right.

16 Q Yes?

17 A The -- what's the -- yeah, the document speaks
18 for itself.

19 Q Fair enough, okay. Isn't it true that you made
20 under your truth certification that the founder of Ananda
21 Marga, Inc., was Reverend Baba?

22 A Everything started from Baba, the whole idea
23 started from Baba. Baba was not the direct founder. The
24 founders of the corporation were the original
25 incorporators. So this is kind of a way of expressing

1 that because everything originated from Baba then the
2 founder is Baba, but in corporate matters, the founder is
3 not Baba.

4 Q So this is a false statement then?

5 A Most of these statements we developed with the
6 IRS in -- they directed us to express different things.
7 And --

8 MR. OBITTS: I move to strike it as hearsay.

9 THE WITNESS: Sorry?

10 THE COURT: It's non-responsive, I'll sustain
11 that.

12 THE WITNESS: Okay. Would you --

13 Q (By Mr. Obitts) So let me ask you a different
14 question then. Isn't it true that you stated to the
15 Ananda -- that you stated to the IRS that the first
16 Ananda Marga minister came here in 1969, and we organized
17 legal event in what we thought was the best way as a tax
18 exempt 501(c)(3) organization? Did you -- did Ananda
19 Marga, Inc., make that statement to the IRS?

20 A We made that statement to the IRS. The
21 language was developed under direction of IRS in
22 communication with us.

23 Q I -- I --

24 A You see -- okay.

25 Q Hold on one second.

1 A Yes.

2 THE COURT: All he wants you to do is listen to
3 his question and answer his question.

4 THE WITNESS: Okay.

5 THE COURT: And you've been sitting here all
6 day, I don't know if you're having a good time or not,
7 but we're going to be here another three days --

8 THE WITNESS: Okay.

9 THE COURT: -- if you don't just listen to his
10 question.

11 THE WITNESS: Okay.

12 THE COURT: Okay? Mr. Erwin will have a chance
13 to ask you questions to clear up -- clarify -- and now
14 I'm doing it -- clarify anything that he thinks needs to
15 be clarified, okay?

16 THE WITNESS: Uh-huh.

17 THE COURT: Fair enough.

18 Q (By Mr. Obitts) Isn't it true that Ananda
19 Marga, Inc., made under truth certification to the IRS
20 that we want to fulfill our founder's dictums, without
21 our ministers this would be difficult if not impossible.
22 Was that statement made --

23 A It --

24 Q -- to the IRS?

25 A May I find the statement exactly or --

1 Q Sure. You can --

2 A Okay.

3 Q -- it's on page two.

4 A Page two.

5 Q The third paragraph.

6 A All right.

7 Q That statement was made, correct?

8 A Yes.

9 Q And the our founders is our Ananda Marga, Inc.,
10 is our Ananda Marga Pracaraka Samgha, or is our socio-
11 spiritual, legal whatever you want? What is ours there?

12 A Our mission.

13 Q Our mission. Which Ananda Marga, Inc., is a
14 part, correct?

15 A The mission is very vast, and we are a part of
16 the mission.

17 Q Okay. And it says without our ministers. The
18 our there for our ministers, is that the ministers of
19 Ananda Marga, Inc., or is that the minsters of Ananda
20 Marga Pracaraka Samgha?

21 A Ministers of Ananda Marga. An Acarya is an
22 Acarya of Ananda Marga.

23 Q If you'd turn to the third page of this
24 document, Exhibit 94, there's a series of enclosures
25 that's attached to it, is there not?

1 A Yes.

2 Q And the first one is Schedule A form 1023,
3 pages 11 to 13 inclusive?

4 A Yes.

5 Q If you could turn over then to page 11 which is
6 the next page in this exhibit. It says, does this
7 organization have a written creed or statement of faith?
8 And it says yes.

9 A Correct.

10 Q Does this organization have a formal code of
11 doctrine and discipline for its members? And you answer
12 yes, correct?

13 A Correct.

14 Q And then down in number nine it says our
15 Carya'carya scriptures describe the following ceremonies
16 and lists a bunch of ceremonies; is that correct?

17 A That's correct.

18 Q Okay. And once again you're filing this on
19 behalf of Ananda Marga, Inc., correct?

20 A Correct.

21 Q And then turning the page to page 12 it says
22 the organization, religious hierarchy -- does the
23 organization, religious hierarchy, or ecclesiastical
24 government, that's some type of weird typo --

25 A Which number you are?

1 Q -- but it says -- number 12.

2 A Okay.

3 Q And it says, please see attached.

4 A Correct.

5 Q And then you go on and attach explanations, did
6 you not, correct?

7 A Yes.

8 Q So let's go to page five of the attachment and
9 the attachment once again has got Ananda Marga, Inc.'s
10 name on it with its Tax ID number, correct?

11 A Correct.

12 Q So if we go to the first page of this document,
13 isn't it true that under a truth certification and under
14 penalty of perjury with the 1023, that you then go on to
15 recount the history of Ananda Marga Pracaraka Samgha's
16 formation, registration, and then finally it coming to
17 North America on the first page, correct?

18 A Okay, correct.

19 Q And in fact you stated in here that Ananda
20 Marga Pracaraka Samgha, AMPS Central based in Ananda
21 Nagar is a world headquarters and parent organization of
22 our mission and was registered in Bihar in 1956 and later
23 under the Societies Act of West Bengal in 1961, correct?

24 A Correct.

25 Q Are you willing now to change your answer as to

1 whether or not AMPS is a divided socio-spiritual and
2 legal entity?

3 A Can you repeat that?

4 Q Are you willing now, sir, to change your answer
5 before with whether or not Ananda Marga Pracaraka Samgha
6 is a dual entity, in other words a socio-spiritual entity
7 that is separate from a legal entity?

8 A No, I maintain my answer. The one that is by
9 Carya'carya and the one legal society, they are two
10 different entities.

11 Q Okay. So you previously testified that 2005
12 was the first time you found out about the registered
13 entity with the constitution, correct?

14 A No, I said that 2005 was when I got that
15 document.

16 Q So that was the first time you ever saw the
17 constitution of Ananda Marga Pracaraka Samgha, correct?

18 A I -- I got interest in it, so that's the time
19 when I remember it.

20 Q So --

21 A But I knew that it existed before.

22 Q Okay. When did you know that it existed
23 before?

24 A I can't recall exactly the date.

25 Q So here this registered agent -- entity under

1 the Societies Act of West Bengal in 1961 is that the
2 socio-spiritual or legal entity?

3 A The registered is the legal.

4 Q Going down to the next paragraph. It says the
5 North American branch of Ananda Marga was formed and has
6 existed as a non-profit corporation in various states in
7 the USA since 1969 to propagate our ideals in the
8 countries of North and Central America and the Caribbean,
9 did I read that correctly?

