
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 10, 2011,
before the HONORABLE MICHAEL A. MARTINEZ, Judge of the
District Court, and the following proceedings were had.

Transcript Prepared By:

CTS West, Inc.
6121 South Quail Way
Littleton, CO 80127
720-922-3581

INDEX

PAGE

WITNESSES:

For the Plaintiffs:

RUBENS TEIXEIRA

Cross-Examination (Cont'd) by Mr. Obitts	1
Redirect Examination by Mr. Erwin	140
Recross-Examination by Mr. Obitts	149

NAGARAJA RAO

Direct Examination by Mr. Erwin	152
Cross-Examination by Ms. Cheung	182
Redirect Examination by Mr. Erwin	213
Recross-Examination by Ms. Cheung	215

SHIVA KUMAR NAIDOO

Direct Examination by Mr. Erwin	220
---------------------------------	-----

<u>TRANSCRIBER'S CERTIFICATION</u>	257
------------------------------------	-----

E X H I B I T S

PAGE

For the Plaintiffs:

(None admitted)

For the Defendants:

D-174 -	Corporate resolutions	52
D-214 -	Email	114
D-220 -	Email	116
D-221 -	Email	117
D-224 -	Website announcement	103
D-244 -	Carya'carya program	70
D-252 -	Constitution	86
D-253 -	Guidelines	86
D-254 -	Guidelines	87
D-270 -	Letter	35
D-288 -	Websites	95
D-290 -	Letter	77
D-291 -	Letter	77
D-292 -	Guidelines	57
D-293 -	Letter	122
D-303 -	Letter	78
D-306 -	Email	130
D-308 -	Letters	132
D-310 -	General power of attorney	106
D-319 -	Notice	84
D-337 -	Letter	38
D-343 -	Letter	120
D-344 -	Letter	121
D-346 -	Letter	121
D-353 -	SEC meeting minutes	58
D-362 -	Corporate resolutions	60
D-364 -	Constitution	2
D-366 -	Meeting notes	stip.
D-380 -	Excerpts from Carya'carya I	88
D-384 -	Letter	80
D-385 -	Letter	stip.
D-386 -	Letter	stip.
D-387 -	Letter	stip.
D-388 -	Handwritten note	stip.
D-389 -	Letter	stip.
D-390 -	Letter	stip.
D-391 -	Letter	stip.
D-392 -	Email	135

1 MORNING SESSION, MAY 10, 2011

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

4 THE COURT: Good morning.

5 MR. ERWIN: Good morning.

6 MR. OBITTS: Good morning, Your Honor.

7 THE COURT: We're returning to 10 CV 1867.
8 Parties and counsel are present, and I believe we were
9 doing cross-examination of Mr. Teixeira. And I'm going
10 to ask him to come back up and regain his seat.

11 All right. Mr. Obitts?

12 MR. OBITTS: Good morning --

13 THE COURT: Cross-examination.

14 MR. OBITTS: -- Your Honor.

15 RUBENS TEIXEIRA

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

18 CROSS-EXAMINATION (Continued)

19 BY MR. OBITTS:

20 Q Are you ready, Mr. Rainjitananda?

21 A Yes.

22 Q Okay. Great. If you would be so kind and turn
23 to Exhibit -- Defendants' Exhibit 364, please, in Volume
24 6. Do you have that in front of you?

25 A Yes.

1 Q And what is this document called?

2 A It's written in the constitution of the Ananda
3 Marga Yoga Society.

4 Q Isn't it true that this is a document that the
5 Plaintiffs produced in their Rule 26(a) disclosure to the
6 Defendants?

7 A Sorry?

8 Q Isn't this true that this is a document that
9 the Plaintiffs produced in their Rule 26(a) disclosures
10 to the Plaintiffs?

11 A I don't remember.

12 Q Okay. You see at the bottom it says P000 --

13 A Oh, okay.

14 Q -- 248?

15 A Yes. Yes, I --

16 Q Does that --

17 A -- see.

18 Q -- help refresh your recollection?

19 A Yes, that helps.

20 Q Okay.

21 MR. OBITTS: Your Honor, I'd like to move
22 Exhibit 364 into evidence.

23 THE COURT: Any objection to 364? Hearing
24 none, Exhibit 364 is admitted.

25 (Defendants' Exhibit D-364 admitted into evidence.)

1 Q (By Mr. Obitts) If you would be so kind as to
2 turn to Plaintiffs' Exhibit 4. It's in a different
3 binder altogether. Ms. Cheung is going to help you find
4 it.

5 MS. CHEUNG: Plaintiffs'?

6 MR. OBITTS: Yeah, Plaintiffs' Exhibit 4, so
7 it'd be their Volume 1.

8 THE WITNESS: Yes.

9 Q (By Mr. Obitts) You testified previously about
10 this during the direct examination by Mr. Erwin, do you
11 recall that? Do you recall testifying about Exhibit 4
12 during Mr. Erwin's direct of you?

13 A About this --

14 Q About the bylaws of Ananda Marga, Inc.?

15 A Bylaws -- oh --

16 Q Yes.

17 A -- I --

18 Q Yes?

19 A Where are we?

20 Q We're on Plaintiffs' Exhibit 4.

21 THE COURT: See, he went from 364 all the
22 way --

23 THE WITNESS: They -- they gave me the wrong --

24 THE COURT: -- back to 4.

25 THE WITNESS: No, I'm -- I have Defendants' 4

1 here.

2 Q (By Mr. Obitts) I apologize, it's Plaintiffs'
3 Exhibit 4.

4 A Sorry.

5 Q We'll get it. It's the bottom one. Sorry
6 about that.

7 A Okay.

8 Q Okay. Do you have that in front of you? Fine.
9 So in this document Article I Section II it says in
10 relevant part this corporation is a parent organization
11 for the North American continent designated as a New
12 York, parens, North American, parens, sector. Did I read
13 that correctly?

14 A Yes.

15 Q When it says designated, Baba designed the New
16 York sector, did he not?

17 A Well, let's see, here is only telling North
18 America. I mean I -- I don't know what the authors here
19 meant.

20 Q Okay. Fair enough.

21 A It's not very exact.

22 Q But Baba did designate the New York sector, did
23 he not?

24 A Baba designated nine areas in the world. One
25 is New York sector.

1 Q Fair enough. And then it goes onto say that
2 this corporation's affiliated with Ananda Marga Pracaraka
3 Samgha Central, the global parent organization, did I
4 read that correctly?

5 A You read correctly.

6 Q If you could turn over to page two, Article V,
7 Section II. Isn't it true that prior to the purported
8 amendments in 2006 the sectorial secretary was appointed
9 by the general secretary of Ananda Marga Pracaraka Samgha
10 Central?

11 A That's what it says in Section II, the
12 sectorial secretary is appointed by the general secretary
13 of Ananda Marga Pracaraka Samgha Central.

14 Q And is it your understanding that prior to the
15 purported amendments in 2006 that that in fact was the
16 practice that the general secretary appointed --

17 A Well --

18 Q -- Ananda Marga Pracaraka Samgha Central
19 appointed the sectorial secretary?

20 A The -- my knowledge is when Baba was physically
21 president -- present he was appointing.

22 Q I'm talking about during the time period that
23 you were at the New York sector --

24 A Uh-huh.

25 Q -- and a Board member of Ananda Marga, Inc.

1 A Okay.

2 Q How many different sectorial secretaries were
3 there? Were there three or four?

4 A When I arrived it was Dada Daneshananda and
5 after him was Nityashuddhananda. After him was Ramananda
6 and after him Tiirthananda.

7 Q So during your time period prior to the
8 purported amendments or prior to October 30th, 2005,
9 there were four appointments by the general secretary --

10 A Yes.

11 Q -- of the sectorial secretary for Ananda Marga,
12 Inc., correct?

13 A Yes. Oh, sorry, I missed some. Because there
14 was -- one of the appointments which was Dada
15 Ramananda --

16 Q Yes.

17 A -- the letter that we received was signed by
18 the general secretary. So the other -- the other ones I
19 didn't see the posting orders.

20 Q Okay. But it would not surprise you if they
21 were all posted by the general secretary?

22 A Well, at least signed by the general secretary,
23 yes. But the process of posting I'm not that familiar.

24 Q Fair enough.

25 THE COURT: Was there four or one or how many

1 appointed in that window from 2000 to 2005?

2 THE WITNESS: Okay. Daneshananda was already
3 appointed. So I came here was Daneshananda, so that was
4 the first one. The second one was Nityashuddhananda,
5 Ramananda, Tiirthananda.

6 THE COURT: So four?

7 THE WITNESS: One was previously appointed --

8 THE COURT: One was already there so --

9 THE WITNESS: -- before I came and three when I
10 was here.

11 THE COURT: Okay.

12 Q (By Mr. Obitts) Okay. And you're not counting
13 the posting of Shubhatmananda as one of those either?

14 A No.

15 Q Okay. Fair enough. So it goes on in Article
16 VI to talk about the duties of the sectorial secretary
17 and in Section II it says the sectorial secretary shall
18 be a member of the board of directors, Executive
19 Committee, and an ex-officio member of all standing
20 programs and committees. Did I read that correctly?

21 A Yes.

22 Q Isn't it true that the Sectorial Executive
23 Committee is the Executive Committee that's talked about
24 here --

25 A No.

1 Q -- in Section II? It's not?

2 A No.

3 Q The sectorial secretary, Section III, shall
4 have the power to suspend or remove any director,
5 officer, agent, program secretary, or employee of this
6 corporation with or without cause. That's Section III,
7 did I read that correctly?

8 A Yes.

9 Q During your tenure on the board of directors,
10 did the sectorial secretary ever remove any director or
11 officer?

12 A I think we appointed -- yeah, appointed.

13 Q So he did his power of appointment. In fact,
14 you were appointed to the board of directors --

15 A Right.

16 Q -- by --

17 A The sectorial secretary.

18 Q Yeah.

19 A Fair enough. Isn't it true that no where in
20 the amended bylaws that were in effect on October 30th,
21 2005, is there any provision that the Board has to ratify
22 the appointment of the general secretary of the sectorial
23 secretary?

24 A Did you say October 30, 2005?

25 Q As of October 30th, 2005 --

1 A Okay. All right.

2 Q -- the bylaws of Ananda Marga, Inc., in effect
3 at that time there is absolutely no provisions whatsoever
4 that the board of directors have to ratify the
5 appointment by the general secretary of the sectorial
6 secretary of Ananda Marga, Inc.?

7 A There was no provision in the bylaws that it
8 has to approve the appointment.

9 Q In fact when the general secretary appoints,
10 it's done, correct?

11 A No, usually when the general secretary appoints
12 then the Board has to instate the -- the person.

13 Q Okay.

14 A It is not something automatic.

15 Q Okay. You just testified, sir, previously --

16 A Uh-huh.

17 Q -- that there is no where in the bylaws of
18 Ananda Marga, Inc., where the Board has to ratify or put
19 into place the sectorial secretary when the general
20 secretary appoints him, correct?

21 A That has been the procedure of the Board from
22 the very beginning, so it's not written in the bylaws,
23 but that's what the Board has been doing from the
24 beginning.

25 Q And going to Article XI Section I it reads in

1 relevant part there shall be a board of directors of the
2 corporation, the Board shall consist of the sectorial
3 secretary, the president, and no more than six other
4 directors who shall be appointed by the sectorial
5 secretary. Did I read that directly?

6 A Yes.

7 Q And you were in fact appointed by the sectorial
8 secretary, were you not?

9 A Yes.

10 Q On Article XII Section I, the next page it
11 reads in relevant part --

12 A Which number?

13 Q Sorry, Article XII.

14 A Yes.

15 Q It reads in relevant part the board of
16 directors shall manage and control all assets and
17 activities of the corporation in accordance with the
18 direction of the sectorial secretary. Did I read that
19 correctly?

20 A Yes.

21 Q Likewise under Section B the Board is charged
22 with establishing major administrative policies governing
23 the affairs of the corporation and devise and mature
24 measures for the organization's growth and development.
25 Did I read that correctly?

1 A Yes.

2 Q Turning over the next page to Article XV, it
3 talks about standing programs and program secretaries, do
4 you see that section?

5 A Yes.

6 Q And it lists in Section 1 A through J a whole
7 series of standing programs, correct?

8 A Correct.

9 Q And these are in fact education, relief and
10 welfare, ERAWS, Dharma Pracar, renaissance art and
11 writer's association, society-building, publications,
12 renaissance universal are all programs of Ananda Marga
13 Pracaraka Samgha, are they not?

14 A These programs were given by Baba, most of
15 them, and therefore it's from Baba, yeah.

16 Q So it is from Baba, but it's also the programs
17 of Ananda Marga Pracaraka Samgha that Baba founded,
18 correct?

19 A Baba gave the same programs to Ananda Marga
20 Pracaraka Samgha also, yeah.

21 Q So you're not going to give it to me that these
22 are the programs of Ananda Marga Pracaraka Samgha, are
23 you?

24 A I already answered, so, yeah.

25 Q Okay. We'll move on then. Article XVI,

1 Section 1, it says in relevant part the appointment and
2 term of office of the sectorial secretary shall be at the
3 discretion of the general secretary of Ananda Marga
4 Pracaraka Samgha Central, did I read that correctly?

5 A Yes.

6 Q So -- and these were the articles -- I mean
7 these were the bylaws that were in place on October 30th,
8 2005, correct?

9 A Yes.

10 Q Isn't it true that the general secretary of
11 Ananda Marga Pracaraka Samgha during the time frame of
12 when you were -- prior to October 30th, 2005, during the
13 time that you were at the New York sector did not post a
14 sectorial secretary for socio-spiritual and then a
15 sectorial secretary for Ananda Marga, Inc.?

16 A There was only one, yeah.

17 Q Correct.

18 A But the -- there was a case where the general
19 secretary of the socio-spiritual was different from the
20 general secretary of the legal AMPS.

21 MR. OBITTS: I move to strike as non-
22 responsive.

23 THE WITNESS: Okay.

24 Q (By Mr. Obitts) You previously testified that
25 when you were regional secretary in Italy that you did

1 not serve on the registered non-governmental entity in
2 Italy, correct?

3 A Ananda Marga entity?

4 Q Yes.

5 A I didn't, yeah.

6 Q And isn't it true that non-Italian citizens are
7 not allowed to serve on NGO's in Italy?

8 A It's not an NGO, it's an association.

9 Q That is an Italian association.

10 A It's an Italian association.

11 Q Right. And isn't it true, if you know --

12 A I -- I --

13 Q -- that --

14 A -- don't --

15 Q -- non --

16 A -- know the details. But --

17 Q Okay. I'm asking --

18 A Yeah.

19 Q -- the question I'm asking to you isn't it true
20 that non-Italian citizens may not serve on such an
21 association?

22 A I don't have knowledge.

23 Q Okay. You testified previously that the
24 general secretary came to the sector -- to they New York
25 sector in 2005.

1 A Correct.

2 Q Do you recall that?

3 A Yes.

4 Q That general secretary was Acarya Dhruvananda
5 Avadhuta, was it not?

6 A Yes.

7 Q Isn't it true that the Ananda Marga mission
8 registers itself as a non-profit corporation as Ananda
9 Marga, Inc., in the United States just like it registers
10 itself in India as Ananda Marga Pracaraka Samgha?

11 A It's a group of people registered the
12 corporation Ananda Marga, Inc., in the United States.

13 Q Okay. Isn't it true that the Purodha Pramukha
14 of Ananda Marga Pracaraka Samgha appoints the president
15 of Ananda Marga Pracaraka Samgha if the Purodha Pramukha
16 decides not to serve in that capacity himself?

17 A That's a provision of Carya'carya. It's not a
18 provision of the legal registered society in West Bengal.

19 Q Okay. But I'm asking you the question, isn't
20 it --

21 A It's -- it is in the Ananda Marga socio-
22 spiritual which is regulated by the Carya'carya.

23 Q You would agree that prior to 2003 AMPS Central
24 had the power to remove the sectorial secretary of Ananda
25 Marga, Inc., and appoint a new sectorial secretary?

1 A I continue make the distinction between the
2 two, the legal registered society and the socio-
3 spiritual. And the general secretary of the socio-
4 spiritual organization was the one recognized. So
5 according to the bylaws, he could make the posting
6 appointment of the sectorial secretary. According to the
7 provisions of the bylaws.

8 Q So the bylaws of Ananda Marga, Inc., which was
9 Exhibit -- Plaintiffs' Exhibit 4 make a distinction
10 between socio-spiritual and legal AMPS; is that what
11 you're testifying to?

12 A No, that -- that distinction was only necessary
13 in the -- when conflicts started in India and the dispute
14 started on these two entities. People -- there was a
15 dispute on the Central Committee of one entity on the
16 governing body of another entity. That's when we needed
17 to make a distinction, yeah.

18 Q All right. So you needed to make the
19 distinction after 2003. So why didn't you make it in the
20 purported 2006 amendments, the distinction between legal
21 and socio-spiritual? If there was such a distinction.

22 A By that time we were not -- we were thinking
23 this conflict will be resolved and we were not thinking
24 so deeply about it, and it was not yet affecting here.
25 And only recently it started affecting us, yeah. So we

1 were not so much thinking about it at the time.

2 Q So when you talk about recently, it's when the
3 Intervenors intervened in this case when you came up with
4 this theory that maybe, hey, let's have a socio-spiritual
5 and legal AMPS?

6 MR. ERWIN: Objection, argumentative?

7 THE COURT: No, overruled.

8 THE WITNESS: When Intervenors intervened in
9 the case, we started question who are they, who are they
10 representing? And that's when we started to delve deeper
11 in the matter. And then we realized that there is this
12 difference, yes. And then we made it more explicit.

13 Q (By Mr. Obitts) So is it your testimony that
14 on October 30th, 2005, if Acarya Dhruvananda Avadhuta was
15 the general secretary of the socio-spiritual AMPS that he
16 had the power to remove Tiirthananda and appoint a new
17 sectorial secretary?

18 A There was another factor on that time which was
19 the controversy about the president. So --

20 Q If --

21 A -- it's not that simple.

22 Q If there was no controversy regarding the
23 president -- let me back that up. On October 30th, 2005,
24 isn't it true in your mind that Acarya Dhruvananda
25 Avadhuta was the general secretary of the socio-spiritual

1 AMPS as you describe it?

2 A He was not the only one, there were other
3 general secretaries. We never were faced with the point
4 that we had to decide that.

5 Q The other general secretary that you're talking
6 about was that there was a general secretary of the
7 Kolkata faction, correct?

8 A Yes.

9 Q And you previously testified that you did not
10 follow the Kolkata faction, correct?

11 A Correct.

12 Q And in fact you were on the Central Committee
13 along with Dhruvananda?

14 A Yes.

15 Q Correct?

16 A Correct.

17 Q So is it your testimony today that the faction
18 that broke off was somehow the socio-spiritual, AMPS?

19 A No.

20 Q Okay. Prior to October 30th, 2005, to whom did
21 you provide reports at AMPS Central?

22 A Ah --

23 Q And I'm talk -- I'll just talk -- that's a huge
24 question, so I apologize. From the period of your
25 appointment as a sectorial office secretary in 2000

1 through October 30th, 2005, to whom did you report at
2 AMPS Central?

3 A I lost something. Can you repeat?

4 Q Okay. From the period of time that you were
5 appointed and posted as sectorial office sectorial
6 secretary to the New York sector --

7 A Okay.

8 Q -- to October 30th, 2005, to whom did you
9 report at AMPS Central?

10 MR. ERWIN: Objection, compound question.

11 THE COURT: No, overruled.

12 THE WITNESS: Okay. I got distracted.

13 Q (By Mr. Obitts) No problem, I'll do it again.
14 From the period of time that you were appointed and
15 posted as sectorial office secretary in the New York
16 sector in 2000 until October 30th, 2005, to whom did you
17 report at AMPS Central?

18 A Oh, okay. Whenever I provided reports, I
19 provided to the SS, and I'm not sure where he -- they end
20 up.

21 Q Was it your understanding that the report that
22 you provided to the SS would be then taken to AMPS
23 Central at the World RDS?

24 A It would be taken by him to the World RDS, yes.

25 Q If you put in front of -- if you could get in

1 front of you Defendants' Exhibit 105, I'd appreciate it.
2 Do you have that in front of you?

3 A Yes.

4 Q And this is a filing that Ananda Marga, Inc.,
5 made with your name on the last page of this exhibit,
6 correct?

7 A Correct.

8 Q And it was made on behalf of Mr. Ramananda
9 Avadhuta. If you could look --

10 A Yes.

11 Q -- at the first paragraph on page one.

12 A Yes.

13 Q And Ramananda Avadhuta was the sectorial
14 secretary posted at that time by the general secretary of
15 Ananda Marga Pracaraka Samgha Central, correct?

16 A According to the provision of bylaws, yes.

17 Q Okay. And in this letter you make several
18 statements with a truth certification to the U.S.
19 Immigration and Naturalization service, do you not?

20 A Yes.

21 Q Isn't it true that AMPS Central requested
22 Ananda Marga, Inc., to file this on behalf of
23 Mr. Ramananda?

24 A I don't think so. He, himself, requested.

25 Q And in this letter you cite to the October

1 11th, 1972, ruling by the Commissioner of INS that we
2 previously discussed yesterday on page two, do you not?

3 A I -- I don't see the place here but we
4 routinely cited that letter.

5 Q Okay. Fair enough.

6 A Yeah.

7 Q It'd be the first full paragraph. A
8 commissioner from your agency, do you see that?

9 A Oh, yes.

10 Q Okay. Fair enough. And in here you're saying
11 that Ananda Marga is a church, are you not?

12 A I don't see the point, yeah.

13 Q Sure. On page three, the second paragraph says
14 Ananda Marga is clearly classifiable as a church
15 organization.

16 A Yes.

17 Q Did I --

18 A Class --

19 Q -- read that correctly?

20 A Classifiable as a church organization according
21 to the guidelines of the IRS.

22 Q And at that time we're talking about the 2003
23 on the sixth page which is P001568 at the bottom, do you
24 see that?

25 A Yes.

1 Q In the first paragraph you talk about the
2 entire existence of Ananda Marga in USA as being 34
3 years. Did I read that correctly? For our entire
4 existence of 34 years in the USA.

5 A Where are you?

6 Q The first paragraph of the fourth line down
7 after the hyphen it says for our existence of 34 years in
8 the USA.

9 A Oh, yes, okay. Yes.

10 Q Just doing the math, that takes us back to
11 1969, correct? 34 minus 2003?

12 A Yes.

13 Q Or the other way round because now we're at a
14 negative number actually.

15 A Oh. This letter I sign on them as secretary --

16 Q Of Ananda Marga, Inc.?

17 A Of Ananda Marga, Inc.

18 Q Good, okay.

19 A Ah --

20 Q I don't have any question pending.

21 A -- I don't prepare everything, that's why I
22 have to read it and to --

23 Q Oh.

24 A -- tell that it's there.

25 Q Fair enough.

1 A Yeah.

2 Q But you --

3 A I -- I --

4 Q -- signed off --

5 A I read it but I didn't prepare the whole thing.

6 Q Okay.

7 A Yeah.

8 Q But you signed this off in your official

9 capacity --

10 A Yes.

11 Q -- as secretary of Ananda Marga, Inc., correct?

12 A Yes.

13 Q Okay. Fine. Then you on paragraph one below
14 that you talk about a distinct legal existence. It says
15 Ananda Marga has existed as a not-for-profit corporation
16 since 1969, did I read that correctly?

17 A Yes.

18 Q And that's a true statement, that Ananda Marga
19 has existed as a not-for-profit --

20 A According --

21 Q -- corporation --

22 A -- to the knowledge at the time it's a true
23 statement.

24 Q I'm asking you now as you sit here today, isn't
25 it true that Ananda Marga has existed as a not-for-profit

1 corporation since 1969?

2 A Well, I can say that Ananda Marga Yoga Society
3 existed as a not-for-profit corporation since 1969.

4 Q So when you're talking about Ananda Marga here,
5 and you're doing this letter on behalf of Ananda Marga,
6 Inc., you're testifying here today that you're staying
7 that it's Ananda Marga Yoga Society?

8 A No, here it's a generalized statement, Ananda
9 Marga without any qualification.

10 Q So --

11 A Yeah.

12 Q You previously testified that Ananda Marga,
13 Inc., was a successor corporation of Ananda Marga Yoga
14 Society, did you not?

15 A Successor, that's what I -- how say you -- was
16 informed that it's a successor but I don't know -- well,
17 one thing I know is that the bylaws and articles of
18 Ananda Marga, Inc., are not the same inherited from
19 Ananda Marga Yoga Society. So Ananda Marga, Inc., is a
20 new incorporation with new bylaws, new articles of
21 incorporation.

22 Q Well, why don't we -- why don't we do this.
23 Why don't we read the full paragraph and then maybe
24 you'll answer my question. It says originally
25 incorporated as Ananda Marga Yoga Society, Carbondale,

1 Illinois that year. Then later as Ananda Marga Yoga
2 Society in Wichita, Kansas, 1970, and later as Ananda
3 Marga, Inc., in Denver, Colorado, 1974 through and
4 including the present. All the corporations are and have
5 remained in good standing with the respective
6 jurisdictional authorities. Ananda Marga, Inc., now his
7 principal headquarters in the New York City area.

8 A Correct.

9 Q So my question to you, isn't it true, that
10 Ananda Marga here that has existed as a not-for-profit
11 corporation since 1969 includes Ananda Marga, Inc.?

12 A Yes. They are --

13 Q Thank you.

14 A -- Ananda Marga mission.

15 Q Let's go to number two. You go on and talk
16 about a recognized creed and form of worship, correct?

17 A Correct.

18 Q And then you list a series of books Ananda
19 Sutram, Subhasita Samgraha, Ananda Marga Elementary
20 Philosophy, Idea and Ideology, and Carya'carya Parts I
21 through III. And it says enclosed excerpts from
22 Carya'carya Part I. Did I read that correctly?

23 A Yes.

24 Q And those in fact are the holy scriptures of
25 Ananda Marga, Inc., are they not?

1 A We don't consider in that way, holy scriptures,
2 yeah.

3 Q So when you -- when you -- so in Exhibit 94
4 when you under penalty of perjury said these are our holy
5 scriptures and have the same listing, that was incorrect?

6 A Ananda Marga, Inc., based on the -- let's see.
7 We as ministers of Ananda Marga, Inc., when we are
8 teaching, that's what we are teaching on, Ananda Sutram,
9 Subhasita Samgraha.

10 Q Are these the holy scriptures or not?

11 A Well, that's a term we don't adopt, holy
12 scriptures.

13 Q So was that a misrepresentation that you made
14 to the IRS in your form 1023 when you called --

15 A No, it's --

16 Q -- our holy scriptures?

17 A It's not a misrepresentation, it's a way of
18 expressing it to the IRS.

19 Q Okay. Now, interestingly here, there's nothing
20 about PROUT economics, is there?

21 A No.

22 Q Nor is there anything about human society,
23 correct?

24 A We didn't want to list all the books.

25 Q Okay. Next you go on to paragraph three about

1 a definite and distinct ecclesiastical government. And
2 then you describe the structure of this ecclesiastical
3 government for Ananda Marga, Inc., correct?

4 A This is the Ananda Marga mission worldwide.

5 Q Which Ananda Marga, Inc., is a part which you
6 previously testified to, correct?

7 A Part of the mission, that's a general
8 statement, yeah.

9 Q If you would -- so I don't have to read this
10 thing out, these documents are in the record, but do you
11 disagree with the statement in paragraph three?

12 A I -- I agree with this statement as I signed on
13 it, yeah.

14 Q Going on to paragraph four you then highlight
15 to the INS that Ananda Marga, Inc., has a formal code of
16 doctrine and discipline, correct?

17 A The -- yes, we replied on that point.

18 Q Number five, you talk about a distinct
19 religious history regarding Ananda Marga, Inc., on the
20 next page do you not?

21 A Yes. These items are from the IRS -- let's
22 see, these words are from the IRS, and we are citing them
23 and putting our response to it, yeah.

24 Q So you copied and pasted from your filing with
25 the IRS; is that what you're saying?

1 A Yeah, most of it.

2 Q The date on this is June 5th, 2003, correct?

3 A Oh, no, I don't -- I didn't say that. I say
4 the words but a distinct religious history. This is one
5 of the -- what do you call -- items of the IRS to say
6 that we can be classified as a church for tax purposes.

7 Q Okay. But you then make this representation to
8 the INS that Ananda Marga, Inc., has a distinct religious
9 history, correct?

10 A We represented in this way here as it's
11 written.

12 Q So the answer's yes?

13 A Yes.

14 Q Number seven you say that Ananda Marga, Inc.,
15 as an organization of ordained ministers. There are you
16 talking about Ananda Marga, Inc., or are you talking
17 about the Ananda Marga Pracaraka Samgha?

18 A The Ananda Marga in general, Ananda Marga
19 mission, yeah.

20 Q And in here you state in Ananda Marga there's a
21 distinct hierarchy of ministers, correct?

22 A Yes.

23 Q So that means that some ministers are
24 subordinate if there's a hierarchy, correct?

25 A That's extra. I mean there is a hierarchy, but

1 how they relate to each other is not well-defined. Baba
2 didn't defined in any way how the different ministers
3 relate to each other except in general in his whole
4 philosophy he gave ideas how we should relate to each
5 other.

6 Q Okay. Well, let's go on and maybe this will
7 help refresh your recollection. We go down to the sixth
8 line. It reads all ministerial positions are defined,
9 recognized, and further are regulated solely by the
10 global governing body of Ananda Marga, AMPS Central, did
11 I read that correctly?

12 A Yes.

13 Q That's a true statement, correct?

14 A It's a true statement according to the
15 knowledge at that time, yes.

16 Q Was it a true statement as of October 30th,
17 2005?

18 A I didn't have to think about it at that time.

19 Q I'm asking you as you sit here today is that a
20 true statement as of October 30th, 2005?

21 A Ah --

22 THE COURT: Why don't you give him --

23 THE WITNESS: That's --

24 THE COURT: -- a tighter frame of reference and
25 reference the date of the document itself which was --

1 Q (By Mr. Obitts) Okay. The date of the
2 document here --

3 THE COURT: -- June 5th, 2003.

4 Q (By Mr. Obitts) -- is June 5th, 2003.

5 A Okay.

6 Q So obviously it was true on that day, was it
7 not?

8 A According to our knowledge at that time, yes.

9 Q And that June 5th, 2003, is after the Kolkata
10 faction had split off --

11 A Ah --

12 Q -- correct?

13 A Yes, if I remember correctly they split off in
14 August. I -- I'm not very good with dates but that's
15 what I --

16 Q Okay.

17 THE COURT: August 2003?

18 THE WITNESS: Yeah.

19 THE COURT: Okay.

20 THE WITNESS: That's when the cases started.

21 Q (By Mr. Obitts) Okay. That's when they filed
22 suit, correct? But they had split off before then?

23 A We only heard about today real, let's say,
24 problem when the suit case. There was problem in the
25 Central Committee from 2002 there has -- there was

1 problem but when we heard really there was some
2 separation, it was that time.

3 Q Okay. Well, let's move on in this document so
4 we can understand a little bit more about the -- I'll
5 strike what I just said. Let's move on in the document.
6 It says the duties of all our ministers regardless of
7 group are directly related to the creed and doctrines of
8 the mission.

9 A Where are you?

10 Q After the word AMPS Central under paragraph
11 seven.

12 THE COURT: Very next sentence.

13 Q (By Mr. Obitts) Next sentence.

14 A Okay. So it reads the duties of all our
15 ministers regardless of group are directly related to the
16 creed and doctrines of the mission.

