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

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ANANDA MARGA, INC.,  
et al.,

Plaintiffs,

v.

ACHARYA VIMALANANDA AVADHUTA,  
et al.,

Defendants.

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Case No. 10 CV 1867  
Division 259

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

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

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The matter came on for Court Trial on May 12, 2011,  
before the HONORABLE MICHAEL A. MARTINEZ, Judge of the  
District Court, and the following proceedings were had.

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Transcript Prepared By:

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

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1 MORNING SESSION, MAY 12, 2011

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

4 THE COURT: We're going to continue now with  
5 the Plaintiffs' case in chief. I'm trying to find where  
6 I was. And Haratmananda I think was testifying. Come on  
7 up and grab a seat, please. And just for planning  
8 purposes, I'm going to need to stop today not later than  
9 4:30, probably a little bit earlier than that. So we'll  
10 see how we go, but we'll go if necessary to 4:30.

11 MR. ERWIN: Yes, Your Honor.

12 THE COURT: Okay. Mr. Erwin. You may continue  
13 with your direct examination.

14 MR. ERWIN: Okay. May I approach?

15 THE COURT: Yes.

16 SHIVA KUMAR NAIDOO

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

19 DIRECT EXAMINATION (Continued)

20 BY MR. ERWIN:

21 Q And Dada H, can you please look at Plaintiffs'  
22 Exhibit 109? What is -- do you recognize this?

23 A Yes.

24 Q And what is this?

25 A This is Title Suit 125 of 2003.

1 Q In -- in what court?

2 A This is the -- this is the lawsuit -- this is a  
3 lawsuit against us, against Kolkata administration.

4 Q A lawsuit against Kolkata administration?

5 A Yeah, it is by the Ranchi administration.

6 Q And is that how you recognize this document?

7 A Yeah.

8 Q Okay. Have you been following the proceedings,  
9 the court proceedings in that case in India?

10 A Yes.

11 MR. OBITTS: Your Honor, I object. There is no  
12 foundation as to -- he's a legal secretary for Kolkata  
13 administration.

14 MR. ERWIN: I'm laying the foundation.

15 THE COURT: All right. The objection's  
16 premature. Overruled.

17 Q (By Mr. Erwin) So, I'm sorry, have you been  
18 following the proceedings in this case?

19 A Yes, I have. Because I'm a defendant in this  
20 case.

21 Q You're a defendant in the case?

22 A Uh-huh.

23 Q Okay. And so if you look on the first page  
24 there --

25 A Yeah.

1           Q     Is that you listed in number 16 as one of the  
2 defendants?

3           A     Yes.

4           Q     Okay. And so who generally -- who are all  
5 these people listed as defendants here?

6           A     These are the -- the listed peoples are all  
7 from Kolkata administration.

8           Q     Kolkata administration. And who are the  
9 plaintiffs, do you know?

10          A     The plaintiff is Ananda Marga Pracaraka Samgha  
11 Ranchi.

12          Q     Okay.

13          A     And Raghunath Prasad, the president of Ananda  
14 Marga Pracaraka Samgha Ranchi.

15          Q     And are they part of a different administration  
16 of AMPS?

17          A     Yes. They are totally different than ours.

18          Q     And are they the Ranchi administration?

19          A     They are called Ranchi administration.

20          Q     Okay. Now, and is Raghunath still the  
21 president of the Ranchi administration?

22          A     No. Raghunathji passed away I believe in 2007.

23          Q     Okay. And do -- do you know -- and is this  
24 -- did this case continue after he died in 2007?

25          A     Yes, it continued.

1 Q Okay. Now, are you -- and you're a member of  
2 the Kolkata administration?

3 A I am the member of the Kolkata administration.

4 Q Okay. Since when?

5 A Kolkata administration, I'm since 2003.

6 Q Since 2003. Okay. And can you just generally  
7 describe to me what the claims against you as a Defendant  
8 are in this case?

9 THE COURT: Do you want to tell me what any of  
10 this has to do with the issues in this case, Mr. Erwin?

11 MR. ERWIN: Your Honor, this case filed in 2003  
12 against the Kolkata administration was filed by the  
13 Ranchi administration claiming that the governing body of  
14 the legal society of AMPS elected by the Kolkata  
15 administration was invalid. So this goes to the  
16 structure of AMPS Ranchi in 2003 on. And who the valid  
17 administration is.

18 THE COURT: Mr. Obitts?

19 MR. OBITTS: Yeah, Your Honor. These cases  
20 have already been submitted to the Court in the pleadings  
21 and it -- and it -- we don't believe it has anything to  
22 do with who in fact is in charge of Ananda Marga, Inc.  
23 We've already had testimony from them that the Kolkata  
24 faction broke away, and it has nothing to do we believe  
25 with this case.

1 MR. ERWIN: Well, but this case and the courts  
2 are saying who has the legal authority to manage the  
3 affairs and who are the governing body of this legal  
4 society of AMPS that's governed by its constitution under  
5 India law.

6 THE COURT: I'm going to give you limited  
7 leeway to establish some relevance and foundation to this  
8 testimony. If I don't hear it, I'm going to interject  
9 and tell you to move on to something else, okay?

10 MR. ERWIN: Yes, Your Honor.

11 Q (By Mr. Erwin) Okay. So again, can you tell  
12 me what the main claims are in this case?

13 A Main claim is that the Kolkata administration  
14 created -- did election to establish the governing body  
15 and Ranchi administration claimed that we -- our  
16 administration, our governing body is not legitimate. Is  
17 not legal, is not valid. That was the main claim. And  
18 their governing body is the right one, the valid one.

19 Q Okay.

20 A That was --

21 MR. OBITTS: Your Honor, this Court has a rule  
22 that the Court can consider foreign cases and can request  
23 testimony itself on such foreign cases, or it can just  
24 read the foreign cases. But here we have someone who is  
25 not an attorney, who is opining regarding some case that

1 has already been submitted to this Court and the Court  
2 has not elicited from anybody a request for  
3 interpretation of the meaning of a case.

4 MR. ERWIN: Okay. It's not -- if -- if you  
5 want to admit this as an exhibit and the Court can read  
6 it then --

7 MR. OBITTS: Furthermore the Plaintiffs'  
8 testimony so far has not been that AM, Inc., is  
9 controlled by anyone let alone legal AMPS. So how in the  
10 world is this relevant to their case in chief?

11 MR. ERWIN: Because --

12 THE COURT: Well, he may be amending the  
13 evidence to conform -- or the -- he may be seeking to  
14 amend to conform to the evidence to this point. I'm  
15 going to give him some leeway to do that but  
16 understanding that if there is a stipulation as to the  
17 exhibit, if it's a case, I can read it.

18 I'm -- I'm giving him leeway to establish some  
19 factual foundation presumptively from this witness'  
20 independent knowledge about the facts in this case. And  
21 he told me he's got some independent knowledge because  
22 he's a party in the case. He's not asking him to  
23 interpret it, at least that's not my perception at this  
24 point.

25 And I want you to stay away from legal

1 interpretation as I haven't heard any foundation that  
2 this witness is trained in the law or in any way, shape,  
3 or form either here or in India. So a bit of a long-  
4 winded answer, but I'm going to overrule the objection  
5 for now. I'm going to give you some leeway to establish  
6 some factual foundation to make this testimony relevant  
7 with the same caveat I gave you earlier.

8 MR. ERWIN: Thank you, Your Honor.

9 Q (By Mr. Erwin) Now, can you look at  
10 Plaintiffs' Exhibit 9, please?

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

12 THE COURT: Yes.

13 Q (By Mr. Erwin) Now, Dada H --

14 A Yes.

15 Q You just said that, you know, this case is  
16 about the Ranchi claiming -- AMPS Ranchi claiming that  
17 the governing body that the Kolkata administration  
18 elected in 2003 --

19 A Uh-huh.

20 Q -- is invalid.

21 A Uh-huh.

22 Q Now, is this governing body the governing body  
23 of the legal society of AMPS governed by that  
24 constitution?

25 MR. OBITTS: Your Honor --

1 THE WITNESS: Yes.

2 MR. OBITTS: -- now he's going into a legal  
3 conclusion. He's making a finding of law here.

4 MR. ERWIN: I'm asking him if -- if -- if the  
5 governing body that is at issue in that case is the  
6 governing body mentioned in the AMPS constitution.  
7 That's all I'm asking.

8 THE COURT: The objection's overruled. Answer  
9 the question.

10 THE WITNESS: Okay. Yes, this is done in a  
11 legitimate way. This is the constitution of Ananda Marga  
12 Pracaraka Samgha and it is done as part of this  
13 constitution.

14 Q (By Mr. Erwin) Okay. So how did the Kolkata  
15 hold elections for the governing body in 2003?

16 A It is laid out here how the election has to be  
17 conducted like calling members and who are members.  
18 Everything is written there.

19 Q Okay.

20 A It is done -- it is done according to this  
21 policy laid out here.

22 Q Okay. Thank you. Now, did you take part in  
23 these elections?

24 A No.

25 Q Why not?

1           A     Well, I'm a U.S. citizen and so as far as my  
2     knowledge goes, any foreign citizen cannot participate in  
3     a legal entity in the U.S. -- or in India.

4           Q     So you can't -- you can't take part in  
5     elections?

6           A     No. So far as I know.

7           Q     Okay. But you're a member of the Kolkata  
8     administration Central Committee, correct?

9           A     Yes, I am.

10          Q     Okay. So how can you be a member of the  
11     Central Committee when you can't be a member of this  
12     governing body?

13          A     This is legal, the one, and Central Committee  
14     is not legal. Central Committee is Carya'carya and again  
15     Carya'carya is not legal entity either.

16          Q     Okay.

17                 THE COURT: I didn't understand what you just  
18     said.

19          Q     (By Mr. Erwin) Okay. Can you repeat that?

20          A     Sorry.

21          Q     Slowly, please.

22          A     This --

23                 THE COURT: I understood the Central Committee  
24     is not legal as you qualified it.

25                 THE WITNESS: Central Committee is done as

1 Carya'carya.

2 THE COURT: That's the part I don't understand.

3 Q (By Mr. Erwin) Can you explain -- okay. Can  
4 you explain how the Central Committee is constituted  
5 under Carya'carya?

6 THE COURT: No, I'm just not understanding what  
7 he's saying.

8 MR. ERWIN: Okay. Okay.

9 THE COURT: Are you saying Carya'carya?

10 THE WITNESS: Yeah.

11 THE COURT: Okay. I've heard that term a lot.  
12 Sorry, I just -- okay. So go ahead.

13 Q (By Mr. Erwin) Okay.

14 A So the Carya'carya is not a legal entity. It  
15 is our internal things. This is legal entity. So it has  
16 to be done legally, and I cannot participate because I am  
17 foreign citizen there.

18 Q Okay.

19 A I cannot participate. But if it is not legal  
20 entity, then I can participate. So I can join Central  
21 Committee. But I cannot participate in the election  
22 here.

23 Q Okay. So is this case -- is this case still  
24 pending in the courts in India?

25 A No, it is already decided.

1           Q     Okay.  Can you look at the last two pages of  
2     this exhibit?

3           A     Yes.

4           Q     109.

5           THE COURT:  Is this Plaintiffs' Exhibit 109?

6           MR. ERWIN:  Exhibit 109, right.

7           THE COURT:  All right.

8           THE WITNESS:  Can I get some help from you?

9           Q     (By Mr. Erwin)  Oh, sure.  It's just the last  
10    two pages.

11          A     This one?

12          Q     Of the case.

13          THE COURT:  Mr. Erwin, just so the record's  
14    clear, and I may have simply misheard you, but the record  
15    will reflect the exhibit that he's been referring to is  
16    Exhibit 109.

17          MR. ERWIN:  That's correct.

18          THE COURT:  All right.  I had it as Exhibit 9.

19    So --

20          MR. ERWIN:  That was the one just previous,  
21    Your Honor, yes.

22          THE COURT:  Okay.

23          MR. ERWIN:  Yes.

24          Q     (By Mr. Erwin)  Okay.  So do you recognize this  
25    document that --

1 A Yes.

2 Q You do? Okay. What is this?

3 A This is the court order, the decision.

4 Q And court order of what court?

5 A Regarding the claim.

6 Q Okay. And how do you recognize this?

7 A Because I'm a party of it so --

8 Q Okay. And who -- who provided you this  
9 document?

10 A My legal secretary from Kolkata administration  
11 named Sarmutananda (phonetic) Avadhuta.

12 Q Okay. And is it part of the legal secretary's  
13 duties to keep legal documents and provide them to  
14 parties in the case?

15 A Yeah, mostly, yes.

16 Q Okay. So -- and what happened in this order?  
17 And this is dated when?

18 A This is dated I think March.

19 Q March of 2011?

20 A Yeah. Of 2011.

21 Q And -- and what did the court do in this case?  
22 In this order.

23 A The court has dismissed --

24 MR. OBITTS: Your Honor, now he's going into  
25 interpretation of the legal --

1           Q     (By Mr. Erwin) Okay. I can ask you, so it  
2 says consequently it is ordered that the suit and the  
3 same is dismissed for default or noncompliance with the  
4 court's order. Is -- did I read that correctly?

5           THE COURT: You can ask him if he knows. You  
6 can't read from the document because it's not in  
7 evidence. He can't interpret it. It sounds like it's a  
8 court order. But you can ask him if he has independent  
9 knowledge of, you know, what the status of the case is.  
10 He can tell me that.

11           MR. ERWIN: Okay.

12           Q     (By Mr. Erwin) And what is the status of the  
13 case?

14           A     The case is dismissed. Ranchi's claim that we  
15 are not valid that is dismissed totally so it means that  
16 we are valid organization. Valid governing body.

17           Q     Okay.

18           MR. OBITTS: Your Honor, I move to strike --  
19 well, I shouldn't move to strike anything but with regard  
20 to --

21           MR. ERWIN: Okay. I'm going to move --

22           MR. OBITTS: -- defining that --

23           THE COURT: So wait a minute.

24           MR. ERWIN: -- to admit the --

25           THE COURT: Guys, don't talk over each other.

1 Okay? I tell the witness that, the lawyers should  
2 understand that.

3 MR. OBITTS: You told me not move to strike.  
4 I'm moving to strike as to the last statement as to his  
5 findings that Kolkata administration is a valid body and  
6 this was what the case means. That is a legal  
7 interpretation.

8 THE COURT: Well, it's also a lay opinion and  
9 he can offer that. So I'll treat it as a lay opinion and  
10 the motion to strike, objection noted, is not granted.

11 MR. ERWIN: Now, I'd like to move to admit  
12 Exhibit 109 into evidence.

13 THE COURT: It's cumulative. It's not coming  
14 in.

15 Q (By Mr. Erwin) Okay. Now, Dada H, I'm going  
16 to have you turn to Defendants' Exhibit 11.

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

18 THE COURT: Yes. Again this is Plaintiffs'  
19 Exhibit 11?

20 MR. ERWIN: Defendants' Exhibit 11.

21 THE COURT: All right.

22 Q (By Mr. Erwin) Okay. Do you see -- it's on  
23 page 26. Are you at page 26? Do you see page 26?

24 A Yes.

25 Q Okay. Now, the -- after the first full

1 paragraph, I'm going to read something to you and ask you  
2 if you agree or disagree, okay? This is the interview  
3 with President Paul Fahnestock that we were looking at  
4 yesterday that's contained in the Crimson Dawn, okay?

5 A Uh-huh.

6 Q It says at the very top --

7 A Yeah.

8 Q Right.

9 A It starts with, Well, I am sure that --

10 Q Right. Right. It says, well, I'm sure --  
11 actually we're going to go -- yeah. So, I'm sure that  
12 that happens, and all I can say is that you should take  
13 what is applicable and utilize it. Wherever -- whatever  
14 you can't use in your particular unit because of your  
15 geographic locale, the development of the unit or the  
16 individuals, whatever it may be, you just have to accept  
17 the fact that it's not applicable. Do you agree with  
18 that statement?

19 A Yes, I do.

20 Q Okay. Now, as the sectorial secretary of the  
21 New York sector it goes on to say is that pretty much how  
22 you deal with things that come down from India that you  
23 don't feel apply here? And he answers, yes. Do you  
24 agree with that statement?

25 A Yes, I do.

1 Q Is that consistent with how you manage the  
2 affairs of the New York sector?

3 A Yes, sir.

4 Q What is Proutist Economics?

5 A It is an alternative economy given by our guru  
6 which is decentralized economy in fact.

7 Q Okay. And who's the author of the Proutist  
8 Economic Discourse on Economic Liberation books?

9 A Prabhat Ranjan Sarkar.

10 Q And who is that?

11 A He is Baba.

12 Q Baba?

13 A Yeah.

14 Q And are these books published by AMPS Central?

15 A Yes.

16 Q And are these part of -- are these books part  
17 of the socio-spiritual -- or socio-economic philosophies  
18 of Ananda Marga?

19 A Yes.

20 Q Okay. I'm going to read some quotes out of  
21 this book, Proutist Economics Discourse on Economic  
22 Liberation and ask you if you'd agree with them.

23 MR. OBITTS: Your Honor, I object. It's highly  
24 irrelevant. This is about economics that -- where we've  
25 had now two witnesses saying that this is not religious.

1 This is a religious dispute. It has nothing to do with  
2 governance so I object.

3 MR. ERWIN: Your Honor --

4 THE COURT: Where are we going with this,  
5 Mr. Erwin?

6 MR. ERWIN: I will establish relevance by  
7 showing how it is relevant to how the entire organization  
8 is managed.

9 THE COURT: Give me an offer of proof of what  
10 the witness would say in response to -- or in this  
11 inquiry.

12 MR. ERWIN: What this witness will say is that  
13 he agrees with the founder, that Baba of Ananda Marga  
14 that in all areas of life followers of Ananda Marga  
15 should act with coordinated cooperation, never with  
16 subordinated cooperation.

17 THE COURT: Okay. So why don't you just ask  
18 him that? Why does he have to tell me about the  
19 economics? I've heard that theory from an number of  
20 witnesses since you started your case, so --

21 MR. ERWIN: I'm going to ask him if he --  
22 because I'm asking if he agrees with the direct words of  
23 the founder, of Baba. On that particular issue.

24 THE COURT: All right. Well, let's see where  
25 you go with it.

1 MR. OBITTS: Your --

2 THE COURT: Objection's overruled.

3 MR. OBITTS: Just could I -- one further  
4 objection. Your Honor, just as far as relevance. Also  
5 we've had repeated testimony that this is not the holy  
6 scriptures of Ananda Marga as well. So I just want to  
7 make sure that's clear. We've had the testimony of  
8 Rainjitananda, and he didn't include this in it. In fact  
9 he said this is an economic theory, not religious, he  
10 said that. And then we have Yatiishvarananda talking  
11 about the Carya'carya as holy. So we've had no one here  
12 so far establishing that this is somehow considered  
13 scriptures of Ananda Marga Pracaraka Samgha.

14 THE COURT: Well, I don't think he's saying  
15 it's scripture. He's saying it's a writing by Baba and  
16 so as a writing by Baba he wants to see if this witness  
17 concurs with what Baba wrote. So we're going to let him  
18 find out.

19 MR. OBITTS: Okay.

20 Q (By Mr. Erwin) Okay. Now, I'm going to read  
21 something to you and ask you if you agree with it, okay?  
22 This is on page 129. Chapter titled Cooperatives. Baba  
23 writes, in every field of collective life there should be  
24 cooperation among the members of society. Where this  
25 cooperation is between free human beings, each with equal

1 rights and mutual respect for each other, and each  
2 working for the welfare of the other it is called, quote,  
3 coordinated cooperation, end quote. Where people do  
4 something individually or collectively but keep  
5 themselves under other people's supervision then it is  
6 called, quote, subordinated cooperation, end quote. In  
7 each and every stratum of life we should do everything  
8 with coordinated cooperation and always avoid  
9 subordinated cooperation. Do you agree with that?

10 A Yes.

11 Q Now, how is that relevant to how you manage the  
12 sectors in the New York sector?

13 A You know, as I told you that I had original  
14 secretary and I was taught by Baba that you are the GS of  
15 the sector, and so you know, I -- what I practiced like I  
16 have to coordinate with them not so that I am the boss  
17 and I am something, you know, something to be followed, I  
18 rather -- I -- I always wanted them to participate in the  
19 growth of the mission. They should be given freedom.  
20 They have also knowledge like me, because I always don't  
21 go all the regions, I cannot -- 29 countries I had in my  
22 jurisdiction, it's impossible for a human being every  
23 month to go and do them so we have to give them certain  
24 freedom and exchange and sharing and growing together.  
25 Together we grow. That's the main concept.

1           Q     And how is this relevant to the hierarchal  
2 structure of Ananda Marga?

3           A     There is -- structure is there but the spirit  
4 we have to understand. It is the spiritual matters not  
5 the words and not the other things which to me doesn't  
6 matter much. Today I am general secretary, tomorrow I  
7 will be diocese secretary, but it matters that we are  
8 together working for a particular mission and we are  
9 growing while we are helping each other. Not like  
10 somebody's king and boss. It is like we are, you know,  
11 hand in hand we are working, collectively we are  
12 responsible for the growth of humanity.

13          Q     I'm going to read you one more quote. The  
14 commune system is based on subordinated cooperation, dash  
15 dash, the relationships are those of supervisor and  
16 supervised or master and servant. Such relationships are  
17 detrimental for human progress and retard any possibility  
18 of progressive movement. They are ultra-verist to the  
19 want -- to the wants of human beings. Do you agree with  
20 that?

21          A     Yeah. 100 percent.

22          Q     And is that also relevant to how Ananda Marga  
23 is structured from a hierarchal standpoint?

24          A     Yes.

25          Q     Thank you. Now, I want to ask you who has

1 authority to -- to cancel your titles? Who -- who has  
2 authority to cancel your titles or remove you as a  
3 minister from Ananda Marga?