10 A Yes.

11 Q And it goes on to talk about its incorporation.
12 It says originally incorporated as Ananda Marga Yoga
13 Society in Carbondale, Illinois in 1969 then later as
14 Ananda Marga Yoga Society in Wichita, Kansas in 1970 and
15 still later as Ananda Marga, Inc., in Denver, Colorado,
16 1974 to the present currently domiciled in Corona, New
17 York. These three corporations have remained in good
18 standing with their respective jurisdictions, ya-da, ya-
19 da, ya-da. Did I read that correctly?

20 A Only the last part, you --

21 Q Fair enough. Fair enough. Okay. Good. And
22 that was a true statement, was it not?

23 A Yes, it's a true statement.

24 Q In fact everything in this document is a true
25 statement, is it not?

1 A It's true statement in the context of the
2 document.

3 Q Well, either it's a true statement or not. So
4 if a document says for example red is white, and then the
5 document goes on to describe something as white, then in
6 the context of the document red is while.

7 A The document --

8 Q But I'm asking you is this a true doc -- are
9 the statements in here true?

10 A This is a statement to the IRS. In that
11 context it -- it's true, yeah.

12 THE COURT: Mr. Obitts, I get the point.

13 MR. OBITTS: Okay. Thank you.

14 THE COURT: Okay? You've made your point.

15 MR. OBITTS: Okay. I'll move on.

16 THE COURT: He's not going to change his
17 answer.

18 MR. OBITTS: All right. That's fair enough.

19 THE COURT: Okay.

20 MR. OBITTS: For purposes, this is a document
21 that has been stipulated to as being admissible, and so
22 I'd like to move it into evidence at this time.

23 THE COURT: If it's stipulated, then it's
24 deemed admitted.

25 MR. OBITTS: Likewise related to the IRS

1 rulings, we've got Exhibit 69, 70, 71, 72, 73, 74, 75,
2 76, 77 are all IRS filings as well as 78, 79, 80, 81, 82,
3 83 through 98, Your Honor.

4 THE COURT: So it'd be D-69 through D-98
5 admitted by stipulation; is that right?

6 MR. OBITTS: That's correct.

7 THE COURT: All right.

8 MR. OBITTS: Let's hold on, let's make sure.

9 THE COURT: All right. Those will be admitted.
10 (Defendants' Exhibits D-69, D-70, D-71, D-72, D-73,
11 D-74, D-75, D-76, D-77, D-78, D-79, D-80, D-81, D-82, D-
12 83, D-84, D-85, D-86, D-87, D-88, D-89, D-90, D-91, D-93,
13 D-94, D-95, D-96, D-97, D-98 admitted into evidence.)

14 MR. OBITTS: Okay. Are we good?

15 MR. ERWIN: Yes. 69 through 98 is that --

16 MR. OBITTS: Yes.

17 MR. ERWIN: Correct.

18 THE COURT: All right. Go ahead.

19 MR. OBITTS: Okay. I was just making sure.

20 Q (By Mr. Obitts) Isn't it true that in the 990
21 filings, when you were the corporate secretary of Ananda
22 Marga, Inc., that you listed Ananda Marga Pracaraka
23 Samgha Central as the parent organization of Ananda
24 Marga, Inc.?

25 A Can we go to the document?

1 Q Certainly. If you would be so kind as to turn
2 to Exhibit 93.

3 A Okay.

4 Q And this in fact was attached to your filing
5 with the IRS, was it not? That we previously went
6 through?

7 A I think so. I --

8 Q Well, I don't want you to think so, I want you
9 to know so.

10 A Uh-huh.

11 Q So if you'd take a look at the previous exhibit
12 and it has in here the 990 filing, number 11, tax return
13 for year --

14 A 2002.

15 Q -- 2002.

16 A Correct.

17 Q So this -- this was attached --

18 A Okay.

19 Q -- was it not?

20 A Yes.

21 Q Okay. Fair enough. And if you would turn to
22 the second page of it. And it says here on the second
23 page on part three Ananda Marga Central India, our parent
24 organization including its administration, and then it
25 goes on from there. Did I read that correctly?

1 A Yes.

2 Q So my question to you isn't it true at least in
3 the year 2002 in Ananda Marga, Inc.'s IRS filing, Form
4 990, under penalty of perjury, that Ananda Marga, Inc.,
5 stated that Ananda Marga Central India was its parent
6 organization?

7 A That's what we stated, our parent organization.

8 Q And this was done under penalty of perjury,
9 correct?

10 A Correct.

11 Q Yes?

12 A Yes.

13 Q If you could -- Ms. Cheung will get you Volume
14 II in front of you and we'll go from there. Isn't it
15 true if you could go to Exhibit 86, please. Defendants'
16 Exhibit 86.

17 A 86?

18 THE COURT: Well, that's not in Volume II.

19 THE WITNESS: I have only up to 56.

20 THE COURT: In the other notebook.

21 THE WITNESS: Oh, Defendants' --

22 THE COURT: The one we were just looking at.

23 THE WITNESS: -- sorry.

24 MS. CHEUNG: It's in Volume III.

25 THE COURT: In Volume III.

1 MR. OBITTS: I apologize, Your Honor.

2 THE WITNESS: Which number?

3 Q (By Mr. Obitts) Sure. Exhibit 86.

4 A Okay. Isn't it true that 2003 was the last
5 year that Ananda Marga, Inc., filed a form 990 with the
6 IRS?

7 A As far as I remember. After we got approved as
8 church for tax purpose, we stopped filing.

9 Q Okay. And if you could turn to the fifth,
10 sixth page of this exhibit which is page six at the top
11 under the 990. That is your signature there, too,
12 correct?

13 A Correct.

14 Q And you did that as an officer of Ananda Marga,
15 Inc., correct?

16 A Yes, correct.

17 Q And it's done under penalty of perjury,
18 correct?

19 A This legal language -- if -- if the form says
20 so, yes.

21 Q Okay. If you go right above your signature, it
22 says under penalty of perjury.

23 A Yes, okay.

24 Q Okay?

25 A You're right.

1 Q Good, I'm not trying to --

2 A No, you're right.

3 Q Okay.

4 A Yeah.

5 Q And if you go then to the second page it once
6 again lists Ananda Marga Centra India as the parent
7 organization of Ananda Marga, Inc., correct?

8 A Yes. Our parent organization.

9 Q And if you'd go to Exhibit 83 then, this is a
10 document that you all produced that's been stipulated to.
11 This is the 2000 990 tax return for Ananda Marga, Inc.,
12 correct?

13 A Correct.

14 Q And once again on the second page Ananda Marga,
15 Inc., lists Ananda Marga Central India as its parent
16 organization, correct?

17 A Our parent organization.

18 Q Correct?

19 A Correct.

20 Q Okay. And going to page 82 -- I mean doc --
21 Exhibit 82, which is a 1999 990. Once again it's -- it
22 has your name as the secretary on the signature page on
23 page six, correct?