17 Q Okay.

18 A Period.

19 Q Correct?

20 A Yes.

21 Q And that's a true statement as of June 2003,
22 correct?

23 A According to the best of our knowledge, yes.

24 Q AMPS Central authorities assigned wholetimer
25 Acaryas to varies organizational positions at one or more

1 of these various levels throughout the world. Did I read
2 that correctly?

3 A You read correctly.

4 Q And you previously testified that those levels
5 could be central, sectorial, regional, or diocesan,
6 correct?

7 A Correct.

8 Q Moving onto the next page, the third full
9 paragraph starting with once Ananda Marga Acaryas are
10 ordained, do you see that?

11 A Yes.

12 Q And the -- I'll read the whole paragraph. Once
13 Ananda Marga Acaryas are ordained, it is most significant
14 that besides the rigorous and progressive training that
15 they all undergo, wholetimer Acaryas unlike ministers of
16 other contemporary denominations nowadays particularly in
17 the United States live as renunciates. They take vows of
18 poverty, chastity, and obedience and wear bright orange
19 robes to signify such. That is a true statement as of
20 June 2003, correct?

21 A Yes. It's a true statement in the context of
22 the document also, yeah.

23 Q Is it a true statement or not?

24 A They are details, you know, how you say --

25 Q Isn't it true --

1 A -- can be elaborated to clarify what each
2 things means. But it's a true statement, yes.

3 Q Going over to the next page you do paragraph --
4 it's paragraph 10 and it talks about the enclosed Ananda
5 Marga magazine, Meditation Today, provides a
6 comprehensive list of the very centers maintained by our
7 mission in the USA. When you talk about our mission, is
8 that Ananda Marga, Inc., or is that Ananda Marga
9 Pracaraka Samgha?

10 A Ananda Marga, Ananda Marga.

11 Q So it's not --

12 A The mission.

13 Q So it's -- it's not Ananda Marga, Inc.?

14 A Whatever is connected to Ananda Marga because
15 well, I have to see the notation today with the list
16 what's written there and see what those centers are.

17 Q Let's go to -- turn to Exhibit 120.

18 THE COURT: Okay. Mr. Obitts, as you go
19 through this, if it's going to be more of the same --

20 MR. OBITTS: No --

21 THE COURT: -- it's going to be cumulative
22 under 403, okay? I mean if you want to get him to
23 confirm that these types of statements have been made in
24 other exhibits and documents, please feel free to do
25 that.

1 MR. OBITTS: I understand, Your Honor.

2 THE COURT: But particularly with the language
3 because sometimes you change your question just a little
4 bit, a smidgeon, and he's catching that and it's dragging
5 this whole thing on.

6 MR. OBITTS: I'm sorry, Your Honor.

7 THE COURT: So I -- I'm not telling you that
8 you can't present this testimony, obviously it's
9 important but to the extent that we're getting into
10 exhibits where we're seeing repetitive references to the
11 same statements, I get it, they're in evidence, I can --
12 all I need the witness to know is to confirm that they're
13 there or not.

14 MR. OBITTS: Right.

15 THE COURT: Okay?

16 MR. OBITTS: Yeah. I apologize, Your Honor,
17 there was a difference between that statement and that
18 form 1023, that's they I felt I had to do it.

19 THE COURT: That's fine. Just going forward if
20 we have under 403 --

21 MR. OBITTS: I won't repeat myself --

22 THE COURT: Thank you.

23 MR. OBITTS: -- how does that sound?

24 THE COURT: That's my point. Right.

25 MR. OBITTS: Yeah. Good deal.

1 Q (By Mr. Obitts) If you could turn to Exhibit
2 120 which is already in and turning to the third full
3 paragraph, I've got a question for you and there's a
4 parens on the third line it says all ministers are posted
5 by the central office in Ranchi, India, and the date of
6 this letter is April 24th, 2006. That is a true
7 statement, is it not?

8 A Yes.

9 Q If you could turn to Exhibit 199. Do you have
10 that in front of you?

11 A Yes.

12 Q This is a 2002 letter from you to the Federal
13 Bureau of Investigations dated September 27th, 2002.

14 A Right.

15 Q If you could go to the fifth paragraph that
16 reads organization has been persecuted in India and our
17 founder was jailed and poisoned by the jail doctor. Did
18 I read the correctly?

19 A Yes.

20 Q And that's a true statement, is it not?

21 A Yes. It's a general statement.

22 Q So it says here our organization --

23 A The Ananda Marga; Ananda Marga's mission has
24 been persecuted, yeah.

25 Q I'm sorry I'm going to jump around a bit but --

1 so Ms. Cheung's going to get some exercise. Exhibit 270.
2 And this document has not been stipulated to, so that's
3 why I'm asking you the question otherwise I wouldn't be
4 asking you the question about the document. This is a
5 document that was sent by Ananda Marga, Inc., on May
6 30th, 2003, correct?

7 A Yes.

8 Q And you signed the document?

9 A Right. I -- I signed it.

10 MR. OBITTS: Your Honor, I'd like to move this
11 document into evidence.

12 THE COURT: Any objection to 270 -- D-270?

13 MR. ERWIN: No, Your Honor.

14 THE COURT: All right. That'll be admitted.

15 (Defendants' Exhibit D-270 admitted into evidence.)

16 MR. OBITTS: Thank you, Your Honor.

17 Q (By Mr. Obitts) If you could turn to Exhibit
18 263 which has been stipulated, but I need to ask you what
19 this document is. Do you have that in front of you?

20 A Yes.

21 Q Isn't it true that this document is part of a
22 filing with governmental authority, Annex 7?

23 A It appears to be. We used to provide excerpts
24 from Ananda Marga Carya'carya in some filings.

25 Q If you could go back to Exhibit 151. Do you

1 have that document in front of you?

2 A Yes.

3 Q And this is an affidavit by you, correct?

4 A Yes.

5 Q And to whom was it submitted, do you know?

6 A Most probably to the immigration authorities.

7 Q And turn to the second page under Letter I.

8 A Yes.

9 Q Which reads our Board continues to maintain
10 strict adherence to the standing policies of Ananda Marga
11 mission worldwide that no ministers are paid a salary and
12 that they are supported by congregations directly and/or
13 by the organization itself. Did I read that correctly?

14 A Yes.

15 Q And that was a true statement, correct?

16 A Yes.

17 Q Well, turn to Exhibit 337 which has not been
18 stipulated to so I need to ask you a question just to get
19 it admitted. Do you have document, Defense Exhibit 337,
20 I apologize, I've got to keep (sic) doing that.
21 Defendants' Exhibit 337. I apologize.

22 THE COURT: 237 or 337?

23 MR. OBITTS: 337, 337.

24 THE COURT: The very last exhibit at least
25 that's in the book.

1 MR. OBITTS: Of that binder.

2 THE COURT: Whatever, go ahead.

3 Q (By Mr. Obitts) Do you have that in front of
4 you?

5 MR. OBITTS: Oh, let me wait for Opposing
6 Counsel.

7 THE COURT: The last binder I have, Mr. Obitts,
8 for what it's worth.

9 MR. OBITTS: Okay. We have two more in front
10 of you unfortunately.

11 MR. ERWIN: I'm not going to stipulate to
12 this --

13 THE COURT: Right.

14 MR. ERWIN: -- this is not an AMI document.

15 MR. OBITTS: Okay.

16 Q (By Mr. Obitts) So let me -- what is it -- so
17 in front of you is a document entitled Ananda Marga
18 Pracaraka Samgha, correct?

19 A Correct.

20 Q And it's dated 5-25-02 --

21 A Yes.

22 Q -- correct? And it's signed by Nityashuddha
23 Ananda?

24 A Yes.

25 Q And he was the outgoing president of Ananda

1 Marga, Inc., on that date, correct?

2 A Correct.

3 Q And it's also signed by the incoming president
4 of Ananda Marga, Inc., Ramananda Avadhuta, correct?

5 A He signed as that, yeah.

6 Q Correct. And at the bottom it's Bates stamped
7 P00772 (sic)?

8 A Yes.

9 Q This was a document that you produced to you as
10 a business record of Ananda Marga, Inc., correct?

11 A Correct. This is a document from Ananda Marga
12 Pracaraka Samgha which we produced to you. If you notice
13 on the header --

14 THE COURT: That's all we wanted to know.

15 THE WITNESS: Yeah, okay.

16 THE COURT: He'll ask you something else, okay?

17 Q (By Mr. Obitts) And this was kept in the files
18 of Ananda Marga, Inc., correct?

19 A Yes.

20 MR. OBITTS: Your Honor, I would like to move
21 this into evidence.

22 MR. ERWIN: Object, it's hearsay.

23 THE COURT: Overruled. 337's admitted.

24 (Defendants' Exhibit D-337 admitted into evidence.)

25 Q (By Mr. Obitts) If we could go to Exhibit 159,

1 Defendants' Exhibit 159. Do you have this document in
2 front of you?

3 A Yes.

4 Q And these are the minutes of the special board
5 of directors meeting of Ananda Marga, Inc., correct?

6 A Correct.

7 Q And these -- and you were in attendance at this
8 meeting, were you not? If you look at paragraph F in the
9 participating were the following?

10 A Yes.

11 Q And this was the meeting of the recently
12 arrived -- sorry, let me read this. Rainjitananda, who's
13 now recently arrived to take over the responsibility of
14 sectorial office secretary from Acarya Daneshananda,
15 correct? Did I read that correctly?

16 A Where are you?

17 Q Under that F where it says you're in
18 attendance, it describes who you are.

19 A Yes.

20 Q Okay. And Daneshananda was also an officer and
21 Board member of Ananda Marga, Inc., was he not?

22 A Yes.

23 Q And going back -- now down in the there were no
24 additional -- third from the bottom, how's that, go from
25 the bottom --

1 A Okay.

2 Q -- and the third up.

3 A I get it.

4 Q Number one says in here the formal transfer of
5 authority from the outgoing to incoming sectorial office
6 secretary and the recognition of Acarya Rainjitananda as
7 the new circuit -- corporate secretary of both
8 corporations. Did I read that correctly?

9 A Yes.

10 Q Now, you previously testified that Ananda
11 Marga, Inc., had nothing to do with sectorial office
12 secretaries, did you not?

13 A Correct.

14 Q So your previous testimony was false, correct?

15 A No. That's my understanding that a corporate
16 secretary is one thing, sectorial office secretary is
17 another thing.

18 Q Up at the top it talks about Ananda Marga,
19 Inc., also referred to at times as Ananda Marga Pracaraka
20 Samgha, in parens, AMPS, end parens, New York sector.
21 Did I read that correctly?

22 A I lost a little bit, I --

23 Q Sure. In the very first paragraph.

24 A Okay.

25 Q It says Ananda Marga, Inc., also referred to at

1 times as Ananda Marga Pracaraka Samgha, AMPS, New York
2 sector, correct?

3 A It's written that.

4 Q Going on in the last sentence of the first
5 paragraph, it says that this meeting does not place of
6 the regularly scheduled meeting originally planned for
7 January 5th, 2000, which it was rescheduled due to other
8 pressing issues within the mission. Correct? Did I read
9 that correctly?

10 A Yes.

11 Q And that mission is Ananda Marga Pracaraka
12 Samgha mission, correct?

13 A This document was prepared by Dada
14 Daneshananda.

15 Q So you have no idea what that is? Is that what
16 you're saying?

17 A Ah --

18 Q What the mission is there?

19 A The mission is Ananda Marga.

20 Q And that's the New York sector, correct?

21 A The New York sector is a geographical area in
22 my understanding.

23 Q So AMPS, New York sector, is a geographic part
24 of the Ananda Marga mission, correct?

25 MR. ERWIN: Asked and answered.

1 THE WITNESS: Yeah.

2 THE COURT: Yeah, sustained.

3 Q (By Mr. Obitts) Let's go to Exhibit 160.
4 Defendants' Exhibit 160 which has already been admitted
5 into evidence I believe. If you'd go to the fourth page
6 of this document which is the corporate resolutions of
7 Ananda Marga, Inc., under paragraph seven.

8 A Fourth page?

9 Q Yep.

10 A Okay.

11 Q Are you there?

12 A Previously you testified that the Sectorial
13 Executive Committee had nothing to do with Ananda Marga,
14 Inc., correct?

15 A Correct.

16 Q Okay. Let's read this together. Restated
17 articles of incorporation of Ananda Marga, Inc., will be
18 filed with Colorado Secretary of State office pending
19 favorable review and feedback from the Sectorial
20 Executive Committee at an upcoming RDS. Did I read that
21 correctly?

22 A Yes.

23 Q Do you want to change your previous testimony?

24 A My previous testimony is that the Sectorial
25 Executive Committee and the board of directors of Ananda

1 Marga, Inc., worked in close coordinated cooperation.

2 That --

3 Q I don't think --

4 A -- was my previous --

5 Q -- that was your testimony before, sir. But is
6 that your testimony now that they work together?

7 A They work in coordinated cooperation. I said
8 neither one is superior to other one, yeah.

9 Q Isn't it true that during your tenure as
10 sectorial office secretary prior to 2006 that the
11 Sectorial Executive Committee has handed real estate
12 matters --

13 A I'm sorry --

14 Q -- has handled --

15 A -- I missed the whole thing because of --

16 Q Okay. Isn't it --

17 A -- was reading here.

18 Q -- true -- no problem. Isn't it true that from
19 the time that you were posted as sectorial office
20 secretary in 2000 through the beginning of 2006 that the
21 Sectorial Executive Committee handled matters related to
22 real estate that was titled in the name of Ananda Marga,
23 Inc.

24 A In the Sectorial Executive Committee we used to
25 discuss matters important to the sector, so we discussed

1 also matters of real estate. But the decisions of the
2 Sectorial Executive Committee are not binding on Ananda
3 Marga, Inc. We may suggest to Ananda Marga, Inc., yeah.

4 Q All right. Isn't it true that the Sectorial
5 Executive Committee during this time period asked
6 approval from the Central Executive Committee of AMPS
7 Central if it could in fact sell real property in the
8 sector?

9 A I don't recollect exactly but --

10 Q Okay. Well, we'll get to that.

11 A Could be.

12 Q Do you recall that the Sectorial Executive
13 Committee wanted to sell the Denver jagrti -- I know I'm
14 butchering it -- j-a-g-r-t-i?

15 A There was thoughts about -- discussions about
16 that, yes --

17 Q Okay.

18 A -- there were.

19 Q And that was a former -- that's a Pearl Street
20 property?

21 A Yes.

22 Q Okay. And that used to be the former
23 headquarters of Ananda Marga, Inc., correct?

24 A Yes.

25 Q Okay. And so isn't it true -- does this help

1 refresh your recollection -- isn't it true that the
2 Sectorial Executive Committee asked the Central Executive
3 Committee if that property could be sold and the Central
4 Executive Committee said no?

5 A I don't remember exactly.

6 Q Let's turn to Exhibit -- Defense Exhibit 161
7 which has already been admitted into evidence, but I've
8 got a question on the face of this document. Do you have
9 that document in front of you?

10 A Yes.

11 Q And this is the document related to the
12 transfer from Nityashuddhananda as sectorial secretary to
13 Ramananda --

14 A Yes.

15 Q -- as sectorial secretary, correct?

16 A Yes.

17 Q And the meeting was called to order by
18 Ramananda, correct?

19 A The re -- I mean I don't remember.

20 Q Okay. Well, go -- go a third of the way down
21 it says the meeting was called to order by Acarya Dada
22 Ramananda.

23 A Where are you there?

24 Q A third of the way down on the first page, do
25 you see that?

1 A The meeting was called to order.

2 Q Do you see that?

3 A Okay. Yes, yes.

4 Q Yet he's called the Board meeting of Ananda
5 Marga, Inc., but yet according to this document he was
6 not constituted yet as the sectorial secretary, was he
7 not?

8 A Well, the document says we are going to do the
9 formal acknowledge of Acarya Ramananda.

10 Q My question to you is very simple. At the time
11 that Ramananda called this meeting to order and set the
12 agenda, the Board had not yet, quote, ratified him as
13 sectorial secretary of Ananda Marga, Inc., correct?

14 A Had not formally acknowledged, yeah.

15 Q Thank you. Going over to the next page which
16 is paragraph five it says Dada Nityashuddhananda has
17 completed the formal transfer authority and
18 responsibility, called the duty charge handover,
19 according to the organizational policy and Dada Ramananda
20 has formally accepted the charge. My question -- did I
21 read that correctly?

22 A Yes.

23 Q My question to you is that is the
24 organizational policy of Ananda Marga Pracaraka Samgha
25 Central, correct?

1 A Of Ananda Marga Pracaraka Samgha, yeah, socio-
2 spiritual organization.

3 Q Okay. Let's go to Exhibit 162. And this is a
4 September 2nd, 2003, minutes of special joint board of
5 directors meeting.

6 A Yes.

7 Q And like the previous exhibits 161, Ananda
8 Marga, Inc., is described as Ananda Marga Pracaraka
9 Samgha New York sector --

10 A Right.

11 Q -- correct? And here we have Tiirthananda
12 coming into the sector, correct?

13 A Yes.

14 Q And he's now relieving Ramananda who was posted
15 elsewhere and the general secretary had posted
16 Tiirthananda here, correct?

17 A He is relieving Ramananda, yes.

18 Q Pursuant to the general secretary's posting
19 order, correct?

20 A Posting order signed by the general secretary,
21 yeah. But I -- I --

22 Q And once again --

23 A -- we -- we didn't really -- yeah, I don't
24 remember the posting order but should have been signed by
25 the general secretary.

1 Q And once again Tiirthananda here is chairing
2 the meeting and calling it to order prior to him being,
3 quote, instated by the Board of Ananda Marga, Inc.,
4 correct?

5 A Yeah, he's calling to order the meeting, yeah.
6 Prior to the formal acknowledgment.

7 Q And previously you testified -- and correct me
8 if I'm wrong -- that the duties of the Sectorial
9 Executive Committee were to -- was for the heads of the
10 various departments to come together and meet and talk
11 about policy and programs of the mission in the New York
12 sector, correct?

13 A Yeah, the departmental secretaries -- we meet
14 as the Sectorial Executive Committee, and we talk about
15 important matters of the sector.

16 Q Okay. If you could turn to Exhibit 174 that
17 has not been stipulated to, because I need to just ask
18 you a couple questions regarding it. Do you have that in
19 front of you?

20 A Yes.

21 Q And before you look at it, the question to me
22 is -- or for you is, not for me. The question for is,
23 isn't it true that the Sectorial Executive Committee
24 would provide resolutions and recommendations to the
25 Central Executive Committee for input and approval?

1 A My knowledge goes that signed resolutions are
2 given to the sectorial secretary, but after that is the
3 sectorial secretary who has knowledge.

4 Q Okay. So your knowledge is that Central
5 Executive Committee signs resolutions to give to the
6 sectorial secretary who's supposed to take them to the
7 Central Executive Committee of AMPS Central for review
8 and approval?

9 A Not exactly. My knowledge is that I give the
10 resolutions to the sectorial secretary and from then on
11 he knows the process, yeah.

12 Q So you have no knowledge of the process?

13 A It's not that we don't have any manual,
14 everything describing this process, so I don't -- yeah.

15 Q You've gone to World RDS before, haven't you?

16 A I have attended World RDS, yes.

17 Q And you've gone there to report upon the
18 finances of Ananda Marga, Inc., to Central?

19 A No, I never went to report on the finances of
20 Ananda Marga, Inc., to Central.

21 Q Did you report then upon the finances of what
22 you're calling New York sector socio-spiritual
23 organization?

24 A Normally I was reporting on the finances that
25 in my knowledge as sectorial office secretary. It could

1 be because I'm also corporate secretary of Ananda Marga,
2 could be some part of Ananda Marga, Inc., yes.

3 Q So it could -- it includes Ananda Marga, Inc.,
4 as well as what you're calling socio-spiritual New York
5 sector?

6 A Normally I will not report on the Ananda Marga,
7 Inc., because it's not directly related to me. It's my
8 personal finances, yeah.

9 Q So let's go back to this Exhibit 175 -- I mean
10 174, Defendants' Exhibit 174. And it lists a bunch of
11 people that attending this meeting, December 2nd, 2004,
12 do you see that?

13 A Yes.

14 Q And do you recall this meeting?

15 A Vaguely, yes.

16 Q And you recall that there were resolutions that
17 were made at this meeting, do you not?

18 A Every meeting Sectorial Executive Committee we
19 make resolutions, yeah.

20 Q And this is a true and accurate copy of the
21 resolutions of the Sectorial Executive Committee New York
22 sector that you were on, on December 2nd, 2004?

23 A Not 100 percent sure. Because all the
24 signatures are not here so I'm not 100 percent sure.

25 Q So then I'm going to ask you --

1 A It could be a draft.

2 Q Okay. It could be a draft, all right. Then
3 I'm going to ask you questions about the substance of
4 this.

5 A Okay.

6 Q Fair enough. So it says resolution one, the
7 SEC, the Sectorial Executive Committee forwards previous
8 resolution regarding communications from Central office
9 to the sectors, did I read that correctly?

10 MR. ERWIN: Objection, hearsay.

11 THE COURT: Sustained to the extent that he's
12 testifying or you're asking questions regarding an
13 exhibit that's not yet in evidence. If you want to try
14 additional foundation, Mr. Obitts --

15 MR. OBITTS: Sure.

16 THE COURT: -- you can go that direction.

17 MR. OBITTS: Okay.

18 Q (By Mr. Obitts) Isn't it true that Sectorial
19 Executive Committee kept resolutions?

20 A The Sectorial Executive Committee kept the
21 resolutions, yes.

22 Q And if you could take a look at this document,
23 and this is the type of document that is kept by the
24 Sectorial Executive Committee, is it not?

25 A This is the type usually it has the signatures

1 when it's something that was a resolution.

2 Q And did you participate in the drafting of this
3 document?

4 A I can't recall. Usually I -- I do the
5 resolutions, but --

6 MR. OBITTS: Your Honor, I move this into
7 evidence as a statement by a party opponent pursuant to
8 Rule 801(d)(2). This is a document related to Sectorial
9 Executive Committee of the New York sector.

10 MR. ERWIN: Objection, lack of foundation.

11 THE COURT: Overruled. Objection goes to the
12 weight, not its admissibility; 174 will be admitted.

13 (Defendants' Exhibit D-174 admitted into evidence.)

14 MR. OBITTS: Thank you.

15 Q (By Mr. Obitts) And you can set that one
16 aside. Go to Exhibit 292 which has not been -- Defense
17 292 which has not been stipulated to. And I'm asking you
18 this question in your capacity as custodian of records
19 for Ananda Marga, Inc., which you previously testified
20 to, correct? That you're the custodian of records of
21 Ananda Marga, Inc., correct?

22 A Yes.

23 Q And this document is entitled guidelines
24 regarding SEC meeting, correct?

25 A Correct.

1 Q If you'd look at the bottom right hand corner,
2 it's Bate stamped P00614 (sic).

3 A Yes.

4 Q Did I read that correctly?

5 A Yes.

6 Q And that was a document that was produced by
7 Ananda Marga, Inc., from its corporate records, was it
8 not?

9 A It's not a particular document of Ananda Marga,
10 Inc.

11 Q Okay. Let me rephrase the question because you
12 are correct.

13 A Uh-huh.

14 Q This in fact is a directive from Ananda Marga
15 Pracaraka Samgha Central to Ananda Marga, Inc., that
16 Ananda Marga, Inc., filed in its corporate records, did
17 it not?

18 A We -- we don't -- the thing is being office
19 secretary and at the same time corporate secretary of
20 Ananda Marga, Inc., that is -- there was some -- some
21 documents mixed. And when we -- I was told to submit get
22 documents, get all, everything that you have there. So
23 that went also.

24 Q So this was --

25 A But it's not kept --

1 Q -- you --

2 A -- as a record of Ananda Marga, Inc.

3 THE COURT: What's the exhibit number?

4 MR. OBITTS: It's Defendants' Exhibit 292, Your
5 Honor.

6 THE COURT: Okay. Thank you.

7 Q (By Mr. Obitts) So is it your testimony that
8 it was kept in the records of Ananda Marga New York
9 sector socio-spiritual organization that were mixed with
10 Ananda Marga, Inc.?

11 A Yeah, possibly, yes.

12 MR. OBITTS: Your Honor, I'd like to move
13 Exhibit 292 into evidence.

14 MR. ERWIN: Objection, lack of foundation.

15 THE COURT: Yeah, I'm going to sustain that at
16 this point, there's additional foundation that can be
17 laid.

18 Q (By Mr. Obitts) Did you keep --

19 MR. OBITTS: Your Honor, I'd also like to move
20 it into evidence under 801(d)(2) of the Colorado rules of
21 evidence.

22 THE COURT: Okay.

23 MR. OBITTS: He's -- actually, I'll strike
24 that, I'm not moving it under that. Okay. I apologize.

25 Q (By Mr. Obitts) So the document you said was

1 kept in the ordinary course of business, correct?

2 A I didn't say that.

3 Q You did not say that? When you receive
4 directives from Central, are they then filed in a
5 cabinet?

6 A I didn't say I received --

7 Q No, I'm asking --

8 A -- directions from Central.

9 Q -- you a new question. I'm asking you when you
10 receive a document from Central like this --

11 A You're asking me --

12 Q -- it is kept -- is it kept --

13 A This -- this document must have been received
14 before me so I --

15 Q So you found this document in the corporate
16 records of Ananda Marga, Inc., correct?

17 A I didn't find this document in the corporate
18 records of Ananda Marga, Inc.

19 Q Where did you --

20 A It's --

21 Q -- find the document then?

22 A In the filing cabinet that the offices shared
23 so there is some overlap, yeah.

24 Q So you're saying that the documents were filed
25 in the cabinet of the socio-spiritual AMPS New York

1 sector; is that what you're saying?

2 A Usually I keep the -- all the official
3 documents of Ananda Marga, Inc., in the corporate book.
4 And then there is a general filing cabinet with so many
5 documents go there.

6 Q Okay.

7 A So I was requested to provide all documents I
8 have so I just provided all documents.

9 Q So there is a filing system within which
10 documents are kept at Ananda Marga, Inc.'s office,
11 correct?

12 A The Ananda Marga, Inc., shares the office with
13 the socio-spiritual Ananda Marga.

14 Q Fine. So there is a filing cabinet where
15 documents are kept --

16 A There have --

17 Q -- by socio-spiritual --

18 A -- various --

19 Q -- New York sector, correct?

20 A There are various filing cabinets, yeah.

21 Q Right. And this document was found in those
22 filing cabinets of documents kept by Ananda Marga --

23 MR. ERWIN: Objection --

24 Q (By Mr. Obitts) -- socio-spiritual --

25 MR. ERWIN: -- asked and answered.

1 MR. OBITTS: I'm trying to get to the
2 foundation.

3 THE COURT: Overruled. Go ahead.

4 THE WITNESS: Would you mind repeating?

5 Q (By Mr. Obitts) And this document was found in
6 the filing cabinets of the documents kept by the socio-
7 spiritual organization in the ordinary course of its
8 practice?

9 A This document was in the files of the socio-
10 spiritual, yeah.

11 MR. OBITTS: Your Honor, I'd like to move it
12 into evidence at this time.

13 MR. ERWIN: Objection, lack of foundation.

14 THE COURT: No, the objection will go to the
15 weight, not its admissibility, I'll admit it. 292's
16 admitted.

17 (Defendants' Exhibit D-292 admitted into evidence.)

18 Q (By Mr. Erwin) If we could go to Defendants'
19 Exhibit 353, please, which has not been stipulated to.
20 Do you have that document in front of you?

21 A Yes.

22 Q And these are the minutes of the Sectorial
23 Executive Committee meeting dated March 4th, 2003,
24 correct?

25 A Correct.

1 Q And it's signed by you as SOS on the second
2 page, correct?

3 A Correct.

4 Q And this is a true and accurate copy of this
5 document?

6 A Yes.

7 MR. OBITTS: Your Honor, I'd like to move this
8 document into evidence.

9 THE COURT: Any objection to 353 -- D-353?

10 MR. ERWIN: No objection, Your Honor.

11 (Defendants' Exhibit D-353 admitted into evidence.)

12 Q (By Mr. Obitts) Going to -- on this document
13 going to paragraph two on the first page.

14 A Yes.

15 Q It says inspection rectification report of
16 inspection done by Acarya Parameshvarananda Avadhuta
17 should be submitted to the sectorial office by all
18 offices and units inspected. Did I --

19 A Correct.

20 Q -- read that correctly?

21 A Yes.

22 Q And who is Parameshvarananda?

23 A One Acarya from India.

24 Q Okay.

25 A Yeah.

1 Q So he was an Acarya sent by Central authorities
2 to do inspection of the New York sector, correct?

3 A Of the Ananda Marga socio-spiritual New York
4 sector, yes.

5 Q Let's go to paragraph three. We go to sub-D of
6 paragraph three. It says, regarding the workers of a
7 sector who are not following TP -- that's tour program,
8 correct?

9 A Yes.

10 Q And those who have been transferred but remain
11 in the sector, the SEC requests immediate intervention
12 from the center. Did I read that correctly?

13 A That's correct.

14 Q And the center there is AMPS Central, correct?

15 A The socio-spiritual Ananda Marga Central, yeah.

16 Q And isn't it true that it's talking about this
17 -- the Kolkata folks that disobeyed their posting orders?

18 A Not sure.

19 Q Okay. Let's go to Defendants' Exhibit 362
20 which has not been stipulated to. Do you have that
21 document in front of you?

22 A Yes.

23 Q And this is the Sectorial Executive Committee
24 resolutions November 24th and 25th, 2005, correct?

25 A Correct.

1 MR. ERWIN: I'll stipulate to this document.

2 THE COURT: All right. 362 will be admitted.

3 (Defendants' Exhibit D-362 admitted into evidence.)

4 Q (By Mr. Obitts) Okay. Let's go then to
5 paragraph three of this document then and let me ask you
6 a question. Maybe this will help refresh your
7 recollection. It says here the sale of Denver jagrti
8 will be resubmitted to Central for reconsideration. Did
9 I read that correctly?

10 A Yes.

11 Q Does it help refresh your recollection that SEC
12 had previously submitted the request to sell the Denver
13 jagrti but that SEC had said no?

14 A The -- there is Central here not the exact
15 entity in the center.

16 Q Okay. So it was submitted to AMPS Central,
17 could that be the land department at AMPS Central?

18 A I'm not sure who -- who took it to the center
19 and how it was.

20 Q But as far as you know it was taken to Central,
21 correct?

22 A Yes. Because -- yeah, it's written here.

23 Q If we could turn to Exhibit 366 which has been
24 stipulated to, and I just have a couple questions
25 regarding that.

1 MR. ERWIN: Which one?

2 MR. OBITTS: Defendants' 366. And, Your Honor,
3 we have not moved 366 into evidence, but I'd like to move
4 it into evidence at this time.

5 THE COURT: 366 is stipulated.

6 (Defendants' Exhibit 366 admitted into evidence.)

7 MR. OBITTS: Right. But I haven't moved it
8 into evidence.

9 Q (By Mr. Obitts) On paragraph nine, do you see
10 paragraph nine on the second page?

11 A Yes.

12 Q The third line -- oh, let me read it to you,
13 the relevant portion and I'll ask you a question. As a
14 sector what direction we should take including our
15 relationship with Central and present transfer postings,
16 the SEC of New York sector has still the same concerns as
17 when the SS was previously transferred some months ago.
18 This is March 2006 so the some months ago was the October
19 30th, 2005, transfer, correct?