4 A Depends which title you are talking about. If  
5 it is Purodha, then I will say that Purodha Board can  
6 make such decisions. But again, I have rights to, you  
7 know, in the same way -- you know, depends on which title  
8 you are talking about.

9 Q Let's say your Purodha title. Who has  
10 authority to remove your title of Purodha?

11 A Purodha Board.

12 Q Okay. Did the Purodha Board ever remove your  
13 title?

14 A Ranchi administration -- no. I don't know. I  
15 don't know. I am not aware of what they did, but I am a  
16 Purodha.

17 Q Did you ever go through any tribunal process  
18 where anyone claims to have removed your titles?

19 THE COURT: The Purodha title or all of his  
20 titles?

21 Q (By Mr. Erwin) Purodha title.

22 A I believe I was never removed by them, but even  
23 if they remove, I don't care for it, because, you know,  
24 I'm -- I'm doing fine.

25 Q Okay. Now, did you have occasion to review --

1       who is Dada K?

2             A       Dada K?

3             Q       Dada Kes -- is it Keshverananda (sic)?

4             A       Oh, Keshavananda? Yes, there is Dada I know by  
5       name of Keshavananda.

6             Q       Okay. Did you have occasion to review an  
7       affidavit that he filed in this case?

8             A       Yeah, I have gone through it. What I need to  
9       have it in case --

10            Q       Okay. Let me see if I can find it.

11                    MR. OBITTS: Your Honor?

12                    THE COURT: What.

13                    MR. OBITTS: Your Honor, you previously stated  
14       that a party can testify about things without referring  
15       to them. Here we have him giving him documents, or  
16       reading him documents and it is utmost leading in my  
17       mind.

18                    THE COURT: Well, I don't know what he's doing  
19       with it at this point. All I know is he's asked him if  
20       he's seen an affidavit. I don't know -- we'll find out.

21                    MR. ERWIN: Okay.

22                    THE COURT: I suppose.

23                    MR. ERWIN: Now, so just for identification  
24       purposes I'm going to mark this as Plaintiffs' 126.

25                    THE COURT: I think you were at 127 the other

1 day. Mark it 128 to be safe.

2 MR. ERWIN: 128? This is declaration of Kesh  
3 -- Keshavananda.

4 MR. OBITTS: Your Honor, I object to him giving  
5 him the document.

6 THE COURT: Yeah, you haven't established any  
7 reason. What -- what are you trying to do here,  
8 Mr. Erwin? What are we doing? This is a sworn statement  
9 of someone else.

10 MR. ERWIN: It -- it goes to the credibility of  
11 this witness. The credibility of the witness who filed  
12 this affidavit.

13 MR. OBITTS: This witness hasn't even taken the  
14 stand, Your Honor.

15 THE COURT: Wait, wait, wait. The affidavit  
16 goes to the credibility of this witness?

17 MR. ERWIN: No. To the person who filed this  
18 affidavit in this court.

19 THE COURT: So you're asking him to vouch for  
20 the person who has not yet testified?

21 MR. ERWIN: No. He's going to -- he's going to  
22 discuss a point that was made in the affidavit that he  
23 has direct knowledge of.

24 THE COURT: Well, he doesn't need to see the  
25 affidavit. If he has direct knowledge, ask him about it.

1 MR. ERWIN: He asked to see it, Your Honor.

2 Q (By Mr. Erwin) Okay. Let me -- let me do it  
3 this way.

4 THE COURT: All I know is that he knows of this  
5 person at this point from his testimony. That's it.

6 MR. ERWIN: Okay.

7 Q (By Mr. Erwin) So you were the sectorial  
8 secretary of the Georgetown sector, correct?

9 A Yes, I was.

10 Q Okay. Were you the sectorial secretary of the  
11 Georgetown sector in 1979?

12 A Yes.

13 Q Okay. Now, did Baba tour your sector in --

14 A Yes. Only one country.

15 Q Where?

16 A Venezuela.

17 Q Venezuela; is that what you said?

18 A Yeah.

19 Q Okay.

20 A Uh-huh.

21 Q And did you -- did you see Dada Keshavananda,  
22 was he touring with Baba in 1979 while you were the  
23 sectorial secretary of the Georgetown sector?

24 A In my sector I never saw him.

25 Q You never saw him?

1           A     No.

2           Q     So if he were to claim --

3                   MR. OBITTS: Your Honor, now we're going into  
4 impeachment of somebody who is --

5                   THE COURT: Yup. Sustained.

6                   MR. ERWIN: Okay. That's it.

7           Q     (By Mr. Erwin) When you were the sectorial  
8 secretary of the New York sector, did anyone from Central  
9 inspect the books and records of Ananda Marga, Inc.?

10           A     When I was sectorial secretary of --

11           Q     Of New York sector.

12           A     -- New York sector? I think yes, one  
13 Jaganishharananda (phonetic) came.

14           Q     He came and -- and do you recall exactly what  
15 he inspected?

16           A     Well, he inspected my office and the New York  
17 sector office.

18           Q     Okay. And what authority does someone have in  
19 the New York sector -- or as a sectorial secretary of  
20 Ananda Marga, Inc., what authority does any one inspector  
21 have to inspect the actual books and records of the  
22 corporation, Ananda Marga, Inc.?

23           A     He has no right.

24           Q     Okay.

25                   MR. ERWIN: That's all I have with this

1 witness, Your Honor.

2 THE COURT: Cross-examination.

3 MR. OBITTS: Thank you, Your Honor.

4 CROSS-EXAMINATION

5 BY MR. OBITTS:

6 Q Good afternoon, Mr. Haratmananda.

7 A Good afternoon.

8 THE COURT: Well, you're getting way ahead of  
9 yourself, Mr. Obitts.

10 MR. OBITTS: Oh, yeah. Well, no I --

11 THE COURT: Good morning.

12 MR. OBITTS: Please, Lord don't let me get to  
13 the afternoon. Okay. We'll be done before lunch.

14 THE COURT: Wishful thinking. Good afternoon.

15 Q (By Mr. Obitts) You -- you stated that Central  
16 inspected the sectoral office. Just -- just five seconds  
17 ago, maybe a minute ago, how about that. Is that true?

18 A Yes. He inspected.

19 Q In fact he inspected the finances of the -- of  
20 the sectorial office, correct?

21 A I don't remember whether he inspected the  
22 finance or not, I can't remember because it's long back.

23 Q Okay. Isn't it the normal practice for the  
24 inspection to include the finances? Or do you just not  
25 remember?

1           A     I don't remember actually whether he did it or  
2 not.

3           Q     Okay. Fair enough. Isn't it true that there  
4 was a lawsuit that removed your titles and that there was  
5 an order of the high court enjoining you to claim that  
6 you were Purodha pending final outcome in the litigation?

7           A     Well, I'm --

8           MR. ERWIN: Now, he's asking him to interpret a  
9 court decision in India.

10          MR. OBITTS: I don't think so.

11          THE COURT: No. Overruled. Did you understand  
12 the question?

13          THE WITNESS: I am not aware of it.

14          Q     (By Mr. Obitts) You talked about this concept  
15 of coordinated cooperation.

16          A     Yes.

17          Q     Okay. And that however you admitted that there  
18 is a structure to Ananda Marga Pracaraka Samgha, correct?

19          A     Without structure -- yes, without structure  
20 nothing can commence, you know, it cannot hold, so  
21 structure is important.

22          Q     Isn't it true that Reverend Baba set up this  
23 hierarchal structure so that adherents to Ananda Marga  
24 could focus on getting to ananda, to the bliss?

25          A     The structure, you have to understand with what

1 spirit it has been called a structure. Without knowing  
2 that it would be otherwise interpreted.

3 Q Yes. Isn't it true that the Proutist theory of  
4 economics is a theory for civil society but has nothing  
5 to do with the spiritual structure of Ananda Marga  
6 Pracaraka Samgha?

7 A Proutist is -- establish on -- PROUT is a  
8 spiritual philosophy. Without spirituality, PROUT is  
9 invalid.

10 Q So isn't it true that Baba said without  
11 structure you will have chaos.

12 A Yes.

13 Q Isn't it true that in the structure of Ananda  
14 Marga, Inc., it has subordinate affiliates called --

15 A Say --

16 Q Isn't it true under the structure of Ananda  
17 Marga, Inc., that it has subordinate affiliates called  
18 regional offices?

19 A It is not subordinate. In Ananda Marga, Inc.  
20 we have subordinated, what call -- chapters. Ananda  
21 Marga, Inc., has several chapters where the word  
22 subordinated is carefully coined to -- not to have any  
23 legal disputes. It is written there but there is nothing  
24 like written that we have region subordinated and I don't  
25 -- so far as my knowledge goes, there is nothing like

1       that.

2               Q     But it is --

3               A     That it is subordinated.

4               Q     But it is true that Ananda Marga, Inc., has  
5       used the word subordinate when it refers to its  
6       affiliated entities, correct?

7               A     I have no idea.

8               Q     Under your concept of coordinated cooperation  
9       as you define it are you defining that as you sit here  
10      today pursuant to time, place and person?

11              A     What -- say it again?

12              Q     When you're defining coordinated cooperation  
13      here today, are you defining that pursuant to time,  
14      place, and person?

15              A     Coordinated cooperation is everywhere. It has  
16      -- I don't think it has nothing to do with the place. It  
17      is coordinated everywhere.

18              Q     Okay. So under your theory and definition of  
19      coordinated cooperation that you said was given by  
20      Reverend Baba that applies apparently to the structure in  
21      spirit form of Ananda Marga Pracaraka Samgha could you as  
22      a new initiant say, you know what? I'm not going to  
23      cooperate with Reverend Baba because I'm on the equal  
24      playing field?

25              A     I didn't understand your question, please.

1           Q     Sure. I'll try it again and I'll try to make  
2     it shorter this time. Could you as a new initiate when  
3     you receive a direction from Reverend Baba, let's say for  
4     example the conduct rules, could you say, you know what?  
5     I like your theory of coordinated cooperation so I'm not  
6     going to cooperate and follow the 16 conduct rules -- the  
7     16 point --

8           A     If it is a new initiate, I don't think Baba  
9     will force like that.

10          Q     Okay. How about if it was an Acarya?

11          A     Well, Acaryas are also entities who are trying  
12     to go towards perfection, so they have their limitations.  
13     You know, they will try their best to follow as -- as far  
14     as possible.

15          Q     Right. And if they fail to follow, isn't it  
16     true that they can be disciplined?

17          A     Trying to follow is that they -- if they do not  
18     realize that they have done some mistake of their own  
19     directive imposed on them it's not going to work for a  
20     long time.

21          Q     Right. But I'm saying -- and the question is  
22     simple. I'm saying if an Acarya fails to follow, they  
23     can be disciplined, correct?

24          A     Yeah, they can be disciplined.

25          Q     Right. So they subordinate themselves to a

1 higher authority so they can be disciplined, correct?

2 A It is a system developed by Baba. It is not  
3 called subordinate. You know, we know that this is the  
4 way to have perfection. If there is some way to have  
5 perfection, there is nothing called subordinated. The  
6 person who are today what calls not subordinated, but  
7 they can be tomorrow, they can be -- it's the same  
8 situation, because human being does it all. So this is  
9 system.

10 Q Now, you talked about these --

11 A Yes.

12 Q -- there were three boards, a Tattvika Board,  
13 an Acarya Board, and a Purodha Board, correct?

14 A Yes.

15 Q And that when you hold your various titles you  
16 are submitting yourself to the governance of that Board  
17 are you not?

18 A Well, they have certain rules and we have --  
19 since we have elected they have rights to develop  
20 something and other persons when they come they can also  
21 develop something else. So it is an ongoing thing.

22 Q My question to you was simple. When you become  
23 an Acarya, a Tattvika, or a Purodha, you are submitting  
24 yourself to the discipline of those -- of those Boards,  
25 correct?

1                   MR. ERWIN:  Objection, Your Honor.  He's  
2 strictly speaking about the spiritual Boards now of  
3 Ananda Marga.

4                   THE COURT:  Overruled.

5                   Q     (By Mr. Obitts)  Go ahead.

6                   A     Can you repeat it, please?

7                   Q     Absolutely.  When you become an Tattvika, an  
8 Acarya, or a Purodha, isn't it true that you're  
9 submitting yourself to the discipline of the Purodha  
10 Board, the Tattvika Board, and the Acarya Board?

11                  A     It is not exactly Board, but it is the rules  
12 and regulations, the -- the (inaudible) which I am  
13 supposed to follow, that I am submitting to.  If I have  
14 done wrong, I am going to rectify for that.  It's not  
15 like somebody who is the custody of everything.  It is  
16 like I'm rectifying myself with the rules established by  
17 -- collectively by someone.

18                  THE COURT:  That's as close as you're going to  
19 get.

20                  MR. OBITTS:  Yeah, I didn't understand what he  
21 said at all.  Did you understand it, Your Honor?

22                  THE COURT:  He said that it subjects -- subject  
23 to -- subjecting themselves to the roots (sic) and  
24 declarations --

25                  MR. OBITTS:  Okay.  As long as he said subject,

1 that's all I care about.

2 THE COURT: -- that I'm supposed to follow.  
3 Rectifying myself to those. Something like that.

4 MR. OBITTS: Okay.

5 Q (By Mr. Obitts) Okay. So isn't it true that  
6 when you become an Acarya, a Tattvika, and a Purodha,  
7 you're subordinating yourselves to the rules and  
8 regulations of those Boards?

9 A Rules and regulations of the Board.

10 Q So that's a yes?

11 A Yes.

12 THE COURT: Yeah, he just said that.

13 MR. OBITTS: Thank you.

14 Q (By Mr. Obitts) Isn't it true that the Ananda  
15 Marga Pracaraka Samgha is a mission with a collective  
16 body according to your definition of coordinated  
17 cooperation?

18 A Ananda Marga Pracaraka Samgha is a body.  
19 Ananda Marga Pracaraka Samgha has -- I think it has two  
20 Ananda Marga Pracaraka Samgha is there. One is Ananda  
21 Marga Pracaraka Samgha legal entity and another is Ananda  
22 Marga Pracaraka Samgha the socio-spiritual organization.  
23 There are two things.

24 Q Okay. According to your distinction between  
25 the two, let's go with the spiritual organization that

1       you're calling it, okay?

2             A       Yeah. Uh-huh.

3             Q       Isn't it -- so would it be fair to say under  
4       your definition of the spiritual body that the mission is  
5       worldwide?

6             A       Mission is worldwide.

7             Q       And it is a collective body, is it not?

8             A       It is a collective body.

9             Q       And the New York sector is part of that  
10       collective body, is it not?

11            A       Yes. Everything is in collective body.

12            Q       Isn't it true under your theory of the meaning  
13       of the word coordinated cooperation that AMPS Central of  
14       what you're saying as the spiritual organization is the  
15       coordinator and that the sectors and everybody else is  
16       supposed to cooperate in that coordination?

17            A       We all are coordinators. We are all part of  
18       this coordination.

19            Q       Okay. So -- great. So then I'm trying to find  
20       out if there is some hierarchy in the coordination. And  
21       so here's my question to you. Ready? My question to you  
22       is this. If Reverend Baba provided a dictate and said to  
23       you, you are supposed to hypothetically do meditation  
24       five times a day, okay? That's the hypothetical. And  
25       you are in cooperation with him, correct? Can you go

1 against that dictate?

2 A Well, you know, if -- everything is available  
3 to follow the follow that particular discipline I will do  
4 and if there is some situation -- I can give a  
5 hypothetical situation example also. I am supposed to do  
6 mediation in the morning and noon before I eat. And when  
7 I fly to India I am in a sudden situation where 12 hours  
8 difference is there, and I am very confused whether I'm  
9 doing meditation morning or evening. So -- so it depends  
10 on the situation.

11 Q So that goes to time, place and person,  
12 correct?

13 A Yeah, a little bit. You know, we have to -- we  
14 cannot probably deny the time, place, and person and  
15 neither we can violate totally. It is a very -- we have  
16 to use our own judgment. We are grown enough to use our  
17 own judgment, I believe.

18 Q Fair enough. Isn't it true that under the  
19 constitution of what you're saying is the legal AMPS that  
20 the election of the administrative bodies is governed by  
21 the Carya'carya Part I?

22 A Say it again, please.

23 Q Isn't it true that under what you're saying is  
24 the legal AMPS --

25 A Legal AMPS.

1           Q     -- that the election process for the  
2 administrative bodies, including the Central Committee is  
3 governed by Carya'carya Part I?

4           MR. ERWIN:  Objection.  He's asking him to  
5 construe the document.

6           THE COURT:  No.  Overruled.

7           THE WITNESS:  I'm having hard time  
8 understanding your question.  If it is -- let me reply on  
9 my own as I understood --

10          THE COURT:  No, don't guess.  If you don't  
11 understand just tell him that --

12          THE WITNESS:  Oh, okay.

13          THE COURT:  -- and he'll rephrase it.

14          Q     (By Mr. Obitts)  If you don't understand I can  
15 give you the document and we can read it together.  How  
16 does that sound?

17          A     It is okay.  You can give it.

18          Q     Okay.  Sounds good.  So we're going to look at  
19 Plaintiffs' Exhibit 9 --

20          A     Can you please help me?

21          Q     The constitution of the Ananda Marga Pracaraka  
22 Samgha --

23          A     It's here.

24          Q     -- and we're going to turn to the page that's  
25 got a number 44 at the top.  So it's well into the

1 document.

2 A Page 44?

3 Q Yeah, it's 44 at the top right corner. Or  
4 otherwise at the bottom it's DFTS00075.

5 A I need some help I believe. I don't know --

6 Q Do you want us to help you find it?

7 THE COURT: Did you say 44 or 24.

8 MR. OBITTS: DF -- it's 44 in the top right  
9 corner or in the bottom it's DFTS00075.

10 Q (By Mr. Obitts) Okay. And if we could look  
11 there at number six, which is about five centimeters down  
12 from the top --

13 A Yeah.

14 Q -- or two and a half inches, three inches.

15 A Yes.

16 Q It says the Samgha will have the following  
17 committees and Boards. And then we go down to number  
18 seven and it says these committees and Boards as provided  
19 under Regulation VI above will be constituted as detailed  
20 in Carya'carya Part I as revised from time to time. Did  
21 I read that correctly?

22 A Hold on.

23 Q Now, I'm going to ask you the question, is it  
24 your understanding --

25 A I did not go through it.

1 Q Okay.

2 A I need time to go through it, okay?

3 Q Please. I thought I read it to you.

4 A No. I didn't --

5 Q I didn't read it to you?

6 A You read the upper part and I have to read on  
7 my own because I'm slow in English.

8 Q Okay. No --

9 A It's not my native --

10 Q Yeah, no problem. My bad. I apologize.

11 A Okay. Yes.

12 Q Okay. So my question to you is based upon your  
13 knowledge isn't it true that the Carya'carya governs the  
14 election of the Central Committee of AMPS which you're  
15 calling the legal entity?

16 A Carya'carya as far as possible, yes, we have to  
17 consult. Depends on the rule of the country because Baba  
18 also told that the country rule -- the law of the country  
19 has to be respected as well. Because you have to  
20 function in a particular country then you have to follow.  
21 If -- in case of India, it is from Indian standpoint of  
22 view, this constitution is made.

23 So I believe that while it is applicable to  
24 India I'm not so aware with -- but I don't know. I have  
25 to study the U.S. law, whether it has anything to do with

1 it or not. I have not idea about it.

2 Q Okay. Now, when you become a Carya'carya and  
3 an Avadhuta --

4 MR. ERWIN: He becomes a Carya'carya?

5 Q (By Mr. Obitts) I'm sorry, when you --

6 MR. ERWIN: Well --

7 MR. OBITTS: I mean, could be living  
8 embodiment.

9 Q (By Mr. Obitts) When you become an Acarya and  
10 an Avadhuta --

11 MR. OBITTS: I get heckled by everybody here,  
12 it's wonderful.

13 Q (By Mr. Obitts) When you become -- but not by  
14 your hopefully.

15 A Oh, yeah.

16 Q When you become Acarya and an Avadhuta it's  
17 expected of you to follow the conduct rules, is it not?

18 A It is expected and I am supposed to follow as  
19 far as possible, yes.

20 Q And part of those conduct rules is that you are  
21 supposed to follow your posting, is it not?

22 A What is that?

23 Q Part of your conduct rules is that you're  
24 supposed to follow your posting, is it not?

25 A Yes.

1           Q     Previously you testified that how you became  
2     the sectorial secretary of Ananda Marga, Inc., was  
3     because the Board accepted you. Do you remember that  
4     testimony?

5           A     Say it again.

6           Q     Previously you testified that how you became  
7     sectorial secretary of Ananda Marga, Inc., was because  
8     the board accepted you.

9           A     Uh-huh.

10          Q     Do you remember that testimony?

11          A     Yes.

12          Q     Isn't it true that the bylaws of Ananda Marga,  
13     Inc., give the Board no such right?

14          A     I -- so far of my knowledge goes, yes, it gives  
15     the right for the Board to -- the new amended Board, what  
16     it's called, new amended bylaws gives them the right to  
17     do so.

18          Q     So those are the bylaws that were in effect  
19     when you were sectorial secretary?

20          A     19 -- yes, I think so.

21          Q     So the 1982 bylaws, it's your testimony, give  
22     you -- gave the Board the right to accept you or not as a  
23     sectorial secretary of Ananda Marga, Inc., is that your  
24     testimony?

25          A     So far I remember that Board has the right to

1 do that.