24 A Correct.

25 Q And on page two it lists Ananda Marga Central

1 India as the parent organization of Ananda Marga, Inc.,
2 correct?

3 A Our parent organization, yeah. And --

4 Q Correct?

5 A -- this is --

6 Q And the our is Ananda Marga, Inc., correct?

7 A Correct.

8 Q So let me ask you the question again. From the
9 time that you were posted in the sector by the general
10 secretary as the SOS and then served as the secretary of
11 Ananda Marga, Inc., isn't it true that every IRS filing,
12 990, Ananda Marga, Inc., listed Ananda Marga Central as
13 its parent organization?

14 A Okay. Part of the statement it is true that on
15 the IRS filings we have listed Ananda Marga Central India
16 our -- as our parent organization from 1999 until we
17 stopped filing.

18 Q And when were you posted here?

19 A I -- I actually was posted in 1999, and I came
20 in the year 2000. It's because the form from 1999 is
21 submitted in the year 2000.

22 Q Correct.

23 A Okay. Previously you testified that the
24 president of the Central Committee is the one who is to
25 sign off on the posting orders for wholetimers being

1 posted, do you recall that?

2 A The signature is the signature of the general
3 secretary. The approval is by the president.

4 Q Is that approval in writing or oral?

5 A I'm not 100 percent sure how they --

6 Q Isn't it true that you stated in your tax
7 filing with the IRS seeking church status for Ananda
8 Marga, Inc., that the Purodha Pramukha appoints the
9 general secretary and the Central Executive Committee
10 from among the ranks of the Central Committee?

11 A Which document are you referring to?

12 Q Go back to Exhibit 94 page five. Under the
13 description, describe the organization's religious
14 hierarchy or ecclesiastical government.

15 A Page five.

16 Q Page five, that's correct.

17 MR. ERWIN: 94?

18 MR. OBITTS: Of Exhibit 94.

19 THE COURT: Paragraph 12 at the top of the
20 page.

21 THE WITNESS: Is it the DFTS00341?

22 MR. OBITTS: Yes.

23 THE WITNESS: Okay.

24 THE COURT: 347.

25 Q (By Mr. Obitts) DFTS347.

1 A Oh, 347, sorry.

2 Q Now, before --

3 A Okay.

4 Q -- so do you see that?

5 A Yes.

6 Q I'm sorry, this is in the second paragraph of
7 section 12 starting with the word the Purodha Pramukha.
8 Did I read that correctly?

9 A I'm not finding it.

10 Q Fine. If you'd go under number 12. Go down
11 one paragraph --

12 A Number 12, I'm there.

13 Q Okay. Then go down three lines, and it starts
14 with the Purodha Pramukha appoints. And my question to
15 you, isn't it true that in the --

16 A I -- I'm --

17 Q -- truth certification --

18 A -- sorry, I'm not finding.

19 MR. OBITTS: May I approach, Your Honor?

20 THE COURT: Yeah, go ahead.

21 THE WITNESS: You said three lines. Oh, sorry.
22 Okay.

23 Q (By Mr. Obitts) So do you see the sentence?

24 A Yes.

25 Q Okay. And so the question -- do you want me to

1 repeat the question, or do you understand the question?

2 A Go ahead, repeat.

3 Q Okay. Isn't it true that in the tax filing
4 that Ananda Marga, Inc., made with the IRS it stated with
5 the truth certification that the Purodha Pramukha
6 appoints a general secretary, parens, GS end parens, and
7 the Central Executive Committee from among the ranks of
8 the Central Committee?

9 A Yes, in the document we wroted (sic) that, yes,
10 it's the Purodha Pramukha appoints the general secretary,
11 GS, and the Central Executive Committee from among the
12 ranks of the Central Committee.

13 Q Do you recall your deposition with me?

14 A Can you refresh my mind?

15 Q Well, you don't remember that thrilling
16 experience?

17 A Huh?

18 Q You don't remember the thrilling day --

19 A I tried to forget it.

20 Q -- we spent -- you're trying to forget it.
21 Good, fair enough. The last question I asked you was
22 whether or not this paragraph 12 was true. And you
23 answered yes, do you recall that?

24 A I don't recall but --

25 Q Okay. I'll ask you here now today. This

1 entire paragraph 12 is true, is it not?

2 A It's true according to the best of the
3 knowledge at that time, yeah.

4 Q And going to the first paragraph, explain the
5 ecclesiastical structure of Ananda Marga which Ananda
6 Marga, Inc., is a part, it reads the Ananda Marga mission
7 is worldwide, it is organized legally as such possessing
8 a definite and distinct ecclesiastical government --

9 A Where are you now?

10 Q The first paragraph of number 12.

11 A Okay.

12 Q For organizational purposes, the world is
13 comprised of nine large geographical areas called sectors
14 with corresponding subsections called regions; dioceses,
15 paren, states or provinces; districts; villages; and
16 local chapters according to geography, size, and
17 population. The jurisdiction of our corporation as
18 parent organization, Ananda Marga New York sector, is all
19 countries of north and Central America and the Caribbean,
20 did I read that correctly?

21 A Yes.

22 Q And that was a truthful statement?

23 A That's a truthful statement.

24 Q And when you said our corporation, you're
25 referring to Ananda Marga, Inc., are you not?

1 A Yeah, correct.

2 Q Going back to the second paragraph after we did
3 the Purodha Pramukha aspect, it says the GS assigns all
4 posting orders for sending wholetimer Acaryas to
5 various --

6 A I -- I'm not following so speedy as you.

7 Q No problem, I'm going too fast, I apologize.
8 The second paragraph --

9 A The second paragraph --

10 Q Yeah.

11 A -- of number 12?

12 Q Of number 12, fourth line down. Isn't it true
13 that Ananda Marga, Inc. --

14 A Okay. I found it.

15 Q Okay.

16 A Okay.

17 Q Isn't it true that Ananda Marga, Inc., made a
18 statement to the IRS with a truth certification the GS
19 assigns all posting orders for sending wholetimer Acaryas
20 to various organizational positions at one or more of
21 these various levels throughout the world?

22 A Correct.

23 Q And that's a true statement?

24 A According go the best of our knowledge at the
25 time.

1 Q Is it a true statement now -- sorry, is it a
2 true statement as of October 30th, 2005?

3 A Well, at that time there was a contra --
4 contradiction even who the GS is. So --

5 Q Under the religious hierarchy of Ananda Marga
6 Pracaraka Samgha, can anybody other than the GS sign the
7 posting orders?

8 A The GS position is not a religious position.

9 THE COURT: That wasn't the question.

10 THE WITNESS: Yeah, but he's saying religious
11 hierarchy --

12 THE COURT: Okay. I understand you --

13 THE WITNESS: -- I got lost.

14 THE COURT: -- may not agree with him, but
15 you've got to answer his question.

16 THE WITNESS: Okay. So, please.

17 THE COURT: Can anybody other than the GS sign
18 the posting orders? That's the question.

19 Q (By Mr. Erwin) That's the question.

20 A I only saw posting orders I saw were signed by
21 general secretary.

22 Q Isn't it true that AMPS Central authorities
23 signed all wholetimer Acaryas to the various
24 organizational positions at one or more of the various
25 levels throughout the world?