20 Q Yes.

21 A A delegation of New York's -- of NYS, so that's
22 New York sector workers will go to India in March and
23 present the matter to the Central office, correct?

24 A Correct.

25 Q And that Central office is what you're

1 referring to now as the Ranchi faction, correct?

2 A Yes.

3 Q Number -- paragraph 11, it says a constitution
4 of AMPS, SEC members requested details of present --

5 A Where are you? I'm --

6 Q Oh, paragraph 11, I'm sorry.

7 A Okay.

8 Q Are you there?

9 A Yes.

10 Q Constitution of AMPS, SEC members requests
11 details of present AM Inc., constitution, SS will provide
12 details to all WT's in the collective meeting. Did I
13 read that correctly?

14 A Yes.

15 Q So at the SEC meeting, isn't it true that
16 people were requesting information about whether or not
17 the AM Inc., bylaws had been amended?

18 A They were asking information about the bylaws,
19 yeah.

20 Q Did anybody ask any questions of whether or not
21 the bylaws were amended?

22 A They -- yeah, I think so.

23 Q But yet the SS, claimed to be SS at that time
24 Tiirthananda, stated that he'll provide details to all
25 WT's in the collective meeting, and he didn't provide

1 that information to the Sectorial Executive Committee,
2 did he?

3 A Sorry.

4 Q Tiirthananda, the person claiming to be at that
5 time the sectorial secretary despite having been
6 transferred --

7 A Well, it's written here that he's the sectorial
8 secretary.

9 Q I -- I understand that.

10 A That's March --

11 Q But my --

12 A -- 2006.

13 Q -- question to you is this: The SS there
14 stands for Tiirthananda, correct? On paragraph 11?

15 A That says is Tiirthananda.

16 Q Okay. Fine. And he says he'll provide details
17 to all WT's -- that's wholetimers, correct?

18 A Yes.

19 Q In the collective meeting.

20 A Okay.

21 Q Yes?

22 A It's written there.

23 Q So in this meeting despite being asked about
24 whether or not there were changes to the bylaws, he
25 refused to do so, correct?

1 A No, as I see here, he said he would provide in
2 the collective meeting.

3 Q By the didn't provide it at that meeting, did
4 he?

5 A I don't recall. I -- he's -- he might have
6 provided but --

7 Q Well, if he --

8 A -- I don't know.

9 Q -- provided it, it would be in the minutes,
10 would it not?

11 A Which meeting, you mean the collective
12 meeting --

13 Q No.

14 A -- or the SEC meeting?

15 Q This meeting of March 1st, 2006.

16 A He didn't provide in the SEC meeting, because
17 he's telling that he's going to provide in the collective
18 meeting.

19 Q So --

20 A The collective meeting is not the SEC meeting,
21 the collective meeting is the meeting when all the WT's
22 are present.

23 Q I understand. Okay. Thank you.

24 A Uh-huh.

25 Q Go up to number five up above, and I just need

1 to know what some of these acronyms are. It says
2 inspection WWD, what's that?

3 A Women's Welfare Department.

4 Q Will organize inspection of their offices and
5 projects in coordination with CWWS, who's that?

6 A Central Women's Welfare Section --

7 Q Okay.

8 A -- secretary.

9 Q And then in Number 6, there's some Tattvika
10 applications; is that correct?

11 A Yes.

12 Q And those Tattvika applications are going to be
13 forwarded to Central, is that how the process works?

14 A They're forwarded because only the central
15 Tattvika Board they make Tattvikas.

16 Q Okay. If we could turn to Exhibit 205, please.
17 Defendants' Exhibit 205. And this is a letter from you
18 dated March 1st, 2001 --

19 A Okay.

20 Q -- correct?

21 A Yes.

22 Q Okay. And reading down on the third paragraph
23 the last sentence -- second to last sentence it says, SEC
24 and CC already approved this committee previously.

25 Acarya Dharmapremananda SES is the chairperson of the

1 committee. Did I read that correctly?

2 A Yes.

3 Q And what exactly is this committee that you're
4 referring to here in this letter?

5 A It's -- it means -- you want me to explain
6 what's here?

7 Q I just want to know what committee is it?
8 What's the name of the committee?

9 A No, this -- I think this committee doesn't have
10 a real name, it's kind of a general committee we create
11 with people to do some special work. Yeah.

12 Q Fair enough. If you could turn then to Exhibit
13 237 which was not stipulated to. Do you have that
14 document in front of you? Defendants' 237, I'm sorry.

15 A Yes.

16 Q Okay. You previously testified that there was
17 an ISMUB department, correct?

18 A There is ISMUB department.

19 Q And isn't it true that ISMUB used pro forma
20 forms to gain reports and it did inspections?

21 A Sometimes they used pro forma, sometimes the
22 person will be writing, yeah.

23 Q If you could look at the five pages that
24 compromise Exhibit 237. Isn't it true that these are the
25 pro formas that are used by the New York sector in

1 complying with its ISMUB responsibilities?

2 A It's -- the person who was doing the inspection
3 is the one that brings the report or writes or asks to be
4 typed. So --

5 Q My question to you is --

6 A -- it might have been used this one. But I
7 will say that it's not always the case.

8 Q Do you know if these forms have been used by
9 the New York sector in its ISMUB responsibilities?

10 A It's -- this -- I don't know if the -- we -- I
11 mean if it's sectorial, sectorial ISMUB responsibilities,
12 so I don't know if they used this one here.

13 Q Okay. And if you could go to Exhibit 240 then.
14 And on the first two pages is a pro forma and it's an
15 inspection report of the office of whatever and then
16 there's a pro forma that has to be filled in by the
17 individual and them signed off by the inspection
18 authority; is that correct?

19 A Normally the inspection authority fields up --

20 Q Okay.

21 A -- yeah. Talking verbally with the
22 individuals.

23 Q Okay. And this is a form that you've used
24 yourself?

25 A Sorry?

1 Q This is a form that you've used yourself, the
2 first two pages?

3 A No, I never inspected that.

4 Q You never inspected?

5 A Yeah.

6 Q Do you recall inspectors using this form of
7 you?

8 A Similar, yeah. I -- I -- I mean --

9 Q Okay. Turning to the third page it says Bhukti
10 committee. What is a Bhukti committee?

11 A Bhukti committee is defined in Carya'carya. It
12 is an elected body by the -- let's say Margiis of the
13 bhukti.

14 Q Okay. And have you seen this pro forma before
15 of bhukti committee that has to be submitted to the ISMUB
16 secretary at Ananda Marga Pracaraka Samgha in India?

17 A Actually this is the first time I see one from
18 the bhukti committee, yeah.

19 Q You can set that aside, I'll get it in through
20 somebody else.

21 THE COURT: Mr. Obitts is this a good place for
22 a break?

23 MR. OBITTS: That'd be great, Your Honor.

24 THE COURT: How much more have you got of this
25 guy? Couple weeks?

1 MR. OBITTS: Part of the problem Your Honor, is
2 there's a whole host of documents that they haven't
3 stipulated to, and he's the custodian of records and I
4 have to get them in.

5 THE COURT: Okay.

6 MR. OBITTS: Sorry.

7 THE COURT: Fine. They're relevant, right?

8 MR. OBITTS: I think they are.

9 THE COURT: We'll find out. Let's take 15.

10 MR. OBITTS: Thanks, Your Honor.

11 (Whereupon a recess was taken.)

12 (Whereupon the court reconvened and the following
13 proceedings were entered of record.)

14 THE CLERK: All rise. Courtroom 259 is back in
15 session.

16 THE COURT: Please be seated. Come on up. And
17 so we go.

18 MR. OBITTS: Okay. Thank you, Your Honor. I'm
19 going to try and make it quick as I can.

20 Q (By Mr. Obitts) Isn't it true that you also
21 held the role of sectorial finance secretary.

22 A That's one of my portfolios.

23 Q Okay. So along with sectorial office secretary
24 you were sectorial finance secretary?

25 A Yes, two -- two portfolios, yes.

1 Q If you could turn to Defendants' Exhibit 244
2 which has not been stipulated to. Do you have that
3 document in front of you?

4 A Yes.

5 Q Is that signature below respectfully submitted?

6 A Yes.

7 Q And this is your Carya'carya program for May
8 28th, 2004, correct?

9 A Correct.

10 MR. OBITTS: Your Honor, I'd like to move this
11 into evidence.

12 THE COURT: Any objection to D-244?

13 MR. ERWIN: No objection.

14 THE COURT: That'll be admitted, you may
15 proceed.

16 (Defendants' Exhibit D-244 admitted into evidence.)

17 MR. OBITTS: Thank you.

18 Q (By Mr. Obitts) Now, when Central provided
19 directives to Ananda Marga New York sector, you keep
20 those directives in the file as a custodian of records,
21 did you not?

22 A The term Central is vague and which directives?
23 I mean --

24 Q When you received letters and information from
25 Central authorities in India as a custodian of records,

1 you kept those in the files of the New York sector, did
2 you not?

3 A Partially correct. When I receive letters,
4 information from India, I always -- I kept in the file
5 generally, yeah.

6 Q Okay. Well, let's go through some documents
7 that you all have not stipulated to and hopefully we can
8 whip through them fast. They were all documents that
9 were produced by you in discovery in this case, so let's
10 go to Exhibit 289.

11 A Yes.

12 Q Okay. This is a circular by COS Dada dated
13 April 3rd, 2002, to SS and SOS New York; is that correct?

14 A Yes.

15 Q And you recall receiving this document? Would
16 it help refresh your recollection --

17 A I don't recall but I mean it seems like I
18 received it.

19 Q Okay. And you were SOS New York at that time,
20 correct?

21 A Yes.

22 Q And in fact you managed the [newyork-
sector@AMPS.org](mailto:newyork-
23 sector@AMPS.org) account, did you not?

24 A No, that was managed by somebody else.

25 Q Who was the that person?

1 A As far as I remember it was Acarya
2 Krishbudananda (phonetic).

3 Q And it's Bate stamped at the bottom P00689,
4 correct?

5 A Right. What happens like this is that he may
6 booted this one forwarding to my email.

7 Q Okay.

8 A Do you understand?

9 Q And so but this document was found in the files
10 of the regular kept records in the NY sector office,
11 correct?

12 A In my computer.

13 Q This was in your --

14 A Yeah.

15 Q -- computer?

16 A Right.

17 Q And you keep emails in your computer of
18 business of Ananda Marga mission, correct?

19 A It's kind of mixed, yeah. My --

20 Q But that --

21 A -- personal with Ananda Marga, Inc., and Ananda
22 Marga socio-spiritual, yeah.

23 Q Okay. So you're --

24 A I mean -- yeah, it's a little bit --

25 MR. OBITTS: Okay. Your Honor, I'd like to

1 move Exhibit 289 into evidence.

2 MR. ERWIN: Objection, lack of foundation.

3 THE COURT: I'm going to sustain that, I don't
4 have enough at this point to admit it.

5 Q (By Mr. Obitts) Okay. And so where did you
6 find this document? You said in your emails where you
7 file the business documents?

8 A I didn't say that. Yeah. I probably found it
9 in my computer.

10 Q Okay.

11 A Yeah.

12 Q Is it your practice to keep emails in your
13 computer of emails from Central authorities in India?

14 A It's my practice to keep all the emails I
15 received, yeah. And that's my practice, yeah. I make
16 effort to not to lose them, but sometimes it happens.

17 Q And so when the discovery request occurred in
18 this case you knew where to go in your computer to find
19 these business records, correct?

20 A That was one of the worst things on the
21 discovery.

22 THE COURT: Touche.

23 MR. OBITTS: Your Honor, once again I'd like to
24 submit Exhibit 289 into evidence.

25 THE COURT: You know, maybe I didn't hear it,

1 Mr. Obitts, but I haven't heard he received this email
2 and how he can tell from looking at it that he received
3 it. So --

4 MR. OBITTS: Okay. I thought --

5 THE COURT: -- that's what's missing.

6 MR. OBITTS: -- I thought he did say that, Your
7 Honor. I thought he said it was forwarded on to him and
8 that he found this then in his email from this person
9 Krisnananda (phonetic) who was the gatekeeper of the
10 newyork-sectorAMPS.org site.

11 MR. ERWIN: I believe he said he didn't know
12 how he received it.

13 THE COURT: That was what I thought I heard
14 so --

15 THE WITNESS: Yeah.

16 THE COURT: -- let's see if he can find -- if
17 he can figure out and you can tie him to this exhibit --

18 MR. OBITTS: Yeah.

19 THE COURT: -- then I'm happy to let it in.

20 Q (By Mr. Obitts) Did you receive this exhibit?
21 Did you receive this email?

22 A I can't recall, no, it's May from 2002.

23 Q Didn't you testify that you found it in your
24 email? So that means that you did receive it, correct?

25 MR. ERWIN: Objection, misstates the testimony

1 of the witness.

2 THE COURT: No overruled.

3 THE COURT: Would you remind repeating the
4 question.

5 Q (By Mr. Obitts) You previously testified --

6 THE COURT: He wants to know where you found
7 this exhibit.

8 THE WITNESS: Where I found it.

9 THE COURT: How you came about it.

10 THE WITNESS: Yeah, that's I can't remember how
11 -- I mean we're putting all so many things together
12 and --

13 THE COURT: Okay. He doesn't have the
14 foundation for it, Mr. Obitts.

15 MR. OBITTS: Okay. I'll move on to the next
16 exhibit.

17 THE COURT: Okay. Thank you.

18 Q (By Mr. Obitts) Let's look at -- Defense
19 Exhibit 290, which is a letter from the general secretary
20 of Ananda Marga Pracaraka Samgha Central that was
21 produced by Ananda Marga, Inc., in discovery out of its
22 files; is that correct?

23 A It's corrected that we produced it in
24 discovery, yes.

25 Q Is it correct that it was in --

1 A The files -- it's the same situation of the --
2 that previous document that it was in the files but it's
3 not the files of Ananda Marga, Inc., in particular.

4 Q Okay. This was -- it was in the files of the
5 New York sector --

6 A The Ananda Marga --

7 Q -- socio-spiritual that you're --

8 A -- socio-spiritual --

9 Q -- calling it?

10 A Yeah.

11 Q And it was the practice to keep the socio-
12 spiritual organization that you're testifying about to
13 keep the letters like this in the files as part of the
14 ordinary course of business of the socio-spiritual
15 organization, correct?

16 A Yes, with -- we --

17 Q As -- and you --

18 A -- make an effort to keep all the -- whatever
19 we get.

20 Q And you previously testified you found those in
21 the files, so I respectfully request to move this into
22 evidence.

23 MR. ERWIN: Same objection to foundation.

24 THE COURT: The records that are reflected in
25 Exhibit 290 you said are the exhibits related to -- are

1 the records related to the socio-spiritual Ananda Marga
2 entity. Did you have personal access to those records?

3 THE WITNESS: Myself, yes. As sectorial office
4 secretary, I had personal access.

5 THE COURT: And so when those documents come
6 in, even though you put them in a different place, you
7 have access to those?

8 THE WITNESS: Yes.

9 THE COURT: All right. The exhibit's admitted.
10 (Defendants' Exhibit D-290 admitted into evidence.)

11 Q (By Mr. Obitts) Likewise if we could look at
12 Exhibit 29 -- Defense Exhibit 291, please.

13 A Okay. And once again is this a document that
14 you found in the files of -- which we're calling the
15 socio-spiritual New York sector?

16 A Yes.

17 Q And you had access to those files?

18 A I have access to those.

19 Q And there's --

20 MR. OBITTS: Your Honor, I'd move it into
21 evidence, 291, Defendants'.

22 MR. ERWIN: Objection, foundation.

23 THE COURT: Same objection, same ruling. Goes
24 to the weight, not its admissibility. 291 -- D-291 is
25 admitted.

1 (Defendants' Exhibit D-291 admitted into evidence.)

2 MR. OBITTS: Your Honor, I have a series of
3 seven exhibits where it's the same thing for them all if
4 he wants to have a standing objection, we could probably
5 burn through these things pretty fast.

6 THE COURT: That's fine, make sure that the
7 witness identifies them as such --

8 MR. OBITTS: I will do that, Your Honor.

9 THE COURT: -- so that there's appropriate
10 foundation in the record, and then Mr. Erwin can tell me
11 if he maintains his same objection.

12 Q (By Mr. Obitts) If you would move to Exhibit
13 -- Defense Exhibit 303, please. Do you have that
14 document in front of you?

15 A Yes.

16 Q Okay. Like previously this is a document that
17 you found in the files of New York sector socio-spiritual
18 organization that you're saying?

19 A Yes.

20 MR. OBITTS: Your Honor, I'd like to admit this
21 into evidence.

22 THE COURT: Same objection?

23 MR. ERWIN: Same objection.

24 THE COURT: Same ruling. D-303's admitted.

25 (Defendants' Exhibit D-303 admitted into evidence.)

1 Q If you could pull up 384, and we're going to go
2 384 through 391.

3 A Which number?

4 Q Defendants' 384.

5 A Okay.

6 Q So start with 384. Do you have Defense 384 in
7 front of you Mr. Teix --

8 A Yes.

9 Q -- I mean Mr. Rainjitananda. Okay. This also
10 was a document that was produced in discovery that you
11 found in the files of what you're calling the socio-
12 spiritual New York sector?

13 A Yes.

14 MR. OBITTS: Your Honor, I'd like to move 384
15 into evidence, please.

16 MR. ERWIN: Objection, this was not provided by
17 Plaintiff, this is a Defendant document.

18 MR. OBITTS: 384?

19 MR. ERWIN: I'm sorry, my mistake, Your Honor,
20 this is -- I was at 382.

21 THE COURT: Okay. So was it a document that
22 was produced in the same fashion, held, and --

23 MR. ERWIN: It was, Your Honor.

24 THE COURT: -- retrieved by this witness in the
25 same fashion as the other exhibits?

1 MR. ERWIN: Yes, and the same objection.

2 THE COURT: All right. So the same objection
3 and same ruling.

4 (Defendants' Exhibit D-384 admitted into evidence.)

5 Q (By Mr. Obitts) Okay. If we could take a look
6 at 386 which is similar in Bate stamp numbering, it's in
7 the 700's produced by the Plaintiffs. Do you have the
8 document in front of you?

9 A Yes.

10 Q This document was a document that you found in
11 the files New York sector socio-spiritual that was
12 produced in this case?

13 A Yes.

14 MR. ERWIN: Your Honor, I'd like to move 385
15 into evidence.

16 THE COURT: You said 386 earlier.

17 MR. OBITTS: Okay.

18 THE COURT: Is it 385 or 386?

19 MR. OBITTS: That was 386, Your Honor.

20 THE WITNESS: I have 386.

21 Q (By Mr. Obitts) Let's go back to 385.

22 THE COURT: Why don't you finish 385 and then
23 you can offer both 85 and --

24 MR. OBITTS: Okay.

25 THE COURT: -- 385 and 386.

1 MR. OBITTS: That's fine.

2 Q (By Mr. Obitts) So we've got 385, if you'd
3 look at that as well. Do you see 385?

4 A Yeah.

5 Q Let's turn to 387 then.

6 A Yes.

7 Q 388?

8 A Okay.

9 Q And 389. Do you see that document?

10 A Yes.

11 Q And 390?

12 A Yes.

13 Q And 391, finally.

14 A Yes.

15 Q Were all of these exhibits, 385 through 391,
16 documents that you obtained out of the files of the New
17 York sector socio-spiritual organization?

18 A Yes.

19 MR. OBITTS: Your Honor, I'd like to move 385
20 through 391 into evidence at this time.

21 THE COURT: Same objection?

22 MR. ERWIN: Same objection.

23 THE COURT: All right. Same ruling. Those
24 objections go properly to the weight, not their
25 admissibility. 385 through 391 are admitted with

1 objection.

2 (Defendants' Exhibits D-385, D-386, D-387, D-388, D-
3 389, D-390, and D-391 admitted into evidence.)

4 THE COURT: You may proceed.

5 MR. OBITTS: Thank you, Your Honor.

6 Q (By Mr. Obitts) You previously testified that
7 you were on the Central Committee starting in 2002, from
8 2002 to 2007; is that correct?

9 A That's the tenure of the Central Committee,
10 yes.

11 Q It's -- it's a five year tenure, correct?

12 A Five year tenure.

13 Q Okay. And during that time that you were on
14 the Central Committee during your tenure, isn't it
15 true --

16 A Sorry?

17 Q During the time that you were on the Central
18 Committee, isn't it true that the Central Committee
19 passed resolutions related to the various sectors of
20 AMPS?

21 A I don't remember all the resolutions, yeah.

22 Q Okay.

23 A If there is some particular resolution I can --

24 Q Turn to Exhibit 319 which has not been
25 stipulated to.

1 A Which number?

2 Q Defendants' 319. Do you have that document in
3 front of you?

4 A Yes.

5 Q And this a document dated June 10th, 2005,
6 correct?

7 A Yes.

8 Q And this a notice regarding the Central
9 Committee of Ananda Marga Pracaraka Samgha, correct?

10 A Yes.

11 Q And you're listed as the Purodha number 25 on
12 this document, correct?

13 A Correct.

14 Q And it's the document from Ramananda and --
15 correct?

16 A Correct.

17 Q And he was the convener at the time, correct?

18 A Yes.

19 Q And it's Bate stamped at the bottom P003751 and
20 you produced this in discovery, correct?

21 A Correct.

22 Q And this is a document that you personally
23 received from Dada Ramananda, correct?

24 A Yes.

25 MR. OBITTS: Your Honor, I'd like to produce

1 this -- I'd like to submit this into evidence at this
2 time.

3 THE COURT: Objection --

4 MR. ERWIN: Same objection.

5 THE COURT: -- to D-319? Same objection? All
6 right. D-19 (sic) is admitted.

7 (Defendants' Exhibit D-319 admitted into evidence.)

8 Q (By Mr. Obitts) Who owns the website Ananda
9 AnandaMarga.us?

10 A AnandaMarga.us. Ananda Marga New York sector.

11 Q Okay. You sure about that?

12 THE COURT: What was the website Ananda
13 Marga --

14 MR. OBITTS: Yes, www.AnandaMarga -- one word
15 -- .us.

16 Q (By Mr. Obitts) Could you turn to Defense
17 Exhibit 256? If you could turn to the third page of this
18 document. And isn't it true this document says
19 registrant organization is Ananda Marga, Inc.?

20 A Yes.

21 Q And this is for the domain name AnandaMarga.us,
22 correct?

23 A Correct.

24 Q Let me ask you again, who owns the domain name
25 www.AnandaMarga.us?

1 A Well, the legal owner is Ananda Marga, Inc.

2 MR. OBITTS: Your Honor, I'd like you to take
3 judicial notice of Exhibit 256 which is a printout of the
4 Whois domain registration which is publically available
5 information and readily available.

6 THE COURT: Any objection to that?

7 MR. ERWIN: No, Your Honor.

8 THE COURT: All right. The Court will take
9 judicial notice and accept Exhibit 256 for what it's been
10 identified as.

11 Q (By Mr. Obitts) If you would be so kind as to
12 turn to Defendants' Exhibit 252, please.

13 A Yes.

14 Q Isn't it true that Ananda Marga, Inc., posted
15 the constitution of AMPS Central on www.AnandaMarga.us?

16 A Yes, there was a request. People wanted to
17 know about it and we posted that. It's not a link to the
18 main menu. Only people that know that it's there, it
19 means we have to inform, you are interested in looking at
20 this constitution, look at this link.

21 Q Okay. And on this first page of this exhibit,
22 there's an email from you to somebody about the link,
23 correct?

24 A Exactly, yeah.

25 MR. OBITTS: Your Honor, I'd like to move

1 Exhibit 252 into evidence.

2 THE COURT: As to 252?

3 MR. ERWIN: Objection, lack of foundation.

4 THE COURT: Overruled. 252 is admitted.

5 (Defendants' Exhibit D-252 admitted into evidence.)

6 Q (By Mr. Obitts) If you could turn to Exhibit
7 253, please. Do you have that document in front of you?

8 A Yes.

9 Q Okay. This is a Bhukti guidelines, correct?

10 A Yes.

11 Q And the URL at the top is

12 www.AnandaMarga.us/bp_guidelines.htm --

13 A Right.

14 Q -- correct?

15 A Same case as the other document. People wanted
16 to know more about Bhukti Pradhan, and we put it there I
17 think in about 2005, so that they can read about it,
18 yeah.

19 MR. OBITTS: Your Honor, I'd like to move
20 Exhibit 253 into evidence.

21 THE COURT: Same objection?

22 MR. ERWIN: That and hearsay, Your Honor.

23 THE COURT: All right. The objection's
24 overruled. 253's admitted.

25 (Defendants' Exhibit D-253 admitted into evidence.)

1 Q (By Mr. Obitts) Let's go to Exhibit 254,
2 please. Exhibit 254 is called guidelines for the seminar
3 system, correct?

4 A Yes.

5 Q And it's at the same URL except it's backslash
6 guidelines.htm, correct?

7 A Correct.

8 Q And this is something that was posted on the
9 Ananda Marga, Inc., website, correct?

10 A It was posted in the domain, but it's not part
11 of the website. Where -- if you go to the website, you
12 are just a regular visitor, you will not find this.

13 Q Okay.

14 A Only if you are -- if you receive that link,
15 then you can find it.

16 Q And you would provide that link to people, did
17 you not?

18 A People who are curious about this, I will
19 provide the link.

20 MR. OBITTS: Your Honor, I'd like to move
21 Exhibit 254 into evidence.

22 THE COURT: Same objection?

23 MR. ERWIN: Yes.

24 THE COURT: All right. Same ruling. It's
25 admitted, you may proceed.

1 (Defendants' Exhibit D-254 admitted into evidence.)

2 Q (By Mr. Obitts) If you could go to Defense
3 Exhibit 380, please. Do you have that in front of you?
4 This document is excerpts from the Carya'carya Part I and
5 it appears to be on the website,
6 www.AnandaMarga.us./cc1.htm. Did I read that correctly?

7 A As the same case as the previous documents,
8 it's in that domain. It doesn't have a direct link from
9 the website. One needs to know the link to access it.

10 MR. OBITTS: Your Honor, I'd like to move
11 Exhibit 380 into evidence, please.

12 MR. ERWIN: I object, Your Honor, there's
13 nothing on this document that suggests it actually came
14 from that website that I can see.

15 MR. OBITTS: Top right corner.

16 THE COURT: He's already said that this is
17 stuff that's on website that you can only access it if he
18 sends you a link and that it was on his website, that's
19 sufficient foundation at this point. So 380's admitted.
20 Also that he recognizes it for what it is.

21 (Defendants' Exhibit D-380 admitted into evidence.)

22 Q (By Mr. Obitts) And if we could go back to
23 Exhibit 253 and I apologize for taking you out of
24 sequence there. It's already been admitted. And if
25 you'd be so kind as to go to the Bate stamp DFTS00355.

1 Do you have that in front of you?

2 A I'm a little bit lost here.

3 THE COURT: That makes two of us.

4 Q (By Mr. Obitts) Okay. Exhibit 253 -- Defense
5 Exhibit 253.

6 A Yes.

7 Q All right. So you have that in front of you.
8 Go to the one, two, three -- sixth page. Do you have
9 that in front of you?

10 A Is there a down number or --

11 Q Yeah, DFTS -- Forden00355 in the bottom right
12 corner.

13 A Okay. That one I found. Okay. Good.

14 Q Going up to the top of the page, subsection E.

15 A Yes.

16 Q It says and the finance collection will happen
17 on unit level. Every member of AMPS is required to
18 contribute two percent of their income to unit structure.
19 One-eighth of the total collection of unit will be
20 forwarded to next level of structure and so forth up to
21 Central level. Did I read that correctly?

22 A You have read correctly.

23 MR. ERWIN: I object to that statement being
24 hearsay.

25 THE COURT: The exhibit's already in. The

1 objection's overruled.

2 Q (By Mr. Obitts) Now, if we could turn two
3 pages -- two more pages, please, to DFTS00357. I mean --

4 A Do you mean --

5 Q Forden --

6 A -- Forden?

7 Q -- Forden 00357 --

8 A Okay.

9 Q -- I apologize. And under subsection 3 under
10 the overall heading AMPS department and detail it talks
11 about the Dharma Pracar department.

12 A Yes.

13 Q What is the Dharma Pracar department?

14 A Dharma -- okay, like -- there are two terms.
15 One is religion and Dharma. Religion is a relative term;
16 it changes according to time, space, and person. Dharma
17 is something permanent. So something that's unchanging.
18 Pracar means to propagate and department is the
19 department that propagates Dharma.

20 Q Isn't it true that Dharma Pracar department is
21 in charge of propagating the unchanging truth of Reverend
22 Baba?

23 A Dharma is something eternal.

24 Q Okay.

25 A Dharma exists from eternity.

1 Q Okay. And here it says Dharma Pracar
2 department will supervise the implementation of the
3 Central Dharma Pracar policies as maintain regular
4 communication with all units of Ananda Marga within the
5 sector. Did I read that correctly?

6 A You read correctly.

7 Q Thank you. If you'd turn to the next page of
8 this document which is nine of 16. There's something
9 called a land department.

10 A Which number, excuse me.

11 Q Number 10 toward the bottom.

12 A Oh, yes.

13 Q You see that?

14 A Yes, yes.

15 Q We've already talked about ISMUB department
16 before, so we won't bore you with that. But number 10,
17 land department, what is the land department?

18 A This is defined there.

19 Q I'm asking you.

20 A It deals with land.

21 Q Right. And isn't it true that the policy for
22 what you're calling the New York sector socio-spiritual
23 is that no one has the right to sell any property of
24 organization without permission from Central land
25 secretary as it reads here?

1 A This is in this document. This is not the
2 document in this sector. Ananda Marga in this sector
3 doesn't have membership. So if you see the final spot,
4 it's talking about members. So these are general
5 documents that was published not by us. I -- I pasted it
6 on the site for information so that people can say what
7 is being told about the Bhukti Pradhan guidelines. It's
8 not a document we adopted.

9 Q And when you say we adopted, you're saying
10 Ananda Marga, Inc., didn't --

11 A Ananda Marga, Inc. --

12 Q -- adopt this?

13 A -- and Ananda Marga socio-spiritual.

14 Q So you're saying this is not a --

15 A It's not --

16 Q -- directive from Central?

17 A This is not an official document. AMPS has not
18 produced an official manual with all the guidelines of
19 procedures.

20 Q But yet you posted it on Ananda Marga, Inc.'s
21 website, correct?

22 A For information, for people to see what is
23 existing so far.

24 Q Isn't it true that the Bhukti Pradhan
25 guidelines were utilized by individuals in the sectors

1 for implementing the --

2 A I --

3 Q -- the Bhukti Pradhan guidelines?

4 MR. ERWIN: Objection --

5 THE WITNESS: I'm not --

6 MR. ERWIN: -- beyond his knowledge.

7 THE COURT: No, overruled.

8 Q (By Mr. Obitts) And your answer is?

9 A I'm not sure.

10 Q You're not sure.

11 A Individuals are very vague there on so many --

12 Q How about Margii?

13 A Margiis.

14 Q Yes.

15 A I don't know --

16 Q How about Bhuktis?

17 A Bhuktis are --

18 Q Do you know if --

19 A It's an area.

20 Q Sure. How about the Bhukti president?

21 A Means -- I don't understand.

22 Q How about the Bhukti Pradhan?

23 A The Bhukti Pradhan, okay.

24 Q Okay. Do you if the Bhukti Pradhan requested
25 from your information so they could access this part of

1 the Ananda Marga, Inc., web page?