2 Q All right. Well, this is going to be a slow  
3 process because you're going to have to read the bylaws,  
4 and I want you to show me where it says that. So if you  
5 could look to Plaintiffs' Exhibit 4, and why don't you go  
6 ahead and show me where it says that. Plaintiffs'  
7 Exhibit 4. Well, let's do it this way. I'll -- let me  
8 -- we'll speed up this way. How does that sound? I'll  
9 ask you -- I'll point to a couple sections and then you  
10 let me know if it say that, okay? So if you get this in  
11 front of you, let's go to page two of the amended bylaws  
12 of 1982, and these were the bylaws that were in effect  
13 when you were there, correct?

14 A Page -- which page?

15 Q That would be page two at the top. Okay? So  
16 isn't it true that Ananda Marga, Inc., that you're on the  
17 board of is governed and it states in Section II, the  
18 sectorial secretary is appointed by the general secretary  
19 of Ananda Marga Pracaraka Samgha Central. The remaining  
20 officers shall be appointed by the sectorial secretary,  
21 correct?

22 A Is space --

23 Q Two, Article V, Section II.

24 A Page two, Article V --

25 Q Section II.

1           A     -- Section II. The sectorial secretary is  
2 appointed by general secretary of Ananda Marga Pracaraka  
3 Samgha Central. The remaining officers shall be  
4 appointed by the --

5           THE COURT: Just read it to yourself, okay?

6           THE WITNESS: Excuse me?

7           Q     (By Mr. Obitts) He said just read it to  
8 yourself, not out loud.

9           A     Okay. On, I see.

10          Q     Okay?

11          A     Yeah.

12          Q     Now, let's turn over to Article XVI,  
13 appointment and terms of office.

14          A     Page 16?

15          Q     Page five, Article XVI. Ready? Section I, the  
16 appointment and term of office of the sectorial secretary  
17 shall be at the discretion of the general secretary of  
18 Ananda Marga Pracaraka Samgha Central. Did I read that  
19 correctly?

20          A     Yeah.

21          Q     Okay. So let me ask you the question again.  
22 Isn't it true that the board of directors of Ananda  
23 Marga, Inc., have no say under the 1982 bylaws that were  
24 in place when you became sectorial secretary as to  
25 whether or not to accept you or not?

1           A     The board of director have -- has nothing to  
2 say?

3           Q     That's correct. They have to accept you.  
4 Power of appointment, power of removal is at the  
5 discretion of the general secretary of AMPS Central,  
6 correct?

7           A     Well, the board will try. Again, the country  
8 law has to -- it is a rule. There is not -- definitely  
9 it is a rule but again depends on the situation in the  
10 country and the law of the country whether they can  
11 accommodate. If there is a visa situation what kind of  
12 situation. It depends on the -- whether there will --  
13 there will be able to accept or adopt this rule or not.

14          Q     Okay. So you can set that aside. I'm going to  
15 ask you a couple of questions that don't relate to  
16 exhibits. So you've testified previously that you --  
17 that you served as Central Dharma Pracaraka Secretary,  
18 correct?

19          A     Yeah.

20          Q     And you -- and the purpose of the Central  
21 Dharma Pracaraka Secretary is to provide information for  
22 propagation to the various sectorial departments for  
23 implementation, correct?

24          A     That main purpose of the Dharma Pracaraka  
25 Secretary was to propagate the philosophy of Ananda Marga

1 all over the world.

2 Q That's correct. And you did so by providing  
3 directives to the sectorial offices for implementation,  
4 correct?

5 A Well, you tell it directive, I tell it  
6 suggestions and as to how to do and what to do. As you  
7 take it. But to me, I think it is not so much directive,  
8 rather it is an exchange of views because he may have  
9 some suggestions to me as well, you know, as to how to do  
10 it. So it is an exchange.

11 Q Right. I'm not saying that you're a dictator.  
12 I'm saying more that you're a benevolent dictator.

13 A Well, again, you it's an exchange of things.  
14 It is a reciprocal thing. You know, it is not just one  
15 way coming down from somewhere and it is final.

16 Q Isn't it true that Reverend Baba referred to  
17 himself as a benevolent dictator?

18 A Baba -- for Baba himself is okay. Baba is  
19 whether dictator -- even if he's dictator we agree with  
20 him because, you know, that's a different thing. Baba is  
21 Baba and nobody else is Baba.

22 Q And in fact in your role as Central Dharma  
23 Pracaraka Secretary you required that the various  
24 department levels below you in the sectorial level  
25 provided reports as to the implementation as to what

1 you're saying are guidelines, correct?

2 A Okay. The -- yes. They exchange information.  
3 It is -- they exchange good news also. They exchange so  
4 many things, information. It's the exchange of  
5 information.

6 Q What is your title with the Kolkata faction?

7 A My -- I was their PROUT secretary.

8 Q Okay. Any other titles?

9 A Well, I am now the -- what it's called -- the  
10 Dharma -- Assistant Dharma Pracaraka Secretary.

11 Q Assistant what?

12 A Dharma Pracaraka.

13 Q Okay. Assistant Dharma Pracaraka?

14 A Uh-huh.

15 Q DPS. Okay. And where are you posted?

16 A I am globally posted.

17 Q Okay. And you live in New York City?

18 A Yes.

19 Q Where in New York City do you live?

20 A Brooklyn.

21 Q Okay. Isn't it true that the -- after the  
22 Kolkata faction left AMPS Central that it posted its own  
23 sectorial secretary to the New York sector?

24 A It did.

25 Q And what year was that?

1 A I don't remember.

2 Q Okay. But it was part of the 1996 --

3 A I think it is after 2003.

4 Q Okay. If we could turn to Exhibit 299 that  
5 would be great.

6 A 299.

7 Q All right. Before I get there, in -- in 2005  
8 Tiirthananda was not the sectorial secretary for Kolkata  
9 faction was he?

10 A Tiirthananda --

11 Q He was not.

12 A He was not. 2005.

13 Q In fact you would call him as sectorial  
14 secretary of the Ranchi faction, correct?

15 A I -- I -- I don't think so because he is no  
16 more I believe affiliated with Ranchi.

17 Q All right. So you have the Exhibit 299 in  
18 front of you.

19 A Uh-huh.

20 Q And this is a letter --

21 A Uh-huh.

22 Q -- from the board of directors --

23 A Uh-huh.

24 Q -- to GS AMPS Kolkata, who was that?

25 A I think it is --

1 Q Who was the GS?

2 A Sarveshvarananda Avadhuta.

3 Q And who is Sambhutyananda?

4 A He is the legal secretary.

5 Q Of the Kolkata faction? Yes?

6 A Yes.

7 Q Okay. And who is -- holy cow -- Bhaveshananda?

8 A Yeah. Bhaveshananda was -- was also some

9 secretary, I am not remembering now.

10 Q Okay.

11 A I think he was -- okay. I don't remember.

12 Q Were you -- were you aware then on June 16,  
13 2010, the legal secretary of --

14 A July?

15 Q June 16, 2010, look on the right hand -- look  
16 on the next page.

17 A Next page.

18 Q Okay. Were you aware that on June 16, 2010,  
19 the legal secretary of the Kolkata faction wrote a letter  
20 to Vishvadeva -- is that Michael Hemmelgarn or Wayland  
21 Secrest?

22 A Vishvadeva is Wayland Secrest, right.

23 Q Okay. So he wrote the letter to a board member  
24 of Ananda Marga, Inc., correct?

25 A Uh-huh.

1           Q     Yes? You have to -- you can't go, mm-hmm. You  
2 have to be auditory.

3           A     Okay. It is written to Vishvadeva by  
4 Sambhutyananda.

5           Q     And Vishvadeva was a Board member of Ananda  
6 Marga at the time, correct?

7           A     Yes.

8           Q     Okay. And were you aware that the Kolkata  
9 faction stated that the amendments to the bylaws of 2006  
10 were in violation of the structure of -- given by  
11 Reverend Baba?

12          A     That was -- on the signing they had and then I  
13 talked to them, and I explained that that is what the  
14 countries rule and --

15          Q     I -- I'm just asking you if that was what --  
16 all I'm asking you is were you aware that they wrote this  
17 letter to them saying that this is in violation of the  
18 structure of Baba?

19          A     Yes, they wrote it.

20          Q     Okay. Fair enough. And were you aware of the  
21 board of director's response to them agreeing that it was  
22 in violation of the structure and that they would -- that  
23 if they were to be able to unite with everybody that they  
24 would put the bylaws back to the 1974 version?

25          A     If they had I have written in have no knowledge

1 about that letter and so I cannot comment on it.

2 Q Then that's fine. Then -- that -- that's fine.  
3 Other than the two names you've given me do you have any  
4 other names?

5 A About what two names?

6 Q Well, you've got your legal name that you gave  
7 us and then Haratmananda. Have you been named anything  
8 else?

9 A Well, you know, my civil name I have given,  
10 Tapas Chakraborty.

11 Q Yes.

12 A And that's it.

13 Q And Haratmananda. Isn't it true that under the  
14 system that Reverend Baba gave that no two people in AMPS  
15 can have the same name at the same time?

16 A I'm not aware who else has the Haratmananda  
17 name.

18 Q I didn't understand you, I'm sorry.

19 A I didn't understand. I believe your question  
20 is two -- two person cannot have same name. This much I  
21 understand.

22 Q Yes, isn't it --

23 A What do you mean by it?

24 Q Isn't it true that under the system that  
25 Reverend Baba gave of Ananda Marga Pracaraka Samgha that

1 two individuals that are adherents cannot have the same  
2 Sanskrit name?

3 A Well, on --

4 Q At the same time.

5 A It depends on the Margiis. The Margiis have so  
6 many (inaudible) all over the world.

7 Q Okay.

8 A But whom you're talking about? Are you  
9 talking --

10 Q I'm talking about -- I'm sorry. I'm talking  
11 about Acaryas.

12 A Acaryas. Okay. Now I can answer. So if you  
13 are talking about Acaryas; yes, if it comes in the  
14 notice, we will change the name.

15 Q Okay. When Reverend Baba came to visit in 1979  
16 on September 25 to the GT sector he conducted DMC, did he  
17 not?

18 A I don't think so. He just gave a lecture  
19 there.

20 Q And that wasn't DMC?

21 A No, it was -- in Venezuela he give a just talk  
22 and for I think in Venezuela when he came, in GT sector,  
23 he just gave some lectures there. So far I remember it  
24 was not DMC.

25 Q And isn't it true that Dada Ramananda was with

1 him?

2 A Ramanandaji was with him, yes.

3 Q Yes. And isn't it true that there were other  
4 workers from Central with him touring?

5 A Yes.

6 Q Isn't it true that when they were in the GT  
7 sector in Venezuela --

8 A Uh-huh.

9 Q -- that they also conducted some inspection?

10 A No. Never.

11 Q Are you aware that the Supreme Court of India  
12 in 1982 ruled that there is no difference between socio-  
13 spiritual and legal AMPS?

14 A I am not aware of it.

15 Q Okay. I think you previously testified that  
16 Reverend Baba established the nine sectors of the world,  
17 correct?

18 A Yes.

19 Q And one of those sectors was the New York  
20 sector, was it not?

21 A Yes.

22 Q And when you came to a sector during Reverend  
23 Baba's lifetime as a sectorial secretary, you were there  
24 as his representative, were you not?

25 A Yes, I was.

1           Q     Likewise, after Baba's physical death in 1990  
2 when you were in the sectors, you were there as a  
3 representative -- representative of AMPS Central in your  
4 role as sectorial secretary?

5           A     I am what?

6           Q     You were there as a representative of AMPS  
7 Central in your role as sectorial secretary?

8           A     I was -- after Baba's departure, I was  
9 sectorial secretary for New York sector I believe another  
10 two years. Yes, I was.

11          Q     Okay. Isn't it true that AMPS Central ordains  
12 and posts the Acaryas throughout the world per the need  
13 of the global mission?

14          A     They post according to the need of that?

15          Q     Global mission.

16          A     Yeah, they post according to the need.

17          Q     Now, Reverend Baba during his physical presence  
18 here was both the president and the Purodha Pramukha of  
19 AMPS Central, was he not?

20          A     He was Purodha Pramukha and -- yes, and  
21 president.

22          Q     Okay. And after his physical death in 1990,  
23 Acarya Shraddhananda became Purodha Pramukha and  
24 president of Ananda Marga Pracaraka Samgha Central,  
25 correct?

1           A     Yes.

2           Q     And isn't it true that the Purodha Pramukha  
3 holds that position for life?

4           A     Yes. He holds the position for the life.

5           Q     Can you as an Acarya disobey the dictates of  
6 the guru without being disciplined?

7           A     Gurus dictate, I'll try my level best to follow  
8 as far as possible, I already answered.

9           Q     And in fact it would be spiritual  
10 insubordination if you failed to follow that, correct?

11          A     Well, Baba never teach it like that, because  
12 Baba know how difficult it is to follow every rules of  
13 Baba. I don't know who is superman can follow all these  
14 things. I am not the superman at least, you know?

15          Q     You're human.

16          A     Yes. I consider myself --

17          Q     And my -- my question to you is wasn't it true  
18 that Reverend Baba disciplined people --

19          A     Yeah --

20          Q     -- for --

21          A     -- he disciplined people. We are the product  
22 of him.

23                   THE COURT: The what?

24                   THE WITNESS: We are the product -- we are --  
25 we are made by him.

1 MR. OBITTS: The product.

2 THE COURT: The product. I got it.

3 MR. OBITTS: Yeah.

4 Q (By Mr. Obitts) Isn't it true that Ananda  
5 Marga, Inc., followed the teachings of Reverend Baba, the  
6 guru?

7 A Yes. Considering the country rules and Baba's  
8 rules they tried their best.

9 Q Isn't it true that the purpose of Ananda Marga,  
10 Inc., was to conduct pracar, in other words propagate the  
11 teachings of Baba in the New York sector?

12 A Yes, they did. And it is -- and I think it is  
13 their objective as a Margii and as a Board member, I  
14 believe there is a -- I don't remember, it is objective  
15 of their corporation also I believe to propagate the  
16 philosophy of Baba so they do.

17 Q Okay. Now, Reverend Baba provided -- you  
18 previously testified -- provided the organizational  
19 structure for Ananda Marga Pracaraka Samgha and --  
20 correct?

21 A I did not understand. Sorry.

22 Q You previously testified that Reverend Baba  
23 provided the organizational structure for Ananda Marga  
24 Pracaraka Samgha, correct?

25 A Yeah.

1           Q     Yeah.  And isn't it true that the structure is  
2     a pyramidal structure with Reverend Baba as a guru on  
3     top flowing down in a triangle form from the guru all the  
4     way down to the village level?

5           A     I don't know what you mean; but yes, it looks  
6     like that.

7           Q     Okay.

8           A     But I have no idea what you mean by that.

9           Q     But it looks like it?

10          A     Your interpretation of pyramidal hierarchal I  
11     -- I don't agree with all these things, but yes, it is --  
12     it looks like -- it has, you know, several -- in the  
13     structure --

14          Q     Sure.

15          A     -- certain person are appointed there.

16          Q     Yeah.  So it's Reverend Baba at the top, the  
17     Central level, then the sector level, then the regions,  
18     then the diocese, the bhukti villages, then the units,  
19     correct?

20          A     Yeah.

21          Q     Okay.  Are you aware of any writings that  
22     distinguish between Ananda Marga, Inc., and AMPS New York  
23     sector?

24          A     Did I do any writing?

25          Q     No.  Are you aware of any writings that

1 distinguish between Ananda Marga, Inc., and AMPS New York  
2 sector?

3 A So far I remember I don't remember that there  
4 is any such writing or not or whether it is needed to  
5 write or not.

6 Q Correct. Isn't it true that Ananda Marga,  
7 Inc., is the legal embodiment of the AMPS New York  
8 sector?

9 A Ananda Marga?

10 Q Inc. Is a -- is the legal embodiment of AMPS  
11 New York sector?

12 A Ananda Marga, Inc., has its own rule and they  
13 understand what we incorporated there, how to function.  
14 And I don't know whether I can call embodiment or not,  
15 but they try also incorporate as much as possible in the  
16 cooperation.

17 Q Fair enough. When you became an Acarya, you  
18 had to handwrite out a Dit. S guidebook, did you not?

19 A Yes.

20 Q Okay. And in that Dit. S guidebook you had to  
21 write out the structure of Ananda Marga Pracaraka Samgha,  
22 did you not?

23 A Yes.

24 Q And the structure that you wrote out was the  
25 structure of Central on the top with the general

1 secretary there and the sectorial secretary below the  
2 general secretary, and then the regional secretary before  
3 that, then the diocesan secretary below that, correct?

4 A Yeah.

5 Q Is -- Ananda Marga, Inc., is not separate from  
6 New York sector, is it?

7 A It is separate because it is incorporated as a  
8 legal entity. It has nothing to do, you know, so far as  
9 legal entity is concerned with Ananda Marga Pracaraka  
10 Samgha spiritual organization. It is a separate entity.

11 Q Okay. Is -- now, I just want to make sure  
12 you're not confused here. Are you saying that if a  
13 church incorporates, let's say the Church of the Holy  
14 Comforter incorporates and it has a church body with  
15 priests, but yet it has a corporation that owns the  
16 assets with a board of directors are those two separate  
17 legal entities?

18 A It is guess of choice, I don't know --

19 MR. ERWIN: Judge, this is cumulative.

20 THE COURT: Sustained.

21 THE WITNESS: Should I answer?

22 Q (By Mr. Obitts) No, no.

23 THE COURT: No.

24 Q (By Mr. Obitts) When he says sustained, you  
25 stop. Isn't it true that the AMPS New York sector did

1 not have any bank accounts?

2 A Ananda Marga New York sector --

3 Q Right.

4 A -- didn't have any bank account? Yeah.

5 Q It did not, correct?

6 A I don't know. I don't remember.

7 Q Okay. You don't remember.

8 A Uh-huh.

9 Q Likewise isn't it true that Ananda Marga, Inc.,  
10 did the finances of AMPS New York sector?

11 A It did -- I know that it did the finances of  
12 Ananda Marga, Inc., for sure, I know.

13 Q Thank you.

14 A And, yeah, so whoever is giving money to Ananda  
15 Marga, Inc., they have given.

16 Q Okay.

17 A And is accommodated.

18 Q But did -- people gave money to AMPS New York  
19 sector, did it not?

20 A Ananda Marga -- the people give money for what?  
21 The only people can tell what they're giving for.

22 Q I'm saying when you were sectorial secretary --

23 A Yeah.

24 Q Okay? Of AMPS New York sector --

25 A Uh-huh.

1           Q     -- did people give money to AMPS New York  
2 sector?

3           A     If they give money to Ananda Marga, Inc., that  
4 means they know that they're giving money to Ananda  
5 Marga, Inc.

6           Q     That's not my question. My question to you is  
7 this. In your hat -- because apparently you wore two  
8 hats, you're saying.

9           A     Yes.

10          Q     Two hats were sectorial secretary of AMPS New  
11 York sector and hat of sectorial secretary of Ananda  
12 Marga, Inc. Is that what you're saying? You wore two  
13 hats?

14          A     Yeah. I have two hats.

15          Q     Okay. And in that role of two hats, what did  
16 you do with the money that was given to AMPS New York  
17 sector?

18          A     The people can answer what they give, money.

19          Q     Okay. Then let's back it up. So I've got to  
20 lay a foundation with you. Isn't it true that no money  
21 was ever given to AMPS New York sector, only money was  
22 given to Ananda Marga, Inc., while you were sectorial  
23 secretary wearing your two hats?

24          A     Probably, yes.

25          Q     Likewise AMPS New York sector never filed any

1 tax returns, did it?

2 A Ananda Marga, what?

3 Q AMPS New York sector never filed any tax  
4 returns, correct?

5 A I don't think so.

6 Q Likewise the phone number for Ananda Marga,  
7 Inc., and what you're saying is some separate entity,  
8 AMPS New York sector, was the same.

9 A Well, you know, if I have two hats I have to  
10 stay, you know, keep both the hats in the same house I  
11 believe. So -- so I don't know. There is same phone  
12 number, so, you know, I don't know how to answer that.

13 Q Okay. If you could turn back to Plaintiffs'  
14 Exhibit 4, please.

15 A Exhibit 4?

16 Q Yes, please. And if you could turn then to  
17 Article XV. Page five at the top. Do you see it? So go  
18 one, two, three, four, five. Do you see page five?

19 A Yes.

20 Q And it's Article XV? And it talks about  
21 standing programs.

22 A Article XV.

23 Q Do you see that?

24 A Yeah. Article XV, I got it. Appointments and  
25 terms.

1           Q     No, it's -- Article XV. It says standing  
2 programs and program secretaries. Could you help him,  
3 Mae, please? Do you have it there in front of you?  
4 Okay. So the question I'm going to ask you, isn't it  
5 true that ERAWS, Dharma Pracar, RAWA, public relations,  
6 society building and Renaissance Universal are all  
7 programs of what you're saying is AMPS New York sector  
8 and not Ananda Marga, Inc.?

9           A     This is what? This bylaws or this is --

10          Q     These are the bylaws.

11          A     Okay. These are bylaws of Ananda Marga, Inc.?

12          Q     Yes. They were in place at the time that you  
13 were sectorial secretary.

14          A     Well, yeah. Okay. So what is your question  
15 again?

16          Q     The question is ERAWS, public relations, Dharma  
17 Pracar, Renaissance Artists and Writers Association,  
18 society building, publications and Renaissance Universal  
19 are all programs of what you're saying is AMPS New York  
20 sector, correct?

21               MR. ERWIN: Objection. Cumulative.

22               THE WITNESS: If it is --

23               THE COURT: Hang on a second. What's the  
24 objection?

25               MR. ERWIN: Cumulative.

1 THE COURT: Overruled.

2 THE WITNESS: It is the bylaws of Ananda Marga,  
3 Inc., and if they can that these objectives they have to  
4 achieve, they can incorporate whatever they like.  
5 Whatever objective they like.