1 A Okay. I lost the --

2 Q I'm not asking you to look at anything, I'm
3 asking you if that's the case.

4 A Can you repeat the question?

5 Q Sure. Isn't it the case that AMPS Central
6 authorities signed wholetimer Acaryas to various
7 organizational positions at one or more of the various
8 levels from Central all the way down to unit level
9 throughout the world?

10 A We -- in unit there is no --

11 Q Okay.

12 A -- assigned position.

13 Q How about up to regional level?

14 A Up to regional level they get assigned by the
15 Central because they -- one thing about wholetimers is
16 that we are from -- suppose I'm from Brazil, I'm in the
17 United States, and so we -- the way is that one from the
18 United States most of the times only some special
19 situations we work in the same country. So we need a
20 Central to coordinate this operation.

21 Q So the answer to my question is --

22 A Wholetimers.

23 Q -- yes, wholetimers are posted throughout the
24 world by AMPS Central authorities at whatever level it
25 is, whether it be central, sectorial, regional; they're

1 all posted by Central, correct?

2 A Central is a vague term, yeah.

3 Q Okay. Well --

4 A And --

5 Q -- let me -- let me ask you if this is a true
6 statement, you made the statement --

7 A The statement we make --

8 Q -- to the IRS, if you could go down to the
9 sixth paragraph, let me know if I'm reading this
10 correctly, AMPS Central authorities assign wholetimer
11 Acaryas to various organizational positions at one or
12 more of these various levels throughout the world. Did I
13 read that correctly?

14 A Correct.

15 Q And that's a true statement?

16 A That's a true statement.

17 Q Then -- carrying on. Then they travel to these
18 locations to carry out their vocations until the Central
19 authorities restation them elsewhere, correct?

20 A Correct.

21 Q Going to the next paragraph. Isn't it true
22 that you wrote to the IRS on behalf of Ananda Marga,
23 Inc., that our Central authorities periodically re-post
24 wholetimer Acarya to other locations throughout the
25 world?

1 A That's correct.

2 Q That in fact is what happens? Correct?
3 Central authorities re-post people?

4 A They have a view of the world, yeah. They --
5 they re -- wholetimers.

6 Q They re-post wholetimers, correct?

7 A Correct.

8 Q And isn't it true that AMPS Central is the only
9 one that can ordain wholetimers Acaryas?

10 A Acaryas are ordained by the Central Acarya
11 Board.

12 Q Which is part of --

13 A Of Ananda Marga.

14 Q And that is at -- in India, correct, at
15 headquarters?

16 A The Acaryas -- the Central Acarya Board is
17 elected by Acaryas from all around the world.

18 Q Okay.

19 A Yeah.

20 Q So when you stated under -- on page six
21 paragraph -- subsection 14 when you said Ananda Marga,
22 Inc., does not ordain ministers, that function is
23 reserved solely for AMPS Central, was that a lie?

24 A That's not a lie.

25 Q That's -- that's actually what happens,

1 correct?

2 A We don't ordain ministers, yeah.

3 Q But it says this -- that function is reserved
4 solely for AMPS Central, correct?

5 A For the Central Purodha -- for the Central
6 Acarya Board.

7 Q That's not --

8 A We --

9 Q -- what it says.

10 A Yes, we -- we -- in the context of this
11 document, we didn't introduce everything.

12 Q Then you go in this document to describe the
13 duty of wholetimers Acaryas on page seven and eight,
14 correct?

15 A Correct.

16 Q And in that they are supposed to inspect and
17 review different branches and projects?

18 A Where are you reading, excuse me.

19 Q At the very bottom, the second line from the
20 bottom.

21 A Okay. Yes.

22 Q That's under the heading governments,
23 leadership, and planning, our Acaryas are called upon to
24 actively participate in the governments, leadership, and
25 planning functions of Ananda Marga church organizations.

1 A Correct.

2 Q As such, they inspect and review different
3 branches and projects?

4 A Correct.

5 Q And these are branches of Ananda Marga
6 Pracaraka Samgha, are they not?

7 A No, this is Ananda Marga, Inc.

8 Q So the Acaryas posted by Central then are all
9 here to inspect the branches of Ananda Marga, Inc.,
10 correct?

11 A What is written there.

12 Q Well, that's what you just testified to. So
13 which one is it?

14 A Can you repeat -- can you repeat your question?

15 Q I'm going to move on. Going to the next page
16 under administration. They're called to collect and
17 analyze school information, report on the same, maintain
18 their offices and budget, perform other ecclesiastical
19 duties, and specialized functions relative to their
20 specific postings. Isn't that their --

21 A Can you --

22 Q -- duty --

23 A -- can you -- just a moment. Where are you?

24 Q I'm on page eight at the top --

25 A Okay, I'm there.

1 Q -- under administration.

2 A I'm there.

3 Q Okay. So that's what they're supposed to do
4 when they're posted, they're supposed to report on the
5 same?

6 A Where are you reading? Oh, report on the same.

7 Q Administration.

8 A That's correct.

9 Q This is their official posting by AMPS Central,
10 correct?

11 A Where are you? You see when it comes to
12 corporate matter, it must be regulated by the bylaws of
13 the specific corporation. Suppose --

14 MR. OBITTS: This I'd move to strike. He's not
15 responding to the question.

16 Q (By Mr. Obitts) My question to you is this,
17 sir: They're talking about an official posting, correct?
18 Do you see that, an official posting?

19 A Yes.

20 Q That official posting is by Ananda Marga
21 Pracaraka Samgha Central, correct? I'm just going to
22 walk you through it --

23 A Suppose -- okay, I'm corporate secretary of
24 Ananda Marga, Inc. That's not a posting by Ananda Marga
25 Pracaraka Samgha Central. That's in the corporate

1 position.

2 Q So are you telling me that Ananda Marga, Inc.,
3 posts you here from Central?

4 A I'm not telling that. I'm --

5 Q Okay. Well, I'm asking you --

6 A -- telling that Ananda Marga, Inc., instated me
7 as corporate secretary of Ananda Marga, Inc. These are
8 general statements here.

9 Q And in this document then, Exhibit 94, you also
10 attached by the bylaws of Ananda Marga, Inc., correct?
11 Moving on to DFTS00366 in the bottom right corner.

12 A Bylaws of Ananda Marga, Inc., yes.

13 Q So these were also attached to this filing with
14 the IRS, correct?

15 A I guess so. It should be in the list there.

16 Q It is in the list.

17 A Okay. So if it's in the list, it was attached.

18 Q So turning to DFTS00366, isn't it true that the
19 bylaws of Ananda Marga, Inc., state that it was formerly
20 known as Ananda Marga Yoga Society of Kansas, Inc.?

21 A Correct.

22 Q Isn't it true that --

23 A Which number --

24 Q -- in section one --

25 A -- are you on?

1 Q Section one.

2 A Okay.

3 Q I apologize.

4 A Yes.

5 Q In section one it says the name of the
6 corporation shall be Ananda Marga, Inc., formerly known
7 as Ananda Marga Yoga Society of Kansas, Inc., correct?