2 A I -- I don't remember.

3 Q But people did ask you, correct --

4 A They might.

5 Q -- because you already testified to that.

6 A They -- yeah.

7 Q Yeah, thank you. Okay. If you could turn to
8 Defendants' Exhibit 288, please. Do you have that
9 document in front of you?

10 A Yes, it's very small, yes.

11 Q Okay. Now, this is a collection from two
12 different websites which one is Yogainnewyork.com and the
13 other is the AnandaMarga.US?

14 A Correct.

15 Q Isn't it true that you previously testified
16 during your deposition that Yogainnewyork is also owned
17 by Ananda Marga, Inc.?

18 A Yes, in -- I mean its owned -- legally owned by
19 Ananda Marga, Inc.

20 Q Okay. If you could go through each of these
21 pages and take a look to see if this is items that are
22 posted on the two websites owned by Ananda Marga, I'd
23 appreciate that.

24 A It seems there are three websites here.

25 Q There's a third one?

1 A Yeah.

2 Q Which one's that? Oh, you're right, you're
3 right, I apologize, www.nysamps.org. Is that a third
4 website owned by Ananda Marga, Inc.?

5 A It's a website that's kind of left there a
6 little bit out of date. We are not -- it's not an active
7 updated. Yeah.

8 Q So of these five pages, these are all pages
9 from the three websites of Ananda Marga, Inc., correct?

10 A These are websites legally owned by Ananda
11 Marga, Inc., yeah. But it's not our website that puts
12 out the official statements of Ananda Marga, Inc., yeah.

13 Q Okay. But these were posted on Ananda Marga,
14 Inc.'s website, correct?

15 A As I mentioned these are web -- the domains are
16 legally owned by Ananda Marga, Inc., yeah.

17 MR. OBITTS: At this time, Your Honor, I'd like
18 to move Exhibit 288, Defendants', into evidence.

19 MR. ERWIN: Same objection as before, Your
20 Honor.

21 THE COURT: Objection's overruled. Same
22 ruling. These will be admitted.

23 (Defendants' Exhibit D-288 admitted into evidence.)

24 Q (By Mr. Obitts) So if you could turn to the
25 second page of this exhibit, please? And that would be

1 www.AnandaMarga.us/service.html.

2 A Yes.

3 Q Do you see that?

4 A Yes.

5 Q Is it your testimony here today that the socio-
6 spiritual New York sector organization is the one that
7 puts information on this website? Or is Ananda Marga,
8 Inc.?

9 A Well --

10 Q Or is it both?

11 A It's a -- it's kind of a general formation,
12 yeah. I can't say Ananda Marga, Inc., because if we
13 wanted to make an official statement of the Ananda Marga,
14 Inc., we should decide on that so it's --

15 Q When you say --

16 A -- socio-spiritual.

17 Q When you say we should decide, there should be
18 a Board minute --

19 A Yeah.

20 Q -- that says to?

21 A The Board should decide what to write on the
22 website, how to write it, how to express Ananda Marga,
23 Inc., is. Yeah.

24 Q Now, we've previously went through the duties
25 of the board of directors.

1 A Uh-huh.

2 Q No where in there is there a duty for them to
3 talk about managing the day-to-day affairs of Ananda
4 Marga, Inc., correct?

5 A Sorry?

6 Q No where under the duties --

7 A Uh-huh.

8 Q -- does the board of directors in the amended
9 bylaws, whatever version you want to pick --

10 A Uh-huh.

11 Q -- does it say that the board of directors are
12 to manage the day-to-day affairs of Ananda Marga, Inc.?

13 A I have to look at the document if you are
14 saying like that. But my understanding is the board of
15 directors manage the day-to-day affairs and the officers.

16 Q But you wouldn't disagree with whatever the
17 bylaws state, would you?

18 A Well, whatever is in the bylaws I cannot
19 disagree with it. Yeah.

20 Q Well, throughout the course of all the Board
21 minutes that you all had provided us.

22 A Uh-huh.

23 Q The Board of Ananda Marga, Inc., really hasn't
24 done anything, have they?

25 A I don't know. I mean the Board has managed the

1 organization. So --

2 Q It's not in any of those minutes, is it, that
3 we've gone through, correct?

4 A We didn't go through all the minutes. Some
5 were not admitted also.

6 Q Okay. Well, let's take a look at this, and
7 maybe you'll change your mind as to who this really
8 belongs to.

9 A Okay.

10 Q How's that sound? Let's go to the last
11 paragraph. It says if you would like to take part in
12 this work through volunteering or by donations and cash
13 or kind, please contact us. Click on some of the links
14 to the right and find out more about our social work.

15 A Okay.

16 Q Correct? And then there's a donate to Ananda
17 Marga, in a click, you can put in the amount and all that
18 good stuff. Donating to.

19 A Yes.

20 Q That money goes to Ananda Marga, Inc., does it
21 not?

22 A Yes.

23 Q Let's go to the -- page three.

24 A Okay.

25 Q All right? And one again you've got the donate

1 to Ananda Marga on the left hand side, enter amount, at
2 the bottom it says Ananda Marga and New York sector. Do
3 you see that?

4 A Yes.

5 Q Once again that money goes to Ananda Marga,
6 Inc., correct?

7 A Yes. It's the same model, it repeats in every
8 page.

9 Q There we go. So I won't have to do that again.
10 Let's go to page five of the document then. And this is
11 Ananda Marga and New York sector history.

12 A Correct.

13 Q And let me know if I'm reading this correctly.
14 By 1970 -- second paragraph from the bottom, okay?

15 A Okay.

16 Q By 1970 Ananda Marga had become a global
17 organization with branches in Europe, America, Africa,
18 Asia, and Aust -- Australasia. The seed that was planted
19 in the humble Indian village back in 1955 has today grown
20 to a vibrant global network of me and women whose desires
21 is to serve God by serving humanity across national,
22 economic, or ideological barriers. Did I read that
23 correctly?

24 A Yes.

25 Q And God there is Reverend Baba?

1 A It's God only. Service to God.

2 Q What does God stand for?

3 A G-o-d, God.

4 Q Yes.

5 A G, generator; O, operator; D, destroyer.

6 Q Generator, operator, destroyer?

7 A It creates, maintains, destroys.

8 Q And was Reverend Baba God?

9 A This definition doesn't apply to Baba.

10 Q So Reverend Baba was not generator, operator,
11 and destroyer?

12 THE COURT: That's what he just said.

13 MR. OBITTS: Okay.

14 THE COURT: He said it doesn't apply to him.

15 MR. OBITTS: I just wanted to make sure.

16 Q (By Mr. Obitts) All right. And then going on
17 to the next sentence, it says today Ananda Marga is a
18 worldwide organization with spiritual and social activity
19 centers in different countries of the world. Did I read
20 that correctly?

21 A You read correctly.

22 Q Likewise on page seven it's entitled history
23 two. And it's Ananda Marga.us cite and likewise the last
24 two paragraphs state the same thing about the history of
25 the organization, correct?

1 A Is it not repetition, the whole -- the same
2 thing?

3 Q Okay. Thank you.

4 A This page must be the old one and the other one
5 was updated and it remained there.

6 Q Okay. Were you in charge of monitoring the
7 mail group owner hyphen New York hyphen news at
8 nysamps.org?

9 A Can you repeat?

10 Q Sure thing. Why don't we go to Exhibit --
11 Defense Exhibit 215, that way I don't have to read it
12 out. Do you have that in front of you? I'm sorry. Feel
13 free to --

14 A 215?

15 Q -- drink some water, because you've been
16 talking a lot.

17 A Yes.

18 Q So Defendants' 215. And this is an email dated
19 June 3rd, 2006, from Dada Vimalashananda to [ny-
news@nysamps.org](mailto:ny-
20 news@nysamps.org), correct?

21 A Yes.

22 Q And my question to you is NY -- were you the
23 moderator of the Listserv for NY-news@nysamps.org in
24 2006?

25 A Yes, I think in 2006 I was the moderator.

1 Q And the owner of this Listserv is Ananda Marga,
2 Inc., is it not?

3 A The -- the legal owner is Ananda Marga, Inc.,
4 yeah.

5 Q Okay.

6 MR. OBITTS: Your Honor, I'd like to move
7 Exhibit 215 into evidence for the sole purpose of showing
8 -- actually he -- I don't need to move it in. He's
9 already said it so I don't need it.

10 THE COURT: You have a buy; good.

11 Q (By Mr. Obitts) If you could go to Exhibit
12 224, Defendants'. Do you have that document in front of
13 you?

14 A Yes.

15 Q And this is a notice you put on the Listserv,
16 correct, on March 26th, 2007.

17 A Okay, yes.

18 Q And in it state in relevant part, welcome to
19 the New York News, this list will continue to provide
20 good news of the work and activities of Ananda Marga and
21 is published by the Ananda Marga sectorial office in New
22 York, correct?

23 A Correct.

24 Q If you'd go to the end of it, it says the
25 following physical address is associated with this

1 mailing list, Ananda Marga, Inc. Did I --

2 A Yes.

3 Q -- read that correctly?

4 A That's the physical address associated with the
5 list, yes.

6 MR. OBITTS: Your Honor, I'd like to move
7 Exhibit 224 into evidence, it has not been stipulated to.

8 MR. ERWIN: Same objection to foundation.

9 THE COURT: 224 will be admitted, I'll note the
10 objection.

11 (Defendants' Exhibit D-224 admitted into evidence.)

12 Q (By Mr. Obitts) Isn't it true that the New
13 York sector paid the dues for Tirthananda to Central?

14 A sorry.

15 Q Isn't it true that the New York sector paid the
16 dues for Tirthananda to Central?

17 A No.

18 Q Let's go to Defendants' Exhibit 314 then. And
19 this document has been stipulated to.

20 MR. OBITTS: Your Honor, do I need to keep
21 saying that or not?

22 THE COURT: No.

23 MR. OBITTS: Okay.

24 THE COURT: You can refer to it if it's already
25 admitted.

1 MR. OBITTS: Okay. Thank you.

2 THE COURT: If it's stipulated, it's deemed
3 admitted, it's in my pretrial order.

4 MR. OBITTS: Thanks.

5 Q (By Mr. Obitts) Going to the second page of
6 this document.

7 A Yes.

8 Q Right in the middle, right next to the spine of
9 the middle binder it says, Regarding your central dues I
10 think that it could be managed by the following up the
11 present regular donors to the SS.

12 A Okay.

13 Q And this is an email from you to Tiirthananda,
14 correct?

15 A Right.

16 Q So let me ask you the question again. Did the
17 sectorial office pay for the Central dues for
18 Tiirthananda?

19 A No.

20 Q Okay.

21 A Donors I mean, personal donors.

22 Q Oh, donors paid for his dues?

23 A Yeah, it's regular --

24 Q Okay.

25 A -- personal donors.

1 Q Okay. I'm sorry.

2 A That's what's written there. Suggestion.

3 Q All right. So donors paid for his Central
4 dues. Thank you.

5 A That's a suggestion here.

6 Q All right. If we could go to Defendants'
7 Exhibit 310 which is a document that has not been
8 stipulated to. This document is a general power of
9 attorney, is it not?

10 A Yes.

11 Q Okay. And this document was produced in the
12 Rule 26(a) disclosures by the Plaintiffs to the
13 Defendants, correct?

14 A Yes.

15 Q This was a document that you found in the files
16 of Ananda Marga, Inc., did you not?

17 MR. OBITTS: Your Honor, I'd like this time,
18 I'd like to move 310 into evidence.

19 MR. ERWIN: Objection, lack of foundation.

20 MR. OBITTS: Your Honor, I'd also -- it's a
21 statement by a party opponent under Section 801(d)(2).

22 THE COURT: 310's --

23 MR. OBITTS: This is a document --

24 THE COURT: -- admitted.

25 MR. OBITTS: What?

1 THE COURT: D-310's admitted.

2 (Defendants' Exhibit D-310 admitted into evidence.)

3 Q (By Mr. Obitts) Let's take a look at this
4 document really quickly. And this document is a general
5 power of attorney from one sectorial secretary to another
6 sectorial secretary, correct?

7 A Correct.

8 Q And it reads on the top part Sushil Ghosh,
9 a/k/a Acarya Devashraddhananda Avadhuta current sectorial
10 secretary, spiritual director, board chair, and president
11 and CEO of Ananda Marga Pracaraka Samgha New York sector
12 hereafter the mission and legally known as Ananda Marga,
13 Inc. Did I read that correctly?

14 A Yes

15 Q Then moving down, it says as -- this is the
16 last long sentence in the first paragraph. It starts as
17 Acarya Dhyaneshananda, do you see that?

18 A Yes.

19 Q As Acarya Dhyaneshananda Avadhuta is the
20 successor sectorial secretary, spiritual director, board
21 chair, and president and CEO of Ananda Marga Pracaraka
22 Samgha New York sector legally known as Ananda Marga,
23 Inc. -- did I read that correctly?

24 A Yes.

25 Q And then it goes on to do what the attorney in

1 fact is. As my successor, my attorney in fact will have
2 the full power and authority to do and perform all and
3 every act and things whatsoever requisite and necessary
4 to be done as fully and to all intents and purposes as I
5 might and could do if personally present including by not
6 limited to the execution of deeds conveying real estate
7 with full power of revocation hereby ratifying and
8 confirming all that these attorney in fact may lawfully
9 do or cause to be done by virtue hereof and doing
10 anything lawful, necessary, and proper concerning any and
11 all matters of these and other corporations under the
12 jurisdiction of Ananda Marga Pracaraka Samgha New York
13 sector without restriction. Did I read that correctly?

14 A Yes, you read correctly.

15 Q And this is dated June 9th, 1998, correct?

16 A 1999, yes.

17 Q Thank you. Are you ready now to admit that
18 there is no distinction between socio-spiritual New York
19 sector and Ananda Marga, Inc.?

20 A No.

21 MR. ERWIN: Objection, asked and answered.

22 THE COURT: Sustained.

23 Q (By Mr. Obitts) Isn't it true that if Fernando
24 Kumar or Dada Tiirthananda was not the sectorial
25 secretary at the time of the purported amendment in 2006,

1 that such amendments are invalid?

2 A It's a -- can you repeat that?

3 Q Sure. It took us 45 minutes at your deposition
4 to do this one, do you remember that?

5 A Right.

6 Q Okay. So let's -- hopefully we'll do it on the
7 first try. Or second try now. Isn't it true that if
8 Tiirthananda was not the sectorial secretary of the New
9 York sector at the time of the purported amendments in
10 2006 of the bylaws of Ananda Marga, Inc., that such
11 bylaws are invalid?

12 MR. ERWIN: Calls for speculation, objection.

13 THE COURT: Overruled.

14 THE WITNESS: The bylaws for Ananda Marga,
15 Inc., they are for sectorial secretary of Ananda Marga,
16 Inc. You said sectorial secretary of the New York
17 sector.

18 Q (By Mr. Obitts) Is there a distinction between
19 sectorial secretary of New York sector and sectorial
20 secretary of Ananda Marga, Inc.?

21 A Most of the time has been same person. But
22 when we are talking about Ananda Marga, Inc., we refer
23 more specifically sectorial secretary of Ananda Marga,
24 Inc. And suppose he was not --

25 THE COURT: Okay. Don't suppose anything, he's

1 going to rephrase his question.

2 THE WITNESS: Okay.

3 THE COURT: Go ahead.

4 THE WITNESS: Please.

5 Q (By Mr. Obitts) Okay. Well, let me back this
6 up then. Is it the case that Dada Vimalananda is the
7 sectorial secretary of the socio-spiritual organization
8 and that Dada Tiirthananda is the sectorial secretary of
9 Ananda Marga, Inc., right now?

10 A No.

11 Q Okay. Why not?

12 A Because it's not. It's just --

13 Q It just isn't?

14 A -- posted by the right authority.

15 Q Dada Vimalananda was posted by the general
16 secretary, correct?

17 A Okay.

18 Q Yes?

19 A I don't know. I -- I mean that's what is
20 written in the posting order, general secretary. But if
21 that general secretary's recognized or not, that's
22 another point.

23 Q In 2006, you previously testified that you
24 recognized Dhruvananda as the general secretary of AMPS,
25 correct?

1 MR. ERWIN: That misstates the --

2 THE WITNESS: I don't remember.

3 MR. ERWIN: -- chara -- the testimony of the
4 witness.

5 THE COURT: Sustained.

6 Q (By Mr. Obitts) So let's ask the question
7 again, the long one. Ready?

8 A Okay.

9 Q Is it true that if Tiirthananda was not the
10 sectorial secretary of Ananda Marga, Inc., at the time of
11 the purported bylaw changes in 2006 that such bylaw
12 changes were invalid?

13 A If he were not the sectorial secretary of
14 Ananda Marga, Inc., at the time, there would be another
15 sectorial secretary of Ananda Marga, Inc. And we don't
16 know if that sectorial secretary of Ananda Marga, Inc.,
17 would have approved or not.

18 Q Fair enough. But just listen to my question.
19 My question is this and I'll try to take it down. I'm
20 asking you to think about the fact if Tiirthananda was
21 claiming that he was the sectorial secretary when he was
22 in fact not the sectorial secretary of Ananda Marga,
23 Inc., at the time of the purported bylaw changes, such
24 bylaw changes would be invalid.

25 MR. ERWIN: Objection, asked and answered. He

1 clearly answered the question.

2 THE COURT: No, he didn't. He gave him his
3 answer.

4 THE WITNESS: Okay. Could you repeat --

5 THE COURT: If Tiirthananda was not the
6 sectorial secretary of AMI or the New York sector at the
7 time that the amendments were made in 2006, does that
8 mean that those bylaw amendments were invalid. Do you
9 agree with that question or not?

10 THE WITNESS: If Tiirthananda was not the
11 sectorial secretary, it means the sectorial secretary
12 would not have approved. So if the sectorial secretary
13 didn't approve, then the bylaws are invalid according to
14 the procedures of --

15 THE COURT: Okay.

16 THE WITNESS: -- the -- yeah.

17 THE COURT: Which is why he's asking you that.

18 THE WITNESS: Okay.

19 MR. OBITTS: Thank you.

20 Q (By Mr. Obitts) If we could go to Defense
21 Exhibit 203, please. Defendants' Exhibit 203. Do you
22 have that document in front of you?

23 A Yes.

24 Q And this was an email that was sent out by the
25 board of directors of Ananda Marga, Inc., on March 11th,

1 2006, correct?

2 A Correct.

3 Q Let's talk about this briefly, this email. It
4 says that the Ananda Marga Pracaraka Samgha, AMPS,
5 organization was founded by Baba in 1955 to propagate his
6 ideology. Correct?

7 A Correct.

8 Q Going down to -- under the heading of Ananda
9 Marga, Inc.: Ananda Marga, Inc., is a non-profit
10 corporation set up in 1974 to be the primary legal entity
11 in the United States. AMPS Central headed by Acarya
12 Shradhdhananda Avadhuta, Purodha Pramukha is an
13 organization with which Ananda Marga, Inc., is
14 affiliated. AMPS Central has its central headquarters in
15 Ananda Nagar, India with its camp office in Ranchi,
16 India. Did I read that correctly?

17 A Yes.

18 Q And this document goes on to talk about the
19 reason for the changes in the bylaws, does it not?

20 A Yes.

21 Q Okay. It goes on to the top of the next page
22 the fourth line down it says the general secretary also
23 had total power to appoint the sectorial secretary, and
24 the sectorial secretary had unchecked power to determine
25 all workers and directors of Ananda Marga, Inc.,

1 therefore any sectorial secretary appointed by the
2 general secretary would have complete control over the
3 decisions and organizational assets of Ananda Marga, Inc.
4 Did I read that correctly?

5 A Yes.

6 Q Then going down to the fourth full paragraph,
7 it reads right in the middle it reads, the board of
8 directors also did not wish to exacerbate the
9 relationship between --

10 A I missed -- I missed.

11 Q Sure. In the same page --

12 A Yes.

13 Q -- right in the middle it's -- it starts with
14 the word the board of directors. It's above following
15 are the specific 2006 revisions. It's four lines up.

16 A Okay.

17 Q The board of directors also did not wish to
18 exacerbate the relationship between our sector and any
19 elements within AMPS Central and Ranchi. So formal
20 announcement was reserved for a subsequent, more
21 appropriate time and circumstance. Correct?

22 A Correct.

23 Q So the board of AM, Inc., was concerned about
24 what AMPS might do to it. So it decided to announce the
25 changes at a later time, correct?

1 A Not exact.

2 Q Then what exact?

3 A What's written there.

4 Q Okay. If we could go to Defendants' Exhibit
5 214 which has not been stipulated to. Do you have that
6 document in front of you?

7 A Yes.

8 Q And this is a letter from the Ananda Marga,
9 Inc., board of directors, correct?

10 A Yes.

11 Q That was sent on March 19th, 2010, correct?

12 A Yes.

13 MR. OBITTS: Your Honor, I'd like to move
14 Exhibit 214 into evidence.

15 MR. ERWIN: No objection, Your Honor.

16 THE COURT: 214's admitted.

17 (Defendants' Exhibit D-214 admitted into evidence.)

18 Q (By Mr. Erwin) And in the March 19th, 2010,
19 letter it states about the legal status of Ananda Marga,
20 Inc., and it reads in relevant part below our legal
21 status, do you see that? Are you following along? Below
22 our legal status?

23 A Okay, yes.

24 Q Ananda Marga, Inc., is a nonprofit corporate
25 set up in 1974 to be the primary corporate legal entity

1 in the United States representing the interests of Ananda
2 Marga projects and adherents of New York sector. We as
3 Ananda Marga, Inc., Board members consider ourselves
4 stewards of the mission, a duty we take very seriously.
5 Did I read that correctly?

6 A Yes.

7 MR. ERWIN: Objection, this is all highly
8 cumulative.

9 THE COURT: Well, I presume he's got a point
10 for this part of it, so we're going to give him a little
11 bit of leeway, but both you guys are way past your four
12 hours that you put in your trial management order witness
13 list. So we're going to finish this cross-examination
14 and then we're going to severely narrow if not eliminate
15 any further examination of this witness. So how much
16 more do you have with this exhibit?

17 MR. OBITTS: Well, this -- I'm done with that
18 exhibit.

19 THE COURT: Okay.

20 MR. OBITTS: I'm just trying to deal with the
21 stipulation.

22 THE COURT: Okay.

23 Q (By Mr. Obitts) If you could pull up Defense
24 Exhibit 220 which has not been stipulated to. Do you
25 have the document in front of you?

1 A Yes.

2 Q And this is an email that you sent out on
3 February 18th, 2009, correct?

4 A Correct.

5 MR. OBITTS: Your Honor, at this time I'd like
6 to move Exhibit 220 into evidence.

7 MR. ERWIN: Same objection as to foundation,
8 Your Honor.

9 THE COURT: He said it's his email that he
10 sent. How is this relevant to what we're --

11 MR. OBITTS: It's relevant --

12 THE COURT: -- going through here?

13 MR. OBITTS: -- in that it says here because
14 they keep on this distinction of socio-spiritual versus
15 Ananda Marga, Inc. So I'm trying to pile on the evidence
16 to show that that's something that's not true so if you
17 go to the support sectorial office click here, I'm going
18 to ask him the question, where does the money go to and
19 his answer's going to be Ananda Marga, Inc.

20 THE COURT: Okay. Fair enough, the objection's
21 overruled. D-228 (sic) is admitted.

22 (Defendants' Exhibit D-220 admitted into evidence.)

23 Q (By Mr. Obitts) So, Rainjitananda, on page two
24 when it says support the sectorial office, click here.
25 Where does the click here go to?

1 A Where I --

2 Q On the --

3 A Okay.

4 Q -- second page beneath your signature, it says,
5 support the sectorial office, click here, do you see
6 that?

7 A Yes.

8 Q My question to you is where does the money go
9 if you pay online?

10 A If you pay online the money goes to Ananda
11 Marga, Inc.

12 Q Thank you. Going to Exhibit 221 that has not
13 been stipulated to. This is a document dated November
14 21st, 2008, correct?

15 A Yes.

16 Q And this is from NYS-org and is that a listserv
17 that you moderated?

18 A Yes.

19 Q And this is an email that you sent or an email
20 that you sent on November 21st, 2008, correct?

21 A Correct.

22 MR. OBITTS: Your Honor, I'd like to move
23 Exhibit 221 into evidence.

24 MR. ERWIN: No objection, Your Honor.

25 THE COURT: Okay. That'll be admitted.

1 (Defendants' Exhibit D-221 admitted into evidence.)

2 Q (By Mr. Obitts) I'm going to ask you two --

3 THE COURT: I wanted to clarify a moment ago
4 that I referenced Exhibit D-228 as being admitted, but it
5 was actually D-220, was it not?

6 MR. OBITTS: D-220, Your Honor.

7 THE COURT: All right. I apologize. That was
8 my mistake.

9 Q (By Mr. Obitts) In this document, this is a
10 document from --

11 A Which --

12 Q -- the New York --

13 A -- one are we on now?

14 Q On, 221.

15 A Okay.

16 Q Is it your testimony here today that this is a
17 document prepared by the New York sectorial office or by
18 Ananda Marga, Inc.? Or by the same, one in the same?

19 A That's basically prepared by a Margii, he
20 volunteered to -- he wanted to help the sectorial office.

21 Q Okay. And --

22 A And he requested if he could send it through
23 that Listserv and I said yes.

24 Q Okay.

25 A Yeah.

1 Q Fair enough.

2 Q And the Ananda Marga Chase bank account with
3 the number on it which probably should have been redacted
4 out, but is that the bank account and the routing number
5 of Ananda Marga, Inc.?

6 A Yeah. The money was destined to the building,
7 yeah.

8 MR. OBITTS: And if it please the Court, I'm
9 happy have that -- the actual numbers stricken.

10 THE COURT: Definitely should. I just struck
11 it from mine, so --

12 MR. OBITTS: Thank you.

13 Q (By Mr. Obitts) If we could do Exhibit 343,
14 we're going to do a series of exhibits that have not been
15 stipulated to that are letters from Ananda Marga, Inc.

16 A Which number?

17 Q It's going to start with 343, Defendants'. Do
18 you have that document in front of you?

19 A Yes.

20 Q And this is a document on the letterhead of
21 Ananda Marga, Inc., is it not?

22 A Yes.

23 Q And it's signed by Daneshananda who you
24 previously testified to was the corporate secretary and
25 officer and board member of Ananda Marga, Inc., correct?

1 A Plus the sectorial office secretary --

2 Q Correct.

3 A -- of Ananda Marga socio-spiritual.

4 Q And this is Bate stamped P00645 on the bottom,
5 correct?

6 A Yes.

7 Q And this was a document that you all produced
8 in discovery to us of records kept in the Ananda Marga,
9 Inc., files, correct?

10 A It's the same as the previous documents, kept
11 in the Ananda Marga mixed files, yeah.

12 Q And those documents were in your possession,
13 correct?

14 A Yes.

15 MR. OBITTS: Your Honor, I'd like to move
16 Exhibit 343 into evidence.

17 THE COURT: Same objection, Mr. Erwin?

18 MR. ERWIN: Yes, Your Honor.

19 THE COURT: Same ruling. 343's admitted.

20 (Defendants' Exhibit D-343 admitted into evidence.)

21 Q (By Mr. Obitts) If we could look at Exhibit
22 344, 345, 346 -- actually 345 has already been stipulated
23 to as being admitted even though it's in the same
24 sequence of Bate stamped numbers as other ones that they
25 have not stipulated to.

1 A So which ones should I look at?

2 Q 3 -- so we want to do 344, 346.

3 A 344 and 346?

4 Q Yeah. Look at those at the same time. These
5 are letters from Ananda Marga, Inc., correct?

6 A Yes.

7 MR. OBITTS: Your Honor, I'd like to move them
8 into evidence. It's a statement by a party opponent.

9 THE COURT: Any objection?

10 MR. ERWIN: No objection, Your Honor.

11 THE COURT: 344, 346 Defendants' Exhibits are
12 admitted.

13 (Defendants' Exhibit D-344 and D-346 admitted into
14 evidence.)

15 Q (By Mr. Obitts) If you could turn to Defense
16 Exhibit 293, please. Do you have that in front of you?

17 A Yes.

18 Q And this is a letter dated July 25th, 1996,
19 from Ananda Marga, Inc., correct?

20 A That's on the letterhead of Ananda Marga, Inc.

21 Q I'm asking you do you know if this is a letter
22 of Ananda Marga, Inc.?

23 A I don't know --

24 THE COURT: What exhibit is it?

25 MR. OBITTS: Exhibit 293 -- Defendants' Exhibit

1 293.

2 THE WITNESS: It's not the same as the other
3 one, no, I don't -- it looks similar. Oh, it's a little
4 bit different, yeah.

5 Q (By Mr. Obitts) This is a document that
6 contains the financial records of P00673 of Ananda Marga,
7 Inc., correct?

8 A It's written there. I don't have personal
9 knowledge if that's the fact.

10 Q Okay. You found this in the corporate files of
11 Ananda Marga, Inc.?

12 A Not -- not in the corporate files, in the same
13 mixed files I mentioned before.

14 Q The mixed files of socio-spiritual and
15 corporate Ananda Marga, Inc., files?

16 A It's in the same office, so some files
17 overlapped. But it's not like an exclusive corporate
18 record.

19 MR. OBITTS: Your Honor, I'd like to submit
20 Exhibit 293 into evidence as a statement by a party
21 opponent.

22 MR. ERWIN: Objection, foundation.

23 THE COURT: Overruled. 293 is admitted. The
24 objection goes to the weight.

25 (Defendants' Exhibit D-293 admitted into evidence.)

1 Q (By Mr. Obitts) What is the Crimson Dawn?

2 A It's a newsletter with news about Ananda Marga
3 and -- yeah.

4 Q It's a newsletter of Ananda Marga, Inc., is it
5 not?

6 A It's a general newsletter of Ananda Marga and
7 New York sector.

8 Q Is it the newsletter of Ananda Marga, Inc., or
9 are you saying it's the newsletter of what you're calling
10 the socio-spiritual Ananda Marga New York sector?

11 A As far as my knowledge it's socio-spiritual,
12 yeah.

13 Q Is it your understanding as the sectorial
14 office secretary that the Crimson Dawn was published on a
15 periodic basis starting back in 1972?

16 A I don't know exactly when it started, yeah.

17 Q But you understand in the early 1970's correct?

18 A I think so.

19 Q Okay. And it was published on a periodic
20 basis, correct?

21 A I don't know how regular they were, yeah. I
22 know there are many, but I don't know how regular they
23 publish.

24 Q Okay.

25 A Yeah.

1 MR. OBITTS: Your Honor, I have exhibits 1
2 through basically 90 or something like that which are
3 Crimson Dawns, and I can either get them in really fast
4 through this guy or we can go with another witness and
5 make it painful.