6 Q (By Mr. Obitts) My question to you is aren't  
7 those programs of what you're calling AMPS New York  
8 sector?

9 A AMPS New York sector has its own program and  
10 Ananda Marga, Inc., had its own objective. That's simple  
11 it is.

12 THE COURT: What he's asking you is these  
13 programs that he just showed you --

14 THE WITNESS: Yes.

15 THE COURT: Are they AMPS New York sector or  
16 are they AMI or are they both?

17 THE WITNESS: They are -- they are AMI -- AMI  
18 because it is written in AMI.

19 THE COURT: Okay. Thank you.

20 Q (By Mr. Obitts) Did AMPS New York sector have  
21 same named programs at the same time that you were  
22 wearing your two hats?

23 A Yeah. It can have.

24 Q If you could be so kind, and Ms. Cheung will  
25 help you find Defendants' Exhibit 247. Do you have the

1 document?

2 A Yeah.

3 Q Sorry, you got to go a long ways on this one.  
4 And this is the internal guidebook for LFTs published in  
5 1986, is it not?

6 A Well, I don't know, because, you know, at this  
7 part of office I don't know who -- who has manufactured  
8 these photocopies, he's written some of them. I don't  
9 recognize them as -- I cannot be sure to tell that it is  
10 very authentic to me.

11 Q Okay. Were you the sectorial secretary of the  
12 New York sector in 1986?

13 A '86 -- 1980 --

14 Q 6.

15 A Yes.

16 Q Yes, you were.

17 A Yes, I was.

18 Q Were you aware that an internal guidebook for  
19 LFTs was published and distributed to LFTs of the New  
20 York sector?

21 A I'm not -- again, I'm telling that this is -- I  
22 doubt whether this is -- how far it is true, how far --  
23 who manufactured it and these photocopies, not original  
24 even, I have -- I don't know. I cannot possibly comment  
25 about it.

1           Q     So you're saying you've never seen this  
2 document before in your life?

3           A     I don't remember.

4           Q     You don't remember. Okay. That's -- that's  
5 nice. Okay. Why don't you turn to page four, and I'm  
6 going to ask you a question regarding the structure.

7           A     Page -- page -- page what?

8           Q     Page -- it's a -- it's under -- it says  
9 Introduction. So if you'd just turn the page --

10          A     I'm sorry, I just -- can he tell me once again  
11 which one?

12                   THE COURT: What?

13          Q     (By Mr. Obitts) It's page four at the bottom,  
14 it says Introduction at the top. It's DFTS00670 in the  
15 bottom right corner.

16          A     No, which --

17                   MR. ERWIN: Your Honor, he's reading from an  
18 document not in evidence.

19                   THE COURT: 247 is not in evidence?

20                   MR. ERWIN: That's my understanding.

21                   THE COURT: Okay. If you have a question, ask  
22 him the question. Don't refer to the exhibit unless he  
23 needs some explanation. He's already said he doesn't  
24 know it, he's never seen it, he doesn't know anything  
25 about it.

1 MR. OBITTS: I understand, Your Honor. There's  
2 a diagram in the document that I'm going to ask him if he  
3 agrees with that structure.

4 THE COURT: Okay.

5 Q (By Mr. Obitts) So if you could turn to page  
6 four, DFTS00670 there is handwritten diagram. Do you see  
7 that?

8 A Yes, I did. I do see it.

9 Q And at the bottom it goes initiation to general  
10 margii, to LFT, and then there's two levels of splits  
11 where you can become a family member or a Wholetimer  
12 sinosity (sic), correct?

13 A Uh-huh.

14 Q Yes?

15 A Yes.

16 Q Okay. And then if you want to become a  
17 Wholetimer sinosity (sic) you've got to go to wholetimer  
18 training, then Acarya training and then Pracar Avadhuta,  
19 and then hopefully some day you'll become a Purodha,  
20 correct?

21 A Yeah.

22 Q Okay. And is that a fair and accurate  
23 representation of the process?

24 A It is the process, yes.

25 Q Okay. We can set that one aside. Now, hold

1 on. If you could go back to that, that would be great.  
2 Appreciate it. Because there's another -- another  
3 description in here. Let me actually read you the  
4 description. Actually it's going to be cumulative,  
5 because you've already answered it, so never mind.

6 THE COURT: Thank you.

7 Q (By Mr. Obitts) Now, when you were the  
8 sectorial secretary of the New York sector, isn't it true  
9 that the sectorial office utilized the ERAWS guidebook  
10 for AMPS?

11 A I have no idea what you're talking about.

12 Q Okay. Why don't you turn to Defendants'  
13 Exhibit 246, please?

14 A 246?

15 Q 246. Do you have it in front of you?

16 A Yes.

17 Q Does this help refresh your recollection, or do  
18 you just not remember?

19 A I don't remember.

20 Q You don't remember? Okay. We'll set that one  
21 aside. Isn't it true that when you were the sectorial  
22 secretary of the GT sector --

23 A Uh-huh.

24 Q -- that you were provided -- that you were  
25 required to provide Central with a 17 item report?

1 A 17 items report?

2 Q Yes.

3 A I -- I don't recollect.

4 Q Okay. Likewise you're not going to recollect  
5 whether or not that was a requirement when you were at  
6 the New York sector as well, correct?

7 A Yes. 17 points report, I don't recollect at  
8 all when it was introduced and when --

9 Q Okay. Isn't it true that when you were  
10 sectorial secretary of the New York sector, you were  
11 required to go to India to RDS, correct?

12 A Yes. I -- I represented the sector so I had to  
13 go.

14 Q Okay. How many times a year did you have to  
15 go?

16 A I think five, six times.

17 Q Nice. Okay. And at that you would meet with  
18 the Central Executive Committee, would you not?

19 A Yes, of course.

20 Q And you would provide reports from the sector  
21 at that meeting, correct?

22 A I -- I -- I exchanged with them all the growth  
23 in the sector, and you know, I suggest them so many  
24 things of them. Just not report. It is a holistic thing  
25 that --

1 Q Sure. So you had discussions; is that fair to  
2 say?

3 A Uh?

4 Q There were discussions?

5 A There were discussions, there were exchange --

6 Q Right.

7 A -- yes. There was congregation.

8 Q And these Purodhas then provided you with  
9 guidance, did they not?

10 A Yeah. The Purodha -- I don't know whether  
11 they're all Purodhas or not. I was Purodha also.

12 Q Yes.

13 A So I cannot tell by the name Purodha --

14 Q Okay. Fair enough. Thanks for correcting me.  
15 Isn't it true then that the Sectorial Executive Committee  
16 then provided you guidance?

17 A They provided guidance. We'd give them  
18 feedback and it is a altogether a holistic approach to  
19 understand each other.

20 Q And isn't it true at that -- at those meetings  
21 that the Central Executive Committee would provide  
22 programs for implementation?

23 A Yes. You see, we had family forum, one meeting  
24 called family forum. We used to sit, solve all the  
25 problems amicably there. So it has so many things, you

1 know, it -- it was -- one time it was named RBS and then  
2 it was called family forum and so many things were there,  
3 you see?

4 Q Fair enough. And then after the RDS and Global  
5 you would come back and hold the sectorial RDS, would you  
6 not?

7 A Yes, we will.

8 Q And it was required that all of the regional  
9 secretaries would show up at the sectorial RDS, correct?

10 A Yes.

11 Q And that you would then provide them -- you  
12 would gather information from them and also provide a  
13 report back to them as to what occurred at global RDS,  
14 correct?

15 A Yeah, it is like sectorial RDS, it is the name.

16 Q Yes.

17 A RDS SSC meeting. We had a lot of stuff there,  
18 it's not one thing that I can call that is -- it is  
19 actually important. It is so many things right there.  
20 You know, in -- in terms of exchanging and sharing.

21 Q And then likewise after that the regional  
22 secretaries would go to their regions and hold regional  
23 RDS's, correct?

24 A Yeah. It's called -- that was called RSS or  
25 something like that and we didn't do much there.

1           Q     That's right. Fair enough. It was called  
2 RDSS, correct?

3           A     As I told you in regional level it is -- it was  
4 called perhaps IRSS.

5           Q     That's it. Okay. Yeah, you're right. My bad.  
6 And isn't it true that the Sectorial Executive Committee  
7 were the department heads of the various departments of  
8 the AMPS New York sector?

9           A     They were the departmental -- it was  
10 constituted -- constituted with the departmental heads.  
11 Not that all departmental heads were there in case of  
12 sisters. I think there were several who were not  
13 departmental secretary even so we accommodated everyone.

14          Q     Okay.

15          A     So they can give the input.

16          Q     Fair enough. And you were the head of that  
17 Sectorial Executive Committee, were you not?

18          A     I was -- I was conducting the meeting and as SS  
19 so that coordination can take place.

20          Q     And only the SS can convene those meetings,  
21 correct?

22          A     SS can appoint anyone also to convene if SS is  
23 sick or anything they can have authority to do that.  
24 So --

25          Q     Isn't it true that if the SS is out of the

1 country or unavailable that the SES becomes the acting  
2 SS?

3 A SES, yes, I think so. Yes, he becomes, SS.

4 Q Okay. Now, isn't it true that there was an  
5 ISMUB reporting system in place when you were sectorial  
6 secretary of the New York sector?

7 A ISMUB is there, yes. Department is there.

8 Q Okay. And the purpose of the ISMUB system is  
9 to audit the finances and other aspects of other aspects  
10 of wholetimers and departments of Ananda Marga Pracaraka  
11 Samgha?

12 A Yeah. Information -- they can inspect if they  
13 want, yes. Why not?

14 Q And those reports were then given back to AMPS  
15 Central, were they not?

16 A To ISMUB department Central.

17 Q Yes -- correct. Okay. And isn't it true that  
18 Dada Rudrananda was the ISMUB secretary for a period of  
19 time.

20 A At some point he was.

21 Q Likewise you testified that someone from  
22 Central came to the sector to do an inspection. Isn't it  
23 true that that was from the ISMUB department?

24 A Yes. I think it was from ISMUB department,  
25 too.

1           Q     When you were at AMPS Central you provided  
2 directives for implementation, did you not?

3           A     I don't know how you can -- you can tell  
4 directive I can tell you my suggestions as you want. But  
5 to me it is suggestions, you know? Because, you know,  
6 all directives means you have to follow that and you  
7 know, it depends on the country situation whether those  
8 are applicable or not, so I -- I prefer to tell it as  
9 more -- more as my suggestions. My --

10          Q     Okay. Well, let's -- let's turn to Defendants'  
11 Exhibit 241. Maybe this will help refresh your  
12 recollection.

13          A     241?

14          Q     Yes, please.

15          A     Page number one?

16          Q     Do you have the document in front of you?

17          A     Yes.

18          Q     Okay. And it's a two page document and it says  
19 to whom it may concern and it's dated January 20, 1994,  
20 correct?

21          A     January 20, 1994.

22          Q     And in what role were you serving then?

23          A     In 1994?

24          Q     You were DPS Central, correct?

25          A     I think so, yes.

1 Q Okay. Maybe it will help if you take a look at  
2 your name.

3 A Yes.

4 Q And that's your signature to this document?

5 A No, it is not.

6 Q Whose signature is it then?

7 A I have no idea whose signature is this. That's  
8 what I'm telling you. There is so many things that are  
9 manufactured perhaps.

10 Q Okay. It says Vraj --

11 A Vrajeshvaravananda. Vrajeshvaravananda was  
12 office secretary. He was not Central secretary so far I  
13 remember.

14 Q He was the Central office secretary?

15 A He was Central office secretary. I am having a  
16 hard time to understand -- remember whether he was in  
17 when I was in 1994 whether he was office secretary or  
18 not. Bt at some point he was office secretary and  
19 probably so if I can understand the handwriting the --  
20 the name is written it is not Haratmananda at all.

21 Q Okay.

22 A And -- and how come it is written Haratmanada  
23 Avadhuta and signed by someone else.

24 Q Isn't it true that the Central office secretary  
25 signed this document at your request?

1           A     I don't remember. I -- if -- if my name -- why  
2     in this to put his own name, and he will tell that it is  
3     on request of Haratmananda Avadhuta, I --

4           Q     Well, why don't we look -- why don't we look at  
5     the signature. Because it says his name and it says for  
6     next to it.

7           A     Yeah. For somebody is written, God knows who  
8     has written for. I don't create this kind of documents.

9           Q     Okay. Sure.

10           THE COURT: Is this a good time for a break,  
11     Mr. Obitts?

12           MR. OBITTS: Sure. Sounds great.

13           THE COURT: We'll take 15.

14           (Whereupon a recess was taken.)

15           (Whereupon the Court reconvened and the following  
16     proceedings were entered of record.)

17           THE COURT: Please be seated.

18     Mr. Haratmananda, come on up. All right. Mr. Obitts is  
19     going to complete his cross-examination.

20           MR. OBITTS: Yes, I am, Your Honor.

21           THE COURT: Go ahead.

22                     CROSS-EXAMINATION (Continued)

23     BY MR. OBITTS:

24           Q     During the break you were outside and also in  
25     here talking to Mr. Erwin. What did he tell you?

1 MR. ERWIN: Objection. Attorney-client  
2 privilege.

3 MR. OBITTS: He's -- he's not his client. He's  
4 a third party witness that's being coached during a  
5 break.

6 THE COURT: Is he a party in the case?

7 MR. OBITTS: No.

8 THE COURT: Then he can ask. It's not attorney  
9 client if he's not a party. What did he tell you?

10 THE WITNESS: He was telling not to be nervous.

11 Q (By Mr. Obitts) So for the couple minutes you  
12 were talking to him, he just said don't be nervous, don't  
13 be nervous, don't be nervous, don't be nervous, don't be  
14 nervous --

15 A Only one --

16 Q -- don't be nervous?

17 A Only one minute. I think it is not one minute  
18 even. I just sat and he told are you feeling nervous, I  
19 told no. So don't be nervous. Whatever you know best  
20 you tell.

21 Q Then why was he showing you a notepad and going  
22 through notes with you?

23 A Notepad was open just, you know, I don't know  
24 why he kept the notepad open.

25 Q Do you know you're under penalty of perjury

1 here, buddy?

2 A I -- he was --

3 MR. ERWIN: Argumentative, Your Honor.

4 THE COURT: Yeah. Never quite heard it put  
5 that way, Mr. Obitts, but --

6 MR. OBITTS: I apologize.

7 Q (By Mr. Obitts) So you're telling me that when  
8 he was pointing at stuff in the notepad he was just  
9 saying don't be nervous but look here. Don't be nervous,  
10 don't be nervous, turn the page, don't be nervous, don't  
11 be nervous.

12 MR. ERWIN: Argumentative.

13 THE COURT: Overruled. Answer the question.  
14 If you've answered it tell him you've answered it.

15 THE WITNESS: He was pointing but he was not  
16 pointing me to look at it. He was -- it is -- I think it  
17 is his style of talking.

18 Q (By Mr. Obitts) And he flipped the pages of  
19 the notepad as he's pointing. Is that his type of  
20 talking as well?

21 A I believe so because he didn't point me to look  
22 at it. I don't know what he was trying to mean. He  
23 didn't tell me to look at the points of what was written  
24 there.

25 THE COURT: Okay. Mr. Obitts, you made your

1 point.

2 MR. OBITTS: Okay. I'll move on.

3 THE COURT: Thank you.

4 MR. OBITTS: Okay.

5 Q (By Mr. Obitts) If you could turn to  
6 Defendants' Exhibit 284, please.

7 A 284?

8 Q Yes, please. These are the Board minutes --  
9 sorry. Are you there? Are you there?

10 A Yeah, I'm there on the page.

11 Q This is the Board minutes of July 4, 1993,  
12 correct?

13 A August 2, 1993.

14 Q How about July 4, 1993, at the top. It's  
15 signed August 2, 1993, but the Board minutes are July 4,  
16 1993, at the top. First sentence.

17 A Yeah.

18 Q And this was with Devashraddhananda --

19 A Uh-huh.

20 Q -- coming in because you'd been posted  
21 elsewhere, correct?

22 A Yeah.

23 Q Okay. If you go down to the bottom in the  
24 third paragraph up from the bottom --

25 A Third paragraph --

1 Q Yes.

2 A -- from the bottom?

3 Q It says --

4 A Okay.

5 Q From the bottom. It says it was also reported  
6 that only about 50 percent of the funds targeted were  
7 raised through the fund-raising efforts. Also the pledge  
8 system is being followed by some and then only  
9 sporadically. And my question to you is isn't it true  
10 that at the time that the New York sector was  
11 implementing the one-eighth pledge system in the  
12 Carya'carya --

13 A Number one, it is Devashraddhananda who can  
14 tell it. I'm not supposed to make any comments on others  
15 document.

16 Q I'm asking you --

17 A And -- and --

18 Q Okay. Fine. You don't have to look at the  
19 document. When you were in the New York sector, isn't it  
20 true that you were implementing the one-eight pledge  
21 system of the Carya'carya?

22 A Well, you know, I was trying to implement,  
23 but --

24 THE COURT: Okay. That's it. You were trying  
25 to implement it. That's enough. Move on.

1 MR. OBITTS: Fair enough.

2 Q (By Mr. Obitts) If you could turn to Exhibit  
3 245, please?

4 A 245?

5 Q Defendants' -- Defendants' 245.

6 A 245.

7 Q Do you have that document in front of you?  
8 Yes? Who was Mantreshvarananda? You don't have to look  
9 at the document.

10 A Mantreshvarananda?

11 Q Yes, who was he?

12 A He was -- I don't know which time you're  
13 talking about, because we have several times they were  
14 posting several years.

15 Q He was general secretary for a period of time,  
16 was he not?

17 A He was general secretary.

18 Q And he was general secretary when you were the  
19 SS in the New York sector, was he not?

20 A New York sector, I don't think so.

21 Q When you were in GT sector?

22 A No.

23 Q Then you can put that document aside. If you  
24 could turn to Defendants' Exhibit 291. Actually skip  
25 that. I'm just going to skip forward. Previously you

1 testified that you were the CC on the Central Committee  
2 of the Kolkata faction, correct?

3 A Yes.

4 Q Okay. And then you testified right after that  
5 that you can't be in the Central Committee of the legal  
6 entity because you're not a citizen of India, correct?

7 A So far I know that is the rule, yes.

8 Q Isn't it true that the Kolkata faction filed  
9 suit with you as a Central Committee saying it is the  
10 legal AMPS?

11 A I'm not aware that, you know, my name is there  
12 or not.

13 Q So you cannot be -- it's your testimony here  
14 today that you cannot be on the Central Committee of  
15 legal AMPS, correct?

16 A Governing body I'm talking about. Governing  
17 body I cannot be the member.

18 Q For Kolkata.

19 A For Kolkata. For -- for Kolkata administration  
20 governing body I cannot be member legally, yes.

21 Q Isn't it true that during your tenure as  
22 sectorial secretary that you were instructed by Reverend  
23 Baba to raise funds for Ananda Nagar?

24 A Yeah.

25 Q And you complied with that, did you not?

1           A     Well, I don't know how much I complied and what  
2     -- I don't remember.

3           Q     Okay. Let's --

4           A     I tried --

5           Q     Let's refresh your recollection. Let's turn to  
6     Defendants' Exhibit 62.

7           THE COURT: 6-2?

8           MR. OBITTS: 6-2. Defendants' 6-2.

9           THE COURT: Okay.

10          Q     (By Mr. Obitts) This is a copy of the Crimson  
11     Dawn dated May 1988 and you were sectorial secretary in  
12     May of 1988, correct?

13          A     May 19?

14          Q     1988. You were the sectorial secretary --

15          A     Yeah.

16          Q     -- of the New York sector, correct?

17          A     Uh-huh.

18          Q     And here who was Shubhamayananda?

19          A     He was a worker.

20          Q     Okay. And he was a worker posted there by  
21     Central, correct?

22          A     Yeah.

23          Q     So he was a Wholetimer monk, correct?

24          A     Yes.

25          Q     And he was in fact the editor of the Crimson

1 Dawn at that time, was he not?

2 A I don't remember but probably yes, I don't --

3 Q Okay. Why don't you turn to the second page  
4 and maybe that will help refresh your recollection.

5 A Editorial note is there and what other name is  
6 there?

7 Q It's DFTS05135.

8 A 05135?

9 Q Yeah, in the bottom right corner.

10 A Yeah.

11 Q It's 05135. Do you see it?

12 A Yeah.

13 Q Okay. So he goes to write and let me know if  
14 you agree with this statement here. Naturally -- sorry.  
15 This is undoubtedly -- it goes to describe Ananda Nagar  
16 up above in the first paragraph, do you agree with that?

17 A Which one -- which paragraph you are talking?

18 Q Under editorial. The first paragraph. He's  
19 describing Ananda Nagar, correct?

20 A Okay. I have to -- sorry, I cannot  
21 understand --

22 Q No, no. No problem. No problem. I'm just  
23 trying to go fast. Which is tough for me.

24 A Okay.

25 Q So, isn't it true that Reverend Baba said we

1 need to have a global headquarters for AMPS worldwide and  
2 it's going to be Ananda Nagar, correct?

3 A Yes.

4 Q And so he instructed the sectorial secretaries  
5 to raise money to give to Central to build the global  
6 headquarters, correct?

7 A Yeah.

8 Q And isn't it true that the US sectorial  
9 secretary --

10 A Uh-huh.

11 Q -- raised those monies and Ananda Marga, Inc.,  
12 gave money to Central for building Ananda Nagar?

13 A I don't know how much or of what amount whether  
14 at all I collected -- I could collect because my  
15 financial situation in the sector was terrible when I  
16 took over.