8 A Correct.

9 Q So Ananda Marga, Inc., was the successor
10 corporation of Ananda Marga Yoga Society of Kansas, Inc.?

11 A This is the bylaws of 1992, yes.

12 Q These are the original bylaws.

13 A Yes.

14 Q In 1974.

15 A Oh, '74. Okay.

16 Q That were attached --

17 A Okay.

18 Q -- to the filing.

19 A Bylaws of -- yes, original bylaws, yes.

20 Q So my question to you, sir, is Ananda Marga,
21 Inc., is a successor corporation of Ananda Marga Yoga
22 Society of Kansas, Inc., correct?

23 A Well, I know --

24 Q Can you understand the documents speak for
25 themselves?

1 A I know what is in the document.

2 Q I'm not asking about the document. I'm asking
3 is Ananda Marga, Inc., the successor corporation of
4 Ananda Marga Yoga Society of Kansas, Inc.?

5 A I don't have personal knowledge of that
6 process.

7 Q Okay.

8 A Yeah.

9 Q You have no knowledge related to anything
10 related to these bylaws in 1972, correct?

11 A Whatever from these bylaws are in the time that
12 I -- fast forward to the next bylaws --

13 Q So you have no knowledge --

14 A -- the amended bylaws.

15 Q Right.

16 A I was working according to those bylaws.

17 Q Okay. So you were --

18 A Yeah.

19 Q -- working according to the bylaws but you have
20 no knowledge regarding the creation of the bylaws,
21 correct?

22 A How they were created, who created, and these
23 details --

24 Q Yeah, you don't --

25 A -- I -- I don't have, yeah.

1 Q Fair enough. But isn't it true that the bylaws
2 list Ananda Marga, Inc., as an affiliate of Ananda Marga
3 Pracaraka Samgha the international parent organization?

4 MR. ERWIN: Objection, the document speaks for
5 itself.

6 THE COURT: You know, there's no such
7 objection. I don't know where you guys got that.
8 There's no such objection the document speaks for itself.
9 It's in evidence. Documents don't speak. So if you have
10 a different objection, come up with that one. He's not
11 mistorting -- distorting it, he's not mistating it. He's
12 just not telling him that it's right there in front of
13 him.

14 MR. OBITTS: Okay. I'll do that then, Your
15 Honor.

16 Q (By Mr. Obitts) Section III it reads this
17 corporation is affiliated with, quote, Ananda Marga
18 Pracaraka Samgha, quote, international parent
19 organization, correct?

20 A Correct.

21 THE COURT: There you go. That's all you've
22 got to do. Okay?

23 Q (By Mr. Obitts) I'm going to Article V Section
24 II the recent -- relevant part, the sectorial secretary's
25 appointed by the general secretary of Ananda Marga

1 Pracaraka Samgha, correct?

2 A Correct.

3 Q Okay. And it goes on to state that the
4 sectorial secretary has the power of appointment and
5 removal of the Board members.

6 A Where are you now?

7 Q Let me get to that. Article X Section I which
8 is page seven at the bottom of this document.

9 A Article X Section I, I'm there.

10 Q Actually, that's for a -- hold on one second.

11 MR. OBITTS: Bear with me one second, Your
12 Honor.

13 THE COURT: Is that Article VI?

14 MR. OBITTS: Thank you, Your Honor. That's
15 regarding the sectorial secretary, Your Honor.

16 THE COURT: I'm sorry, I thought that was what
17 you asked.

18 MR. OBITTS: Now, I was asking isn't it true
19 that the bylaws had it such that the sectorial secretary
20 appointed the Board members and officers of the
21 corporation. It'd be Article V.

22 THE COURT: Article XI also references it.

23 MR. OBITTS: I apologize, I'll move on.

24 THE COURT: Okay.

25 MR. OBITTS: The document's in evidence.

1 THE COURT: Yes, it is.

2 MR. OBITTS: There we go.

3 Q (By Mr. Obitts) The Ananda Marga, Inc., made
4 numerous filings with the U.S. department of justice
5 related to immigration filings; isn't that true, while
6 you were --

7 A Department of Justice?

8 Q Yes. If you turn to Exhibit 101, that will --

9 A 101.

10 Q -- help re -- help refresh your recollection.

11 A Okay. Immigration and Naturalization Service,
12 yeah.

13 Q Okay. Does that help refresh your
14 recollection?

15 A Yes.

16 Q And isn't it true that there were numerous
17 filings made with the U.S. Department of Justice under
18 penalty of perjury related to Ananda Marga, Inc.?

19 A Yes, yes.

20 Q And if you turn to Exhibit 102. The last
21 paragraphs says Ananda Marga India is the parent
22 organization for Ananda Marga, Inc., in the USA. Ananda
23 Marga is a worldwide mission. For organizational
24 purposes, the world is divided to nine large areas called
25 sectors with corresponding subsections called regions,

1 dioceses, districts, and local units. Ananda Marga
2 Central headquarters in India posts Acaryas to various
3 organizational positions at one or more of these various
4 levels throughout the world. North America, Central
5 America, and the Caribbean are considered one sector
6 which is the jurisdiction of Ananda Marga, Inc. Did I
7 read that correctly?

8 A Yes.

9 Q And that is a true statement under penalty of
10 perjury, is it not?

11 A At the time, yes. To the best of my knowledge.

12 Q And that filing was made by Ananda Marga, Inc.,
13 correct?

14 A This is an incomplete document but --

15 Q I understand. This is --

16 A -- it's written Ananda Marga, Inc., on the top.

17 Q And it says Ananda Marga, Inc., on the top?

18 A Yes.

19 Q And it's something that you filed and gave to
20 us, and it's been stipulated and it's admissible and in
21 evidence.

22 A Okay.

23 Q If you would go back to Exhibit 100, please.
24 Defendants' Exhibit 100.

25 A Yes, I'm there.

1 Q This is the 1972 ruling by U.S. Department of
2 Justice, correct?

3 A Correct.

4 Q And this was attached to your filing with the
5 IRS if you'd go back to Exhibit -- Defense Exhibit 94,
6 you'll see it there. It's number eight under page three.

7 A Correct.

8 Q And Ananda Marga, Inc., provided this because
9 it contained truthful statements regarding its religious
10 status, correct?

11 A We provided these as --

12 MR. ERWIN: I object, these aren't statements
13 of Ananda Marga, Inc., they're statements of the U.S.
14 Department of Justice.

15 THE COURT: Sustained.

16 MR. OBITTS: Okay.

17 Q (By Mr. Obitts) Ananda Marga, Inc., provided
18 this document to the IRS for the purpose of the truth
19 assertions in this document related to what Ananda Marga
20 Yoga Society, its predecessor, was in the eyes of the
21 U.S. government?