6 THE COURT: Well, I mean if he has knowledge of
7 it -- has he seen these before?

8 THE WITNESS: Only some, I mean --

9 THE COURT: Okay. Why don't --

10 THE WITNESS: The latest one.

11 MR. OBITTS: I mean I can get them in under the
12 ancient document prior to 19 -- prior to 19 -- what year
13 are we -- 1991. So --

14 THE COURT: I -- your trial exhibit list shows
15 D-1 through D-68.

16 MR. OBITTS: Okay. So, 68 --

17 THE COURT: Is there something --

18 MR. OBITTS: -- of them.

19 THE COURT: -- more than that?

20 MR. OBITTS: And then there's two more that are
21 later on in the high 200's or something like that.

22 THE COURT: Okay. Why don't we go ahead and
23 take lunch, we'll give the witness the opportunity over
24 lunch to review those exhibits at his leisure so that we
25 can establish some foundation. Let me be clear, I

1 understand the witness is a critical witness to the
2 underlying dispute. And so when I read your trial
3 management order and saw each of you had anticipated four
4 hours of inquiry from this witness, to say that you had
5 my attention is an understatement. But you're way beyond
6 that, both of you are at this point --

7 MR. ERWIN: Your Honor --

8 THE COURT: -- and so --

9 MR. ERWIN: -- I don't believe I went past my
10 hour hours.

11 THE COURT: Oh, yeah, you did.

12 MR. ERWIN: Did I?

13 THE COURT: Yes, you did. I'll go back and
14 count it if I need to on the record, but you certainly
15 did. And so I'm going to narrow any redirect to 30
16 minutes and any subsequent recross if it's appropriate
17 will be to 30 minutes. Because at the rate we're going,
18 Counsel, I know we set a lot of time aside for this case
19 but it doesn't mean that you come in and you're
20 inefficient in how you present it.

21 I know there's a lot of detail, I know there's
22 a lot of meat on the bone here. I'm listening to that,
23 I've got two full legal pads exhausted through this
24 thing, you know, you have my attention, but I don't have
25 to -- and the rules specifically provide under Rule 403

1 and Rule 611, I can and will going forward apply those
2 rules to the mode and method of your interrogation and
3 specifically to Rule 403 to cumulative testimony,
4 repetitive testimony. We're not going to do that. And
5 frankly at one point certainly a couple points with the
6 witness he's said thank you for the interjection. So at
7 some point he's not going to agree with you, Mr. Obitts.

8 MR. OBITTS: I understand that.

9 THE COURT: You know? So --

10 MR. OBITTS: I'm just -- yeah, I'm --

11 THE COURT: -- the record is clear. So let's
12 try to enhance our efficiency, go over the lunch hour,
13 sir, what I'm going to ask you to do, Mr. Rainjitananda,
14 Mr. Teixeira, go through those exhibits, take a look at
15 them so you have some familiarity at least with what he's
16 going to be asking you about. Okay?

17 THE WITNESS: Okay.

18 THE COURT: D-1 through 68.

19 THE WITNESS: Okay.

20 THE COURT: So let's come back at 1:30. Thank
21 you.

22 MR. OBITTS: Thank you, Your Honor.

23 THE COURT: Court's in recess.

24 (Whereupon a recess was taken.)

25

1 AFTERNOON SESSION, MAY 10, 2011

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

4 THE CLERK: All rise. Courtroom 259 is back in
5 session.

6 THE COURT: Please be seated. Come on up.
7 Okay. Mr. Obitts, go ahead.

8 MR. OBITTS: Okay.

9 RUBENS TEIXEIRA

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

12 CROSS-EXAMINATION (Continued)

13 BY MR. OBITTS:

14 Q Okay. Before we took the lunch break, we were
15 talking about the Crimson Dawn and His Honor asked you to
16 review 1 through 68. Did you have the opportunity to do
17 so?

18 A Yes.

19 Q And are those your understanding of the Crimson
20 Dawn of Ananda Marga Yoga Society and Ananda Marga, Inc.,
21 during that time period?

22 A Can --

23 Q Sure. Is it -- is it your understanding that
24 those documents were the Crimson Dawns of Ananda Marga
25 Yoga Society and then Ananda Marga, Inc., during that

1 period of time?

2 A Okay. I looked quickly at the magazines, they
3 are very old magazines. I don't have any previous
4 knowledge of those magazines. So -- and I don't keep
5 them in my office.

6 Q Okay.

7 A I don't have copies.

8 Q Okay.

9 A Yeah.

10 THE COURT: So you'll have to get it through
11 another witness it sounds like.

12 MR. OBITTS: Not a problem, Your Honor. Thank
13 you. All right. Moving along, believe it or not, I only
14 have a few questions left. So that lunch break was
15 fortuitous.

16 Q (By Mr. Obitts) You testified previously --
17 correct me if I'm wrong -- that the Ananda Marga, Inc.,
18 Board never heard from Central that it was displeased
19 with the Board's changing its bylaws; is that correct?

20 A I don't remember that.

21 Q Okay. Isn't it true that shortly after the
22 amendments to the bylaws that Central authorities
23 contacted the board of directors of Ananda Marga, Inc.,
24 to inform them that they were displeased with the changes
25 of the bylaws?

1 A Are you referring to a particular document?

2 Q I'm referring to your knowledge.

3 A My -- my memory?

4 Q Yes.

5 A I -- I don't know exactly.

6 Q Okay.

7 A Yeah.

8 Q Okay. Why don't you turn then to -- to help
9 refresh your recollection, why don't we turn then to
10 Defendants' Exhibit 306. Do you see this document?

11 A Yes.

12 Q Okay. And this is a document that was produced
13 by you with -- is that Dada R at the top, is that you?

14 A Yes.

15 Q And this was produced from your computer files?

16 A Yes.

17 Q And it was kept there in the ordinary course of
18 your business practice?

19 A As I mentioned before, yes.

20 MR. OBITTS: Okay. Your Honor, at this time
21 I'd like to move Exhibit 306 into evidence.

22 MR. ERWIN: No objection, Your Honor.

23 THE COURT: 306 will be admitted without
24 objection. D-306.

25 MR. OBITTS: D-306, I'm sorry.

1 (Defendants' Exhibit D-306 admitted into evidence.)

2 Q (By Mr. Obitts) If you could turn to D-308,
3 please, Mr. Rainjitananda.

4 A Yes.

5 Q And this is a series of letters, is it not,
6 from Central to the board of directors of Ananda Marga,
7 Inc.?

8 A From Ananda Marga Pracaraka Samgha in India.

9 Q To --

10 A To the board of directors of Ananda Marga,
11 Inc., yes.

12 Q Do you recall receiving these letters?

13 A I don't know if I received them directly.
14 Yeah, I --

15 Q Some of them in fact were given to a gentleman
16 by the name of Vishvadeva or Vish --

17 A Vishvadeva.

18 Q And who's that?

19 A Mr. -- Dr. Secrest.

20 Q Okay. And he's a Board member?

21 A Yes.

22 Q After reviewing these letters does that help
23 refresh your recollection as to whether or not the Ananda
24 Marga Pracaraka Samgha Central contacted the board of
25 directors to notify them about their displeasure?

1 A Yes.

2 Q Okay. Going to the first page of this exhibit,
3 it's Bate stamped P000564, is it not?

4 A Yes.

5 Q Okay. And this document was produced by you
6 all in discovery, correct?

7 A Correct.

8 Q And it was found in the files of Ananda Marga,
9 Inc., was it not?

10 A Yes.

11 Q Okay. And kept in the ordinary course of
12 business, correct?

13 A Right.

14 Q Okay. Likewise, number two is Bate stamped
15 P000569, and it was similarly kept in the ordinary course
16 of business in the records of Ananda Marga, Inc.,
17 correct?

18 A Correct.

19 Q And it was produced by you all in discovery,
20 correct?

21 A Yes.

22 MR. OBITTS: Your Honor, at this time I will
23 redact the last three pages of the exhibit and just
24 submit the first two pages.

25 THE COURT: Any objection to D-308 in redacted

1 form?

2 MR. ERWIN: No objection, Your Honor.

3 THE COURT: D-308 is admitted in redacted form
4 without objection.

5 (Defendants' Exhibit D-308 admitted into evidence.)

6 THE COURT: You may proceed.

7 MR. OBITTS: Thank you.

8 THE COURT: So it's the last three pages that
9 are coming out, right?

10 MR. OBITTS: That is correct, Your Honor. Only
11 the ones with the P Bate stamp at the bottom are in.

12 Q (By Mr. Obitts) You testified previously --

13 A There is some --

14 Q Come again?

15 A In the same thing I see 288 here.

16 Q That's okay.

17 A Okay.

18 Q That's all right. Thank you though for being
19 helpful. If you could -- you previously testified that
20 the Purodha Board stayed indefinitely the October 30,
21 2005, transfer of Tiirthananda, do you recall that?

22 A Yes.

23 Q Okay. Isn't it true that on January 6, 2006,
24 the Purodha Board lifted the stay retroactively?

25 A Not to my knowledge.

1 Q Okay. Why don't you turn to Defendants'
2 Exhibit 208. Maybe this will help refresh your
3 recollection.

4 A I need another --

5 Q Do you have the document in front of you?

6 A Yes.

7 Q Could you please take a moment to review the
8 document, and then I'm going to ask you a question to see
9 if that helps refresh your recollection.

10 A Okay.

11 Q So I'm going to ask you the question again.
12 Isn't it true that on January 6th, 2006, that the Purodha
13 Board requested that Reverend -- Purodha Pramukha nullify
14 their orders retroactive?

15 A What the document says is that you are
16 requested to please recall your -- any previous order and
17 resolutions. I don't know much about this document. I
18 got it from the Defendants in discovery.

19 Q Okay. So you don't know then whether or not
20 the Purodha Board and Purodha Pramukha nullified the stay
21 of Dada Tiirthananda's posting?

22 A Based on this document it seems that there is
23 some request. But I don't know if the Purodha -- I know
24 that the Purodha Board was not allowed to meet after this
25 date. They were prevented from meeting the Purodha

1 Pramukha. So according to my knowledge, they didn't take
2 further resolutions and this is just a request.

3 Q Okay. And in fact do you recognize the
4 signature of Acarya Shraddhananda on this document?

5 A I don't know his signature.

6 Q You don't know his signature? So you don't
7 know whether or not that's his signature?

8 A I'm not sure if this is his signature.

9 Q That's fine, you can put that away. If you
10 could look then at Exhibit -- Defendants' Exhibit 392
11 then. Okay. Do you have the document in front of you?

12 A Yes.

13 Q And this purports to be an email dated January
14 11th, 2006, from Acarya Dhruvananda to the SS, SOS,
15 SWWS's.

16 A Right.

17 Q Correct?

18 A Correct.

19 Q Did you receive this email?

20 A I -- I received a similar email, I'm not sure
21 if it's this specific one I received. Yes.

22 Q You received this --

23 A I -- I just don't see my email address here,
24 that's why I was in doubt.

25 Q Okay.

1 A Yeah.

2 Q But you recall receiving this email, correct?

3 A Yes.

4 MR. OBITTS: Okay. Your Honor, I'd like to
5 move Exhibit 392 into evidence.

6 THE COURT: Objection to 392?

7 MR. ERWIN: No objection, Your Honor.

8 THE COURT: 392's admitted.

9 (Defendants' Exhibit D-392 admitted into evidence.)

10 Q (By Mr. Obitts) Isn't it true that the Purodha
11 Board never declared a serious controversy in writing in
12 the 2005 time frame?

13 A I cannot say anything about that.

14 Q So you don't know whether or not one way or the
15 other that the Purodha Board did or did not declar --

16 A Well, I --

17 Q -- this serious controversy? In writing.

18 A I don't know. I know that --

19 MR. OBITTS: Move --

20 THE WITNESS: -- only the Purodha Board --

21 MR. OBITTS: Move to strike --

22 THE WITNESS: -- I don't know that.

23 MR. OBITTS: -- the remainder. Okay. Thank
24 you.

25 THE WITNESS: Yeah.

1 Q (By Mr. Obitts) If you could -- a little
2 housekeeping, if you could turn to Defendants' Exhibit
3 206, it's a document that has not been stipulated to. Do
4 you have this document? I'm sorry.

5 A Yes.

6 Q Okay.

7 A And this document is a letter from Ananda
8 Marga, Inc., dated April 11th, 1995, correct?

9 A That's what's in the letterhead, yes.

10 Q Do you have any knowledge of this letter?

11 A No.

12 Q Do you know the signature of Nada
13 Devashraddhananda?

14 A I think it's his signature, but I wouldn't
15 remember -- I can compare it to other ones, but I would
16 trust that it's his signature.

17 Q So you believe it's his signature?

18 A Yes.

19 MR. OBITTS: Your Honor, at this time I'd like
20 to move Exhibit 206 into evidence.

21 MR. ERWIN: Objection, lack of foundation.

22 THE COURT: Sustained.

23 Q (By Mr. Obitts) I don't mean to get into some
24 personal stuff here, but isn't it true that the
25 Intervenors specifically the general secretary

1 Dhruvananda stripped you of your titles?

2 A The general secretary doesn't have the
3 authority to strip me of my titles.

4 Q I understand that. I'm just asking you if he
5 -- if he did attempt to do that. Whether or not it was
6 valid or not, all I'm asking you is did he send you a
7 letter claiming that your titles have been stripped?

8 A He sent some letter claiming that.

9 Q Okay. Isn't it true also that the in 2009
10 Dhruvananda posted you elsewhere?

11 A He cannot post me in 2009 elsewhere.

12 Q Okay. Then let's do it this way. You don't
13 recognize the posting in 2009, do you?

14 A Of Dhruvananda -- by Dhruvananda?

15 Q Yes.

16 A No.

17 Q But is it in fact true that he did post you
18 elsewhere but that you just don't recognize the posting,
19 correct?

20 A No, he send a letter or somebody handed me some
21 order saying that I'm posted somewhere by him but that's
22 it.

23 Q Okay. Let's go to Defendants' Exhibit 193
24 then.

25 A Which number?

1 Q 193. Do you have it in front of you?

2 A Yes.

3 Q Did you ever see this document?

4 A Yes.

5 MR. ERWIN: Objection to relevance.

6 MR. OBITTS: Your Honor, this goes to the whole
7 Serbian Orthodoxy case. The people --

8 THE COURT: Overruled.

9 Q (By Mr. Obitts) And what'd you do with your
10 copy of it?

11 A I think I forgot somewhere.

12 Q But this is a true and accurate copy of the
13 document that you received, correct?

14 THE COURT: Is this D-193?

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

16 THE COURT: It's already been admitted.

17 MR. OBITTS: It has?

18 THE COURT: At least on the record I have in
19 front of me, it's stipulated.

20 MR. OBITTS: I apologize, Your Honor.

21 Q (By Mr. Obitts) We're to the last question
22 believe it or not. If you could turn to Plaintiffs' --
23 Defendants' Exhibit 299, please. This document has
24 already been admitted, I just need to know who some of
25 these people are. Who -- in July 6th, 2010, who was the

1 general secretary of the Kolkata faction?

2 A July 6th, I think it was Dada Ravishananda.

3 Q How do you spell that one?

4 A R-a-v-i-s-h-a-n-a-n-d-a. But I'm not 100
5 percent sure by the date.

6 Q And who is Sarveshvarananda?

7 A Dada Sarveshvarananda, president of the Kolkata
8 administration.

9 Q And Sambutyaranda (phonetic), who's that?

10 A It's one of the Acaryas in Kolkata, I don't
11 know exactly his position.

12 Q Isn't it true that Acarya Haratmananda was also
13 part of the Kolkata faction administration?

14 A Yes.

15 Q And what title does he have -- or did he have?

16 A Did he have?

17 Q Yeah.

18 A I'm not 100 percent sure.

19 Q Okay. So he can tell us himself. Were you
20 surprised when the Kolkata faction informed the board of
21 directors of Ananda Marga, Inc., that they thought that
22 the bylaws change were in violation of the Carya'carya
23 and the teachings of Baba?

24 A They have their own way of thinking, yeah.

25 MR. OBITTS: Okay. Nothing further, Your

1 Honor.

2 THE COURT: Redirect. Limited in scope, let's
3 tighten it up.

4 REDIRECT EXAMINATION

5 BY MR. ERWIN:

6 Q Dada Rainjitananda, we -- Mr. Obitts talked a
7 lot about vows and conduct rules. Vows and conduct rules
8 are not part of the rules or regulations of Ananda Marga,
9 Inc., correct?

10 A Correct. Ananda Marga, Inc., is a corporation,
11 yeah.

12 Q Okay. Now, if the board of directors of Ananda
13 Marga, Inc., wanted to incorporate conduct rules or
14 conventions of AMPS into its bylaws, it could do so,
15 couldn't it?

16 A It --

17 Q And it did not, did it?

18 A Yes, it's allowed, they could --

19 MR. OBITTS: Objection, calls to the thoughts
20 of other Board members.

21 Q (By Mr. Erwin) And the board of directors has
22 never done that, has it?

23 A No, it never did that.

24 Q Okay. Now, if the bylaws say that AMPS GS, or
25 general secretary, has authority to appoint a sectorial

1 secretary and you know that there was more than one
2 person with that title of general secretary, doesn't the
3 board of directors have the right to determine for itself
4 who the person with that title is?

5 A Yes.

6 Q Okay.

7 A And we have to apply due diligence.

8 Q Okay. Can you turn to Defendants' Exhibit 362?

9 A It's not here. Thank you. Yes.

10 Q Okay. Now, this is an SEC resolution, correct?

11 A Correct.

12 Q And it's dated November 24, 25th, of 2005,
13 correct?

14 A Correct.

15 Q And that's obviously after October 30th of
16 2005. Now, who chaired this meet?

17 A Acarya Tiirthananda Avadhuta.

18 Q And under what capacity did he chair this
19 meeting?

20 A Sectorial secretary.

21 Q Did you attend this meeting

22 A Yes.

23 Q Did you sign these resolutions?

24 A I did.

25 Q Okay. Who -- did any of the Defendants attend

1 this mtg?

2 A Acarya Dharmapremananda Avadhuta.

3 Q Under what role?

4 A SES.

5 Q And what does that mean?

6 MR. OBITTS: Objection, Your Honor, he doesn't
7 know what role he in fact he was there under. Only that
8 person can testify to that role.

9 THE COURT: If he's testifying -- the witness
10 can testify from his independent knowledge. If he
11 doesn't know, he can say he doesn't know. Beyond that,
12 if you want to impeach him about it, then you're welcome
13 to do that. The objection's overruled.

14 Q (By Mr. Erwin) Go ahead and answer the
15 question, please.

16 A Acarya Dharmapremananda Avadhuta was the SES.

17 Q Okay. Did he claim at this meeting to be an
18 acting sectorial secretary?

19 A Not at all.

20 Q Okay. Who else -- what are the -- did any
21 other Defendants -- no other Defendants attended this
22 meeting. Okay. Can you look at number nine?

23 A Yes.

24 Q And it says, SEC endorsed the letter sent by
25 the ACP core group to the Purodha Board regarding the

1 recent transfers of Tiirthananda and Krsnananda. And
2 accompanying the letter is under preparation by the
3 members of the SEC to stress the overall concern of the
4 wholetimers, do you see that?

5 A Yes.

6 Q Did I read that correctly?

7 A Yes, you did.

8 Q Okay. Now, is this the ACB -- is this a letter
9 that was sent to the Purodha Board requesting them to
10 stay the transfer?

11 A The letter was sent to the Purodha Board but
12 was not saying exactly this to stay the transfer but was
13 expressing the Margiis' opinions and feelings, yeah.

14 Q Okay. Now, did --

15 A The Purodha Board took the decision to stay the
16 transfer.

17 Q Okay. Now, did Dharmapremananda object on
18 November 24th or 25th of 2005 to Tiirthananda chairing
19 this meeting as the sectorial secretary?

20 A No, he did not.

21 Q Did any one of these people that signed this
22 resolution object?

23 A No.

24 Q Okay.

25 A We all accepted.

1 Q Can you turn to Defendants' Exhibit 366,
2 please?

3 A Yes.

4 Q Okay. This is an SEC meeting, March 1st of
5 2006; is that correct?

6 A Correct.

7 Q And who chaired this meeting?

8 A Acarya Tiirthananda Avadhuta.

9 Q And what was his role in chairing this meeting?

10 A Sectorial secretary.

11 Q Now, this is after the purported February 28th
12 of 2006 posting of Vimalananda, correct?

13 A Correct.

14 Q Okay. Now, did Dharmapremananda also attend
15 this meeting?

16 A Yes.

17 Q And in what role?

18 A SES.

19 Q Okay. Did he object to Dada Tiirthananda
20 chairing this meeting as the sectorial secretary?

21 A No.

22 Q Okay. Did Defendant Vimalananda attend this
23 meeting? Do you --

24 A He also --

25 Q -- recall?

1 A -- attended -- he also attended the meeting.
2 He didn't sign the resolutions, because he left from the
3 place before I had prepared it.

4 Q Okay. But you specifically remember him
5 attending this meeting?

6 A Yes.

7 Q Okay. Did he object to Dada Tiirthananda as
8 the sectorial secretary?

9 A No.

10 Q Are there any resolutions were reflecting that
11 anyone objected to him chairing this meeting?

12 A I -- I didn't get the whole thing.

13 Q Okay.

14 A I -- I don't remember anybody objecting in the
15 meeting.

16 Q Okay. Now, again, the SEC -- the Ananda Marga,
17 Inc., board of directors or Ananda Marga, Inc., is not
18 subordinate to the SEC, correct?

19 A Correct.

20 Q Okay. Now, Avadhutas are not subordinate to
21 Purodhas; is that correct?

22 MR. OBITTS: Your Honor, these are now leading
23 questions.

24 THE COURT: Yeah, sustained.

25 Q (By Mr. Erwin) How -- let me ask you this:

1 You've already testified you're a Purodha, correct?

2 A Yes.

3 Q Is Dada Tiirthananda a Purodha?

4 A No, Dada is not a Purodha.

5 Q Okay. And he's the sectorial sec -- is he the
6 sec?

7 A Yes, he's the sectorial secretary.

8 Q Okay. And you're the --

9 A I'm sectorial office secretary.

10 Q Okay. So are there other circumstances in
11 Ananda Marga where Purodha can have a higher -- or an
12 Avadhuta can have a higher organizational position than
13 an Avadhuta (sic)?

14 A Okay. In Ananda Marga, Tattvika, Acarya,
15 Avadhuta, Purodhas, one is not automatically superior to
16 the other one. It's just a matter of ability and
17 dynamicity. So like let's say that we consider Purodha
18 the last title and then before that Acarya for example.
19 Purodha is not superior to an Acarya. Nor an Avadhuta is
20 superior to an Acarya. Nor is a Purodha superior to an
21 Avadhuta. We don't have this --

22 Q Did Baba have any type of a system set up where
23 an Acarya and a Purodha or Margii and an Avadhuta if they
24 didn't like the decisions that were being made that they
25 could object to decision?

1 MR. OBITTS: Object, this now goes beyond the
2 scope of any cross I did regarding any judicial system.

3 THE COURT: How can you tell? I'm going to
4 allow it. Overruled.

5 THE WITNESS: Would you repeat the question?

6 Q (By Mr. Erwin) I'll try to make it --

7 A I always get distracted when there is -- yes.

8 Q What was Baba's system of allowing Margiis to
9 object to --

10 A Okay.

11 Q -- various decisions?

12 A Baba gave us a system called silent action.
13 And if any Purodha, Acarya will make some decision which
14 we feel is against the moral principles, we can -- I
15 don't know if I said the right word -- ignore them and at
16 the same time appeal to the Board. And derecognize them.
17 It means we don't recognize them as such, and we appeal
18 to whatever Board is -- and if -- and they were waiting
19 for the Board to rule, we derecognize the title of the
20 individual.

21 Q And that came from Baba?

22 A That came from Baba.

23 Q Now, does Ananda Marga have the concept of
24 being defrocked as a minister?

25 A Never heard that word. Not in Ananda Marga,

1 yeah.

2 Q So what is the system of canceling one's
3 titles. How does that -- how would that happen?

4 A Well, it could happen that if an Acarya is not
5 following the discipline as an Acarya, so the Acarya
6 Board can cancel the certificate, you know? Yeah.

7 Q And who else would -- and how would that
8 happen? Is there a process involved?

9 A The Board will have to go a process to
10 investigate and I have not such extensive legal process
11 like we are going through but the Board we will --

12 MR. OBITTS: Your Honor --

13 THE WITNESS: -- investigate --

14 MR. OBITTS: I object, Your Honor, now we're
15 going to into the Serbian Orthodoxy, ecclesiastical --
16 interpretation of the ecclesiastical traditional process,
17 so I object.

18 THE COURT: I'm going to sustain the objection.
19 The question was whether -- in terms of whether there was
20 a process in place. He answered that. Anything beyond
21 that is unnecessary.

22 MR. ERWIN: Nothing further, Your Honor.

23 THE COURT: Recross limited to that --

24 MR. OBITTS: Yes --

25 THE COURT: -- brief --

1 MR. OBITTS: -- one question.

2 THE COURT: -- redirect.

3 MR. OBITTS: Very brief.

4 RECROSS-EXAMINATION

5 BY MR. OBITTS:

6 Q Isn't it true that only Purodhas can serve on
7 the Central Committee?

8 A The Central Committee according to Carya'carya?
9 According to Carya'carya --

10 Q Yes.

11 A -- Purodhas elect against themselves the
12 members of the Central Committee.

13 Q Right. So an Acarya cannot serve on the
14 Central Committee, correct?

15 A No. To become --

16 Q An Acarya --

17 A -- a Purodha --

18 Q -- that is not --

19 A -- one becomes --

20 Q -- a Purodha. An Acarya -- I know that
21 Purodhas are Acaryas --

22 A Uh-huh.

23 Q -- but an Acarya that has not received the
24 level of Purodha cannot serve on the Central Committee,
25 correct?

1 A That's according to the Carya'carya.

2 Q Right. And the Central Committee is charged
3 with preparing the programs of the mission; is that
4 correct?

5 A It's not the very sort of centralized --

6 Q That's okay, I'll withdraw the question.

7 A Okay.

8 MR. OBITTS: I've got nothing further.

9 THE WITNESS: All right.

10 THE COURT: All right. Mr. Rainjitananda, you
11 are free to go. If there's no objection, he may step
12 down and regain his seat. All right. Hearing done,
13 you're done, really. There's no objection, he'll be
14 permitted to remain in the courtroom.

15 Next witness, please.

16 MR. ERWIN: Your Honor, Mr. Rao's actually in
17 the bathroom right now. He'll be here in just a moment.

18 THE COURT: Okay. Mr. Erwin, sometimes
19 perception is reality, I owe you an apology. My
20 calculation has you at having 53 minutes left on that
21 witness. So if you truncated your examination, I know
22 he's still here, I'll allow you to go back into it. But
23 perception is a lot of reality.

24 MR. ERWIN: Thank you for honoring that, Your
25 Honor.

1 MR. HALPERN: Your Honor, he's still in the
2 bathroom. It should be a minute or two.

3 THE COURT: Why don't we take a quick break and
4 have him -- let me know when he's available. Unless you
5 have someone else you can call. Do you have someone else
6 you can call?

7 MR. ERWIN: Not at this moment, Your Honor.

8 THE COURT: Okay.

9 (Whereupon a recess was taken.)

10 (Whereupon the court reconvened and the following
11 proceedings were entered of record.)

12 THE CLERK: All rise. Courtroom 259 is back in
13 session.

14 THE COURT: Please be seated. All right.
15 We're returning to 10 CV 1867. Plaintiff will call your
16 next witness, please.

17 MR. ERWIN: Call Mr. Nagaraja Rao.

18 THE COURT: Raise your right hand, please.

19 NAGARAJA RAO

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

22 THE WITNESS: I do, Your Honor.

23 THE COURT: Please be seated.

24 //

25 //

DIRECT EXAMINATION

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

BY MR. ERWIN:

Q Good afternoon, can you state your name for the record, please?

A Yes, my name is Nagaraja Rao.

Q And can you spell your first name and --

A N-a --

Q -- last name.

A -- g-a-r-a-j-a, Nagaraja. And then last name Rao, R-a-o.

Q And have you gone by any other names?

A Yes. I -- Baba had given me a spiritual name, that's Vimalananda Avadhuta.

THE COURT: You want to spell that for me, please?

Q (By Mr. Erwin) Can you spell that please? Can you spell that, please?

A V-i -- V like in Victor -i-m-a-l-a-n-a-n-d-a. Avadhuta, A-v-a-d-h-u-t-a.

Q And just to clarify the record, you are not the same Vimalananda Avadhuta as is named as the Defendant in this case, correct?

A That's correct, Your Honor.

Q When did you become involved with Ananda Marga?

A I got involved with Ananda Marga in 1958 while

1 I was 17 years of age.

2 Q And who initiated you?

3 A Acarya KC, K-C; Pandhaji, P-a-n-d-h-a-j-i.

4 Q And what titles have you held?

5 A At that time --

6 Q Acarya --

7 A -- in 1958, I was just initiated, I became on
8 in the Margii. But you don't -- as soon as you become on
9 Margii, you know, you are not a perfect person, so
10 naturally I had -- in 1962 I went for a wholetimer
11 training in 1962, that's in Ananda Nagar, and I was -- I
12 got Tattvika title and after that I was sent in the Bihar
13 to do the work there. And then in 1964 I got Acarya
14 title. And in 1965 I got Avadhuta title.

15 Q Did you ever hold the Purodha title?

16 A I certainly did until 1971.

17 Q Until 1971?

18 A Right.

19 Q When did you become a Purodha?

20 A I never had become a Purodha. Avadhuta only.

21 Q Okay. I'm sorry, I thought you just said you
22 were a Purodha until 1971.

23 A No.

24 Q My mistake, my mistake. And what
25 organizational positions have you had within Ananda

1 Marga?

2 A Could you repeat the question, please, I can't
3 hear clearly.

4 Q Sure. I'm speaking a little fast, I apologize.
5 What organizational positions have you held within the
6 Ananda Marga mission?

7 A Within Ananda Marga, you know, I just said
8 Tattvika, Acarya, Avadhuta. After that I held sectorial
9 secretary positions, sectorial secretary of Manila
10 sector, and also the U.S. sector, New York sector.

11 Q And when were you the sectorial secretary of
12 the Manila sector?

13 A In 1967.

14 Q And who assigned you to that post?

15 A Baba personally.

16 Q And when did you become the sectorial secretary
17 of the New York sector?

18 A 1969, early part of '69, yeah.

19 Q And who assigned you to that post?

20 A Baba.

21 Q And when did you cease becoming -- when did
22 your position as the sectorial secretary of the New York
23 sector end?

24 A 1971.

25 Q And can you explain the circumstances around

1 you leaving --

2 A I'm having --

3 Q -- that position?

4 A -- problem hearing you, if you could speak -- I
5 have little problem with my hearing but if you can speak
6 a little --

7 Q Sure.

8 A -- into the mic.

9 Q Can you explain the circumstances around -- by
10 which you left your position as the sectorial secretary?

11 A You want to know the reasons why I left the
12 sectorial secretary --

13 Q Yes.

14 A -- in New York sector? I certainly can. I had
15 a deep desire to have children, my own progeny, a family
16 life, and as such I decided to renounce my Avadhuta or my
17 monkship if you want to call it, being a monk, wearing a
18 robe like you see in this hall. And I did it in a very
19 voluntary way on myself, it was my determination and it
20 was my decision. It has nothing to do with anybody
21 forced me to abandon, no discipline. I was not
22 disciplined, I was not defrocked by anybody. It was an
23 individual decision, voluntary decision and Baba did not
24 pressure me in any manner to do so. No one has pressured
25 me to do so. It's just on my own accord to adopt a

1 family life.

2 Q Thank you. As a former Avadhuta, what vows or
3 promises did you make and to whom?

4 A As a former Avadhuta, my vows I took was I
5 would serve the humanity, serving humanity was my vow.
6 And I did -- for myself I did the vow to my ideology and
7 no one else.