17 Q Okay.

18 A And I had --

19 THE COURT: He's only asking you did they give  
20 money.

21 THE WITNESS: I don't know for sure.

22 THE COURT: Then tell him that.

23 Q (By Mr. Obitts) Okay. We'll look at some tax  
24 returns then.

25 A Uh-huh.

1 Q On the last page of this exhibit --

2 A 05154?

3 Q Yup. Hold on. Let me get you to it. We'll go  
4 to the -- it was number 19, page 19. It's DFTS05152.

5 A Okay.

6 Q Do you see that?

7 A Yeah.

8 Q And it lists Ananda Marga address and phone  
9 numbers.

10 A Uh-huh.

11 Q And it lists Ananda Marga global office in  
12 India, correct?

13 A Yes.

14 Q And that was the global office for Ananda Marga  
15 at the time, was it not?

16 A Yeah. Ananda Marga was the Ananda Nagar,  
17 Calcutta. Yes. It was headquarter always.

18 Q Okay. If you would be so kind as to turn to  
19 Defendants' Exhibit 73. And this is the IRS 990 filed in  
20 1985 when you were sectorial secretary, correct?

21 A Uh-huh.

22 Q And on the second page it lists program  
23 services rendered, part three. And it says support of  
24 Ananda Marga central office, do you see that? It's three  
25 -- two-thirds of the way down.

1 A On the second page?

2 Q Yeah. P000851 in the bottom right corner. Do  
3 you see that?

4 A Ananda Marga Central --

5 Q Yeah.

6 A Calcutta, India.

7 Q Yeah.

8 A Uh-huh

9 Q So in 1985, less than two years after you came  
10 as sectorial secretary and Ananda Marga, Inc., the New  
11 York sector is giving \$35,767 to Central office, correct?

12 A Yeah.

13 Q All right. Let's turn over to page 74 then.

14 THE COURT: Pages 74?

15 Q (By Mr. Obitts) And I mean Defense Exhibit 74  
16 the second page --

17 A 74?

18 Q Yeah. Just Defense exhibit 74. It will be the  
19 next exhibit.

20 A Okay. 74.

21 Q Yes?

22 A Uh-huh.

23 Q Okay?

24 A Uh-huh.

25 Q Here we have the 990 for 1987.

1           A     Uh-huh. '87.

2           Q     Two years later, okay?

3           A     Uh-huh.

4           Q     And on the second page of this there's money  
5     given to Central of \$161,000.

6           A     Uh-huh.

7           Q     Correct?

8           A     Okay.

9           Q     Yes?

10          A     Yes.

11          Q     Okay. Let's turn over to Defense Exhibit 75.

12          A     75?

13          Q     Yes.

14          A     Uh-huh.

15          Q     Do you see that?

16          A     Yes.

17          Q     Okay. This is the 990 for 1988.

18          A     Yes.

19          Q     The second page --

20          A     Uh-huh.

21          Q     Ananda Marga, Inc., sends to Central \$141,000.  
22     And then it sends another \$106,000 for the Ananda Nagar  
23     development project. Do you see that?

24          A     Yeah.

25          Q     And that was the Ananda Nagar project we were

1 talking about before that Baba dictated that you raise  
2 money and give, correct?

3 A Yeah. Whatever we could do we do it.

4 Q So you followed Baba's direction?

5 A Yeah. Of course.

6 Q If you would be so kind as to turn to  
7 Defendants' Exhibit 175. And this is the last line of  
8 questions. If you could turn to the last page of this  
9 exhibit, which is DFTS1595.

10 A Last page?

11 Q Yup.

12 A Where it's written Dhyanesha Haratma?

13 Q Yup. And the Haratma there is you, right?

14 A I don't know. My name is Haratmananda.

15 Q Okay. Well, there's -- there's Dhyanesha,  
16 Haratma, Pranavatmaka, Kalyaneshvara, Paramatma, Tiirta,  
17 and it goes on. In all of those there's a hyphen at the  
18 end. It leaves off the ananda, did it not?

19 A Well, there is Dhyanes Margii also so I don't  
20 know whether it is Margii or it is worker, it is  
21 difficult to tell me for sure.

22 Q Fair enough. Okay. But let's turn over to the  
23 first page. This is a resolution of a meeting that was  
24 held --

25 A Uh-huh.

1 Q -- correct?

2 MR. ERWIN: Objection. This document's not in  
3 evidence.

4 MR. OBITTS: I'm trying to lay the foundation.

5 THE COURT: He's trying to lay the foundation.  
6 Overruled.

7 Q (By Mr. Obitts) Ready?

8 A Yeah.

9 Q And on the first page it says, if such  
10 information does leak out regarding this meeting deny it.

11 A Can you repeat it once which --

12 Q On the first paragraph it says if such  
13 information does leak out, anyone asked about it will  
14 deny it. Okay? About this meeting and --

15 A The coincidental one?

16 Q Yes.

17 A Okay.

18 Q Do you recall that?

19 A Well, it is -- whose document it is? First I  
20 have to tell and then I can recall.

21 Q You were part of this meeting, were you not?

22 A I don't know -- I don't --

23 Q Between various factions trying --

24 A I'm not --

25 Q Let me finish my question. With various

1 factions trying to get together, correct?

2 A As I told you I'm not too sure. My name is not  
3 completely written there even. There is no signature  
4 also. This kind of document to accept for me is  
5 difficult.

6 Q Do you recall having a meeting?

7 A I don't recall.

8 Q You don't recall having any meetings ever?

9 A I had meetings and all meetings are resolved  
10 and signed and done mostly, and so I don't think that is  
11 the paper which is anything, signature, nothing. It is  
12 -- I can manufacture this kind of paper also.

13 Q Do you recall having a meeting with  
14 Tiirthananda regarding negotiations between the sectorial  
15 secretary of the New York sector for Ranchi, which was  
16 Tiirthananda and whoever the sectorial secretary of  
17 Tiljala which is Kolkata faction?

18 MR. ERWIN: Objection --

19 THE COURT: Give him a time frame.

20 Q (By Mr. Obitts) In 2005?

21 A I don't recall it.

22 Q Are you not recalling it because you're told  
23 that you're supposed to deny it?

24 A No. Because you know my name is not fully  
25 there. That's simple it is, and I have no signature.

1 MR. OBITTS: That's all I have for him.

2 THE COURT: Redirect.

3 REDIRECT EXAMINATION

4 BY MR. ERWIN:

5 Q Dada H, I believe you were asked if Kolkata  
6 left AMPS. Did Kolkata leave AMPS? Ananda Marga?

7 A No. We are Ananda Marga. We are genuine  
8 Ananda Marga.

9 Q Now, you also said that Reverend Baba was the  
10 Purodha Pramukha while he was here on earth, right?

11 A Yeah.

12 Q Okay. Was there a Purodha Board while he was  
13 here on earth?

14 A It was more or less. It is in the form of --  
15 because Baba was doing most of the job so there was kind  
16 of, you know, yes, I think there was kind of.

17 Q Kind of?

18 A Kind of Purodha board. Not any -- you know,  
19 yeah, Purodha board.

20 Q Did he -- did -- did Baba have Purodha's before  
21 he was alive? I mean, before -- before he passed away?

22 A Did -- what -- say again?

23 Q Were there actually -- did he initiate people  
24 into being Purodhas?

25 A Yeah. He was initiating into Purodhas and all

1 this, yes.

2 Q Okay. Was there a Central Committee while he  
3 was alive?

4 A When Baba was there?

5 Q Yeah. When was the first Central Committee  
6 formed?

7 A I think 1991 we formed it.

8 Q Okay.

9 A I don't know. I'm not too sure whether it was  
10 in Baba's time. There was --

11 Q Okay.

12 A Executive I know, but Central Committee I don't  
13 recall it.

14 Q Okay. Now, we talked about AMI finances. And  
15 let me ask you this. Did AMI -- there were -- weren't  
16 there corporate entities that were affiliates related to  
17 Ananda Marga in the New York sector while you were the  
18 sectorial secretary?

19 A Say it again.

20 Q Were there affiliates in the sector while you  
21 were the sectorial secretary?

22 A Ananda Marga, Inc., was there. There were  
23 affiliates, yes. There were many affiliates.

24 Q Many affiliates. Did these affiliates have  
25 their own bank accounts?

1           A     They had their own bank accounts.

2           Q     Okay. Did Ananda Marga, Inc., file tax returns  
3 for Ananda Marga of Canada?

4           A     No.

5           Q     Did they file tax returns for Ananda Marga of  
6 Mexico?

7           A     No.

8           Q     Okay. Now, you were asked some questions about  
9 when you were on the Central Executive Committee. Or  
10 while you were the sectorial secretary and your meetings  
11 with the sectorial executive committee.

12          A     Yeah.

13          Q     Now, these discussion regarding programs and  
14 now to implement them, as the sectorial secretary of the  
15 New York sector what authority would you have to either  
16 implement or not implement those programs that were  
17 discussed in the CEC meetings?

18          A     Any application depends on how far it is  
19 applicable in the feasibility. We can take millions of  
20 decision, but you know, if it is not applicable, there  
21 are some problems, we don't do it. So it is up to them,  
22 up to us, you know, to see the feasibility of it.

23          Q     Okay. Now, can you turn back to Exhibit --  
24 Plaintiffs' Exhibit 4, please?

25          A     Finding Exhibit 4?

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

2 THE COURT: Yeah.

3 Q (By Mr. Erwin) Now, can you turn where it says  
4 page two up at the top?

5 A Page two?

6 Q Yes. Down to Article VI, Section IX.

7 A Hmm.

8 MR. OBITTS: Your Honor, this goes beyond the  
9 scope of my direct (sic).

10 MR. ERWIN: No. I'll get to it.

11 THE COURT: Well, let's let him find out.

12 MR. ERWIN: Okay.

13 Q (By Mr. Erwin) Now, it says in the case of  
14 death, resignation, prolonged absence, or disability of  
15 the sectorial secretary, a sectorial secretary pro tem  
16 also known as the acting sectorial secretary --

17 A Can I interrupt you?

18 Q Sure.

19 A Is this Section VI the sectorial secretary --

20 Q Duties of the sectorial secretary.

21 A Page two?

22 Q Page two. Go down to Section IX.

23 A Section -- okay. Section IX. In case of  
24 death. Yeah, okay.

25 Q Right. It says in case of death, resignation,

1 prolonged absence, or disability of the sectorial  
2 secretary the sectorial secretary pro tem also known as  
3 an acting sectorial secretary will be appointed by the  
4 general secretary of Ananda Marga Pracaraka Samgha  
5 Central. The sectorial secretary will assume all the  
6 responsibilities. Do you see that?

7 A Yes.

8 Q Okay. Do you see anything in there where it  
9 says that the SES secretary automatically becomes the sec  
10 -- the acting sectorial secretary if the sectorial  
11 secretary is out of the sector? Do you see that there?  
12 Is there any mention of an SES secretary there?

13 A Tell me again the question. I didn't get it.

14 Q All I'm asking you is in that paragraph --

15 A Uh-huh.

16 Q -- do you see anywhere in there where -- well,  
17 who is -- what is the SES?

18 A The SES is sectorial ERAWS secretary.

19 Q Okay. Is that person mentioned in this  
20 paragraph?

21 A Is ERAWS? No, it is not. It's acting  
22 sectorial secretary.

23 Q Thank you. Now, under what circumstances when  
24 you were talking about -- Mr. Obitts was asking you  
25 questions about your role as the chair of the SEC, right?

1           A     Yeah.

2           Q     Okay. Under what circumstances would and SES  
3 ever become the acting sectorial secretary in the sector?

4           A     So far as the Ananda Marga, Inc., is concerned,  
5 I don't think that he becomes the SS.

6           Q     Thank you. Now, you were shown a lot of tax  
7 returns with contributions made to India, Central office  
8 in India. Were you required to make those contributions?

9           A     Well, it is a request we can keep or not, how  
10 far it is possible. It all depends on us. All depends  
11 on us.

12          Q     Thank you.

13          A     They can give their request, we can try to  
14 follow as much as possible. It's not mandatory that you  
15 have to give otherwise you will be sent to jails or  
16 something like that, no.

17          Q     Okay. And did -- can you answer me, what was  
18 -- was there any specific formula you would when you were  
19 giving money to India?

20          A     Say it again.

21          Q     Any specific formula you would use?

22          A     Formula?

23          Q     For providing money to India. Did you have a  
24 specific formula that you had to adhere to?

25          A     No.

1 Q Okay.

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

3 THE COURT: Recross limited to redirect.

4 MR. OBITTS: Thank you.

5 RECROSS-EXAMINATION

6 BY MR. OBITTS:

7 Q When you -- when you were -- he was just  
8 talking with you about finances. And isn't it true when  
9 Baba told you to give money for Ananda Nagar that you  
10 sold real property in Texas with his approval?

11 A Well, it was not done for Baba to do -- to be  
12 given it was for local conjunction (sic). For our own  
13 sectorial conjunction (sic), because we were having some  
14 financial problems.

15 Q And that was done with the approval of --

16 A It is not done -- asked by Baba to sell the  
17 property in Texas.

18 Q But that sale was done with the approval of  
19 Reverend Baba, was it not?

20 A No, it was not approved by Baba. It is  
21 collectively we make decisions, and we had to make up our  
22 sectorial problems -- we have to solve our sectorial  
23 problems.

24 Q I see. You -- isn't it true that Reverend Baba  
25 provided procedural orders?

1                   MR. ERWIN: Objection. Beyond the scope of  
2                   redirect.

3                   MR. OBITTS: It's going to get there. There's  
4                   going to be a foundation laid.

5                   THE COURT: Procedural orders for what?

6                   MR. OBITTS: Procedural orders related to what  
7                   a GS should do when an SS is out of the sector and  
8                   unavailable.

9                   THE COURT: The objection's overruled.

10                  THE WITNESS: I personally didn't see this  
11                  papers, procedural orders. I really cannot comment,  
12                  because I was not general secretary so I did not see the  
13                  procedural order which is related to GS.

14                  Q     (By Mr. Obitts) Okay. But it was a practice  
15                  that when the SS was out of the sector, that the SES  
16                  became the acting SS, correct?

17                  A     It depends on the situation. If there is no  
18                  SES, somebody else I can appoint. And depends, you know,  
19                  what is the situation?

20                  Q     Okay. Sure.

21                  MR. OBITTS: Nothing further. That will  
22                  conclude the testimony of this witness. If there is no  
23                  objection, he may step down and be excused. He's not  
24                  subject to being recalled?

25                  All right. Call your next witness, please.

1 MR. ERWIN: Dada Tiirthananda.

2 THE COURT: Now, Mr. Erwin, I've heard a wealth  
3 of background testimony regarding these relationships,  
4 the specifics of them, the details of them. And I'm  
5 telling you now, and I'm also telling Mr. Obitts by way  
6 of cross-examination I don't need to hear any more of  
7 that. It's all cumulative going forward.

8 We're not in the fourth day of this trial and  
9 we just finished our fourth witness. Okay? So actually  
10 Mr. Halpern is standing, so I'll direct the comment to  
11 you. I expect that you tailor your presentation to the  
12 limited purpose for which this witness and all witnesses  
13 going forward offer something new and different that has  
14 not been presented repeatedly in this case. Is that  
15 clear?

16 MR. HALPERN: I understand.

17 THE COURT: Okay.

18 FERNANDO KUMAR

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

21 THE WITNESS: Yes.

22 THE COURT: Please be seated.

23 THE WITNESS: Thank you, sir.

24 //

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DIRECT EXAMINATION

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BY MR. HALPERN:

Q Dada Tiirthananda, would you please state your name and --

MR. HALPERN: Your Honor, do you have the spelling for that name at this point?

THE COURT: Why don't you have him spell it.

Q (By Mr. Halpern) And spell it.

THE COURT: He's not spelling it for me, I can look it up. He needs to spell it for the record.

THE WITNESS: So do I need to spell?

Q (By Mr. Halpern) Yes, please. For a person who might look at -- listen to this one day.

A Acarya Tiirthananda Avadhuta, A-c-a-r-y-a T-double i-r-t-h-a-n-a-n-d-a A-v-a-d-h-u-t-a. Acarya Tiirthananda Avadhuta.

THE COURT: Okay. I understand why you wouldn't want him to spell it. We'll make sure that we get the witness list with correct spelling for each individual in the order that you called them. And we'll give that to the transcribing office as well.

MR. HALPERN: Yes.

Q (By Mr. Halpern) What is your personal name?

A Fernando Kumar.

Q Can you spell Kumar?

1           A     F-e-r-n-a-n-d-o K-u-m-a-r.

2           Q     Dada Tiirthananda, what is your present  
3 position with Ananda Marga, Inc.?

4           A     I am the president of Ananda Marga, Inc. I am  
5 the CEO as well as the Board of the chair.

6           Q     And do you hold a position in the New York  
7 sector?

8           A     I am also sectorial secretary of Ananda Marga,  
9 Inc., as well Ananda Marga Pracaraka Samgha socio-  
10 spiritual organization.

11          Q     And Dada Tiirthananda, who are the currently  
12 serving directors of Ananda Marga, Inc.?

13          A     Myself, Dada Vedaprajinananda, and Dada  
14 Rainjitananda, Didi Ananda Vibha, Dr. Wayland Secrest,  
15 Mr. Michael Hemmelgarn, and Ms. Jody Wright.

16          Q     Are those the Plaintiffs in this case?

17          A     Yes.

18          Q     Dada Tiirthananda, when did you begin your  
19 involvement with --

20          A     I'm sorry, I forgot one more director who is  
21 not here, so his spiritual name is Valmiki, I don't  
22 remember his civil name exactly.

23          Q     Can you spell that?

24          A     V-a-l-m-i-k-i. This is his spiritual name.  
25 His civil name, I don't remember.

1 Q How long have you been involved with Ananda  
2 Marga?

3 A I've been involved with Ananda Marga the last  
4 30 years.

5 Q And what spiritual levels have you been  
6 admitted to?

7 A I am Tattvika, Acarya, and Avadhuta.

8 Q And are you a Purodha?

9 A I am not a Purodha.

10 Q When did you become a -- an Acarya?

11 A I became Acarya in 1982.

12 Q And when did you become an Avadhuta?

13 A I became Avadhuta in 1983.

14 Q Have you served as a sectorial secretary within  
15 Ananda Marga in the past?

16 A Yes. I was sectorial secretary of Georgetown  
17 sector.

18 Q Which sector?

19 A Georgetown sector.

20 Q Okay. What is Georgetown sector?

21 A It is entire South America.

22 Q The whole South American?

23 A South American countries. All South America,  
24 yes.

25 Q All the countries in South America?

1           A     All the countries in South America.

2           Q     I'm going to remind you to wait for me to  
3 finish --

4           A     Okay.

5           Q     -- talking when you start talking.

6           THE COURT:   Hasn't worked yet.

7           THE WITNESS:   Sorry, sir.

8           Q     (By Mr. Halpern)   When did you -- oh, and when  
9 did you become the sectorial secretary for the New York  
10 sector?

11          A     I became sectorial secretary in 2003.

12          Q     How did you learn that you were the sectorial  
13 secretary?

14          A     I got it on telephone information when I was in  
15 Delhi.

16          Q     Who was the person who advised you of that?

17          A     I am not exactly recollecting.   Probably it was  
18 the previous sectorial secretary.   Ramananda might have  
19 told me.

20          Q     I'm sorry, what was that?

21          A     Ramananda, Acarya Ramananda Avadhuta.

22          Q     And who appointed you to that position?

23          A     The appointment is made by the president,  
24 normally the system is there is an establishment  
25 committee and the committee consists of general

1 secretary, there was only one organization at the time.  
2 Acarya Dhruvananda was the general secretary of that one  
3 organization and that establishment committee proposes to  
4 the president, and when president approves general  
5 secretary signs the posting orders and then afterward it  
6 is informed to that person.

7 Q So when did you assume your -- well, when was  
8 -- what -- what time of year, what date approximately was  
9 it that you were advised of that?

10 A I was advised in the early January, maybe  
11 second or third January of 2003.

12 Q And when did you actually assume the position?

13 A I assume the position for Ananda Marga socio-  
14 spiritual organization in March when I met the previous  
15 in Acarya Ramananda in Germany, Frankfurt Airport. After  
16 he handed over, then he proceeded to India. And then in  
17 April, I came to Mexico so I assumed the sectorial  
18 secretary of New York sector socio-spiritual organization  
19 in April.

20 Q And when did you become -- assume any corporate  
21 positions with Ananda Marga, Inc.?

22 A I think it is early September 2003 after I came  
23 into USA then I became corporate president and other  
24 positions.

25 Q And how did you become corporate president and

1 those other positions?

2 A There was a meeting of the board of directors  
3 and there it was agreed upon because I had already taken  
4 over charge as sectorial secretary of socio-spiritual  
5 organization. And then normally it is a practice the  
6 socio-spiritual organization sectorial secretary is not  
7 the president of the corporation, but the sectorial  
8 secretary normally when the Board accepts -- so the Board  
9 ratified and informed me that now I am the sectorial  
10 secretary of Ananda Marga, Inc., and sectorial secretary  
11 has the right to appoint either somebody else as  
12 president or assume that role of president. Depends on  
13 the sectorial secretary of Ananda Marga, Inc.

14 Q When you were referring just then to the Board  
15 or the board of directors, you meant the board of  
16 directors of Ananda Marga, Inc.?

17 A Yes, correct.

18 Q So, from the period of January when you were  
19 advised that you were posted as sectorial secretary until  
20 April when you assumed the position, who was the  
21 sectorial secretary?

22 A The predecessor, Acarya Ramananda Avadhuta, he  
23 was the sectorial secretary until March until I took  
24 charge of it.

25 Q And you didn't automatically become the

1 sectorial secretary by being informed that you were the  
2 sectorial secretary?