22 MR. ERWIN: I object, this is a 1972 document.
23 The witness wasn't --

24 THE COURT: Sustained to the form of the
25 question.

1 Q (By Mr. Obitts) Why did you submit this
2 document in the IRS filing?

3 A It contained president ruling granting a visa,
4 so to show that they had granted previous visas to our
5 Acaryas, that's why we provided it.

6 Q And in fact in the argument section of your
7 memorandum, you referenced the fact that --

8 A Where are you now?

9 THE COURT: That'd be back in 94 somewhere.

10 MR. OBITTS: Yeah, back in 94. I'll move on --
11 I mean --

12 THE COURT: Okay.

13 MR. OBITTS: -- the document's the document.
14 It's admitted.

15 Q (By Mr. Obitts) If you could turn to Exhibit
16 106, please.

17 MR. OBITTS: Which has already been admitted
18 into evidence I believe.

19 THE COURT: Yes. Just so the record's clear, I
20 had previously Exhibits D-69 through D-98, but I also
21 have D-99 through 162 as stipulated, is that an
22 accurate --

23 MR. ERWIN: That's accurate.

24 THE COURT: -- record?

25 MR. ERWIN: Yes, sir.

1 THE COURT: Okay. So you don't have to offer
2 them, you can just refer directly to them.

3 (Defendants' Exhibits D-99, D-100, D-101, D-102, D-
4 103, D-104, D-105, D-106, D-107, D-108, D-109, D-110, D-
5 111, D-112, D-113, D-114, D-115, D-116, D-117, D-118, D-
6 119, D-120, D-121, D-123, D-124, D-125, D-126, D-127, D-
7 128, D-129, D-130, D-131, D-132, D-133, D-134, D-135, D-
8 136, D-137, D-138, D-139, D-140, D-141, D-142, D-143, D-
9 144, D-145, D-146, D-147, D-148, D-149, D-150, D-151, D-
10 152, D-153, D-154, D-155, D-156, D-157, D-158, D-159, D-
11 160, D-161, and D-162 admitted into evidence.)

12 MR. OBITTS: Sure. Thank you, Your Honor.

13 Q (By Mr. Obitts) Turn to Exhibit 106, which was
14 Exhibit 9 to your deposition. Do you recall that?

15 A Yeah, I see it, yeah.

16 Q Okay. And although it wasn't signed by you, do
17 you recall that you testified that this was a document
18 that was submitted by Ananda Marga, Inc., to the
19 respected immigration officer at LAX?

20 A Partly correct. It means we -- we didn't
21 submit to the immigration officer. This only -- when the
22 person is coming if they request then they will show the
23 document, so I'm not sure if that happened.

24 Q Okay. So this --

25 A Yeah.

1 Q -- was a document for that purpose?

2 A It's for the purpose -- if the person when
3 entering the county has requested what he's doing then he
4 can show, yeah.

5 Q Okay. Going to the -- on the first page the
6 last paragraph. It says all Ananda Marga Acaryas have
7 been specially trained to initiate spiritual seekers into
8 the progressive techniques of our spiritual discipline.
9 Only these ministers and no one else are spiritually
10 empowered and organizationally authorized to impart
11 specific individualized basic and advanced lessons in
12 meditation, provide personalized spiritual guidance about
13 the same to conduct religious worship services and to
14 perform such other duties as are normally and routinely
15 performed by other similarly duly ordained clergy -- and
16 I'll stop it right there in the middle of the sentence.
17 That is a true statement, is it not?

18 A Yes.

19 Q And going to the first paragraph second
20 sentence says, our Central authorities recently extended
21 the assignment of Mr. Blank to North America for the next
22 three years. We therefore request that your facility --

23 A What --

24 Q -- facilitate his entry into the USA.

25 A I not -- I lose you sometimes.

1 Q Sure. The first paragraph below dear sir or
2 madam.

3 A Okay. I found it.

4 Q Yeah.

5 A Central authorities, yes.

6 Q And that Central authority is Ananda Marga
7 Central?

8 A Sorry?

9 Q Is the authority Ananda Marga Pracaraka Samgha?

10 A We didn't write that.

11 Q Who is the Central authorities there?

12 A The authority would -- will be signing the
13 particular WT.

14 Q Could you say that again? I didn't understand
15 you.

16 A It depends on that WT which authority is
17 assigning. This is already 2006, there were different
18 AMPS Central.

19 Q Okay. In 2006 you were on the Central
20 Committee of the Kolkata administration or the Ranchi
21 administration?

22 A In -- I was elected to the Central Committee
23 when it was one Central Committee. So I felt I'm in that
24 Central Committee.

25 Q Okay. And then some people broke off --

1 A Yes.

2 Q -- and called themselves the Kolkata
3 administration, correct?

4 A Yeah, I didn't join them.

5 Q Fair enough. Is it fair to say that Ananda
6 Marga, Inc., has made over 40 filings with the
7 governmental agencies during the period of time that you
8 were an officer of Ananda Marga, Inc., stating that
9 wholetimers are posted to the sector by Central
10 authorities?

11 A Well, we had a standard letter and this seems
12 to be like our standard letter. This is how we state it.
13 And I don't know how many filings.

14 Q Okay.

15 A I didn't --

16 Q But it is numerous --

17 A It --

18 Q -- is it not.

19 A Many, yes.

20 Q Yeah. And in fact there were other numerous
21 attachments to these filings that were in line with what
22 was stated in paragraph 12 of Exhibit 94 that we went
23 through about the religious hierarchal structure,
24 correct?

25 A I'm not sure if we added that in the standard

1 letter.

2 Q Okay.

3 A Yeah.

4 Q If you could turn to then Exhibit 108.

5 A Okay.

6 Q And if you could take a moment to take a look
7 at that and maybe that will help refresh your
8 recollection.

9 A Uh-huh. What part are you referring to?

10 Q The supplemental information part.

11 A Okay. I'm there.

12 Q Okay. So the answer to my question is yes,
13 correct?

14 A We do --

15 Q The answer is yes that Ananda Marga, Inc., in
16 many of its filings provided information that was similar
17 to what was stated in subsection 12 of your filing with
18 the IRS which was Exhibit 94?

19 A Some of those filings we added the supplement
20 information, some we didn't. In the beginning the
21 letters are more simple. Later on the INS became more
22 strict. We started adding more and more things.

23 Q Okay.

24 A Yeah.

25 Q And in this if you could take a look here on --

1 on the fourth page under Acarya training and
2 qualifications, do you see that?

3 A Can you give the --

4 Q Under Acarya training --

5 A -- P number?

6 Q Yeah, sure. On the fourth page of this exhibit
7 which is P002228.

8 A Okay. I'm there.

9 Q Okay. Good. And if you go down to the fourth
10 paragraph.

11 A All trainees.

12 Q It talks about the -- once an Ananda Marga
13 Acarya is ordained and then it goes on and it says they
14 take permanent vows of poverty, chastity, and obedience
15 and they wear uniforms, parens, robes, end parens, a
16 bright orange collar to signify their renunciation. Did
17 I read that correctly?