8 Q Did you make any vows to any particular entity
9 or person?

10 A I'm sorry?

11 Q Did you make any vows or promise to be obedient
12 to any person or entity?

13 A Obedient to my personal aspect of Baba in me
14 and that's alone and no one else. And not to any
15 organization, I did not -- on Ananda Marga philosophy as
16 Baba told me is it's a coordinated cooperation, not
17 subordinated coordination. So I don't have to believe in
18 anybody but myself and Baba said you go to work in these
19 sectors, you work as an independent person, independent
20 -- you know, you are an independent person with all the
21 rights and privileges and authority to do as you wish to
22 in the way you want to organize the sector.

23 Q Let -- we'll get to that. I don't want to go
24 on too long here, okay? Can you please -- there's some
25 notebooks up on your desk there. Can you please turn to

1 Plaintiffs' Exhibit 7? Okay. Now, before we get to
2 these, I will ask you a specific -- a couple of specific
3 questions. How did -- your post -- when you were posted
4 to the New York sector early on --

5 A I have a big pile and the last page which has
6 signatures.

7 MR. ERWIN: Can I approach, Your Honor?

8 THE COURT: Yeah, the little tabs on the side
9 are the numbers he's talking about.

10 THE WITNESS: Oh.

11 MR. ERWIN: Yeah, these are the tabs.

12 THE WITNESS: Oh, tabs.

13 Q (By Mr. Erwin) Before we get into these
14 documents here, can you describe, how did you become --
15 were you the first sectorial secretary in the New York
16 sector?

17 A That's correct, I was the first sectorial
18 secretary sent to New York sector and first sectorial
19 secretary sent anywhere in the United -- in the world
20 basically.

21 Q Okay. And can you describe the process of
22 becoming the first sectorial secretary of the New York
23 sector, how did that happen?

24 A Yes, I certainly can.

25 Q I was -- this is the sectorial secretary for

1 the New York not the Manila sector.

2 A Well, okay, since you were the sectorial
3 secretary of the Manila sector first, let's start there.
4 How did you become the sectorial secretary of Manila?

5 A Baba had a big gathering called of all the
6 devotees in southern India -- southern India, and Baba
7 was there and they decided -- Baba decided that I should
8 be the one to be sent to Manila sector as the first
9 sectorial secretary of Ananda Marga. And the
10 instructions Baba gave me at that time when he said to go
11 and be the sectorial secretary, he said, you'll be an
12 independent entity, independent sector, you do all you
13 can to make the sector successful and my blessings are
14 with you and you are not -- Baba told me that's because I
15 was going to Manila sector.

16 Manila sector consists of several nations that
17 includes Phillippines, Indonesia, Malaysia, Singapore,
18 and all that. So he was basically telling me when you
19 are going to these sectors, you'll face prominently
20 religious different religions. You go to Thailand,
21 you'll face Buddhism, it's predominantly Buddhist. You
22 to Malaysia, you go to Indonesia, it's Muslim nations
23 predominantly. You go to Phillippines, it's a Christian
24 nation. He said be very sensitive to their needs and
25 make sure you know that you are not going to convert

1 anybody going to these countries being a sectorial
2 secretary. Because Ananda Marga is not a religious
3 organization.

4 As such you are going there to teach the
5 scientific principles of yoga and meditation techniques
6 that I held (inaudible) personally Baba is saying and
7 spread that. And you'll be very successful. And do not
8 be harsh on people, because we do coordinated cooperation
9 not subordinated cooperation. You help people and they
10 will help you back.

11 So this is what Baba's guidance was for me
12 going forward and that's exactly what I did.

13 Q What -- while you were in the Manila sector,
14 what relationship did you have with anyone with a title
15 of general secretary?

16 A I did not have any relationship at all.

17 Q And so what instructions did Baba give you
18 specifically in terms of how to organize the sector?

19 A Baba had given me a total independence as to
20 organize the way I feel fit in the sector. Because Baba
21 said each sector you will go to -- goes to any sector,
22 you will know the psychology, you will know the people,
23 you know the local laws and national laws and you adjust
24 according to those. And -- and establish independent
25 institutions and there's nobody who will bother you. I

1 will not bother you, Central will not bother you, you do
2 exactly what is good for your sector, have an independent
3 sector and a strong sector and no inference will be there
4 and that's exactly what he did for the last six -- six
5 years that I worked as sectorial, you know, secretary.

6 Q Okay.

7 A No interference.

8 Q So what directions or instructions did Baba
9 give you regarding how to set up corporate entities?

10 A Baba did not give me any specific instructions,
11 he said it is up to me, total liberty, he gave me total
12 freedom, he give me -- and he says organize the way you
13 wish to organize, and you know, it's up to me on how I
14 organize the sector, totally up to me and no one else and
15 when organized -- when I incorporated as you'll see I did
16 not even become officers of the corporation or board of
17 directors of this corporation in Illinois or in Kansas
18 because I had that freedom to do so and Baba never
19 questioned that.

20 Q Okay. And so let's go to Exhibit 7. Okay?
21 That's in front of you. What is -- Exhibit 7 has already
22 been admitted into evidence so who are the directors, is
23 this the -- is this one of the entities you set up in the
24 New York sector when you came here?

25 A Right, that's correct.

1 Q And the name of this entity is Ananda Marga
2 Yoga Society?

3 A Right, sir.

4 Q And this is in -- where -- where was this
5 located? Illinois?

6 A Pardon?

7 Q Illinois, it was located in Illinois?

8 A Yeah, it is the state of Illinois is this
9 corporation.

10 Q Now, what role did you have in creating these
11 articles?

12 A I wasn't an advisor and there was board of
13 directors as the sectorial secretary I was the advisor
14 and it is the board of directors who handled all the
15 responsibilities, the legal and otherwise. I was just an
16 advisor to them.

17 Q And again you just --

18 A Because I was -- because I came there, I was so
19 busy initially that I don't have any time to do anything
20 other than organize, organize, organize, go do lectures
21 all over the United -- you know, countries, things of
22 that nature. So I give the full responsibility as I
23 trust this Margiis who I initiated, they have faith in
24 me, I have total trust and faith in them, I have no
25 problem -- never had a problem with -- in having

1 structured in that manner.

2 Q Okay. So when you were appointed to the New
3 York sector, did Baba give you any instructions then on
4 how to --

5 A None --

6 Q -- do anything different?

7 A None at all. Sorry.

8 Q Anything different from what he did with
9 Manila?

10 A No. None at all, just same instructions as New
11 York sector basically, he said I'm giving you a pouch of
12 Ananda Marga seed, this small pouch, and you take it and
13 spread it around and let it grow. And he said that is
14 Christianity prevailing in America also, and you know,
15 Christianity has a hierarchy, Pope is their hierarchical
16 entity and he said laughingly, Vimalananda, you know, I'm
17 not Pope of Ananda Marga.

18 MS. CHEUNG: We object to this as non-
19 responsive to the question.

20 THE COURT: Sustained.

21 Q (By Mr. Erwin) Can you look at paragraph four
22 on page two of Exhibit 7, it's P008371 and it's paragraph
23 four.

24 A We're still on --

25 Q We're still on Exhibit 7.

1 A Uh-huh.

2 Q It's the articles of Ananda Marga Yoga Society
3 of Illinois.

4 A Okay.

5 Q Right. It's the second --

6 A Page three --

7 Q -- page.

8 A Okay.

9 Q Okay. If you go down, there's a number that
10 goes one, two, three, four down --

11 A Right.

12 Q -- do you see that? Now, number four says the
13 first board of directors shall be three in number and
14 their names there, do you see that?

15 A Yes, I do.

16 Q Okay. Are -- is your name listed there?

17 A No, it's not.

18 Q So you were not a board of directors meeting --

19 A I was not board --

20 Q -- member?

21 A -- of directors.

22 Q Were you ever --

23 A Intentionally it was done so.

24 Q Did anyone ever object to you not being a
25 director or --

1 A Baba did not object, any Central organization
2 did not object; it was totally my way of doing things in
3 the sector.

4 Q When these documents were created, who reviewed
5 and approved them?

6 A No one but me and of course after the board of
7 directors some individuals who were helping me with it.
8 No one from Central, not Baba, nothing was incorporated
9 in the organization in this incorporation --

10 MS. CHEUNG: Your Honor, this has already been
11 asked and answered.

12 THE WITNESS: That belongs to --

13 THE COURT: Overruled.

14 THE WITNESS: -- Ananda Marga Pracaraka Samgha.

15 THE COURT: Okay. Finish his answer, go ahead.

16 Q (By Mr. Erwin) Go ahead.

17 A Nothing --

18 Q I can -- I can follow up with that.

19 A Okay.

20 Q So was there any requirement when you were the
21 sectorial secretary that any corporate documents would be
22 reviewed and approved by Baba or anyone at Central?

23 THE COURT: In Manila or New York or both?

24 Q (By Mr. Erwin) In Manila, New York, or both?

25 A Right. In -- I'm sorry, for both Manila and

1 New York. For both sectors there were no instructions
2 given it is basically up to me to how I want to organize,
3 he did not give me any instructions that I need to take,
4 any bylaws, any information from the Ananda Marga
5 Pracaraka Samgha India at all. So nothing was
6 incorporated from India Ananda Marga bylaws into these
7 corporations at all.

8 Q And do you --

9 A As Baba said, you are totally an independent
10 entity.

11 Q Do you see paragraph five there? Just below
12 that where it says the purpose or purposes of where it
13 says corporation or organized?

14 A Yes.

15 Q It says religious, social, and educational?

16 A Religious, social, and education, that's
17 correct.

18 Q Any mention of AMPS or AMPS Central there?

19 A No, not at all, that was -- yeah.

20 Q What was the purpose?

21 A Of the corporation?

22 Q Yeah.

23 A The purpose of the corporation was -- is and
24 was to teach the Ananda Marga ideology. It's a
25 scientific processes of psycho-physical and psycho-

1 spiritual practices as performed by Baba. And as I said,
2 it is not a religious practice as Baba said and by
3 following these practices, one arouses one's
4 consciousness and also one stays physically healthy,
5 mentally strong and spiritually evolved eventually
6 leading a person to attain the bliss in life.

7 Q Okay. Thank you. Can you go to Exhibit --
8 hold on. First, can you flip a number of pages ahead,
9 it'll be one, two, three, four, five -- five pages ahead
10 down at the bottom it says -- it's P008379.

11 A I am on it.

12 Q Okay. And this is an amendment of these
13 articles of corporation, correct?

14 A Yes, I certainly do.

15 Q Yeah, and is this -- the name of Ananda Marga
16 Yoga Society in the state of Illinois will therefore be
17 known as Ananda Marga, correct?

18 A Yes.

19 Q Okay. Were these amendments ever approved by
20 anyone in India?

21 A No. This has not been approved by India
22 organization Ananda Marga at all and there was no need
23 for it. No requirement.

24 Q Now, go ahead three more pages. You weren't
25 here then, I won't ask you about that. Go to Exhibit 8,

1 please.

2 A Did you say 381?

3 Q No. Exhibit 8. So it'll be --

4 A Exhibit 8, okay.

5 Q -- the next tab.

6 A Okay. I go to 8 now, okay.

7 Q And these are the articles of incorporation of
8 Ananda Marga Yoga Society of Kansas, Inc., correct?

9 A I sure do.

10 Q Okay. Were you an officer or director of this
11 corporation?

12 A No, I was not an officer of this corporation.

13 Q Did anyone ever object to you not being an
14 officer or director of this --

15 A No, neither --

16 Q -- corporation?

17 A -- Baba nor anyone else in Ananda Marga Central
18 or any authority object to this.

19 Q Okay. We can put these away for now. When you
20 were the sectorial secretary of either the Manila sector
21 or the New York sector --

22 A I didn't hear you properly.

23 Q Sorry. When you were the sectorial secretary
24 of either the Manila or the New York sector, did you have
25 any relationship with the governing body of any legal

1 society or corporation in India named Ananda Marga
2 Pracaraka Samgha?

3 A I have no connections, no contacts, no
4 relationships on any levels.

5 Q Were you a member of any legal society in India
6 named AMPS?

7 A No, I was never a member of legal society named
8 AMPS.

9 Q Did you ever take any instructions from any
10 general secretary of any legal society called AMPS in
11 India?

12 A I did not. It was -- it's when they were
13 given, no contact at all.

14 Q Now, did Ananda Marga back then have an entity
15 called the Central Committee?

16 A Ananda Marga has what?

17 Q Did Ananda Marga have an entity called the
18 Central Committee back in your times?

19 A In my time there was no Central Committee
20 existed, '66, no.

21 Q So did you have any relationship or take any
22 directions from any general secretary of any socio-
23 spiritual called Ananda Marga in India?

24 A No, none at all.

25 Q Can you describe in the early days of either

1 the Manila sector or the New York sector, did you have
2 various programs or Boards set up to propagate the
3 mission, to provide --

4 MS. CHEUNG: Your Honor, we're going to object
5 to that question, it's compound.

6 THE COURT: Sustained to the form of the
7 question.

8 Q (By Mr. Erwin) When you were the sectorial
9 secretary of the Manila sector, did you form any programs
10 or Boards?

11 A No, not at all, none at all. I was a pioneer
12 so it was basically organizing phase, there was no Boards
13 other than my incorporation Board only.

14 Q So the same answer for the New York sector, did
15 you have any programs or Boards in the New York sector?

16 A Same answer to the New York sector also. There
17 were none at the time.

18 Q Did you have any regional secretaries in the
19 Manila sector?

20 A No.

21 Q What about the New York sector?

22 A None at all.

23 Q Did you have any diocesan secretaries?

24 A None.

25 Q Was there a Purodha Board back when you were

1 the sectorial secretary in the Manila sector?

2 A If there was one, I have no knowledge of. As
3 far as my knowledge goes, I don't think it was, because I
4 would have heard it I guess and I would have heard if
5 there was a Purodha Board.

6 Q What about when -- in the New York sector?

7 A I never heard of it as being there. No contact
8 with Central at all since 1966 until 1971. The only
9 contact with Central was with Baba when he came to
10 Phillipines twice and that's that --

11 MS. CHEUNG: Your Honor, we're --

12 THE WITNESS: -- and never after that.

13 MS. CHEUNG: -- object to this as non -- as
14 non-responsive, beyond the scope of the question.

15 THE COURT: Sustained.

16 Q (By Mr. Erwin) Did you have a relationship
17 with anyone with the title of Purodha Pramukha back in
18 the Manila sector?

19 A Purodha?

20 Q Purodha Pramukha.

21 A No, none at all.

22 Q Okay. What about the New York sector?

23 A None.

24 Q So what input if any did Baba give you in how
25 to manage the property of the sectors -- in the Manila

1 sector? Did the Manila sector -- first let me ask you
2 this: Were there any -- when you were the sectorial
3 secretary of the Manila sector, were there any corporate
4 entities set up there?

5 A None other than just Ananda Marga Yoga Society.

6 Q In the Manila sector, I'm talking about.

7 A In Manila sector.

8 Q So you had a corporation then?

9 A There was a corporation Ananda Marga
10 corporation there.

11 Q Okay. And did -- what instructions did Baba
12 give you in terms of how to manage or transfer any real
13 estate or property?

14 A Actually there were no properties existed. But
15 again his instructions was it is individual entity and if
16 there are properties bought, it should be the local
17 entity's responsibilities and ownership, because he said
18 ultimate authority is with you and the properties bought
19 is for the local purposes not for anyone else in the
20 sector.

21 Q Now, when you were the general secretary -- I'm
22 sorry, the sectorial secretary of the Manila sector, did
23 you -- was there any requirement that you pay any
24 percentage of your funds that you collected to anyone at
25 Central?

1 A No, I didn't have any such instructions and
2 neither would not also included any language, you know,
3 the corporation from Indian corporation with Ananda Marga
4 as to that effect. So no money was ever paid either in
5 the New York sector or Manila sector to the Central
6 Ananda Marga.

7 Q And I'm sorry, you said that was true for the
8 New York sector as well?

9 A That's correct, that includes New York sector.

10 Q Now, were the officers and directors of the
11 AMYS corporations, Ananda Marga Yoga Society of Illinois
12 and Ananda Marga Yoga Society Kansas, were they -- the
13 officers and directors wholetimers?

14 A No, they were not wholetimers, they were just
15 family people.

16 Q Family people. And what is the role of family
17 people in Ananda Marga?

18 A Baba gave very high respect to the family
19 people in Ananda Marga, because he said it is the family
20 people who support the monk, you know, so they help the
21 monk in organizing locally where ever they are. So he
22 gave very great importance to family folks who are -- in
23 the sense they're not monks, so their -- their duty was
24 according to Baba is to help locally the monks where ever
25 they are.

1 Q And did anyone in India including Baba object
2 to a family person holding the corporate positions in the
3 New York sector?

4 A None at all; no, he never objected anything
5 like that.

6 Q So did Baba ever give you any instructions on
7 who could be an officer or a director of any corporation?

8 A No. He totally left it up to me as sectorial
9 secretary to do so.

10 Q So are there any procedures, guidelines, or
11 rules that require the sectorial secretary to hold any
12 office or position in any corporations in the New York
13 sector?

14 A Not during my time, I have not done it, and
15 there was no requirement to do so and Baba did not object
16 to it, not any other Central authorities from Central
17 organization on Ananda Marga in India.

18 Q So how could -- you said no one approved these
19 documents other than the board of directors, right?

20 A Yes, board of directors and sectorial
21 secretary, those are the only ones that needed to be
22 authorized when we did that.

23 Q So how is it possible for anyone in India to
24 claim that they reviewed and approved those documents?

25 A That is -- that is false if somebody claims as

1 such.

2 Q Now, while you were the sectorial secretary of
3 the New York sector, are you aware if the board of
4 directors of either the AMYS Illinois or AMYS Kansas
5 entity ever passed any resolutions adopting any rules or
6 regulations of AMPS or any AMPS entity --

7 A It was never --

8 MS. CHEUNG: Your Honor, we object to that as a
9 leading question.

10 THE COURT: Sustained.

11 Q (By Mr. Erwin) Can you tell me what procedures
12 of AMI in your direct knowledge were ever incorporated
13 into the policies or procedures or corporate documents of
14 the AMYS corporations?

15 A None. None at all.

16 Q And do you know if the AMYS corporations
17 incorporated -- or let me ask it this way: Where in the
18 AMYS corporate documents do they incorporate the legal --
19 the AMPS Constitution or Carya'carya?

20 A There was no mention of Carya'carya or AMPS any
21 part of Indian Constitution of AMPS in Ananda Marga Yoga
22 Society in Kansas or Ananda Marga Yoga Society in
23 Illinois, that was done intentionally so.

24 Q So who were the members -- did you have members
25 of the AMYS entities?

1 A We don't have members of the AMYS entity only
2 adherents --

3 Q Adherents.

4 A -- just followers, no membership.

5 Q Did they pay dues?

6 A No dues.

7 Q So under what circumstances would any adherent
8 of AMYS be required to pay dues to any entity in India?

9 A Never. Never were required to pay any dues.

10 Q Did you ever vote -- take part in any vote for
11 the -- for any Central Committee or any governing body of
12 Ananda Marga?

13 A I never did.

14 Q So can you just -- can you describe what the
15 duties are -- what your original duties were as the
16 sectorial secretary of the New York sector?

17 A My duties were to establish as many units we
18 call it, the meditation units, meditation centers as much
19 as possible. That's the main thing to dissem -- you
20 know, to do the Ananda Marga philosophy, Ananda Marga
21 practices, (inaudible) practices that Baba gave us, the
22 psycho-physical, psycho-spiritual practices to as many
23 members of the society in the U.S. sector as possible.
24 That was the main purpose.

25 Q And who had authority to establish major

1 administrative policies governing the affairs of the AMYS
2 corporations?

3 A And this is the board of directors in
4 coordination and cooperation with the sectorial secretary
5 of the sector, New York sector or Manila sector, which
6 ever.

7 Q And what was any general secretary's role in
8 developing the administrative policies in the New York
9 sector?

10 A He had -- he actually had no role at all.

11 Q Now, in Carya'carya is there a reference in
12 Carya'carya to one committee providing one-eighth of its
13 income to a superior committee, do you recall that?

14 A I recall it is in Carya'carya, but it was not
15 adopted by the AMYS Kansas, AMYS Illinois as part of our
16 corporate --

17 MS. CHEUNG: Your Honor, we'd move --

18 THE WITNESS: -- bylaws.

19 MS. CHEUNG: -- to strike this response as non-
20 responsive.

21 THE COURT: Overruled.

22 Q (By Mr. Erwin) Go ahead.

23 A Yes, it was never done so in our corporate
24 bylaws or our documents in either of the corporations in
25 Kansas or in Illinois, so we were not required to do so.

1 Q Now, as the sectorial secretary of the New York
2 sector, what obligations did you have to report to any
3 committee in India?

4 A During my term as sectorial secretary of either
5 sector, Manila or the New York sector, I never had to
6 report anything to anyone.

7 Q Were there RDS back then -- was there RDS
8 meetings back then?

9 A I don't think so.

10 Q No.

11 A If there was, I wasn't even aware of it. So as
12 I said, I had no contact with Central at all.

13 Q Okay.

14 A For -- for all these years.

15 Q Was there a Sectorial Executive Committee
16 during your time?

17 A I don't think so, because I am not aware of it.
18 No, no, sorry. Sectorial Executive Committee? None
19 existed. I'm thinking of center, no here --

20 Q Okay.

21 A -- sector.

22 Q Now, did anyone from India ever come to inspect
23 the New York sector --

24 A No.

25 Q -- while you were the sectorial secretary?

1 A No.

2 Q No. And who owned -- did any of the AMYS
3 properties either AMYS Illinois or AMYS Kansas did they
4 own any property in the U.S.?

5 A Yes. In Kansas I recall in Wichita, Ananda
6 Marga Yoga Society owned property there.

7 Q Okay. Do you -- do you recall under what name
8 those properties were titled?

9 A I do not --

10 MS. CHEUNG: Your Honor, we object --

11 THE WITNESS: -- recall but it is --

12 MS. CHEUNG: Your Honor --

13 THE WITNESS: -- in Yoga Society's name.

14 THE COURT: You need to speak up, I can't hear
15 you.

16 MS. CHEUNG: Your Honor, we object that the
17 question is not restricted as to time frame.

18 THE COURT: Okay. The scope of the question,
19 sustained.

20 MR. ERWIN: Okay.

21 Q (By Mr. Erwin) Let me rephrase the question.
22 Did AMYS Illinois -- when was the first time AMYS, say,
23 Illinois bought or owned any property?

24 A I do not recall any properties being bought in
25 AMYS Illinois.

1 Q Okay. What about AMYS Kansas?

2 A In Kansas, yes, I recall one property that was
3 bought in Wichita, Kansas.

4 Q And under what name was that property titled?

5 A I think it was the name of Ananda Marga Yoga
6 Society Kansas.

7 Q Okay. Did -- do you recall if you or anyone
8 else ever pledged that property to anyone in India?

9 MS. CHEUNG: Your Honor, we object again as to
10 time frame, the questions are still not limited --

11 THE COURT: Well, he asked him does he recall
12 if he ever did it, so that's the time frame. Overruled.

13 MS. CHEUNG: Actually, Your Honor, he objected
14 as to whether he or anyone else ever did.

15 THE COURT: Okay. Sustained to the form of the
16 question. Rephrase it.

17 MR. ERWIN: Okay.

18 Q (By Mr. Erwin) Did you at any time during your
19 tenure as the sectorial secretary pledge the assets of
20 Ananda Marga Yoga Society Kansas to any general
21 secretary, to Baba, to anyone in India?

22 A No, none at all. And our bylaws and our
23 documents would not permit to do so.

24 Q Okay. And if AMYS Kansas were to dissolve as a
25 corporation, what would -- if -- I'm sorry, if AMYS

1 Kansas would dissolve as a corporation, would those
2 assets automatically go to AMPS?

3 MS. CHEUNG: Your Honor, we object again as to
4 the time frame of the question, it's not limited to --

5 THE COURT: Yeah, narrow the scope of your
6 questions so that we have a clear understanding of what
7 you're asking him so she doesn't have to keep jumping out
8 of her chair. Okay?

9 MR. ERWIN: Okay.

10 THE COURT: All right. The objection's
11 sustained.

12 MS. CHEUNG: Thank you, Your Honor.

13 Q (By Mr. Erwin) If Ananda Marga Yoga Society of
14 Kansas were to be dissolved at any time under the
15 procedures set forth in the articles of incorporation,
16 would that property revert to AMPS?

17 MS. CHEUNG: Your Honor, we object again as to
18 the time frame.

19 THE COURT: Overruled. Just answer the
20 question. Do you know what he's asking you?

21 THE WITNESS: I think I know what he's asking.

22 THE COURT: Well, don't guess. If you don't
23 know, tell him you don't know, and he'll have to --

24 THE WITNESS: No, I know --

25 THE COURT: -- ask a better question.

1 THE WITNESS: -- the answer. May I answer,
2 Your Honor?

3 THE COURT: Go ahead.

4 THE WITNESS: Yes, once it is dissolved, it
5 will not go to Ananda Marga Central in India.

6 MR. ERWIN: Thank you.

7 THE COURT: Are you talking about when you were
8 the sectorial secretary?

9 THE WITNESS: That's correct.

10 THE COURT: All right. So all of the questions
11 you're asking him, Mr. Erwin, relate to when he was in
12 that position, right?

13 MR. ERWIN: Right.

14 THE COURT: So let's preface them that way, so
15 we have a clear record, so I don't have the objections
16 coming interrupting your flow of your examination which I
17 can see is frustrating you. Okay? All right. Thank
18 you. Because he's not talking to me about what's going
19 on right now, right? Or even since 2005.

20 MR. ERWIN: That's right. I apologize, I did
21 mean when you were the sectorial secretary --

22 THE COURT: Okay.

23 MR. ERWIN: -- I should have said that.

24 THE COURT: All right.

25 MR. ERWIN: And with that, I'm done with

1 Mr. Rao.

2 THE COURT: Cross-examination.

3 MS. CHEUNG: Good afternoon, Your Honor.

4 THE COURT: Good afternoon.

5 MS. CHEUNG: Mae Cheung for the Defendants and
6 the Intervenors.

7 CROSS-EXAMINATION

8 BY MS. CHEUNG:

9 Q Mr. Rao, you would agree that Reverend Baba was
10 the founder of Ananda Marga, would you not?

11 A Could you speak into the --

12 Q Yes.

13 A -- or close to it so I can hear clearly?

14 Q You would agree that Reverend Baba was the
15 founder of Ananda Marga?

16 A I didn't understand your question, what are you
17 saying? Repeat it or rephrase it or --

18 Q Would you agree that Reverend Baba was the
19 founder of Ananda Marga?

20 A That is correct.

21 Q Would you agree that he was the Purodha
22 Pramukha?

23 A He was what? I didn't understand.

24 Q The Purodha Pramukha of --

25 A Yes, he was.

1 Q -- Ananda Marga?

2 A That's correct.

3 Q Would you also agree that he was the founder of
4 the legal society Ananda Marga Pracaraka Samgha in India?

5 A He was the founder of Ananda Marga, I don't
6 know he was actually the founder of legal society of
7 Ananda Marga.

8 Q Didn't you sign an affidavit saying that in
9 fact Baba created a legal society, Ananda Marga Pracaraka
10 Samgha in India?

11 A I didn't hear, could you please speak a little
12 louder and clearly?

13 Q I'll try my best. Didn't you sign an affidavit
14 saying that Reverend Baba created the legal society
15 Ananda Marga Pracaraka Samgha in India?

16 A No.

17 Q You didn't?

18 A No.

19 Q I'd like to show you a document to help perhaps
20 refresh your recollection and see if you would change
21 your answer.

22 MS. CHEUNG: Your Honor, may I hand this up?

23 THE COURT: Yes.

24 Q (By Ms. Cheung) Mr. Rao, would you please take
25 a moment to look over that document?

1 A What page number or what --

2 Q Just look over the whole thing.

3 A Oh, okay.

4 THE COURT: The record will reflect you handed
5 him what, ma'am?

6 MS. CHEUNG: The record will reflect that I
7 handed the witness an affidavit that is signed by him
8 dated March 19th, 2011.

9 THE COURT: Is it marked for identification?

10 MS. CHEUNG: Not at this time.

11 THE COURT: Okay. Anything you show them, even
12 if it's just temporarily to refresh their recollection
13 has to be marked for identification.

14 MS. CHEUNG: Yes, Your Honor.

15 THE COURT: So whatever you're up to now, is it
16 394 or something like that? Or it's over 400. Just add
17 it to the very back of your list.

18 MS. CHEUNG: I'll mark that as D-405, I
19 believe.

20 THE COURT: You are correct.

21 Q (By Ms. Cheung) Mr. Rao, do you recognize --

22 A Yes, I recognize this document; yes, I signed
23 this document --

24 Q You did?

25 A -- that's correct.

1 Q And -- and you signed it certifying that this
2 was true and correct to the -- and complete to the best
3 of your knowledge; isn't that true?

4 A That's the affidavit I signed.

5 Q Excuse me?

6 A That is the affidavit I signed.

7 Q Okay. Thank you. If you would turn to
8 paragraph six in this document.

9 A Yeah.

10 Q And the very first sentence in this paragraph
11 says Baba first authorized the creation of a formal
12 Ananda Marga Pracaraka Samgha, parentheses, AMPS, the
13 society to propagare the path of bliss, close
14 parentheses, organization in India as a legal entity to
15 manage the society's membership, assets, and property
16 within India; isn't that true?

17 A In India, that's correct.

18 Q Okay. So would you agree now that Baba founded
19 the legal society Ananda Marga Pracaraka Samgha in India?

20 A Let me -- give me a minute, I will thinking
21 about it. No, I would -- I would say no to the -- your
22 question.

23 Q Okay. When you left Ananda Marga in 1971,
24 after -- I'm sorry, let me rephrase the question. After
25 you left Ananda Marga in 1971, isn't it true that you

1 have had no involvement with the organization since then?

2 A That's untrue.

3 Q Okay.

4 A Totally.

5 Q Have you held any positions in Ananda Marga
6 since 1971?

7 A No.

8 Q And that means no religious titles and no
9 organizational titles; is that correct?

10 A That's correct.

11 Q Were you part of any unit of Ananda Marga
12 Pracaraka Samgha since 1971?

13 A That's correct.

14 Q You have --

15 A Yes.

16 Q -- been a member of a unit?

17 A Yes.

18 Q Okay.

19 A A number of units.

20 Q Was Reverend Baba the guru of Ananda Marga Yoga
21 Society?

22 A No.

23 Q Was Reverend Baba your personal guru?

24 A Correct.

25 Q Did you believe that Reverend Baba was

1 infallible?

2 A Could you describe in a way I can understand?
3 I don't understand your question, could you rephrase it
4 or explain it?

5 Q Do you -- do you know what the word infallible
6 means?

7 A No.

8 Q Was Baba always correct?

9 A Infallible, no, you cannot for saying what you
10 are saying. Baba, you know, he's a human being just like
11 you and me in that sense. He -- he's born as a human
12 being like you and me.

13 Q So Baba was fallible; is that correct? It's
14 your belief that --

15 A As a human being if you say that there is
16 birth, childhood, you know, adult, disease, and death in
17 that sense he's fallible.

18 Q Okay.

19 A Not in the spiritual sense.

20 Q Would you agree that Reverend Baba's teachings
21 and writings were the absolute truth?

22 A There is a problem with teachings and where --

23 Q So is your answer no?

24 A -- and there are -- there are things that were
25 originally given, things were changed, we don't know

1 which you are talking about so I can't reply properly.