3 A No. Automatically it doesn't happen. There is  
4 a process of charge handover.

5 Q Dada Tiirthananda, would you please look at  
6 Plaintiffs' Exhibit 104 and --

7 MR. HALPERN: May I, Your Honor?

8 THE COURT: Yes.

9 THE WITNESS: What is the number of it, please?

10 Q (By Mr. Halpern) 104.

11 A Yeah, I got it.

12 Q Okay. Do you recognize this document?

13 A Yes.

14 Q What is it?

15 A It's the posting order of myself as sectorial  
16 secretary of Georgetown sector.

17 MR. HALPERN: Move the admission of 104.

18 THE COURT: Any objection to 104?

19 MR. OBITTS: Isn't it stipulated to?

20 THE COURT: I thought it was already in, but --

21 MR. OBITTS: I think it's already in.

22 MR. HALPERN: I didn't have it marked on mine  
23 but maybe I was wrong.

24 MR. OBITTS: Okay. So 104 is a multiple page  
25 document.

1 MR. HALPERN: Oh, I see.

2 MR. OBITTS: If you're trying to get every page  
3 in there -- I mean, I've got no problem with the first  
4 page, but --

5 THE COURT: Have him lay the foundation for the  
6 other pages or you're going to have to redact the  
7 remaining pages and just submit the one page.

8 MR. HALPERN: I'll redact the remaining pages  
9 and admit the first page.

10 MR. OBITTS: No objection.

11 THE COURT: So page -- or Plaintiffs' 104 is  
12 admitted as one page without objection.

13 (Plaintiffs' Exhibit 104 admitted into evidence.)

14 Q (By Mr. Halpern) Dada Tiirthananda, is this  
15 the posting order that appointed you as sectorial  
16 secretary of the New York sector?

17 A No, it is a posting order of sectorial  
18 secretary of Georgetown sector along with my existing  
19 duty of sectorial secretary of New York sector.

20 Q Okay. So this document is appointing you as  
21 sectorial secretary to both Georgetown and New York  
22 sector?

23 A Yes. I become New York sector in beginning of  
24 2003, which is January, and I took charge as I told in  
25 April. So this one was the end of 2003 I got additional

1 duty to be sectorial secretary of Georgetown sector. But  
2 this is different from I worked already before, so this  
3 is second time I was posted as Georgetown sectorial  
4 secretary.

5 Q Did you actually take that position?

6 A I -- I went there. I tried to understand the  
7 situation whether I can take charge or not. What  
8 happened was at that time -- I will explain what  
9 happened. When I was posted there was only one  
10 organization but in 2003 and the organization was split.  
11 There were two organizations so the previous SS of South  
12 American, which is mentioned here, Jotirishananda, he was  
13 aligned with Kolkata administration so the Margiis were  
14 not eager that I would get accepted as sectorial  
15 secretary and I knew the Margiis there as I worked  
16 before.

17 So I didn't want to create any conflict or  
18 disunity there, so I felt it was not proper to accept the  
19 duty as sectorial secretary of Georgetown sector, so that  
20 posting was never materialized.

21 Q In -- in 2003 who was the -- did you recognize  
22 a Purodha Pramukha of -- of Ananda Marga?

23 A Yes. Acarya Shraddhananda Avadhuta was Purodha  
24 Pramukha.

25 Q Acarya who?

1           A     Shraddhananda Avadhuta.

2           Q     Could you spell that?

3           A     S-h-r-a-d-h-h-a-n-a-n-d-a (sic).

4           Q     Okay. And by virtue -- and how did he hold  
5 that position?

6           A     Normally according to Carya'carya the Purodhas  
7 have to elect Purodha Pramukha but so far my knowledge  
8 goes I'm not a Purodha, so for my knowledge goes when  
9 Baba passed away was a critical situation so the Purodha  
10 board declared him. He was not elected according to  
11 Carya'carya, but --

12          Q     And who was the president in 2003?

13          A     President of which organization you're talking  
14 about?

15          Q     Of the organization that's controlled by  
16 Carya'carya that we call socio-spiritual?

17          A     In 2003 I think Acarya Reagehunadhji.

18          Q     You better spell that one, too.

19          A     Huh?

20          Q     Could you spell that one, too?

21          A     R-e-a-g-h-u-n-a-d-h (sic).

22          Q     And -- and how was he appointed?

23          A     He is appointed by Purodha Pramukha according  
24 to Carya'carya.

25          Q     Uh-huh.

1           A     Either Purodha Pramukha himself can be ex-  
2 officio president or he can appoint if he wants. So the  
3 Purodha Pramukha appointed Reagehunadh as president.

4           Q     And in 2003 when you were appointed sectorial  
5 secretary of New York sector who was the -- who did you  
6 recognize to be the general secretary?

7           A     When I was appointed there was only one general  
8 secretary, so there was no person not recognizing which  
9 one. So --

10          Q     Who was that?

11          A     Acarya Dhruvananda Avadhuta.

12                THE COURT: Who?

13                THE WITNESS: Dhruvananda Avadhuta.

14          Q     (By Mr. Halpern) Spell Dhruvananda, we might  
15 as well -- I don't think --

16                THE COURT: I know that one.

17                MR. HALPERN: You got that one?

18                THE WITNESS: Thank you, Your Honor.

19          Q     (By Mr. Halpern) And it was Acarya Dhruvananda  
20 who appointed you sectorial secretary?

21          A     Yes. After going through the due process as  
22 explained, I don't want to repeat it again.

23          Q     Yeah. Have you served continuously as  
24 sectorial secretary since that time?

25          A     Yes.

1           Q     And during that time have you fulfilled all of  
2 the roles and duties of the sectorial secretary of the  
3 New York sector?

4           A     I try my best according to my capacity. I  
5 cannot say I fulfill all.

6           Q     And during that time have you also continuously  
7 served as CEO and president of Ananda Marga, Inc.?

8           A     Yes.

9           Q     Now, other than the board of directors of  
10 Ananda Marga, Inc., who appointed you president and  
11 secretary -- president and CEO of Ananda Marga, Inc.?

12           MR. OBITTS:  Objection.  Misstates the  
13 testimony.  His testimony is he appoints -- he appointed  
14 himself.

15           THE COURT:  Sustained to the form of the  
16 question.  Please rephrase it.

17           MR. HALPERN:  Yeah, I didn't say that he  
18 testified to anything.

19           MR. OBITTS:  No, I said you misquoted the  
20 previous testimony.

21           THE COURT:  The objection was sustained the  
22 form of the question.  Please rephrase the question.

23           Q     (By Mr. Halpern)  In 2003 when you became  
24 president and secretary -- president and CEO of Ananda  
25 Marga, Inc., by action of the board of directors of

1 Ananda Marga, Inc., was there any other entity that  
2 appointed you to those corporate offices?

3 MR. OBITTS: Object to the form of the  
4 question.

5 THE COURT: No. He can answer it.

6 Q (By Mr. Halpern) Do you understand my  
7 question?

8 A I'm not sure. I would like to get it clear.

9 Q I guess it was a better objection than we  
10 thought.

11 THE COURT: No, it just means Mr. Obitts didn't  
12 understand it. Or he didn't agree with it.

13 Q (By Mr. Halpern) In 2003 you were appoint --  
14 wait, the board of directors of Ananda Marga, Inc.,  
15 appointed you president and CEO; is that correct?

16 MR. OBITTS: That's a leading question, Your  
17 Honor.

18 THE WITNESS: No, but --

19 THE COURT: Yeah, but he's trying to get  
20 foundation for his next question, so I'll allow it.

21 MR. OBITTS: Okay. All right.

22 THE WITNESS: Yeah. The board of directors did  
23 not appoint. The board of directors ratified as  
24 sectorial secretary of Ananda Marga, Inc., first. When  
25 they recognized me as sectorial secretary of Ananda

1 Marga, Inc., I have the right according to the bylaws  
2 either to appoint myself as president or someone else, so  
3 the previous SS was president, so I also wanted to follow  
4 the same norm that is why I appointed myself.

5 Q (By Mr. Halpern) I see.

6 A I had no other interest.

7 Q And in order for you to do that did you require  
8 any approval from anybody else?

9 A No.

10 Q When did you learn or become aware that there  
11 was a division within the leadership of Ananda Marga  
12 Pracaraka Samgha following the death of the -- of the  
13 guru?

14 A Well, it happened immediately, '91, '92 it  
15 started at a very, very superficial level, but it was not  
16 very -- it was not very obvious, but we could feel that  
17 the vibration some ill feelings towards each other. And  
18 then '94 it became more obvious when they tried to  
19 conduct first election. So then it became worse day by  
20 day, which led to the physical split in 2003.

21 Q What was the event in 1994?

22 A It was election of Central Committee, Purodha  
23 board and all the boards. It was first election which  
24 happened although Carya'carya gives provision for all the  
25 Boards to be elected, Central Committed to be elected,

1 Bhukti Committee to be elected. It was not so much in  
2 practice and the Boards in Central level was not elected  
3 until that time.

4 So the first election took place in 1994,  
5 October. So at that time there was already conflict. So  
6 the election, it was already predecided which people will  
7 be out of the Central Committee, so it was already out in  
8 our knowledge which three people will be out, and when  
9 the (inaudible) was declared, it was according to our  
10 knowledge so the politics started at that time.

11 Q And the split you referred to, what is that --  
12 that occurred when?

13 A The physical split happened in 2003. The  
14 psychological split as I told started happening in the  
15 Central level and became worse which led to the physical  
16 split in 2003.

17 Q Okay. And what is the physical split that  
18 occurred in 2003?

19 A What happened was a group of senior Purodhas  
20 and Central Committee members and Acaryas and Avadhutas,  
21 they after continuous effort to try to bring out certain  
22 points in the Central Committee which were creating  
23 conflict in the organization, and they were not allowed  
24 in the Central Committed as a (inaudible). They used the  
25 provision of bylaws of Ananda Marga Pracaraka Samgha

1 registered society in India to call for an election  
2 according to the bylaws, and they elected their one  
3 governing body and they elected their one president and  
4 general secretary.

5 Q And which group is that -- we've been referring  
6 to a Ranchi faction and a Kolkata faction which is --

7 A This is Kolkata faction. So -- so that was the  
8 physical split. And already they were not coming to RDS  
9 and the camp, et cetera, but after the legal separation,  
10 they announced the new governing body for the whole world  
11 and some Margiis and Acaryas preferred to follow them and  
12 some Acarya remained.

13 Q And what was the other faction?

14 A Other faction was the original Ananda Marga  
15 which got into two, so that one became Ranchi. One was  
16 Kolkata faction and other one was Ranchi.

17 Q And did they both -- did they both purport to  
18 be legitimate?

19 A Yes. They were both claiming to be legitimate,  
20 and they started legal cases and the cases are in court  
21 of law. So there were civil cases as well as criminal  
22 case against each other going on there.

23 Q Now, I think you test -- was this before or  
24 after you were appointed as sectorial secretary of New  
25 York sector?

1           A     As I told you earlier the physical split  
2 happened after my posting. Eight months after my posting  
3 and four or five months after my coming into the sector  
4 and it's around the same time that I came into USA.  
5 Similar time.

6           Q     At that time did the split have any effect on  
7 your ability to act as sectorial secretary?

8           A     I had no problem to act as sectorial secretary  
9 except a few workers were following Kolkata faction did  
10 not recognize me. So I was sectorial secretary for those  
11 workers who recognized me. So it was most of the workers  
12 in New York sector recognized me, so I was sectorial  
13 secretary of socio-spiritual organization of those  
14 workers and Ananda Marga, Inc., always had only one  
15 sectorial secretary so there was no problem. In the  
16 socio-spiritual organization we had two sectorial  
17 secretaries, one following Kolkata administration and the  
18 other one was me.

19          Q     And so when did Kolkata appoint a New York  
20 sector --

21          A     Sectorial secretary.

22          Q     -- sectorial secretary other than you?

23          A     It's around the same time. I cannot exactly  
24 remember the date but it is end of 2003, too. After they  
25 declared the governing body they appointed a sectorial

1 secretary.

2 Q Now, did that person ever become an officer of  
3 Ananda Marga, Inc.?

4 A No.

5 Q Did that -- anybody besides yourself since 2003  
6 has anybody beside yourself acted as sectorial secretary  
7 of -- and president and CEO of Ananda Marga, Inc.?

8 A No.

9 Q Was there a time or did a time arrive when you  
10 and your position in the New York sector and Ananda  
11 Marga, Inc., concluded that you -- that there was in fact  
12 now established -- no legitimate established hierarchy  
13 above you within Ananda Marga?

14 A Can you please again?

15 Q Yeah, sure. At what -- did -- was there ever a  
16 time when Ananda Marga, Inc., and yourself as sectorial  
17 secretary concluded that you were unable to identify who  
18 was the legitimate Purodha Pramukha?

19 A Regarding Purodha Pramukha the legitimacy only  
20 came into question in 2008 after he passed away.

21 Q So what happened in 2008 with the Purodha  
22 Pramukha?

23 A When he passed away, the whole world members  
24 and Acarya and Avadhuta and Purodhas tried to communicate  
25 to all the factions and tried to ask them please elect

1 one Purodha Pramukha, this is an opportunity to unite the  
2 organization. So let us take this opportunity and don't  
3 rush and elect one Purodha Pramukha in one particular  
4 group. But in spite of all the calls, one particular  
5 group elected the one Purodha Pramukha with their  
6 Purodhas, all the Purodhas were not informed even. Do  
7 then they declared that Purodha Pramukha, so the rest of  
8 the world did not recognize --

9 Q Which faction is that?

10 A It was Ranchi faction.

11 Q Describe again for me what they did about the  
12 Purodha Pramukha then.

13 A They rushed into election of Purodha Pramukha  
14 without any consideration to the request of Ananda Marga  
15 community around the world and notified only Purodhas of  
16 a particular group and faction. And they conducted an  
17 election, obviously I am not sure how they conducted, I  
18 was not there. So they declared (inaudible) as Purodha  
19 Pramukha.

20 Q Was that process legitimate under Carya'carya?

21 A No. Because all the --

22 MR. OBITTS: Your Honor --

23 THE WITNESS: -- Purodhas have to be elected --

24 MR. OBITTS: -- I object. He's going into  
25 interpretation of the Carya'carya.

1 MR. HALPERN: He's speaking from his own --

2 THE COURT: You're asking him under Carya'carya  
3 whether that's legitimate, so the objection's sustained.

4 Q (By Mr. Halpern) Okay. Are you familiar with  
5 the procedures for the election of the Purodha Pramukha  
6 under Carya'carya?

7 A Yes. According to Carya'carya only Purodhas  
8 can elect the Purodha Pramukha.

9 MR. OBITTS: Your Honor, it's the same -- same  
10 objection.

11 MR. HALPERN: Well, now he's testifying as to  
12 what the process is.

13 THE COURT: Overruled.

14 THE WITNESS: All the Purodhas need to elect  
15 Purodha Pramukha.

16 Q (By Mr. Halpern) Okay. To your knowledge was  
17 that process followed in the election by the Ranchi  
18 faction of the Purodha Pramukha in 2008?

19 A No.

20 Q No, it was not followed?

21 A It was not followed.

22 Q At what time did -- when did the Kolkata  
23 faction appoint a Purodha Pramukha?

24 A They didn't appoint. Again there was a meeting  
25 in 2011, March, 25, 26, 27 and then --

1 Q You mean two months ago?

2 A Two months ago.

3 MR. OBITTS: Your Honor, we're going far afield  
4 of 2005.

5 THE COURT: Yeah --

6 MR. HALPERN: Oh, we are not far afield at all,  
7 Your Honor. I -- I think this is a critical point.

8 THE COURT: Well, how critical is it? I'm not  
9 going to have any jurisdiction whatsoever, Mr. Halpern,  
10 to address any elections in India or anywhere else in the  
11 world --

12 MR. HALPERN: I agree.

13 THE COURT: -- regarding this entity. So why  
14 do I need to hear testimony about it?

15 MR. HALPERN: We need to establish -- we wish  
16 to establish that there is a clear dispute as to -- that  
17 -- whoever is or is not the Purodha Pramukha, the  
18 president, and the general secretary has been  
19 undetermined and in clear dispute going back to 2003 in  
20 various formulations. That means critically that the  
21 actions of the Defendant -- of the Defendants and the  
22 Intervenor and of Mr. Dhruvananda under -- under the  
23 pretext of being the general secretary are not binding  
24 upon Ananda Marga, Inc., which means that the existing --  
25 the sectorial secretary was not removed.

1           In fact he could not have been removed and --  
2           and that all of the directors could not be reappointed by  
3           somebody who is not -- who -- well, let me put it -- I  
4           agree, you cannot decide, Your Honor, obviously, who is  
5           the general secretary. If there is no general secretary,  
6           then the Plaintiff -- the Defendant -- the Intervenors  
7           and Defendants have failed in a critical element of proof  
8           and their argument that this is a hierarchal organization  
9           and legitimate authority was exercised under that, that's  
10          what distinguishes -- one of the key distinctions between  
11          this case and the Serbian Orthodox case -- in Serbian and  
12          Mote -- in Serbian Orthodox and in Mote there was not  
13          doubt, there as no contest as to who was the legitimate  
14          hierarchal authority. Here Plaintiffs -- Intervenors and  
15          Defendants can't -- can't show who was the legitimate  
16          general secretary, and we're merely introducing this to  
17          establish clearly that there was no such person.

18                 THE COURT: You can ask him factually the  
19                 existence or nonexistence of this dispute if it's within  
20                 his individual knowledge. That's it. I don't need to  
21                 know what happened, who said what, how it -- all I need  
22                 to know is he has foundation to know it and that it exist  
23                 -- that the dispute exists. That's it. Okay?

24                 MR. HALPERN: Yup, that's fine.

25                 THE COURT: So narrow the scope of the

1 question.

2 MR. HALPERN: Okay.

3 Q (By Mr. Halpern) Do you have personal  
4 knowledge as to whether or not there is a dispute in  
5 existence as to who is the general secretary of the  
6 social -- of the legal AMPS Central, the Bengali  
7 corporation?

8 A Yes, there is dispute.

9 Q There is a dispute?

10 A Yes.

11 Q And when did that dispute start?

12 A In 2003.

13 Q And when did Ananda Marga, Inc., and you  
14 yourself, come to conclude that there was such a dispute  
15 and there was -- you could not identify a legitimate  
16 general secretary?

17 A As I told earlier, I was posted in 2003,  
18 January, when there was one organization. But the same  
19 general secretary continued for one faction, whereas  
20 another general secretary started in 2003 for another  
21 faction. So that general secretary who continued, we  
22 were continuing to recognize him until 2005.

23 Q That's Dhruvananda?

24 A Acarya Dhruvananda Avadhuta. And in 2005 there  
25 was dispute in India over who is the legitimate president

1 of the Central Committee of socio-spiritual. The Central  
2 Committees could not decide among them who will be  
3 presiding because the president was sick. So then the  
4 Central Committee requested --

5 MR. OBITTS: Your Honor, he stated that he was  
6 not a Purodha, so how would he know this if he's not on  
7 the Central Committee of some dispute?

8 MR. HALPERN: He's testifying from his personal  
9 knowledge.

10 MR. OBITTS: Then it's based upon hearsay.

11 THE COURT: He needs to establish how he has  
12 personal knowledge of that event.

13 Q (By Mr. Halpern) How -- how do you know that  
14 these disputes existed?

15 A Because I am --

16 THE COURT: Specifically starting in 2005.

17 Q (By Mr. Halpern) Specifically in 2005.

18 A Yeah, I'm talking about 2005 now at this point.  
19 Yeah, in 2005 the -- I go to RDS in India for reporting  
20 purpose. So when I go similar time the Central Committee  
21 meetings take place. So when I go there the Central  
22 Committee meetings cannot be held because there is  
23 controversy over president.

24 So when I go to RDS, that's how I find out,  
25 when I am there the Central Committee meeting is supposed

1 to happen. They are not able to conduct a meeting  
2 because the legitimacy of the president in question. So  
3 that's how I came to know.

4 THE COURT: Okay. Move on to something else.

5 Q (By Mr. Halpern) Well, just to be clear.  
6 Since that time has there ever been a single legitimate  
7 general secretary?

8 A No. Later on it became three general  
9 secretary. First there were two, after that it became  
10 three. So there were three general secretaries claiming  
11 to be general secretary of socio-spiritual organization  
12 of Ananda Marga.

13 MR. HALPERN: Your Honor, I could --

14 MR. OBITTS: Object as to time frame, Your  
15 Honor.

16 THE COURT: After 2005 is what he said.  
17 Overruled. Mr. Halpern?

18 MR. HALPERN: Yes, Your Honor.

19 THE COURT: What were you -- is this a good  
20 place for a break?

21 MR. HALPERN: It is a good place for a break.

22 THE COURT: Okay. Let's come back at 1:15.

23 MR. HALPERN: Thank you, Your Honor.

24 THE COURT: All right. Court's in recess.

25 (Whereupon a recess was taken.)

1                                   AFTERNOON SESSION, MAY 12, 2011

2                   (Whereupon the Court reconvened and the following  
3 proceedings were entered of record.)

4                   THE COURT: Please be seated. We're on there  
5 record in 10 CV 1867. We have the testimony of Mr. Kumar  
6 also known as Tiirthananda. Come on up, please. Please  
7 be seated. Mr. Halpern will continue with direct  
8 examination.

9                   MR. COSGROVE: Excuse me, Your Honor.

10                  THE COURT: Yes.

11                  MR. COSGROVE: Robert Cosgrove, Registration  
12 12217 appearing this afternoon as local counsel with the  
13 Defendants in place of Mr. Mueller.