18 A You read it correctly.

19 Q And that is a true statement, is it not?

20 A It's a true statement in this context, yeah.

21 Q What is the acronym, ISMUB, I-S-M-U-B?

22 A I, inspection; S, seminars; M, movement; U,
23 utilization; B, Boards.

24 Q And do you have an understanding of what is the
25 purpose of that department?

1 A Each letter is one of the purpose.

2 Q And in the Ananda Marga Pracaraka Samgha
3 structure, there is an ISMUB secretary at the central
4 level, is there not?

5 A Are you referring to socio-spiritual or the
6 legal?

7 Q I'm asking you a question. If --

8 A Uh-huh.

9 Q -- I'll ask you this question: Are you still
10 holding onto the socio-spiritual legal distinction?

11 A Yes.

12 Q Okay. So my question to you is this: Is there
13 an ISMUB secretary at the central level of Ananda Marga
14 Pracaraka Samgha?

15 A I couldn't distinction between which one you
16 are asking, the socio-spiritual or the legal society.

17 Q Isn't it true that you stated under penalty of
18 perjury to the IRS that Ananda Marga Pracaraka Samgha was
19 formed and was registered under the West Bengali (sic)
20 Act in 1964 and that organization is the parent
21 organization? Isn't that a true statement?

22 THE COURT: Mr. Obitts, he's asked -- answered
23 that multiple times.

24 MR. OBITTS: Okay.

25 THE COURT: You already got him with that,

1 okay?

2 MR. OBITTS: Fair enough.

3 Q (By Mr. Obitts) Is there an ISMUB Department
4 at central?

5 A The word central is vague.

6 Q Okay. When you -- fine, fair enough. Okay.
7 Why don't you describe to me then where if anywhere in
8 India in Ananda Marga Pracaraka Samgha whether you think
9 it's socio-spiritual or legal there is an ISMUB secretary
10 and department. Is that fair enough?

11 A Very broad, yeah.

12 Q Okay. So go ahead --

13 A This --

14 Q -- please describe it to me.

15 A The socio-spiritual organization, Ananda Marga,
16 has ISMUB department.

17 Q Okay. And is there also an ISMUB department at
18 the sectorial level in each sector?

19 A Well, the idea is that there should be. Now,
20 if it's possible to do it or implement it, it depends on
21 different sectors.

22 Q During the time that you were in the New York
23 sector --

24 A Uh-huh.

25 Q -- was there an ISMUB department?

1 A There was one WT which one of the assign --
2 portfolios was (inaudible). Now if that department, how
3 much it worked, that's another thing, yeah.

4 Q And in fact that individual is one of the
5 Defendants in the case, Dada Dharmapremananda Avadhuta,
6 correct?

7 A Yes. He --

8 Q Okay.

9 A -- he had that portfolio in socio-spiritual
10 AMPS.

11 Q And he held more than one posting, did he not,
12 he held the posting of ISMUB secretary, as well as
13 sectorial ERAWS secretary, E-R-A-W-S?

14 A Correct. That was the different people will
15 hold more than one portfolio.

16 Q Right.

17 A Yeah.

18 Q So he received more than one posting, correct?

19 A More --

20 Q He was posted as SES as well as ISMUB?

21 A Yeah, Is --

22 Q Yes?

23 A -- we don't consider two postings. That's one
24 posting with two portfolios.

25 Q So it's possible for an individual inside

1 Ananda Marga mission as you're calling it, to hold more
2 than one duty, correct?

3 A It's possible.

4 Q Well, it is.

5 A Yes, I told you, yes.

6 Q Well, you said it was possible. I wanted a
7 more definitive answer like it is. So when you testified
8 previously that the general secretary -- it was improper
9 for him to hold -- have more than one hat, that was --

10 A I -- I --

11 Q -- a false statement?

12 A I don't recall saying that.

13 Q You didn't say that? So it is the case that
14 the general secretary then can be both the general
15 secretary as well as on the Purodha Board, correct?

16 A Oh, yeah.

17 Q Okay.

18 A I mean they're two independent things.

19 Q Then I apologize, I thought I heard your
20 testimony differently.

21 A Oh, sorry.

22 Q Sorry about that. And what is the purpose of
23 the ISMUB department other than what you said regarding
24 the acronyms? What does it actually do?

25 A You mean what -- in practice or in --

1 Q Yes --

2 A -- theory?

3 Q -- in practice.

4 A Well, in practice it depends on the place. I
5 mean --

6 Q In the New York sector.

7 A -- in theory -- in theory it's supposed to do
8 all those duties.

9 Q So it's supposed to inspect what?

10 A Inspect --

11 Q What's it supposed to inspect?

12 A Whatever is within his scope of his faction.
13 It would depend where he is what is there that he can
14 inspect.

15 Q I'm asking -- asking about during the time that
16 you were in the New York sector

17 A Okay.

18 Q What did the ISMUB secretary do?

19 A The sectorial ISMUB secretary?

20 Q Correct.

21 A Okay. I mean I -- I can't recall everything he
22 was doing but I'm -- our general work is -- I mean we
23 have the general work, every Acarya does teach the people
24 and things like that. And then according to department,
25 it would be according to circumstances.

1 Q Okay. Isn't it part of the ISMUB's secretary
2 department to gather information from the sector and
3 report it up to the ISMUB secretary at Central as part of
4 the reporting process?

5 A He may do that, yeah.

6 Q Isn't it true that Central spends -- sends
7 inspectors to the sector to inspect at every level
8 Central -- I mean at sectorial and regional and below?

9 A They send inspectors. Inspectors will inspect
10 what is inspectible.

11 Q What does that mean?

12 A It means -- I mean you -- you're saying what
13 are they going to inspect? Your statement's so vast is
14 that they come here and inspect everything.

15 Q Okay. So they --

16 A Yeah.

17 Q -- they're supposed to inspect certain
18 specific --

19 A That is --

20 Q -- things?

21 A Yes. I mean they will come with a list of
22 inspectible units.

23 Q Okay.

24 A And they inspect those inspectible units.

25 Q And they inspect the financial assets in the

1 sector, do they not?

2 A The sector is a geographical area. Now --

3 Q So let's say --

4 A -- they are --

5 Q -- for exam --

6 A -- for example there's a corporation in
7 Jamaica, okay? So the ISMUB secretary will say there --
8 will go there. He may not have the right to inspect that
9 one. Okay? So it is not something, it's something
10 according to the place.

11 Q Okay. So isn't it true that during the time
12 that you were in the -- as the SOS of the New York sector
13 that the ISMUB department from Central sent somebody here
14 to inspect the sectorial office?

15 A Our sectorial office? Yes, we got some
16 inspections.

17 Q And that inspection included the inspection of
18 assets?

19 A There is --

20 Q I.E. finances?

21 A There -- yeah, there is a report and they go
22 through that, yeah.

23 Q Does -- isn't it true that what you're
24 referring to as the New York sector socio-spiritual, it
25 doesn't have any of its own bank accounts?