2 Q Okay. So is your answer that certain writings
3 were not the absolute truth?

4 A I did not say that.

5 Q When Baba was physically present, would you
6 agree that he had the final word as to how Ananda Marga
7 was run?

8 A As for the ideology -- ideology is concerned,
9 yes.

10 Q My question was when he was physically present,
11 would you agree that he had the final word as to how the
12 organization was run?

13 A If he was physically present, yes.

14 Q Now, you previously testified that from 1966
15 when you were first posted as sectorial secretary in
16 Manila to 1971 when you stopped being sectorial secretary
17 anywhere, that you had no contact with Ananda Marga
18 Pracaraka Samgha Central; is that correct?

19 A No, it's not.

20 Q Are you saying you did have contact with AMPS
21 Central during --

22 A Not --

23 Q -- 1966 --

24 A -- AMPS Central, no. Baba is spiritual entity
25 of Ananda Marga Pracaraka Samgha. So I met Baba when he

1 came twice in Manila sector and that is the contact I
2 had. With Baba only.

3 Q So the only contact you had with Baba from 1966
4 until 1971 was his two visits to the Manila sector --

5 A That's --

6 Q -- is that correct?

7 A That's correct.

8 Q But isn't it true that he posted you --

9 A He --

10 Q -- to the New York sector?

11 A What is it?

12 Q Isn't it true that he posted you to the New
13 York sector?

14 A That's correct.

15 Q Okay. And you had no contact with him?

16 A He posted me when he came to Manila.

17 Q Okay.

18 A He told me I will be going to New York sector.

19 Q Okay.

20 A So I was already aware when he told me
21 personally I will be heading to New York sector.

22 Q Didn't Baba give you guidance in terms of
23 setting up a legal entity for Ananda Marga?

24 A Setting up what, I'm not clear.

25 Q A legal entity for Ananda Marga in the New York

1 sector.

2 A Yes, yes.

3 Q And isn't it true that Reverend Baba sent you
4 to the New York sector and appointed you to be the
5 sectorial secretary?

6 A Is it not true he -- did I understand you
7 correct -- are you saying is it not true that Baba
8 appointed me as the sectorial secretary of New York
9 sector?

10 Q Yes.

11 A Of course he did.

12 Q Okay. And as sectorial secretary of New York
13 sector, isn't it true that you were ultimately
14 responsible for the spiritual and legal health of Ananda
15 Marga in the New York sector?

16 A I'm not clear on the last part of your
17 sentence, can you reread it or --

18 Q Isn't it true that as the sectorial secretary
19 of the New York sector, you were ultimately responsible
20 for the spiritual and legal health of Ananda Marga in the
21 New York sector?

22 A Yes, that's correct.

23 Q And isn't it also true that your job as the
24 sectorial secretary was to implement the vision of
25 Reverend Baba in the sector?

1 A That's correct.

2 Q And that duty included establishing legal
3 entities to manage Ananda Marga's assets and operations
4 in the sector; isn't that correct?

5 A That's correct.

6 Q Isn't it true that Reverend Baba directed you
7 to establish Ananda Marga Yoga Society of Illinois?

8 A He did.

9 Q He did?

10 A Direct me --

11 Q Yes.

12 A -- to establish the society of Illinois?

13 Q Yes, he did?

14 A Yes.

15 Q Okay. Isn't it true that AMYS of Illinois
16 followed the teachings of Reverend Baba?

17 A Ideological teachings of Baba I would say.

18 Q Isn't it true that AMYS was established as the
19 sectorial office of the New York sector?

20 A Can you repeat that question?

21 Q Yes. Isn't it true that AMYS of Illinois was
22 established as the sectorial office in the New York
23 sector?

24 A Temporarily.

25 Q Temporarily? And for the time frame that it

1 was the sectorial office, it functioned as the primary
2 legal and authoritative entity for Ananda Marga mission
3 in the New York sector; isn't that true?

4 A Primarily -- let me understand your --
5 primarily Ananda Marga sectorial secretary office -- can
6 you repeat that maybe slowly? Can you --

7 Q Yes, I --

8 A -- go a little slow, you're --

9 Q Sure, I --

10 A -- going too fast.

11 Q -- can try to slow down. Absolutely. Isn't it
12 true that AMYS of Illinois was the primarily legal and
13 authoritative entity for Ananda Marga in the New York
14 sector?

15 A I don't understand the question clearly and
16 maybe I can say it or something --

17 Q Okay.

18 A -- somehow I'm not understanding you.

19 Q But let's do it this way, if you could look
20 again at the document that I handed to you?

21 A Yeah.

22 Q Yes. In paragraph 15 of this document.

23 A Uh-huh.

24 Q In paragraph 15 the first sentence says in New
25 York sector Ananda Marga Yoga Society in Carbondale,

1 Illinois, parentheses, AMYS Illinois, was established in
2 July 1969 as a separate and autonomous legal entity and
3 the primary legal and authoritative entity parenthesis
4 sectorial office for the Ananda Marga mission in the New
5 York sector at that time --

6 A Yes, that --

7 Q -- did I read that correctly?

8 A Yes.

9 Q Okay. Is that true?

10 A Yes.

11 Q Okay. And isn't it true that Reverend Baba
12 then directed you to create AMYS Kansas?

13 A Yes.

14 Q Okay. And AMYS Kansas took over the job of
15 sectorial -- or sorry, sectorial office from AMYS
16 Illinois; isn't that true?

17 A I'm not clear of your question.

18 Q Okay.

19 A How -- how you are trying to put two things
20 together here --

21 Q Okay. Isn't --

22 A -- I'm not understanding.

23 Q -- it true that AMYS Kansas took over from AMYS
24 Illinois, replaced AMYS Illinois as the sectorial office?

25 A That's not true. If you want I can understand

1 -- can explain why. It's not taking over anything, we
2 decide -- I decided along with the board of directors to
3 move the headquarters to Kansas, it's not taking over
4 anything there.

5 Q Okay. But --

6 A Nobody's taking over anything.

7 Q But it became the sectorial office after that;
8 isn't that correct?

9 A Yeah, but no taking over any -- anything --

10 Q Okay. That's fine.

11 A -- organization.

12 Q And so once AMYS Kansas was established AMYS
13 Illinois was no longer the sectorial office; isn't that
14 true?

15 A Kansas was the main office.

16 Q Okay. Thank you. And AMYS Kansas like AMYS
17 Illinois also followed the teachings of Reverend Baba;
18 isn't that true?

19 A Yes.

20 Q And it was formed to govern and manage the
21 Ananda Marga missions properties and operations in the
22 New York sector; isn't that true?

23 A On Ananda Marga missions property? Ananda
24 Marga legal society? I'm getting confused the way you're
25 saying Ananda Marga mission, Ananda Marga legal society.

1 Q Okay. Ananda Marga Yoga Society of Kansas,
2 right, was the sectorial office for Ananda Marga in the
3 New York sector?

4 A I didn't understand clearly your question
5 again.

6 Q Okay. Let me do it this way and then I'll move
7 on. AMYS Kansas like AMYS Illinois was the primary legal
8 and authoritative entity for Ananda Marga mission --

9 A Legal what entity?

10 Q And authoritative --

11 A Oh.

12 Q -- entity for the Ananda Marga mission in the
13 New York sector; isn't that true?

14 A I'm getting confused with the word Ananda Marga
15 mission.

16 Q Okay.

17 A Because there is no such thing as Ananda Marga
18 mission that is included in our documents there.

19 Q Okay. Why don't you turn to paragraph 15 again
20 of that affidavit --

21 A What number?

22 Q -- that you signed. Same paragraph.

23 A Oh, 15, okay.

24 Q Uh-huh. And it's the sentence right after
25 where I read before so it's the second sentence. Ananda

1 Marga Yoga Society of Kansas, Inc., parentheses AMYS
2 Kansas was similarly established in February 1970 as a
3 separate and autonomous legal entity and the primary
4 legal and authoritative entity for the Ananda Marga
5 mission in the New York sector.

6 A Okay.

7 Q Okay? So Ananda Marga mission is your word.
8 These are --

9 A Yes.

10 Q -- your words, right?

11 A Right.

12 Q Okay. So let me go back to the question that
13 I'm trying to get you to answer which is isn't it true
14 that AMYS Kansas managed the Ananda Marga missions
15 properties and operations and programs in the New York
16 sector?

17 A It has managed Ananda Marga society's
18 properties.

19 Q Could you turn to paragraph six in that
20 affidavit? And this is in paragraph six the very last --
21 the second to the last sentence so it's the sentence
22 beginning five lines from the bottom in this affidavit.
23 The sentence begins the sectors.

24 A You are still looking at six or seven?

25 Q Paragraph six.

1 A Paragraph six. Last two sentences?

2 Q The second to the last sentence.

3 A Second to the last sentence. Okay.

4 Q The sentence begins the sectors.

5 A Okay.

6 Q I'm going to read this. It say the sectors,
7 sectorial secretaries, and numerous corporate entities
8 formed to govern and manage the Ananda Marga mission
9 operation, and assets within the sectors, right?

10 A Yes.

11 Q That part I read correctly?

12 A That's correct.

13 Q Okay. So let me go back to my question. Isn't
14 it true that AMYS Kansas was formed to govern and manage
15 the Ananda Marga mission in the United States in the New
16 York sector including its assets and operations and
17 programs -- I'm sorry operations and assets.

18 A No, what I read -- what you just read me I
19 understand what I said and I agree with that.

20 Q Okay. That's --

21 A The rest of it --

22 Q -- fine.

23 A -- I am getting confused what you are saying.

24 Q I'll accept that.

25 A I -- I'm not --

1 Q I'll accept that. Okay. When you were the --
2 when you were the sectorial secretary in the New York
3 sector, isn't it true that Ananda Marga was brand new to
4 the New York sector?

5 A Correct.

6 Q Okay. And so it was -- would it be fair to say
7 it was sort of a fledgling entity?

8 A For a short time.

9 Q For a short time, okay. And it grew, right?

10 A Very fast, yeah.

11 Q In your time from 1969 to 1971 as the sectorial
12 secretary of New York sector, were there units that were
13 created?

14 A We call a unit as meditation centers, just, you
15 know, a group of 10 people, that becomes a unit.

16 Q Okay.

17 A So I don't know what you are talking or --

18 Q Okay.

19 A -- what units, I don't know. I don't
20 understand that.

21 Q Okay. And would -- okay, we'll call them
22 meditation centers. Were these meditation centers
23 required to register at all with Central?

24 A No.

25 Q All right.

1 A Not according to our documents and bylaws.

2 Q Now, previously Mr. Rao that Ananda Marga is
3 not a religion; isn't that true?

4 A Say it again.

5 Q Previously you testified that Ananda Marga is
6 not a religion?

7 A And that's correct.

8 Q And that you were specifically directed that
9 this was not a religion?

10 A That if --

11 Q That Baba specifically directed you to say this
12 was not a religion; is that --

13 A That's correct.

14 Q -- true? Okay. I'd like you to look back at
15 Plaintiffs' Exhibit Number 7 which Mr. Erwin was talking
16 with you about earlier.

17 THE WITNESS: Your Honor, I have a little
18 problem with the speed with which she proceeds. I cannot
19 understand, she goes very fast in sentence so --

20 THE COURT: You mean she talks really fast like
21 this?

22 THE WITNESS: Yeah.

23 THE COURT: I understand.

24 Q (By Ms. Cheung) I'll keep trying to slow down,
25 sorry.

1 THE COURT: I like that she speaks quickly.
2 Unlike some of us.

3 Q (By Ms. Cheung) Now, in Exhibit 7 could you
4 turn back to the page that's marked P008379?

5 A That's correct.

6 Q Okay. And there's -- at the bottom of that
7 page there's a large-ish paragraph that starts Article V;
8 isn't that true?

9 A Yes.

10 Q Okay. And the last full sentence in that
11 paragraph I'm going to read to you, it says it is not a
12 separate religion but rather encourages the human society
13 to realize a universal religion in which there's a
14 selfless love for all human and other creatures and
15 harmony with all aspects of the universe both physical
16 and metaphysical and superphysical in love.

17 A Yes, I --

18 Q Did I read --

19 A -- understand what --

20 Q -- correctly?

21 A -- you are reading. There is a different
22 between religion and universal religion. Baba spoke of
23 religion --

24 Q My --

25 A -- not universal religion.

1 Q Okay. But it is a religion then; isn't that
2 true? So Baba did speak of religion?

3 A Baba spoke of Ananda Marga not being a
4 religion; that's correct.

5 Q All right. Are you familiar with the 15
6 points, the 15 shiilas?

7 A Yes.

8 Q Okay. And isn't it true --

9 A Do you have a copy of that?

10 Q I do at the moment, yes.

11 A Okay. I just wanted to make sure I am -- you
12 are talking about the same thing as I am thinking of.

13 Q Okay. And are you familiar with the 14 points?

14 A 14 points?

15 Q Yes.

16 A You have to show me.

17 Q Okay. So at the moment as I ask the question
18 you're not familiar with the 14 points; is that correct?

19 A It depends. There are so many points in Ananda
20 Marga, you know, and it has been changed constantly.
21 It's hard to say which points are which.

22 Q Okay.

23 A Baba made too many points.

24 Q Okay. I'd like you to ask -- I'd like to ask
25 you to look at Defendants' Exhibit 364. Do you have that

1 document in front of you?

2 A 364, yes.

3 Q Okay. This is the constitution of the Ananda
4 Marga Yoga Society; isn't that true?

5 A I do not seem to recall this as being
6 incorporated.

7 Q Well, my question is simply is this document
8 the constitution of the Ananda Marga Yoga Society?

9 A It is not incorporated I don't think it is
10 constitution of Ananda Marga.

11 Q So at the top of the very first page where it
12 says constitution of the Ananda Marga Yoga Society --

13 A It says that but --

14 Q Okay.

15 A -- I don't -- you are not understanding what
16 I'm saying. I do not think that this is the Ananda Marga
17 Yoga Society incorporated in what year, what to
18 (inaudible) it to.

19 Q Okay. That's fine. I'd like you to look at
20 the second page of this document. And the last paragraph
21 there under Article IV Section I, it says, the society
22 shall be in charge of --

23 A Wait, let me get to --

24 Q Okay. I'm sorry.

25 A -- Article IV. I'm not --

1 Q I'll keep trying to slow down.

2 Q You say on page number two again?

3 A It's the second page of this exhibit.

4 Q Okay.

5 A Second page --

6 Q Okay.

7 A -- number IV.

8 Q And Article IV, administration --

9 A Uh-huh.

10 Q -- you see that at the middle of the page?

11 A You want me to read it?

12 Q No, I just want you to look at it --

13 A Yes.

14 Q -- I want to make sure that we're at the same
15 spot in this document.

16 A Well --

17 Q Are you on the second --

18 A -- I'm having --

19 Q -- page?

20 A -- I'm having a problem, Your Honor, I don't
21 think this particular society was incorporated at all.

22 MS. CHEUNG: Your Honor, we move to --

23 THE COURT: She's not asking you that. She
24 just wants to have you look at the page and then she's
25 going to ask you a question.

1 THE WITNESS: Oh, okay.

2 THE COURT: Okay?

3 THE WITNESS: Thank you.

4 Q (By Ms. Cheung) So if you could turn to the
5 second page of this exhibit and do you see the middle of
6 the page it says Article IV administration?

7 A Yes.

8 Q Okay. And then you see below that it says
9 Section I?

10 A Okay.

11 Q And it says the society shall be in charge of
12 and under the spiritual guidance of Acarya, parentheses,
13 a teacher of yoga, who shall be appointed by Ananda Marga
14 Pracaraka Samgha Ranchi India. Such a person will be
15 known as the spiritual director. Acarya Vimalananda
16 Avadhuta is the first spiritual director under such
17 appointment and following him another other Acarya who
18 shall from time to time be so designated by the Ananda
19 Marga Pracaraka Samgha at India. Do you see that?

20 A I see that. But --

21 Q Okay. Did I --

22 A -- at the same time --

23 Q -- did I read that --

24 A -- I question --

25 Q -- correctly?

1 A -- the incorporation of this document.

2 Q Did I read that correctly?

3 A You -- you read that --

4 Q Okay.

5 A -- correctly.

6 Q Are you the Acarya Vimalananda Avadhuta that is
7 referenced --

8 A I am the --

9 Q -- in this paragraph?

10 A -- Acarya Vimalananda Avadhuta of reference,
11 yes.

12 Q Thank you.

13 A But it's not incorporated.

14 MS. CHEUNG: Your Honor, I'm going to move to
15 strike that remaining part of the response.

16 THE COURT: Well, and you guys keep asking me
17 strike things but I'm the only guy here. There's no
18 jury, there's no record. And I told you guys before we
19 started I'm obligated to ignore that which is irrelevant
20 or not admitted.

21 MS. CHEUNG: Okay.

22 THE COURT: Trust me, I'll do that.

23 MS. CHEUNG: All right. Thank you, Your Honor.

24 THE COURT: So appreciate the tip though.

25 Q (By Ms. Cheung) Isn't it true that you were in

1 fact appointed Ananda Marga Pracaraka Samgha Ranchi
2 India?

3 A I was appointed by Baba.

4 Q If you turn to the very first page of this
5 document.

6 A Page what?

7 MR. ERWIN: First page.

8 Q (By Ms. Cheung) The very first page of this
9 document.

10 A Same document that you are --

11 Q The same document, Exhibit 364, Defendants'.

12 A Constitution of Ananda Marga legal society?

13 Q Exactly. That part.

14 A Uh-huh.

15 Q And it's -- unfortunately it's not a great copy
16 so part of this is a little distorted but the first full
17 sentence that is readable says the society is a branch of
18 Ananda Marga Pracaraka Samgha Ranchi India; isn't that
19 true?

20 A I hate to say yes, no, and stuff, Your Honor,
21 because I know that this is not an incorporated --

22 Q It's -- it's a simple --

23 A -- organization --

24 Q -- question. Isn't it true that the
25 document --

1 A It is a simple question, you can bring any page
2 and say is this correct or not.

3 Q Okay.

4 THE COURT: Well, here's the deal, okay?
5 Mr. Erwin will be able to ask you questions when she's
6 done. If there's some explanation he thinks needs to be
7 made, okay? But right now all she's asking you is did
8 she read correctly what that document reads?

9 THE WITNESS: Okay. Thank you. Thank you,
10 Your Honor.

11 THE COURT: That's all she's asking you. So go
12 ahead --

13 THE WITNESS: Give me the page --

14 THE COURT: -- and answer her question.

15 THE WITNESS: -- and the sentence again,
16 please.

17 Q (By Ms. Cheung) Yes, on the very first page of
18 this document, it's the first full document that is
19 legible -- or first full sentence, I'm sorry, that's
20 legible. It says the society is a branch of Ananda Marga
21 Pracaraka Samgha Ranchi India; isn't that correct?

22 A It reads so.

23 Q Okay. And if you look at the very last page of
24 this document. What is the date that this document
25 appears to have been executed?

1 A I don't -- I don't know what you're saying.

2 Q Do you -- do you --

3 A I don't see it.

4 Q Do you see a date on the very last page?

5 A The three sentences or something there with
6 signatures, is that what you're referring to?

7 Q Right above the signatures.

8 A Okay.

9 Q There's a line there that says November 4th,
10 1970, do you see that?

11 A It says that --

12 Q Okay. Thank you.

13 A -- on the document.

14 Q And you were the sectorial secretary at that
15 time; isn't that true?

16 A I was the sectorial secretary at the time.

17 Q I have one more document to show you. If you
18 could look at Defendants' Exhibit Number 5. Do you have
19 that document in front of you?

20 A The supreme command?

21 Q The very first page. If you turn back --

22 A Okay. If you give me the --

23 Q It should have Number DFTS02937 at the bottom,
24 right hand corner.

25 A 1867? Last four digits?

1 Q No.

2 A I think I have a wrong page here. It's not the
3 one I said and either the one that -- this is the wrong
4 page. Yeah, 1867.

5 Q Okay. Are we on the right document?

6 A Okay, yes.

7 Q Okay. Good. Thank you. Is this document
8 familiar to you at all?

9 A No.

10 Q Okay. If you'd turn to the third page of this
11 document.

12 A Contents section?

13 Q Yes.

14 A Okay.

15 Q It's a page that's titled contents. In the
16 bottom left hand corner do you see a box there?

17 A Certainly.

18 Q Okay. And it says Crimson Dawn in larger font
19 and then in smaller letters right below Crimson Dawn it
20 says 3453 East 12th Street, Wichita, Kansas, 67208. Do
21 you recognize that address?

22 A I do not see the address where I'm reading.

23 Q Do you see the box?

24 A Yeah. I'm reading in the -- oh, I see on top
25 it says 3453 East --

1 Q Exactly.

2 A -- 12th --

3 Q It's right below the words Crimson Dawn.

4 A I don't know the address, I don't recall.

5 Q Okay.

6 A That's ages ago so I have no idea.

7 Q Okay. So you don't recognize that as the off
8 -- the sectorial office of AMYS Kansas?

9 A I don't recognize --

10 Q Okay.

11 A -- that address.

12 Q And if you would then turn to the fifth page in
13 this exhibit, in the bottom right hand corner you see a
14 number DFTS02942?

15 A 941, 942. Okay.

16 Q You're there?

17 A Yes.

18 Q Great. At the top of the page it says Ananda
19 Marga Yoga Society?

20 A Yes.

21 Q And you see a diagram there; is that correct?

22 A Yes.

23 Q Okay. My question to you is does this diagram
24 accurately depict the structure of the Ananda Marga Yoga
25 Society when you were the sectorial secretary?

1 A I don't think so. Because as I --

2 Q There's --

3 A -- testified, I don't --

4 Q -- there's -- there's no --

5 A -- think there was even a --

6 Q -- there's no question --

7 A -- general secretary then.

8 Q There's no question pending at the moment. Do

9 you see a date on this document? If you'd look at the

10 very first page.

11 A Next page?

12 Q The very first page, I'm sorry.

13 A Oh, go backwards.

14 Q Sorry to jump around. The very first page.

15 A Okay.

16 Q At the very top left hand corner it says

17 December 1972; isn't that true?

18 A No, I do not see that on the first page.

19 Q The very, very --

20 A After contents, the very first page?

21 Q No, before that, the very first page of the

22 whole exhibit. It's --

23 A Too many first pages here.

24 Q It says Crimson -- the Crimson Dawn at the top.

25 A Yeah. This Crimson Dawn, December of 1972, I

1 have nothing to do with it.

2 Q Okay. How long before December 1972 had you
3 left AMYS?

4 A Probably seven to eight months before that. I
5 -- I left in '71, not in '72. So I have no recollection
6 what this is, what this document is, I don't know --

7 Q No, that's --

8 A -- about it.

9 Q -- that's fine. I'm not asking you that.

10 A Oh.

11 Q My question is -- so you left in 1971, so this
12 document is approximately one year after you left; is
13 that true?

14 A Yes.

15 Q And you would say that that diagram five pages
16 in, is not an accurate depiction --

17 A I -- I have --

18 Q -- of Ananda Marga Yoga Society?

19 A -- not see the diagram at all.

20 Q Okay.

21 A So I don't want to testify to anything on the
22 document which I --

23 Q I'm not --

24 A -- haven't seen or --

25 Q -- I'm not asking --

1 clear.

2 MR. ERWIN: Okay.

3 Q (By Mr. Erwin) Can you go back to Defendants'
4 Exhibit 364, please? Before --

5 A Close to the mic, please.

6 Q Okay. And before that just one specific point.
7 You said that Baba directed you to establish the society
8 in Illinois, can you tell me what you meant by that?

9 A What Baba said is I go and establish
10 incorporations and that's all he said.

11 Q Okay. Now --

12 A Baba did not specifically say do it in Illinois
13 or do it in Kansas or -- he did not use specific
14 directions, it's totally up to me where and when I would
15 incorporate organizations.

16 Q Okay. Did Baba specifically direct you to set
17 up an entity in a corporate form?

18 A Could you --

19 Q Did Baba specifically direct you to --

20 MS. CHEUNG: Objection, that's -- objection,
21 leading, Your Honor.

22 THE COURT: Overruled.

23 Q (By Mr. Erwin) Did Baba specifically direct
24 you to set up entities in a corporate form?

25 A No, he never did.

1 Q Okay. Now, go to Exhibit 364, please. Is this
2 constitution of Ananda Marga Yoga Society, is this
3 related to Ananda Marga Yoga Society of Illinois or
4 Ananda Marga Yoga Society of Kansas, Inc.?

5 A No, not at all.

6 Q Do you -- do you recall where this -- where
7 this entity was located?

8 A No.

9 Q No. Do you know if this entity is still
10 around?

11 A I don't know.

12 Q And are you listed as one of the directors of
13 this entity?

14 A No, it does not.

15 Q Was this entity ever incorporated anywhere that
16 you're aware of?

17 A No, it was not.

18 Q Okay.

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

20 THE COURT: Recross, limited to redirect.

21 REXCROSS-EXAMINATION

22 BY MS. CHEUNG:

23 Q Mr. Rao, you said that Baba never specifically
24 directed you to form any corporate entities; is that
25 true?

1 A That is true.

2 Q Okay. I would appreciate if you could get
3 closer to the mic.

4 A Okay.

5 Q One last time I want you to look at the
6 affidavit that I handed you earlier. Paragraph six of
7 that.

8 A Okay.

9 Q Again, the first sentence that we read earlier
10 says that Baba first authorized the creation of a formal
11 Ananda Marga Pracaraka Samgha organization in India as a
12 legal entity to manage the society's membership, assets,
13 and property within India. We read that earlier. The
14 next sentence says, Some years thereafter, Baba also
15 guided, selected, Ananda Marga missionaries, parentheses,
16 sectorial secretaries close parentheses to create similar
17 legal entities in various countries of the nine
18 international sectors. Did I read that correctly?

19 A Yes.

20 Q And weren't you one of those sectorial
21 secretaries?

22 A I'm one of the sectorial --

23 Q And he --

24 A -- secretaries.

25 Q And he guided you to create a legal entity

1 similar to that one in India that he created; isn't that
2 true?

3 A To hold the properties within the corporate
4 bylaws that were created.

5 Q Is -- is that true? Isn't it true that he
6 directed you to establish legal entities in the sectors
7 that you were posted to --

8 A He did not direct to create any legal entities
9 directly to me, no.

10 Q So are you saying that the sentence in
11 paragraph -- the second sentence in paragraph six of your
12 affidavit is not true?

13 A Not completely correct.

14 Q Okay. One last question about the Crimson Dawn
15 that we looked at earlier, the Exhibit 5.

16 A Sure. Pardon?

17 Q Defendants' Exhibit 5.

18 A Okay. I don't have it.

19 Q You said you're not familiar with this document
20 at all; is that true?

21 MR. ERWIN: Beyond the scope of redirect,
22 objection.

23 THE COURT: Yeah, sustained.

24 Q (By Ms. Cheung) Document -- Exhibit 364.

25 Again, Defendants' 364. And at the bottom of the very

1 first page you see there a number that begins P, the very
2 bottom of the first page in the bottom right hand corner
3 you see a number that begins with P, right? P000248, do
4 you see that?

5 A No, I don't see on the bottom of the page where
6 it says Constitution. Under the constitution, I don't
7 see any --

8 Q Yeah, at the very bottom of the in the right
9 hand corner.

10 MS. CHEUNG: Your Honor, may I approach and
11 just --

12 THE COURT: Please.

13 MS. CHEUNG: -- point out? Thank you.

14 THE COURT: Go ahead.

15 THE WITNESS: Oh. I need different glasses I
16 guess.

17 Q (By Ms. Cheung) Okay. So now do you see the
18 number that begins ma'am that is P000 --

19 A 248 --

20 Q -- 248?

21 A -- is that 248?

22 Q Yes.

23 A Okay.

24 Q Okay. Do you see that?

25 A I do.

1 Q That number indicates that this document was
2 produced in discovery by the Plaintiffs in this case.
3 Okay. Do you have any idea how in the world this
4 document would have gotten into the files of Ananda
5 Marga, Inc.

6 A Only heaven knows.

7 MS. CHEUNG: All right. Thank you. Nothing
8 further.

9 THE COURT: And on that note, if there's no
10 objection, I'm going to excuse Mr. Rao, and you're free
11 to go.

12 MR. ERWIN: Thank you.

13 THE COURT: Thank you very much. Have a good
14 day. Let's take a quick recess, come back at 4 o'clock.

15 (Whereupon a recess was taken.)

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

18 THE CLERK: Courtroom 259 is back in session.

19 THE COURT: Please be seated.

20 All right. Mr. Erwin, you ready to call your
21 next witness?

22 MR. ERWIN: I am, Your Honor. I call Dada
23 Yatiishvarananda.

24 THE COURT: Raise your right hand, please.

25 //

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

SHIVA KUMAR NAIDOO

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

THE WITNESS: Yes.

THE COURT: All right. I'm going to ask you,
sir, to please do your best to speak up at an audible
level. You can adjust the microphone to your comfort,
pull it closer to you.

THE WITNESS: Thank you, Your Honor.

THE COURT: There you go. Perfect.

Mr. Erwin, you may proceed.

MR. ERWIN: Thank you.

DIRECT EXAMINATION

BY MR. ERWIN:

Q Good afternoon. Can you state your name for
the record, please?

A Yes. My name is Acarya Yatiishvarananda
Avadhuta.

Q And can you spell Yatiishvarananda.

A Y-a-t double i-s-h-v-a-r-a-n-a-n-d-a.

Q Thank you. Do you go by any other names?

A Civil name?

Q Do you go by a civil name --

A Yes.

Q -- at all?

1 A I have a civil name, Shiva Kumar Naidoo.

2 Q And can you spell that?

3 A Both -- all the name?

4 Q Yes, please. They're hard for us to --

5 A S-h-i-v-a K-u-m-a-r N-a-I-d-o-o.

6 Q Thank you. And can you tell us when you first
7 became initiated into Ananda Marga?

8 A I got initiated in Ananda Marga in the year
9 1965 October 29th.

10 Q And who initiated you?

11 A My teacher is not at the moment physically
12 present. He left the mission long time back.

13 Q What was his name?

14 A His name is Acarya -- please help me, I am
15 recollecting the name -- you know, so long.

16 THE COURT: You can tell us later.

17 Q (By Mr. Erwin) Okay. It wasn't Baba though,
18 right?

19 A I'm sorry.

20 Q No, it's fine. It's not important.

21 THE COURT: I'm sure -- I'm sure he forgives
22 you.

23 Q (By Mr. Erwin) Now, can you describe what
24 titles you hold in Ananda Marga, Acarya, Avadhuta,
25 Purodha, those types of titles?

1 A Yeah, at the moment I am an Acarya, and
2 Avadhuta, and also a Purodha.

3 Q Do you recall when you became a Purodha?

4 A I became a Purodha in the year 1991 -- late
5 '91, approximately.

6 Q 1991. And can you tell me any type of
7 organizational or committee positions you've held in
8 Ananda Marga? Can you start early on? I know it may
9 take a little bit for you to go through them.

10 A Since my beginning of my career as a monk?

11 Q Yes.

12 A Okay. I -- in 1966, June, I was sent to South
13 India, the town -- the city is near Salem in Tamil Nadu.
14 I was posted as dioceses secretary. Then in the year
15 1966 or '67 January probably I was given the post of
16 regional secretary.

17 Q Where?

18 A In southern India which we call Bengal region.
19 And I continued to work that position. Then I was
20 withdrawn from the field in the year 1970 and at that
21 time I was given further spiritual training, late 1970.
22 Then in 1971 beginning I came to Ranchi where Baba was
23 physically there. There I was made a senior Acarya and
24 after my examination by Baba himself, and Baba gave me
25 the further lessons, further spiritual lessons where we

1 call Vishesha yoga. And after that I was given the
2 posting as sectorial secretary New York sector by Baba
3 himself.