14                  THE COURT: Okay. Thank you.

15                  MR. COSGROVE: Thank you, Your Honor.

16                                   FERNANDO KUMAR

17 called as a witness on behalf of the Plaintiffs, having  
18 been first duly sworn, testified as follows:

19                                   DIRECT EXAMINATION (Continued)

20 BY MR. HALPERN:

21                  Q     Dada T, I think when we left off we were  
22 discuss -- we talked about when you, the sectorial  
23 secretary and Ananda Marga, Inc., concluded that there  
24 was a split in the leadership of the Bengali AMPS  
25 Corporation. I want to ask you the same question. When

1 -- was there a time when you and the leadership of Ananda  
2 Marga, Inc., concluded that there as a split in the  
3 leadership of Ananda Marga Pracaraka Samgha as -- as  
4 governed by the Carya'carya?

5 A Yeah, around the same time we knew there was  
6 split in -- according to Carya'carya, too.

7 Q And at what point did you come to the  
8 conclusion that you could -- or if you did come to the  
9 conclusion that there was -- you could not identify the  
10 legitimate general secretary under Carya'carya?

11 A There was no specific time period. It was the  
12 middle of June of 2005 there was already controversy  
13 because the Central Committee meetings were not held.  
14 But still we did not formally conclude that was GS or  
15 not. It was under dispute already. So the Board did not  
16 conclude anybody as GS or not at that point.

17 Q Are you saying the Board -- when you say the  
18 board do you mean the Board of Ananda Marga?

19 A Yeah, the board of Ananda Marga, Inc., yeah.

20 Q Could not conclude who was the legitimate  
21 general secretary?

22 A Yeah. They could not conclude because there  
23 was already controversy so they had to wait and see what  
24 to do -- what will happen. Maybe they will resolve the  
25 issues and so there was dispute already.

1           Q     Now, since then until now has that situation  
2 changed?

3           A     Yeah. The situation later on became worse as I  
4 told. The total split happened in 2007 and after 2007  
5 there were three socio-spiritual organization. Out of  
6 them two were claiming over leadership of the legal AMP  
7 society whereas three were claiming over the socio-  
8 spiritual organization as legitimate authority.

9           Q     Do you know today who is the general secretary?

10          A     There are two general secretaries. Still it is  
11 not absolutely clear how is the general secretary.

12          Q     I want to go back to 2005 now. And I think  
13 there's been testimony that in the fall of 2005, a --  
14 there was an effort to remove you as sectorial secretary;  
15 is -- do you recall that?

16          A     Yes.

17          Q     Okay. And what happened then?

18          A     There was an announcement made according to  
19 when Dada was supposed to take my place, I was sick that  
20 time. And then the Margiis had a conference call, the  
21 key adherents of Ananda Marga New York sector. And I  
22 participated in the conference call from Deli. I was on  
23 my way to New York already.

24          Q     Let me just take you back. How did you learn  
25 that there was something -- some effort to remove you as

1 sectorial secretary in the fall of 2005?

2 A So far my memory goes it was Acarya  
3 Shubatmananda Avadhuta was supposed to replace me as SS.  
4 He came to me and told there was some announcement made  
5 in the RDS. I was sick in Ranchi at the time and so he  
6 came and told me.

7 Q Now, who is Shubatmananda?

8 A Shubatmananda is one of the senior Purodha and  
9 he was working as sectorial secretary of Berlin sector at  
10 that time, so he came to me in my room when I was taking  
11 rest and he told me.

12 Q And when -- when was that?

13 A I'm not sure of the date exactly. It would be  
14 after they announced, maybe October 31st, maybe 30th,  
15 after they announced, I don't remember the exact date.

16 Q Would you -- would you please look at  
17 Plaintiffs' Exhibit 98? It's in book two.

18 A What is the exhibit number, please?

19 Q 98.

20 A Yeah.

21 Q Do you have it?

22 A Yes.

23 MR. HALPERN: I'm sorry, Your Honor, I don't  
24 remember. Is this one stipulated?

25 MR. OBITTS: Yeah.

1 Q (By Mr. Halpern) Okay. So this -- is this  
2 document is dated October 30, 2005; is that correct?

3 A Yes, it is dated.

4 Q Uh-huh. And down in the second block there  
5 that says overseas postings and transfers number four can  
6 you explain that entry there?

7 A Yes, it says Acarya Shubatmananda Avadhuta, SS  
8 Berlin is posted as NY sector relieving Acarya  
9 Tiirthananda Avadhuta who is going to SS Suva Sector  
10 relieving Acarya Krpamayananda Avadhuta, SS Berlin  
11 sector.

12 Q And so this is -- this -- this in some sense  
13 documents the idea that Shubatmananda was posted to  
14 replace you; is that right?

15 A Yes. This might have been announced. I was  
16 not present at the time, so --

17 Q All right. When did you actually -- did you  
18 ever see this document at that time?

19 A I didn't see it at the time.

20 Q Do you know when you first saw it?

21 A I don't remember. It's possible I saw in the  
22 discovery period because this transfer was cancelled then  
23 and there so I didn't remember anything. No.

24 Q So when you learned about the -- this -- the  
25 action of replacing you with Shubatmananda at that time

1 did the -- you as sectorial secretary, did you regard  
2 that as a -- a valid order?

3 A It was in dispute so I wanted to consult the  
4 key adherents because I was making collective decisions  
5 in the socio-spiritual organization as well as Ananda  
6 Marga, Inc., with the board of directors according to the  
7 bylaws.

8 Q When you say the key adherents, what do you --  
9 what do you mean?

10 A We have a group of senior (inaudible) Margiis  
11 have been dedicated for the organization in New York  
12 sector. So they are a committee called Core Group and  
13 that committee is considered as key adherents.

14 Q So after you learned about this document -- or  
15 -- or about this intended action -- well, would you look  
16 at Exhibit 83?

17 A Yes.

18 Q You have to look through it a little bit but if  
19 you could -- or unless do you recognize this document?

20 A Yes, I recognize. Yeah.

21 Q Okay. What is it?

22 A So this is a letter sent by the key adherents  
23 which I was talking about.

24 Q Sent by the key adherents in New York sector --

25 A Yes.

1 Q -- to whom?

2 A To the Purodha Board of Ananda Marga Pracaraka  
3 Samgha socio-spiritual organization.

4 Q Okay. And do you know why they were sending  
5 this?

6 A Yeah. They were sending for their concerns  
7 which they are addressing in writing this letter. Mainly  
8 that I've been -- several transfers of SS have been  
9 happening within last four or five years around that  
10 time. So they were tired of having frequent transfers  
11 that was not stability for the sector and they knew the  
12 controversy over what is happening over president and  
13 general secretary, all those issues. And they were  
14 concerned that the secretary's welfare will be affected  
15 so they expressed all their concerns in this letter. So  
16 I have to go through the entire letter to say exactly  
17 what were their concerns.

18 Q And was action taken to your knowledge in  
19 response to this -- in response to this petition?

20 A Yes.

21 Q What action was that?

22 A The action --

23 Q Well, who took the action?

24 A The Purodha Board took the action.

25 Q Uh-huh.

1           A     The Purodha Board stayed my transfer and the  
2 person was supposed to replace me, Acarya Shubatmananda  
3 Avadhuta, he was posted as Central Office secretary, and  
4 he took charge as Central Office secretary. Then I  
5 continued to function as sectorial secretary as usual.

6           Q     So did Shubatmananda ever act as the sectorial  
7 secretary of the New York sector?

8           MR. OBITTS: Your Honor, he's asking for  
9 knowledge of somebody else.

10          THE COURT: Sustained.

11          MR. HALPERN: Well --

12          Q     (By Mr. Halpern) To your knowledge, did he  
13 ever take any actions that were actions that would be  
14 taken by the New York sector sectorial secretary?

15          A     So --

16          MR. OBITTS: Same objection, Your Honor.

17          THE COURT: You want to ask him if he knows if  
18 this guy ever took the job, you can ask him that.

19          Q     (By Mr. Halpern) Do you know if that guy ever  
20 took the job?

21          A     No.

22          Q     No, you don't --

23          A     No, he did not take that job.

24          Q     Okay. Approximate -- do you -- when -- when  
25 was the -- when did the stay from the Purodha Board go

1 into effect?

2 A It's difficult for me to remember all the  
3 dates, so it's around the end of November they took the  
4 decision.

5 Q That they rescinded --

6 A It would be 27th November --

7 Q Uh-huh.

8 A But I could not remember exact dates, but 27th  
9 November or something but the end of November.

10 Q Subsequent to that, did you perform the job of  
11 the New York sector sectorial secretary?

12 A Yes. I continued to function as sectorial  
13 secretary until I handover charge. So I continued to  
14 function and then they stayed the transfer so I did not  
15 need to handover charge. So I was continuing to function  
16 as sectorial secretary because I never handed it over to  
17 anyone.

18 Q And when -- now we -- we have the -- we know  
19 that the bylaws of the Ananda Marga, Inc., were amended  
20 in February of 2006; is that right?

21 A We started the solutions in many meetings from  
22 January 7th. Actually in the yearly January, Wayland  
23 Secrest -- Dr. Wayland Secrest came to me and expressed  
24 his concern, and he wanted to talk about bylaw changes.  
25 Then we called a Board meeting, and I had to give them

1 permission to authorize the meetings in order to change  
2 the bylaws. Then we had several meetings in the end of  
3 January, I think we already made the decisions for  
4 solutions. And --

5 Q Okay. And --

6 A -- formally it might have been filed in  
7 February. I don't know.

8 Q And it's correct that the -- one of the  
9 fundamental changes that was made was you changed the --  
10 you -- you changed the provision concerning the  
11 appointment of the New York sector sectorial secretary to  
12 require two-thirds approval of the Ananda Marga, Inc.,  
13 board of directors; is that right?

14 A Yes.

15 Q What was the purpose for that amendment?

16 A The purpose was in order to manage the current  
17 crises where many people are claiming to be general  
18 secretary and president issues was in controversy and the  
19 time, in order to protect the Ananda Marga's interest,  
20 particularly Ananda Marga, Inc.'s interest, so the Board  
21 tried to restrict the power. At the same time we didn't  
22 want to totally take away the powers, so we decided after  
23 several consultations that the general secretary can post  
24 the sectorial secretary but two-third of the board of  
25 directors need to approve any such posting.

1 Q Now, look at Plaintiffs' Exhibit 100.

2 A Yes.

3 Q What is this document?

4 A This is the email sent by Central Office  
5 secretary to me and office and Qahira sector SS and  
6 office secretary there and to Dadavimalji and I think it  
7 is Shubhacetanandaji. This is an email announcing  
8 transfer posting of New York sector and Qahira sector.

9 Q Now, as the Central Office secretary, do you  
10 know who Shubatmananda was acting for?

11 A Normally acts for president and general  
12 secretary and also Central Office secretary also can send  
13 this type of information because he is also part of the  
14 establishment committee which I was talking about in the  
15 morning.

16 Q Now, and this would be Ranchi faction?

17 A Yes.

18 Q And in this document is it correct that it says  
19 that you are posted as chief secretary to the Qahira  
20 sector, or however you pronounce that?

21 A Yes.

22 Q Okay. What is the Qahira sector?

23 A Qahira sector is Cairo, Egypt which his mostly  
24 Middle East.

25 Q Did you ever take that position?

1           A     No.

2           Q     Okay.  And then it says that Acarya Vimalananda  
3 is posted as sectorial secretary of New York sector  
4 relieve Acarya Tiirthananda, correct?

5           A     Yes.

6           Q     Okay.  Did Acarya Vimalananda Avadhuta ever  
7 take the position to your knowledge of sectorial  
8 secretary in New York sector?

9           A     That was in the dispute so what happened was  
10 certain workers started recognizing Acarya Vimalananda  
11 Avadhuta as sectorial secretary in the socio-spiritual  
12 organization and most of the workers and Margiis  
13 recognized me as sectorial secretary of Ananda Marga  
14 Pracaraka Samgha socio-spiritual organization.  So I  
15 continued to function as the sectorial secretary of  
16 Ananda Marga, Inc., without any problem but as a socio-  
17 spiritual organization we had at that point three  
18 sectorial secretaries, one by Kolkata, one by Ranchi and  
19 one the rest of the Margiis and workers recognized.  So  
20 we had three sectorial secretary --

21          Q     Who -- who is the third one?

22          A     One from Kolkata --

23          Q     Yeah.

24          A     Two, Acarya Vimalananda Avadhuta recognized by  
25 Ranchi.

1 Q Uh-huh.

2 A The third one was me, Acarya Tiirthananda  
3 Avadhuta was recognized by most of the workers and  
4 Margiis at the time.

5 Q So how did you operate the --

6 A So --

7 Q -- the socio-religious sector?

8 A We decided to work in coordinated cooperation  
9 because we thought it was not wise to divide the  
10 organization. So we have differences. So some felt that  
11 (inaudible) as a socio-spiritual organization. So we  
12 thought let us not talk about the differences, let us  
13 talk about common points between us so we will try to  
14 work and coordinate in pracar, in the seminars and other  
15 programs. So we were able to hold elected programs,  
16 elected RDS, and later Dada Vimalananda insisted that he  
17 is sectorial secretary, I insisted I was sectorial  
18 secretary of Ananda Marga Pracaraka Samgha socio-  
19 spiritual organization.

20 Q Neither of you brought it to a fight?

21 A Huh?

22 Q Neither of you brought it to a fight?

23 A Yeah. Correct.

24 Q You made it work?

25 A Yeah, we made it work. And we were able to do

1 that until June, July, middle of 2009.

2 Q Okay. So for how long did this cooperative  
3 relationship last?

4 A More than three years.

5 Q And during that three year period -- well, did  
6 -- just to go back for a minute. This document that --  
7 the Plaintiffs' Exhibit 100, did you regard that and did  
8 the -- the Ananda Marga, Inc., regard that as a valid  
9 post -- replace -- or, you know, replacement of you and  
10 posting of you to a different sector?

11 A No --

12 MR. OBITTS: Your Honor, he's asking about what  
13 other people thought.

14 THE COURT: Sustained.

15 Q (By Mr. Halpern) Did you regard this as a --  
16 as the sectorial secretary regard this as a valid posting  
17 of yourself?

18 A No. We didn't recognize this as valid transfer  
19 order.

20 Q Did the board of directors of Ananda Marga,  
21 Inc., take any action to effectuate this -- this document  
22 -- the transfer describe in this document?

23 A No, they did not do anything to actualize.

24 Q Did the board of directors of Ananda Marga,  
25 Inc., take any action to effectuate the posting of Acarya

1 Vimalananda as sectorial secretary to New York sector?

2 A No, they did not.

3 Q During the period prior to -- I think you said  
4 July 2009, from -- you know, from February or March of  
5 2006 to July of 2009, did the -- did Vimalananda  
6 participate in any of the board meetings of Ananda Marga,  
7 Inc.?

8 A No, he did not participate.

9 Q Did you hold regular Board meetings?

10 A Yes.

11 Q And did you appoint Board members?

12 A Yes, we appointed Board members.

13 Q You did?

14 A Yes.

15 Q As -- as sectorial secretary?

16 A Yes.

17 Q What happened in July of 2009?

18 A July 2009 in one retreat, which is a main  
19 retreat, summer retreat we call it, or summer conference,  
20 in (inaudible) after the retreat was over, there was RDS  
21 which is review, defects, and solution of wholetimers,  
22 which is Acaryas, Avadhutas, and Purodhas. In that  
23 meeting, he announced that only the following workers  
24 will be able to attend the RDS from tomorrow, the next  
25 day. So I was surprised and shocked because we had a

1 relationship, and he didn't inform me anything, it was  
2 announced publically.

3 Then as of the next day when the meeting was  
4 supposed to start, we had one section of workers  
5 attending RDS under him and most of the workers, I think  
6 10 or 11 workers attended under Vimalananda at the time.  
7 And 27 or 28 workers attended RDS with me. So in the  
8 same premises in two different rooms were having RDS.  
9 Socio-spiritual organization RDS.

10 Q Now, at that time was there any claim made  
11 relative to -- by Vimalananda or -- by Vimalananda  
12 relative to the legal authority within Ananda Marga,  
13 Inc.?

14 A No, he did not claim any authority for Ananda  
15 Marga, Inc. He only announced that these other workers  
16 can attend RDS, he announced one by one name and posting  
17 and next day when the meeting started people choose to go  
18 where to go so they were free to decide. They were  
19 missionaries and different workers they decided whom to  
20 follow, so that was what happened. He didn't claim any  
21 authority over Ananda Marga, Inc.

22 Q Was there a time when Vimalananda or any  
23 representative of AMPS Ranchi asserted legal control --  
24 the right to legal control if Ananda Marga, Inc.?

25 A No. Nobody asserted any authority. Some

1 letters we received saying that -- to some Board members  
2 sometimes, I cannot remember all the documents, if you  
3 show me I can tell, saying was anti-ethical, immoral,  
4 anti-organizational these type of letters. So -- but  
5 apart from that there was no effort to say that this is a  
6 new Board or this other board of directors or this is --  
7 they didn't assert any authority at all.

8 Q So were you informed that a new board of  
9 directors was in place?

10 A No. Not until February when we got the letter  
11 from the lawyers.

12 Q February of what year?

13 A February of 2010.

14 Q So that would be four years after supposedly  
15 you were transferred?

16 A Yes.

17 Q Would -- and at that time did you regard that  
18 as a valid change in the board of directors of Ananda  
19 Marga, Inc.?

20 A No, it is not at all valid, so I did not admit  
21 that that is a valid vote.

22 Q Okay. And why was it not valid?

23 A Okay. And why was it not valid?

24 Q Because it was not the sectorial secretary of  
25 Ananda Marga, Inc., so he was not the president of the

1 Board and he had no right to appoint the Board at all,  
2 and he did not even inform the Board it has been removed  
3 even, so there was no question that he had any authority  
4 to remove the Board.

5 Q Have there been any efforts by Ananda Marga  
6 Ranchi to remove your spiritual titles?

7 A After they sent the letter to the lawyer then  
8 there were letters probably by Acarya Dhruvananda  
9 Avadhuta saying that I am not Acarya Avadhuta and my  
10 titles were removed.

11 Q Probably from who?

12 A Dhruvananda. Acarya Dhruvananda Avadhuta.

13 Q Oh, I'm sorry. And did you regard that as a  
14 valid order?

15 A No.

16 Q Why was it not valid?

17 A First of all I did not recognize him as general  
18 secretary. Second, general secretary would not have the  
19 authority to remove the titles. So I -- I did not feel  
20 it's valid decision.

21 Q Under Carya'carya if someone was going to  
22 remove your title of Acarya how do you -- how would they  
23 -- how do they have to do it?

24 MR. OBITTS: Your Honor --

25 THE COURT: The Acarya Board would have to do

1 it. They --

2 MR. HALPERN: The Acarya -- that's right.

3 THE COURT: Already heard this.

4 MR. HALPERN: Thank you, Your Honor.

5 THE COURT: Ask him something we haven't heard.

6 MR. HALPERN: I'm running out of those things.

7 THE COURT: Good. That means it's time to  
8 stop.

9 MR. HALPERN: That completes my examination.

10 THE COURT: Okay. I'm not telling you to stop.

11 If you have more inquiry --

12 MR. HALPERN: I understand --

13 THE COURT: -- go ahead.

14 MR. HALPERN: -- and I am completed.

15 THE COURT: Fair enough.

16 Cross-examination?

17 CROSS-EXAMINATION

18 BY MR. OBITTS:

19 Q Good afternoon.

20 A Good afternoon.

21 Q In October 30, 2005, when the posting order  
22 occurred if you had believed that the general secretary  
23 was legitimate, you would have followed that order,  
24 correct?

25 A If he was legitimate and still if it was not in

1 the interest of the sector, we would have discussed in  
2 the sectorial meeting and expressed level of concern to  
3 the general secretary to reconsider. If he was  
4 legitimate general secretary.

5 Q So what you're telling me is that you would  
6 break your vow related to postings if it was in the best  
7 interests of the adherents in the sector; is that what  
8 you're saying?

9 A There is no vow so there is no question of  
10 breaking the vow.

11 Q How about breaking the conduct rule for  
12 Avadhutas that you're supposed to follow your posting?

13 A Conduct rules I follow according to the best of  
14 my capacity. I have the freedom to decide whether I am  
15 sufficient physical, mental, and emotional condition to  
16 follow any conduct rule. And I also have to see the  
17 collective of the sector where I am working so the  
18 collective being of Ananda Marga is much more important  
19 than the ego and beliefs an individual who is supposedly  
20 claimed to be general secretary.

21 Q Okay. My -- I just asked you a simple question  
22 and that was some response, for sure. So the question  
23 that I have for you now in follow up is it appears to me,  
24 and correct me if I'm wrong, that your belief of your --  
25 you took a vow, didn't you, to follow the conduct rules

1 when you became an Avadhuta, right? That was part of  
2 your vow?

3 MR. HALPERN: Objection. He already said he  
4 didn't take any vows.

5 THE WITNESS: We took vows but not --

6 THE COURT: No. He disputed what it was. So  
7 the objection is overruled.

8 THE WITNESS: The vows are not to follow the  
9 conduct rules. The vows are to the guru and ideology to  
10 the mission not to follow conduct rules.

11 Q (By Mr. Obitts) Right. And the ideology of  
12 the mission and the conduct rules were that as given by  
13 Reverend Baba, were they not?

14 A The vows are given by Baba. The conduct rules  
15 are subject to change. It was given by Baba originally  
16 so then the Acarya Board vote on them to modify the  
17 conduct rules according to the time place.