1 A Correct.

2 Q In fact it's not even a legal entity, is it?

3 A Same like the AMPS socio-spiritual in India is
4 not a legal entity.

5 Q Okay.

6 A So it's a reflection.

7 Q Okay. And it's never filed a tax return?

8 A Never.

9 Q But in fact it has collected money from
10 adherence, correct?

11 A I don't know.

12 Q You don't --

13 A They mi --

14 Q -- know but you've --

15 A -- they might.

16 Q -- just testified that the assets, the finances
17 were inspected. Where did those finances come from?

18 A Workers collect finances.

19 Q So the workers collect finance and they receive
20 donations; is that what they receive?

21 A They receive, yes.

22 Q Yes. Now, is the socio-spiritual organization
23 giving the adherents that are giving the donations
24 statements regarding taxable deductions for their IRS
25 returns?

1 A We are -- two things mixed there. If a
2 donation is given to one corporation, that corporation
3 will give a receipt. Many times people give cash
4 donations, you know, one worker is there, they give the
5 money to the worker and that doesn't go through the
6 corporations.

7 Q So Ananda Marga, Inc., gives out receipts to
8 people that have given donations to it, correct?

9 A When we receive their donations, we give
10 receipts.

11 Q And when the socio-spiritual or the socio-
12 spiritual New York sector as you're calling it receives a
13 donation, does it give a receipt or does Ananda Marga,
14 Inc., give a receipt for it?

15 A Only if the money goes through Ananda Marga,
16 Inc., Ananda Marga, Inc., receives the money, then it
17 gives a receipt. That --

18 Q Okay.

19 A -- that's the practice.

20 Q So is it the case then that you're testifying
21 today that the socio-spiritual organization when it
22 receives a donation it somehow converts it into cash and
23 keeps it as cash laying around?

24 A The -- let's see, I'm not saying that.

25 Q What are you saying then?

1 A I'm saying that when a donation is given to
2 Ananda Marga, Inc.; Ananda Marga, Inc., gives a receipt
3 and that's tax deductible.

4 Q I'm asking --

5 A That's what --

6 Q -- I'm asking when --

7 A -- I'm saying.

8 Q -- a donation goes to the socio-spiritual
9 organization.

10 A It depends on the worker who is receiving,
11 suppose he receives a check, okay, and it's a check to
12 Ananda Marga, he would deposit it with one corporation.
13 Now it comes into the scope of that corporation.

14 Q All right. So I think you've answered my
15 question. And that is the socio-spiritual organization
16 uses the corporations for its work and they're one in the
17 same?

18 A My -- my statement is that the socio-spiritual
19 organization works in coordinated cooperation with the
20 various corporations.

21 Q Isn't it true that when the ISMUB Central
22 inspector came to inspect the sectorial office, he
23 inspected the books of Ananda Marga, Inc.?

24 A They never inspected the books of Ananda Marga,
25 Inc. What happened -- they might have got some

1 information on the bank accounts of Ananda Marga, Inc.
2 And the problem is because I have this overlapping roles.
3 I'm at the same time sectorial office secretary and at
4 the same time I'm a corporate secretary.

5 This situation has not always been like that.
6 We had periods that the sectorial office secretary was
7 not the corporate secretary of Ananda Marga, Inc. So
8 this problem wouldn't have arrived. Now, because I have
9 this heavy burden of two things, things get overlapping.
10 So in case they looked at any information from Ananda
11 Marga, Inc., was in those circumstances. And it was only
12 information-sharing purpose.

13 Q Okay. If you could turn to Exhibit 150,
14 please, which is an affidavit by you in the year 2001.

15 A I don't have 150.

16 Q We'll get that in front of you, I apologize.
17 Defendants' 150. Do you have that in front of you?

18 A Yes.

19 Q Okay. All right. Dada Rainjitananda this was
20 Exhibit 1 -- 31 to your depo transcript and if you could
21 go to paragraph 32 of the affidavit. Do you see number
22 32 of the affidavit?

23 A Yes.

24 Q Okay. And it reads in relevant part, Ananda
25 Marga is a worldwide religious and social service

1 organization with headquarters in India and having a bona
2 fide organization within the United States. Who is -- my
3 question -- did I read that correctly?

4 A Yes.

5 Q My question to you is who is that bona fide
6 organization?

7 A Okay. I'm just trying to find out the context.
8 It's Ananda Marga, Inc.

9 Q Fair enough.

10 THE COURT: We're awfully far afield from
11 ISMUB's. Anywhere near the end?

12 MR. OBITTS: Of ISMUB?

13 THE COURT: Cross.

14 MR. OBITTS: Of cross? I'm sorry, Your Honor,
15 I -- I'm not. There's a plethora of documents --

16 THE COURT: Oh, not a plethora.

17 MR. OBITTS: Okay. How about a bunch? A bunch
18 of documents.

19 THE COURT: A plethora of lawyers in here.

20 MR. OBITTS: Yeah, it's unfortunate.

21 MR. HALPERN: We can fix that, Your Honor.

22 THE COURT: Yes, I know you want to fix that,
23 don't you? Well, let's do this: Is this a good breaking
24 point?

25 MR. OBITTS: That'd be wonderful, Your Honor.

1 THE COURT: All right. It's 5 o'clock. So
2 let's go ahead and give our witness a break here. Before
3 I do that though, I missed the definition on the ISMUB,
4 the S and the B. What's the S stand for?

5 THE WITNESS: Seminar. Seminar. Seminar. S-
6 e-m --

7 THE COURT: Seminar.

8 THE WITNESS: -- i-n-a-r.

9 THE COURT: Okay. And the B is for?

10 THE WITNESS: Board, B-o-a-r-d.

11 THE COURT: Movement and --

12 THE WITNESS: Utilization.

13 THE COURT: Utilization. Got it. All right.

14 MR. OBITTS: Your Honor, can I ask a question
15 of the Court?

16 THE COURT: Sure.

17 MR. OBITTS: And it might speed up cross-
18 examination.

19 THE COURT: Oh.

20 MR. OBITTS: And that is are you going to
21 requiring a post trial brief?

22 THE COURT: Post trial brief? No. Probably
23 revised proposed findings of fact and conclusions of law.
24 And the reason I have you do them up front is because I
25 find them educational and informative as they were in

1 this case and then at the end of the case assuming the
2 testimony came in as you expected it to be, the
3 likelihood that you'll be making a great deal of changes
4 to those is not great. But you do modify them to be
5 consistent with the testimony that's actually in the
6 record. But no post trial brief if you will.

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

8 THE COURT: Not to mention that the briefs in
9 this case were anything, but so I can't imagine that you
10 would want to do more.

11 MR. OBITTS: No, we really don't. Okay. Thank
12 you.

13 THE COURT: So -- all right, 9 o'clock
14 tomorrow, please. Have a good night. Court's adjourned.

15 (Whereupon the court recessed for the day.)
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