4 Q And when was that?

5 A 1971, February 15th, approximately.

6 Q Okay. And what about -- and you stayed as the
7 sectorial secretary of the New York sector until when?

8 A Since 1971 February I left India, I didn't have
9 any visa for the U.S. at the time --

10 Q No, no, I'm asking after you were the sectorial
11 secretary -- when did you --

12 A Rephrase it, please.

13 Q Yes, I'm sorry. You were the sectorial
14 secretary from 1971 until when?

15 A 1983 --

16 Q 1983.

17 A -- August. Thank you.

18 Q Okay. And where did you go in 1983?

19 A 1983 I went to Qahira or Cairo we call it,
20 Cairo sector.

21 Q So the Qahira sector is also called the Cairo
22 sector?

23 A Yeah.

24 Q Okay.

25 A Uh-huh.

1 Q And what was your position there?

2 A Same. Sectorial secretary.

3 Q And how long did you serve in that position?

4 A For over two years.

5 Q So until 1985?

6 A Right. Probably 1985, May or June I was
7 transferred to Nairobi sector as sectorial ERAWS
8 secretary.

9 Q Is that E-R-W-A-S (sic)?

10 A Yes. E-s means sectorial, ERAWS, mean E-R-A-W-
11 S; Education, Relief, and Welfare secretary.

12 Q And how long were you in that position?

13 A I was there until 1990 until Baba's physical
14 departure.

15 Q Now from 19 -- did -- what about 1990?

16 A Yeah, after the 1990, I was -- I came back to
17 India, and I was given a central posting by general
18 secretary Sarvatmananda Avadhuta as ERAWS secretary two.
19 Two means higher educational institutions, colleges,
20 universities were under me.

21 Q Okay. And from 1990 until when?

22 A Probably maybe about 1997, '98.

23 Q Okay. And after that?

24 A After that then I've done different positions.
25 I was given post as a master unit secretary.

1 Q From 1998 until when?

2 A The year I am trying to tell you maybe
3 variation.

4 Q Okay. Just --

5 A I'm not recollecting exactly.

6 Q Sure.

7 A I want to be honest here.

8 Q Just to the best of your recollection.

9 A Right. Maybe one or two years approximately.

10 Q So let's -- until maybe --

11 A Yeah, about --

12 Q -- 2000?

13 A Put it this way, 1997, maybe 1996 I was there
14 until ERAWS sec -- no sectorial secretary -- no, sorry,
15 central ERAWS secretary two, then I was given the posting
16 of this master unit secretary.

17 Q Is that master unit?

18 A Yeah.

19 Q Okay. And until you said about a year and a
20 half so that'd be 1999 or 2000?

21 A Approximately.

22 Q Okay.

23 A Approximately. Then -- no, before that. I
24 will tell you maybe one year or so.

25 Q Okay. And what about post 1999?

1 A Yeah, after that I was given the posting of,
2 what do you call secretary general or SDM.

3 Q Of? General of --

4 A Secretary general -- secretary --

5 Q Right.

6 A -- general of Seva Dharma Mission.

7 Q Can you spell the first word?

8 A S-e-v-a.

9 Q S-e-v-a?

10 A Seva. Yes.

11 Q Dharma?

12 A Mission.

13 Q And Dharma is d-h-a-r-m-a?

14 A Yeah, exactly. Correct.

15 Q Okay. From 1999 --

16 A These are all approximations because I'm just
17 forgetting exact dates.

18 Q Sure, sure. For about how long?

19 A Maybe about -- you're talking about -- okay,
20 then after that I was -- for a period of -- then I was
21 given the posting after that I was sent to Qahira sector
22 for two years approximately.

23 Q Okay. In what position?

24 A As sectorial secretary again.

25 Q Okay.

1 A Then after that I was again brought back to
2 India.

3 Q And that would in?

4 A 2001 or --

5 Q 2001?

6 A Right, uh-huh.

7 Q So you were brought back to India in what year?

8 A 2001 approximately.

9 Q Okay. So from -- after 2001?

10 A Then I served as again ERAWS secretary two.

11 Q Okay. Until when?

12 A Until and I continued --

13 Q So you --

14 A -- and after that --

15 Q -- are you still in that position?

16 A The new administration because then many things
17 happened in the organization and --

18 Q Okay. So from 2000 -- you've been the ERAWS
19 Secretary two --

20 A I continued for some time then some the
21 organizational things happened within the organization.

22 Q Okay.

23 A But I was still continuing. My post was not
24 withdrawn by anybody. I still continued my post during
25 my work diligently and some things were happening not

1 according to my conscience, and I had to withdraw myself
2 at that point. But I was still working in that position.

3 Q Okay. Can you describe what this conflict was
4 that you're talking about?

5 A Yes, I think it goes back since 1999. At that
6 time if I remember correctly, we were altogether as -- in
7 Kolkata at a camp office at the time and at that time
8 there were some elements within the organization, and
9 they were kind of hatching plans to divide the
10 organization. It was happening very slow, calculated
11 manner. And I sensed it and some of my co-brothers,
12 fellow monks, we also sensed it. And when we wanted to
13 say something about it in front of one of my co-monks,
14 then he said very correctly then strongly and he was
15 being threatened at that point.

16 So this is kind of a situation where a person
17 is not consciously cannot say anything for the betterment
18 of the mission so kind of a threatening nature, it was
19 not expected of from a mission of this nature which I
20 never expected. But anyway this -- this thing continued
21 on and on, on and on. And then in 2003 as you know very
22 well, 2002 December spiritual functioning Ananda Nagar,
23 the headquarters of Ananda Marga that during the December
24 spiritual function December, there was a meeting of these
25 Bhukti Pradhan, the district, you know, secretary we call

1 it in English. The meeting was called and I was not
2 inside the meeting I was outside of the meeting. And I
3 saw inside there were hundreds of, you know, members were
4 inside the hall.

5 And the meeting was addressed by late Acarya
6 Raghunathji (phonetic) and many other members of the
7 mission plus the family people who were Bhukti Pradhans
8 and other members were present. Mostly Bhukti Pradhans I
9 would say. At that meeting since I was not present
10 inside I was standing outside, there was -- there was a
11 commotion which I could feel it from outside. So many of
12 us were standing outside, there was a commotion. The
13 commotion was something like we could -- we could hear
14 it. There was a PA, you know, a loud microphone. We
15 could hear that, that throw them out, throw them out.

16 So some kind of a very violent kind of a nature
17 of expression took place inside the campus and at that
18 point some people from -- a friend of the gate there was
19 some security members were there at the time with the
20 stick and whatever and they were called in, the security
21 members were called in, I have no idea why they were
22 called in.

23 Q So who were the members -- who were the people
24 that were feuding?

25 A Do --

1 Q Who were the people that were arguing with each
2 other?

3 A Late Acarya Raghunathji was addressing that
4 meeting and there were several, what you call it, ethnic
5 Bengali-speaking Bhukti Pradhans including ladies, ladies
6 of 59, 60 years old lady from Guwahati in India in the
7 Assam state. She's an old respectable sister and she was
8 there. And many -- several sisters they were pulled away
9 the things happened. So should I say it?

10 Q Yeah, who were the parties who were arguing,
11 let's try to --

12 A Arguing, there was not even argument because I
13 was not inside, I want to be very clear here, I was not
14 inside. So I don't know who was arguing. Only this much
15 I know there was a commotion inside that room. The
16 commotion was that it is supposedly because I not there.
17 Supposedly it was said that --

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

19 THE COURT: Yeah, he wasn't there, he can't
20 tell me what he thinks.

21 THE WITNESS: Okay. All right.

22 Q (By Mr. Erwin) So you were standing outside,
23 what happened after --

24 A Yeah, I --

25 Q -- what happened?

1 A -- think it is better that way to do.

2 Q Okay. What happened while you were standing
3 outside?

4 A Yeah. That is better to answer a better way,
5 you know? Don't put me in confusion. Thank you.

6 Q So here I am. Then I was standing outside what
7 all I saw was people are beaten up. The worst thing what
8 I saw was the elder sister, 60 years old, she was a
9 teacher in the high school, her sari was torn off, her
10 blouse was torn off, people are beaten up. One young
11 monk so beaten up, he has to be taken to the hospital.
12 These are the scenes outside. I don't know what happened
13 inside but I know outside what happened. Violence,
14 simply violence took place.

15 Q And how --

16 A That --

17 Q And how did this turn into an organizational
18 dispute?

19 A I'm coming.

20 Q Okay.

21 A Please give me time, brother. Here the
22 situation, I was shocked. Really. Because in 1999 I
23 told you in Kolkata with my most respectable brother,
24 elder brother was bleed (sic). I thought, no, this is
25 not the way our organization can function. My guru never

1 taught violence. He taught love and trust. I didn't
2 expect this at all. When this thing happened, I started
3 having some kind of feeling in my conscience. When this
4 thing happened, that was the end of my feeling, what --
5 what is going on in the mission?

6 If it is going to continue like that, I was
7 mentally thinking that it would be deep division, and
8 that's what happened. So 2003 we all know what happened,
9 complete division of the organization, the Kolkata and
10 the Ranchi.

11 Q And that was in 2003?

12 A 2003.

13 Q Okay. And so what happened after this 2003
14 conflict took place, what happened then?

15 A Then 2003 Kolkata -- most of the Kolkata even
16 though I was sympathetic --

17 Q You were -- I'm sorry?

18 A I was sympathetic, I had sympathy for the
19 members of the Kolkata, because I saw it with my own eyes
20 the way they were treated. To my mind it is kind of
21 inhuman. So I had sympathy, moral sympathy with them
22 even though I didn't join them when they -- when the
23 organization split, and they wanted to have a separate
24 organization which we see now, but I didn't physically
25 join them but I was morally with them.

1 Q Okay. And did this -- this Kolkata -- what did
2 the Kolkata group do?

3 A Well, the Kolkata group, they wanted to start
4 their separate organization. So as usual, as per the law
5 of the land, as per the law of the land, they send letter
6 to the GS Acarya Dhruvananda Avadhuta to call for the --
7 I'm talking with politically MPS Dada (inaudible) legally
8 MPS here. Because you have to have a legal AMPS one is
9 the spiritual -- socio-spiritual organization AMPS and
10 another legal AMPS. So they wanted to have a legal AMPS
11 established. So according to the rule of the land you
12 have to send a letter to the GS, to the president. So
13 they send letters, registered letter to Acarya
14 Dhruvananda Avadhuta approximately three or four times.

15 Q Okay. I'm sorry, you said that they wanted to
16 set --

17 A So you had to --

18 Q -- up --

19 A -- call for the meeting. You had to call for
20 the meeting.

21 MR. OBITTS: Your Honor, there's a lack of
22 knowledge as to what they wanted and what they were
23 trying to do here with this witness.

24 THE COURT: Sustained on foundation.

25 Q (By Mr. Erwin) Okay. Do you have any

1 knowledge about -- do you have any direct knowledge about
2 what the Kolkata group was trying to accomplish?

3 A According to my concept that they wanted to
4 have their separate organization. Period.

5 Q Did they attempt to hold elections of any type?

6 A Yes, for the election -- for the election of
7 course never legal. I'm talking legal, not spiritual.

8 Q So are --

9 A So the legal --

10 Q -- you're saying that legal society called
11 AMPS --

12 A AMPS, correct.

13 Q -- the one that was registered in --

14 A Right, exactly.

15 Q So they were trying to hold elections of that?

16 A Exactly. For that purpose. They send a letter
17 anyway. This much I know. They send the letters, so
18 they can have a legal election.

19 MR. OBITTS: Your Honor, same thing, a lack of
20 foundation as to the basis of his -- what he knows.

21 THE COURT: Well, he's qualified his answer
22 based on that's all he knows, so I'm going to assume that
23 that's sufficient foundation for that purpose of the
24 testimony. Overruled.

25 Q (By Mr. Erwin) And let me ask you, how do you

1 know that they were holding elections for -- what were
2 they holding -- how do you know that they were holding
3 elections?

4 A Because members -- I had a -- I was talking
5 with the Kolkata members and they were -- they were
6 giving me this information. That much I can say.

7 Q Now, do you know if they elected a governing
8 body at that legal society of AMPS?

9 A Yeah, they did.

10 Q Did they also elect office bearers --

11 A Yes.

12 Q -- do you know that?

13 A They indeed did.

14 MR. OBITTS: Your Honor, we're going into
15 foundation of leading questions. So we've got the lack
16 of knowledge issue as well as leading questions.

17 THE COURT: Well, generally leading's
18 permissible for foundational purposes, but if it gets out
19 of hand as I think it has to this point, I'll sustain the
20 objection.

21 Q (By Mr. Erwin) And based on your knowledge,
22 when did the Kolkata group elect the governing body of
23 the legal society of AMPS?

24 A 2003.

25 Q And when did they elect the president?

1 A I have no exact knowledge of that.

2 Q Okay. When did they elect their own general
3 secretary?

4 A I think after the president, you know,
5 automatically, the president, you know, elected the
6 general secretary and then they formed the group.

7 Q So -- okay. So I'm going to go back to your
8 position. Did you ever -- when were you -- when did you
9 sit on any Central Committee of Ananda Marga?

10 A Yes.

11 Q When?

12 A 1991.

13 Q 1991. Until?

14 A Until it continued.

15 Q Until -- it's --

16 A Yeah.

17 Q -- continued since then?

18 A Right.

19 Q Has that always been the same Central
20 Committee?

21 A No, because again in 19 -- no, in 2003 when the
22 Kolkata separated themselves and they're their own
23 Central Committee.

24 Q Okay.

25 A And then -- pardon?

1 Q Yeah, when did the Kolkata group -- you said
2 that they elected a governing body.

3 A Right.

4 Q When did they elect their own Central
5 Committee?

6 A I don't -- I don't remember the exact date and
7 year.

8 Q But do you know if they did?

9 A They did.

10 Q Okay. And was the Central Committee that they
11 elected, do you know if the Central Committee that they
12 elected and the governing body was that the same entity?

13 A No.

14 Q Okay. So did you ever -- were you ever a
15 member of the Purodha Board?

16 A Yes.

17 Q When?

18 A I'm trying to recollect --

19 Q Okay.

20 A -- a time. I think 2000 -- no. I'm just
21 forgetting, I don't know why. But I was. I became -- I
22 became --

23 Q We'll establish that you were. We'll see if
24 you can remember, if you remember --

25 A Okay.

1 Q -- we'll come back to that.

2 A All right. Thank you.

3 (Pause in proceedings.)

4 Q Okay. Was it some time around 1994 to '99?

5 A Something around that time.

6 Q Okay.

7 A I'm sorry.

8 Q No, it's okay. It's -- this is your first time
9 testifying in a trial, isn't it?

10 A Yes.

11 Q Okay. So let me ask you this: Who is the
12 Central Committee of Ananda Marga now?

13 A The Central Committee what?

14 Q Who is the Central Committee now?

15 A Oh, now there are -- you know, since 2003 when
16 the Kolkata group separated, they formed their own
17 Central Committee, then in the year 2007 most of our --
18 most of us -- and we all see things were happening in
19 Ranchi -- we were all part of Ranchi at the time. So
20 when things were happening according -- not according to
21 conscience and I left late in the year 2006, I left.

22 I was just working, I didn't join any group, I
23 was in Ananda Nagar and doing the work. Then in 2007 a
24 lot of people left, many nuns and monks and at that point
25 we decided that it is better to have -- because there was

1 so many monks and nuns in (inaudible) maybe more than
2 100, so we wanted to have some kind of a structure so
3 that these younger monks and nuns could be well-guided
4 and structurally in a better way.

5 So at that point senior -- senior, you know,
6 Purodhas and we collectively decided to have a Central
7 Committee. And then our -- then we approved a lawyer,
8 because at that point the court, the Indian court ordered
9 -- requested at the time the Ranchi administration that
10 we invite --

11 MR. OBITTS: Your Honor, object, we're going
12 into narrative now and it's gone way beyond --

13 THE COURT: Sustained the narrative.

14 MR. ERWIN: Okay.

15 Q (By Mr. Erwin) So you said in 2007, can you --
16 can you look at Exhibit 79, Plaintiffs' Exhibit 79?

17 MR. ERWIN: May I approach the witness to
18 get --

19 THE COURT: Yes.

20 MR. ERWIN: -- the exhibit in front of him?
21 Okay.

22 Q (By Mr. Erwin) Now, can you tell me, do you
23 recognize this document and it's the --

24 A Yes.

25 Q -- first two pages of this document, do you

1 recognize the first two pages?

2 A Yes.

3 Q Okay.

4 A I do.

5 Q Now, the first two pages of this document, what
6 is this?

7 A The minutes of the meeting of seven Purodha in
8 Ananda Nagar.

9 THE COURT: You're going to need to sit down,
10 sir, and then you can pull that closer to you.

11 THE WITNESS: Okay.

12 THE COURT: You can move your water out of the
13 way.

14 THE WITNESS: Thank you, Your Honor.

15 THE COURT: That way -- because that way we
16 have it recorded.

17 THE WITNESS: Okay. The minutes of the meeting
18 of seven Purodhas held at Ananda Nagar on 29 -- 29-10-
19 2007.

20 Q (By Mr. Erwin) And how do you recognize this
21 document?

22 A Because I was there.

23 Q You were there?

24 A Yes.

25 Q Okay. So you were at this meeting?

1 A Yes.

2 Q And tell me is this -- does this look like a
3 true and accurate copy --

4 A Yes.

5 Q -- of the minutes that were taken?

6 A Right.

7 Q Okay. And your name appears as --

8 A Yes.

9 Q -- number five?

10 A Number five, that is right.

11 Q And what happened at this meeting?

12 A This meeting after the -- after the Central
13 Committee meeting in Purulia district. Before this, we
14 were meeting along with our lawyer, we are meeting there.
15 There we -- there in the Purulia town we had a meeting of
16 all the Purodhas who all came in. We had a meeting
17 collectively, there we selected the Central Committee.

18 Q Okay.

19 A After that, we came to Ananda Nagar here it
20 says Ananda Nagar, no declare carefully here, it says
21 Ananda Nagar.

22 Q Now, can you look at --

23 A Second page?

24 Q -- the pages three -- the last --

25 A Which one?

1 Q The last six pages of this exhibit. Do you
2 see --

3 A One second.

4 Q Look at -- please look at the top of the third
5 page.

6 A Top of the third page?

7 Q Yeah.

8 A Okay, yes, I'm seeing it.

9 Q And what is this document?

10 A Yeah, these are the Purodhas present at the
11 time at the meeting.

12 Q And is this the same meeting?

13 A Yes.

14 Q So this --

15 A Central Committee. These are the members of
16 the Central Committee.

17 Q On 8-11-2007 at 10 hours?

18 A Exactly.

19 Q Okay. Now, how do you recognize this document?

20 A Because I was there.

21 Q You were there. So is your name listed as
22 number there?

23 A Exactly.

24 Q Now, if you go t the very last page of this
25 exhibit.

1 A Okay. Wait, just one second. Yes, I'm seeing
2 it.

3 Q I'm sorry, it's the second to the last page.

4 A So wait a minute.

5 Q Go one previous up at the top, is that your
6 signature there?

7 A Yes, that's my signature.

8 Q Okay. And what's happening in this meeting?

9 A In this meeting the Central Committee was
10 nominated, members are approved, and we -- we gave this
11 list to the court, to the district court in Purulia of
12 our lawyer --

13 MR. OBITTS: Your Honor, he's going far beyond
14 the scope of the question. He said what happened at this
15 meeting and now he's talking about giving it to some
16 court.

17 THE COURT: That's very observant of you. Yes,
18 he is; I'm going to ask you to rephrase your question.
19 And Mr. Yatiishvarananda, please do your best to listen
20 carefully to the question he's asking you --

21 THE WITNESS: Okay.

22 THE COURT: -- try to answer just that
23 question, okay?

24 THE WITNESS: Okay.

25 Q (By Mr. Erwin) So let me ask that. There's a

1 bunch of people listed on one through 15.

2 A Right.

3 Q Okay. Who are the people listed -- not their
4 names but why are these people listed here? What -- what
5 is this -- what are these meetings doing?

6 A These persons are Purodhas.

7 Q Okay.

8 A And (inaudible) Central Committee, you select
9 -- you select them from the Purodhas, automatically they
10 were present.

11 Q And then on the next page there's another list.

12 A Just one second. Right.

13 Q So are these People being elected to something?

14 A Yes. Central --

15 Q And what --

16 A -- Committee.

17 Q -- are they being elected to?

18 A Yes.

19 Q And what are these elections for?

20 A To form a Central Committee.

21 Q Okay.

22 MR. ERWIN: At this time, Your Honor, I'd like
23 to move Exhibit 79 into evidence.

24 MR. OBITTS: I strongly object, Your Honor,
25 this is not an 803(6) document. Furthermore this is full

1 of hearsay, and it doesn't meet with any hearsay
2 exception. This is not a document of my clients.

3 THE COURT: You done?

4 MR. OBITTS: Yeah, I'm done.

5 THE COURT: All right. I'm going to sustain it
6 on foundation at this point, but I'm not -- certainly
7 foundation can be laid for it. So --

8 Q (By Mr. Erwin) Okay. We'll come back to this.
9 Okay. Can you tell me as the sectorial secretary of the
10 New York sector --

11 A Uh-huh.

12 Q -- what communications did you have -- who
13 posted you to this sector?

14 A Baba.

15 Q And do you recall who the general secretary was
16 at that time?

17 A Yes.

18 Q Who was it?

19 A Acarya Sarveshvarananda Avadhuta.

20 Q Can you spell that?

21 A Yeah. S-a-r-v-e-s-h-v-a-r-a-n-a-n-d-a.

22 Q Okay. Now, what instructions did Baba give you
23 when he posted you to the sectors regarding how to manage
24 the sector?

25 A He didn't give me any instructions.

1 Q And what instructions did any general secretary
2 give you --

3 A None.

4 Q -- on how to set up the sector? Now, was there
5 a Central Committee operating at that time?

6 A At that time, no.

7 Q Did you have any communications with any
8 governing body of the legal society at AMPS?

9 A No.

10 Q So what kind of commun -- did you have any
11 communications at all with the general secretary while
12 you were the sectorial secretary --

13 A Not at --

14 Q -- of Ananda Marga, Inc.?

15 A -- all.

16 MR. OBITTS: Objection as to scope of time
17 frame.

18 Q (By Mr. Erwin) I said while you were the --
19 while you were the sectorial secretary of Ananda Marga,
20 Inc. --

21 A Right. Or, no.

22 Q Okay. First -- first we'll start with Ananda
23 Marga Yoga Society.

24 A Exactly.

25 Q Okay.

1 A Kansas.

2 Q So while you're the sectorial secretary of
3 Ananda Marga Yoga Society --

4 A Kansas.

5 Q -- Kansas, did you have any communications with
6 any general secretary?

7 A No.

8 Q What about while you were the sectorial
9 secretary of Ananda Marga, Inc.?

10 A No.

11 Q Okay. Now --

12 THE WITNESS: Can I say one more sentence here?
13 Am I allowed to? No? I'm asking.

14 THE COURT: Well, you don't get to ask
15 questions.

16 THE WITNESS: Okay, sir.

17 THE COURT: As tempting as it might be.

18 THE WITNESS: Okay.

19 Q (By Mr. Erwin) Hopefully, hopefully I'll ask
20 you the right question.

21 A All right. Thank you.

22 Q Now, were you an officer or director of the
23 Ananda Marga Yoga Society --

24 A No.

25 Q -- corporations?

1 A No.

2 Q Did anyone object to you not being an officer
3 or director?

4 A None of them.

5 Q Okay.

6 THE COURT: I want you to let him go ahead and
7 finish his question, okay?

8 THE WITNESS: Yes.

9 THE COURT: Because you're interrupting him and
10 it interferes with the recording.

11 THE WITNESS: Okay.

12 THE COURT: We don't have a clear recording of
13 what your testimony is and what his questions are, okay?

14 THE WITNESS: Thank you, Your Honor.

15 THE COURT: Thank you.

16 Q (By Mr. Erwin) I'll ask the question again.
17 Were you an officer or director of the Ananda Marga Yoga
18 Society, Inc.?

19 A No.

20 Q Or, sorry, let me rephrase. Were you an
21 officer or director of Ananda Marga Yoga Society of
22 Kansas, Inc.?

23 A No.

24 Q Do you recall who the president of Ananda Marga
25 Yoga Society of Kansas, Inc., was?

1 A Paul Fahnestock.

2 Q And was he a wholetimer?

3 A No.

4 Q Was he -- so he wasn't an Acarya?

5 A No.

6 Q Now, while you were the sectorial secretary of
7 AMYS Kansas --

8 A Uh-huh.

9 Q -- what was your role with respect to those
10 corporations?

11 A None.

12 Q What was your role as the sectorial secretary
13 of the New York sector?

14 A At that time?

15 Q Yes.

16 A I was a spiritual director. I was touring the
17 United States, giving lectures, meditation, technique, et
18 cetera.

19 Q Now, when did you -- or who made the decision
20 to move the sectorial office from Kansas to Denver?

21 A It was me and Paul Fahnestock.

22 Q And why did you make that decision?

23 A Because we were growing, we wanted to have a
24 better atmosphere and things like that and at that time
25 we had -- put it this way: In two years, thousands of

1 adherents, I had created at that time. So we wanted a,
2 you know, better headquarters for Ananda Marga. So we
3 collectively thought better to move. At that time I got
4 -- I got quite a bit of money from one of the adherents
5 he came with the money, so I grabbed the opportunity and
6 came to Denver and bought a house.

7 Q And who did you receive approval from --

8 A None. Nobody.

9 Q -- to move -- wait until --

10 A It was me only.

11 Q -- I finish the question, please, okay? Who
12 did you receive approval from in order to move the
13 sectorial office?

14 A Nobody.

15 Q Now, who did you receive approval from in order
16 to purchase the Denver jagrti?

17 A No approval from anyone. It was in my own
18 volition.

19 Q Okay. Now, who made the decision that the --
20 to start a new corporation in Denver?

21 A Me and Paul Fahnstock.

22 Q Did you receive -- who approved that decision?

23 A It was our collective decision at that time.

24 Q Did anyone object to you --

25 A No.

1 Q -- starting a corporation?

2 A No.

3 Q What was the name of that corporation?

4 A Ananda Marga, Inc.

5 Q Now, were you an officer or a director of
6 Ananda Marga, Inc., when it was created?

7 A Yes, I did.

8 Q And what was your position in that corporation,
9 do you recall?

10 A I don't recall.

11 Q Okay. Why don't we look --

12 MR. ERWIN: May I approach the witness, Your
13 Honor?

14 THE COURT: Yes.

15 Q (By Mr. Erwin) Now, can you please look at
16 Exhibit 1 which is already in evidence. Do you recognize
17 -- what is this?

18 A Yeah, Ananda Marga incorporated May 21st, 1974.

19 Q Is this the articles of incorporation of --

20 A That's right.

21 Q Okay. And who were the people that prepared
22 this document?

23 A Myself and Paul Fahnestock.

24 Q Now, first let's go -- now, let's look at page
25 five of this.

1 A One second. Yes.

2 Q Do you see directors, Article VII, are you
3 listed as a director there?

4 A Yes, right; exactly.

5 Q And are those the rest of the directors?

6 A That's right.

7 Q Okay. And if you go one more page -- oh,
8 sorry, there appears to be a --

9 A Pardon me?

10 Q There appears to be a double page here,
11 apologize for that. Now, do you recall who the president
12 of this corporation was?

13 A Yes.

14 Q Who?

15 A Paul Fahnestock.

16 Q Now, if you look at Article IV, it says
17 distribution of assets, it's on page four.

18 A Page four? One second. Yes, page four, right.

19 Q Distribution of --

20 A Uh-huh, right.

21 Q -- assets.

22 A Uh-huh.

23 Q Right. Now, do the assets of -- where do the
24 -- if the -- this corporation is dissolved or
25 liquidated --

1 A Uh-huh.

2 Q -- what happens to the assets?

3 A It is written very clearly here. Exclusive
4 right, power and --

5 Q Okay. So --

6 A -- authority --

7 Q -- they're distributed --

8 A Right.

9 Q -- as per this phrase? Okay.

10 A Right.

11 Q So is there any circumstance -- under what
12 circumstances would the assets of Ananda Marga, Inc.,
13 upon dissolution go to AMPS Central or any Ananda --

14 A No.

15 Q Okay. Now, if you look at Section II, powers.

16 A Which page, please?

17 Q I'm sorry, page three.

18 A Okay. Yes, right.

19 Q Okay. Now, do you see anywhere where it --
20 now, this sets out the powers of the corporation, right?

21 A Right.

22 Q Do you see anywhere here where it grants any
23 power to anyone who's not part of this corporation?

24 A No.

25 Q Does it grant any powers to AMPS?

1 A No.

2 Q Okay. Can you go to Exhibit 2, please?

3 A Yes.

4 Q And do you know what this is? It's kind of
5 hard to read, it's a little --

6 A Yeah, very hard to read.

7 Q You see where it says Article -- well, first of
8 all do you see up at the top -- it's a little bit blurry
9 but it says Ananda Marga, Inc., see that?

10 A Yes, right, I can see that.

11 Q Okay.

12 A Uh-huh.

13 Q And the date appears to be July 21st, 1982?

14 A Yeah, I can see that.

15 Q Okay. And then it says Article III purpose and
16 powers?

17 A Right, uh-huh.

18 Q Right. So do you know what this document is
19 now? Do you recognize it?

20 A It must be the office.

21 Q Is this an amendment of the articles --

22 A Yes.

23 Q -- in 1982? Okay.

24 A Leading me carefully.

25 Q Now, who prepared -- do you know -- do you

1 recall who prepared these amendments?

2 A I think Paul Fahnestock and --

3 Q Do you just not remember?

4 A I was -- I -- I helped him. And Paul
5 Fahnestock and Mike Hemmelgarn.

6 Q Okay. And who would have approved these
7 amendments?

8 A Nobody except AN, Inc.

9 Q When did you send these articles for review or
10 approval to anyone in India?

11 A No, I didn't send.

12 Q Did you bring them -- do you recall if you ever
13 brought them with you to India?

14 A I didn't.

15 MR. ERWIN: Your Honor, it's just about 5
16 o'clock.

17 THE COURT: How much more you got left?

18 MR. ERWIN: I've got a ways to go with this
19 witness

20 THE COURT: Well, let's go ahead and take our
21 recess for the evening then. Is this a good place to
22 stop?

23 MR. ERWIN: Yes, Your Honor.

24 THE COURT: Okay. Good. All right. Well,
25 we'll reconvene tomorrow morning at 9:00 a.m. Same bat

1 time, same bat station. We'll see you then.

2 MR. MUELLER: Oh --

3 THE COURT: What?

4 MR. MUELLER: -- Your Honor?

5 THE COURT: Yes, Mr. Mueller.

6 MR. MUELLER: George Mueller. Our clients were
7 wondering if you'd had any additional thoughts on the
8 continued presence of Mr. Friedberg and I.

9 THE COURT: Not at this point.

10 MR. MUELLER: Okay.

11 THE COURT: I'm not prepared to revisit that
12 decision at this point. I told you yest -- or yesterday
13 that your associate could come in because he signed
14 pleadings. So if you want to send him, that's fine. All
15 right. Court's in recess.

16 (Whereupon the court recessed for the day.)

17

18

19

20

21

22

23

24

25