18 Q So -- okay. So it's according to time and  
19 place again. And person, right? You -- you forgot the  
20 person.

21 A Yes.

22 Q So according to time, place, and person if  
23 someone tells me to do something that's my boss -- let's  
24 say for example the judge tells me to do something and I  
25 feel according to time, place, and person, you know,

1 what? Mentally, physically, sociologically I'm just not  
2 into it, are you telling me that you're allowed to  
3 disobey the judge in that situation?

4 MR. HALPERN: Objection. That's an irrelevant  
5 question.

6 THE COURT: It's a bad analogy.

7 MR. OBITTS: Okay.

8 THE COURT: For any number of reasons,  
9 Mr. Obitts, we're not going to get into.

10 MR. OBITTS: Okay.

11 Q (By Mr. Obitts) Are you telling me -- if I can  
12 get this correct, that your belief in the conduct rules  
13 and following those conduct rules of Reverend Baba, that  
14 those are just purely discretionary?

15 A Conduct rules given by Baba is for everyone to  
16 -- to adopt in their personal life and their spiritual  
17 life. Conduct rules are not -- about conduct rules there  
18 is first ideology and guru. After ideology comes moral  
19 principles. After moral principles, conduct rules. So  
20 if the ideology, the principles, and values and moral  
21 principles are compromised, the conduct rule doesn't make  
22 any sense.

23 So the conduct rules comes as long as --  
24 because Ananda Marga is to establish Ananda Marga, the  
25 path of bliss for self-realization. If the goal is

1 deviated that's where the conduct rules is for. Conduct  
2 rules is not to please a group of individuals. It is to  
3 achieve the goal of Ananda Marga, the path of bliss.  
4 Self-realization.

5 Q You said previously that only the Purodha Board  
6 could change the conduct rules, correct?

7 A Purodha Board can change the conduct rules of  
8 Purodhas.

9 Q Okay. And you're not a Purodha, are you?

10 A I am not a Purodha.

11 Q But you're an Avadhuta?

12 A Yes.

13 Q And you follow those conduct rules, do you not?

14 A I follow according to the best of my capacity.

15 Q And that's according to time, place, and  
16 person, if it works out for your best interest, correct?

17 A Yes, definitely. I'm a human being. If I  
18 cannot follow, I don't follow. It's not like I tell I  
19 follow that I fall all the personal conduct rules. I  
20 follow according to the best of my capacity as I said.

21 Q Isn't it true that all the filings that were  
22 made by Ananda Marga, Inc., to the federal governmental  
23 agencies during your tenure as sectorial secretary were  
24 true?

25 A Yes.

1                   MR. HALPERN:  Objection, Your Honor.  That's  
2 beyond the scope of the direct, and it's also completely  
3 cumulative.

4                   THE COURT:  Counsel, there is no objection  
5 beyond the scope of direct, one.  Two, as he's entitled  
6 to test the witness' knowledge, bias, motive, all of that  
7 is cross-examination stuff.  Okay?  It may be cumulative,  
8 but not from this witness at this point.  If he asks it  
9 again it will be.  So the objection is overruled.

10                  Q     (By Mr. Obitts)  Isn't it true that under your  
11 tenure at Ananda Marga, Inc., that you represented, i.e.  
12 Ananda Marga, Inc., represented to the federal government  
13 agencies many, many times, that the Acarya take a vow of  
14 obedience?

15                  A     Yes.

16                  Q     You previously testified a couple of minutes  
17 ago that you're required to follow the teachings of Baba,  
18 correct?

19                  A     Yes.

20                  Q     To the best of your capability, time, place,  
21 and person, correct?

22                  A     Yes.  Yes.

23                  Q     Isn't it true that Reverend Baba set up the  
24 organizational structure to allow adherents to follow the  
25 path of bliss, Ananda Marga?

1           A     Can you repeat your question, please?

2           Q     Yes.  Isn't it true that Reverend Baba set up  
3     the organizational structure so that his adherence could  
4     come and follow -- in other words follow the trail to  
5     bliss -- the path to bliss?

6           A     Yes.  The structure is made in order to  
7     facilitate the organization growth.  The goal is self-  
8     realization.  So the structure is made to help the  
9     process, not to deviate from the process.

10          Q     Isn't it true that prior to 2006 the Purodha  
11     Board never declared in writing a state of serious  
12     controversy?

13          A     I cannot talk for the Purodha Board.

14          Q     Do you have any knowledge as to whether or not  
15     th Purodha Board ever stated in writing a state of  
16     serious controversy prior to 2006?

17          A     I have only knowledge that Central Committee  
18     requested Purodha Board due to controversy existing in  
19     the organization to take the leadership --

20          Q     That's not my question.  You're not answering  
21     my question.  My question to you is -- and we'll -- we'll  
22     bump it up another year.  Let's go 2007.  Do you have any  
23     knowledge that prior to the year 2007 the Purodha Board  
24     ever declared in writing a state of serious controversy?

25          A     I don't know about it.

1           Q     In fact, you don't know because it was never  
2 done, correct?

3           A     How can I say that? I said I don't know.

4           Q     Okay. Isn't it true that any state of serious  
5 controversy has to be approved by the Purodha Pramukha  
6 Shraddhananda prior to 2007?

7           A     I cannot say for Purodha Pramukha what his is  
8 to do and what he is not to do. I know Purodha board, I  
9 have no knowledge --

10          Q     Have you ever heard of procedural order 29-B?

11          A     I heard only after it was used.

12          Q     Okay.

13          A     Not before that. That's a procedure order, is  
14 it not, that allows the general secretary to call a state  
15 of emergency, is it not?

16          A     First of all I don't know any explicit order  
17 that you are talking about the general secretary. First  
18 of all, I don't know, I hear first time, that is the  
19 first time I heard the order.

20          Q     Okay. And the first time you heard it was in  
21 December of 2005, correct?

22          A     Possibly.

23          Q     Okay. Isn't it true that you testified during  
24 your deposition that Acarya Dhruvananda Avadhuta, the  
25 general secretary of Ananda Marga Pracaraka Samgha was

1 illegitimate starting in December of 2005?

2 A Yes. That is my personal conviction that he  
3 was not general secretary but that's not the Board's  
4 decision, that's not Ananda Marga's decision of New York  
5 sector. That was personally I did not believe he was  
6 legitimate GS when he did not follow the orders or  
7 decisions made by Purodha Board where he himself was one  
8 of the board member. And that's the time I decided he is  
9 not the legitimate general secretary for myself.

10 Q Okay. Prior to 2003 when you were posted to  
11 the -- sorry, in 2003 when you were posted to the New  
12 York sector do you know if Dada Ramananda, your  
13 predecessor --

14 A Yes.

15 Q -- followed the order from the general  
16 secretary?

17 A It is not orders. As I told you that a posting  
18 order is given and the worker accepted that there was one  
19 organization so there was no dispute at all. So it was  
20 easy to --

21 THE COURT: That wasn't anything that he asked  
22 you, sir. He asked you do you know if Ramananda followed  
23 that posting order. That's what he asked you.

24 THE WITNESS: Yes, he followed.

25 THE COURT: Thank you.

1           Q     (By Mr. Obitts)   Isn't it true that you  
2 testified previously that prior to the split where the  
3 Kolkata faction left Ananda Marga Pracaraka Samgha that  
4 you would have followed the posting orders of the general  
5 secretary because there is only one general secretary?

6           A     If there was one general secretary and that  
7 general secretary makes the decisions on the best  
8 interests of sector if the sector feels that it is not in  
9 the best interest of sector, I will ask the general  
10 secretary to reconsider, that is what I told and I stand  
11 by that.

12          Q     Okay.   So you were posted many times by the  
13 general secretary prior to coming to the New York sector,  
14 were you not?

15          A     Yes.

16          Q     Every time you followed his orders, correct?

17          A     Yes.   Except the time which I told him that the  
18 position that South American when they posted me I did  
19 not follow.   I already told you in the morning.

20          Q     And he reconsidered it.

21          A     Huh?

22          Q     Did he not?   The general secretary listened to  
23 you and reconsidered it.

24          A     I'm not sure whether he reconsidered it or not.  
25 I did not go and the transfer was not implemented.   That

1 much I know.

2 Q Isn't it true that you in fact made INS filings  
3 on behalf of Ananda Marga, Inc., with a truth  
4 certification?

5 A Yes.

6 Q Isn't it true in those filings that you stated  
7 that the global headquarters were in Ranchi, India?

8 MR. HALPERN: Same objection. Those documents  
9 are in evidence and this is cumulative.

10 THE COURT: Not as to this particular witness,  
11 so the objection is overruled.

12 THE WITNESS: I cannot talk in general for all  
13 the documents, so I'd like to see the document before I  
14 say.

15 Q (By Mr. Obitts) I was hoping we wouldn't have  
16 to go there. All right. If you could pull up  
17 Plaintiffs' -- I mean, Defendants' Exhibit 129.

18 A Yes. 129.

19 Q Okay. And this was a filing on September 5,  
20 2005, and was produced by you all in discovery, was it  
21 not?

22 A Yes.

23 Q Okay. So here in this document you describe  
24 that Ananda Marga is a worldwide mission, do you not? On  
25 the second paragraph?

1           A     Yes.

2           Q     And then you talk about the spiritual aspects  
3 of Ananda Marga Acaryas on the first paragraph of the  
4 second page.

5           A     Yes.

6           Q     And then you talk about a global coordinated  
7 meeting that Ananda Marga organizes once a year. Do you  
8 see that? In the -- sorry -- the third paragraph down on  
9 the second page. Second paragraph below visa petition  
10 letter for blank. Redacted.

11          A     Yes.

12          Q     And isn't it true that Ananda Marga referred to  
13 there is Ananda Marga Ranchi, India? This is a global  
14 coordination meeting of the public relations department.

15          A     Yeah. We call it only Ananda Marga, we don't  
16 call it Ananda Marga Ranchi, so --

17          Q     Yeah, but I'm asking you -- you're referring  
18 there to Ananda Marga Ranchi, are you not?

19          A     I cannot say it's Ananda Marga Ranchi, because  
20 I don't know all the workers, what is their status in the  
21 dispute. So when there is meeting I call the people who  
22 are --

23          Q     Sir, you previously testified that in the 2005  
24 time frame there was a Kolkata faction and you were the  
25 SS of the Ranchi faction, correct?

1           A     Yes.

2           Q     And you're talking about -- so you're saying  
3 that there was a global coordination meeting of both  
4 Ranchi and Kolkata?

5           A     I cannot say all of the public relations  
6 secretaries are following Ranchi or Kolkata. The public  
7 relations secretaries are public relations secretaries of  
8 Ananda Marga. So I cannot say what they do for every  
9 public relations secretary. I did not ask them.

10          Q     All right. Let's -- let's try -- let's try  
11 another one, okay? Let's try now Defendants' Exhibit  
12 130. This is a letter dated September 2, 2005, signed by  
13 you, correct?

14          A     Yes.

15          Q     Related to a visa application for somebody  
16 who's marked out on this document, correct?

17          A     Yes.

18          Q     Okay. And you say here that the central  
19 authority recently assigned blank to North America for  
20 the next five years. Do you see that?

21          A     Yes.

22          Q     Those central authorities were Ranchi  
23 administration, were they not?

24          A     Yes. And this context yes, because I knew he  
25 was following Ranchi.

1 Q At this time you were not the SS of Kolkata  
2 faction, were you not?

3 A Yes, I was not SS of Kolkata faction. That's  
4 right.

5 Q And this third faction started sometime in  
6 2007, did it not?

7 A The third faction legally or what are you going  
8 to call an association according to Carya'carya they  
9 formed the Central Committee in 2007. But they were  
10 split already in 2006. Already they were not able to  
11 meet and do that. I don't know the exact dates.

12 Q If you would be so kind as to turn to  
13 Defendants' Exhibit 203, please?

14 A Sure.

15 MR. HALPERN: What number is it?

16 MR. OBITTS: 203. Sorry.

17 THE WITNESS: Yes, please.

18 Q (By Mr. Obitts) Okay. So this is a letter  
19 from the board of directors in March 11, 2006, regarding  
20 its recent bylaw changes, correct?

21 A Correct.

22 Q Okay. And at the bottom of the first page it  
23 talks about Vishvadeva at his own initiative decided to  
24 review the bylaws, and it was not initiated by any board  
25 member. Did I accurately describe that?

1           A     Can you please tell which paragraph, please?

2           Q     Sure. This is the very bottom paragraph. If  
3 you go up one, two, three, four lines. It says initial  
4 review of the 1982 bylaws was therefore initiated by one  
5 board member, Vishvadeva, at his own initiative. The  
6 review was not requested by the sectorial secretary --

7           A     I am not able to see. Can you please help me,  
8 please?

9           Q     I apologize. Can you see it now?

10          A     It's DFTS00044?

11          Q     You got it. And just go up three -- four lines  
12 on the -- on the bottom paragraph.

13          A     Okay. Four lines. Okay. Ananda Marga during  
14 the changing and evolving scenario, yeah?

15          Q     Yeah.

16          A     An initial review of -- yeah, correct.

17          Q     Okay. Do you see that?

18          A     Yeah.

19          Q     Okay. And -- and you believe that's a true  
20 statement? Or do you want to change your mind on that  
21 statement?

22          A     Yes, it is a true statement, yes, I agree.

23          Q     So you're saying that wasn't initiated by you?

24          A     I didn't formally initiate it. I had to give  
25 in writing in order to -- when they approached me, I had

1 to give in writing authorizing them to discuss about it.  
2 So that permission I gave.

3 Q Okay.

4 A But initiated, it came from Vishvadeva, that's  
5 correct.

6 Q Okay. Well, let's go up to the -- to the  
7 second full paragraph. All right? And it's under Ananda  
8 Marga, Inc. It says, Ananda Marga, Inc., is a nonprofit  
9 corporation set up in 1974 --

10 A Second page?

11 Q No. First page.

12 A First page. Yeah.

13 Q Yeah? So you see where it says Ananda Marga,  
14 Inc. --

15 A Okay. Nonprofit. Yeah.

16 Q -- colon --

17 A Correct. Yeah.

18 Q Okay. Ananda Marga, Inc., is a nonprofit  
19 corporation set up in 1974 to be the primary legal entity  
20 in the United States. AMPS Central headed by Acarya  
21 Shradhdhananda Avadhuta Purodha Pramukha is an  
22 organization with which Ananda Marga, Inc., is  
23 affiliated. AMPS Central has its central headquarters in  
24 Ananda Nagar, India with its camp office in Ranchi,  
25 India. Do you see that?

1           A     Yes.  Correct.

2           Q     And that -- the date of this letter is March  
3 11, 2006, correct?

4           A     Yes, correct.

5           Q     And the board of directors sure didn't want to  
6 lie to the Margiis in the sector, did they?

7           A     No.  But again (inaudible) no doubt.

8           Q     Isn't it true that prior to the purported bylaw  
9 amendment changes by you and others of Ananda Marga --  
10 purporting to be Ananda Marga, Inc., in 2006, January or  
11 February time frame, prior to those amendments the  
12 general secretary, Dhruvananda, had the total power of  
13 appointment of the sectorial secretary?

14          A     You are talking about socio-spiritual  
15 organization or Ananda Marga, Inc.?  Or both?

16          Q     I'm talking about Ananda Marga, Inc.

17          A     Yeah, the Baba according to the bylaws,  
18 whatever bylaws is.

19          Q     But isn't it true that Acarya Dhruvananda  
20 Avadhuta, the general secretary of Ananda Marga Pracaraka  
21 Samgha has the total power of appointment of the  
22 sectorial secretary of Ananda Marga, Inc.?

23          A     No, it is not completely correct.

24          Q     Okay.

25          A     Because another secretary can transfer, it is

1 not Acarya Dhruvananda. So --

2 Q Okay. Well, let's -- so -- so you would  
3 conceded that prior to the purported amendments that the  
4 general secretary of AMPS had the total power to -- of  
5 appointment and removal of the sectorial secretary of  
6 Ananda Marga, Inc.?

7 A Yes, the general secretary was undisputedly  
8 accepted by the board of directors.

9 Q By the whom?

10 A Board of directors.

11 Q Okay. I'm sorry. Could you point to me --  
12 pull up Plaintiffs' Exhibit 4. Could you point to me  
13 where in Plaintiffs' Exhibit 4 it says that the board of  
14 directors have to decide who the general secretary of  
15 AMPS is? Go ahead. Plaintiffs' Exhibit 4. Or you can  
16 just tell me that it doesn't say that and we can move on.

17 A Exhibit 4?

18 Q Yup. It's amended bylaws of Ananda Marga,  
19 Inc., 1982, which were the bylaws in effect prior to the  
20 purported 2006 amendments, correct?

21 MR. HALPERN: Your Honor, we've been over these  
22 bylaws, I can't tell you how many times. They say what  
23 they say and whether or not this witness says that they  
24 say what they say doesn't add anything in this  
25 proceeding.

1           THE COURT: Well, he's asking him if he knows.  
2           And the witness has implied that the -- that this was an  
3           exception in the bylaws, so he's entitled to impeach him.  
4           The objection's overruled.

5           THE WITNESS: Shall I reply? Exhibit 4?

6           Q     (By Mr. Obitts) Exhibit 4. Plaintiffs'  
7           Exhibit 4. It's a six page document. There's writings  
8           basically on five of those six pages.

9           A     Yes. As it says the sectorial secretary is  
10          appointed by the general secretary of Ananda Marga  
11          Pracaraka Samgha Central --

12          Q     Yes.

13          A     -- so the -- the Board has to decide who is the  
14          general secretary because when there is no dispute there  
15          is no problem. When there is dispute somebody has to  
16          make the decision.

17          Q     Okay. So you're telling me that in Article V,  
18          Section II, where it reads the sectorial secretary is  
19          appointed by the general secretary of Ananda Marga  
20          Pracaraka Samgha Central that the board of directors of  
21          Ananda Marga, Inc., get to decide who that general  
22          secretary is?

23          A     Yes.

24          Q     Isn't it true that you were part of a group  
25          called Effecting Change?

1           A     Yes.  It's not a group it's -- it's a body of  
2 individuals who have made a proposal to Ananda Marga to  
3 solve the problem.

4           Q     And the problem that you saw is that there was  
5 a Kolkata faction and a Ranchi faction?

6           A     What is that?

7           Q     Is the problem that you saw was that there was  
8 a Kolkata faction and a Ranchi faction?

9           A     Not only that.  There were more than that.  
10 Yeah, including that.

11          Q     Okay.  Isn't it true that this group of  
12 individuals devised a plan that you were part of that  
13 stated that there would be noncooperation with Ranchi,  
14 correct?

15          A     I cannot remember everything.  What I can  
16 remember is we gave a proposal in order to solve the  
17 problems of the organization.

18          Q     Understand that you keep saying you gave a  
19 proposal, but I'm saying this group of individuals, you  
20 were one of their ringleaders, were you not?

21          A     It's not a ringleaders, I am one of the  
22 individuals.

23          Q     Okay.  You were one of their key individuals  
24 proposing this, correct?

25          A     You may say so.

1           Q     I might say so? So whatever I say is that  
2 going to be binding on you then?

3           MR. HALPERN: Objection. Argumentative.

4           THE WITNESS: No.

5           THE COURT: You're not going to get him to buy  
6 onto your characterization.

7           MR. OBITTS: Okay.

8           Q     (By Mr. Obitts) Well, let's go to Defendants'  
9 Exhibit 175, please.

10          A     175?

11          Q     Yes, please.

12          A     Yes.

13          Q     And if you could go to the last page of this  
14 document.

15          A     Yes.

16          Q     It says Tiirthananda; is that you?

17          A     Yes, it's me.

18          Q     Do you recall this meeting where this  
19 resolution was prepared?

20          A     I remember the meeting, I am not 100 percent  
21 sure of the resolutions, but it's possible they were made  
22 but I did not make the resolutions, so --

23          Q     Okay.

24          A     -- there was a meeting and the resolutions were  
25 made.

1 Q Okay.

2 A Yeah. So possibly these other resolutions.

3 Q On the second page there is something called  
4 negotiations in New York sector. Do you see that?  
5 Number 5?

6 A Yes.

7 Q Okay. First of all this meeting was in 2005,  
8 was it not?

9 A Yes.

10 Q Okay. And it says that this resolution is  
11 subject to the approval of the Tiljala administration and  
12 the Tiljala SS New York. Is Tiljala the Kolkata faction?

13 A I think so but I am not the one who made the  
14 resolution, so I don't know but --

15 Q Is it your understanding that --

16 A Yeah.

17 Q -- Tiljala -- how -- how do you say that  
18 correctly?

19 A Yes. Tiljala is Kolkata administration.

20 Q Okay. Okay. Fine. And then it's resolved the  
21 SS New York of the Ranchi administration -- that's you,  
22 correct?

23 A Yes, at the time, yes.

24 Q All right. Let's go and look at then Exhibit  
25 176. The next one over. Defendants' Exhibit 176.

1           A     Yes, please.

2           Q     And this is an E-Core meeting? Is that the  
3     Effecting Change Core Group meeting?

4           A     Yes.

5           Q     And you were part of the Effecting Change Core  
6     Group, were you not?

7           A     Yes.

8           Q     Okay. And here it appears that the meeting was  
9     on December 5, 2005.

10          A     Yes. That's what it says.

11          Q     Okay. Fair enough. And you were present at  
12     this meeting, were you not?

13          A     I have to read the resolutions before I say.

14          Q     Okay. No problem. It says present Dada  
15     Tiirthananda. I'm not trying to fool you.

16          A     Yeah, yeah, it says that; but I need to see the  
17     resolutions before I know this.

18          Q     Okay. Take your time.

19          A     Yeah. Yes.

20          Q     Okay. And this is a true and accurate  
21     representation of those minutes?

22          A     I cannot 100 percent tell because I am not the  
23     one who takes the notes. It's a tele-conference call,  
24     probably, so --

25          Q     Do have any reason to dispute that this is a

1 true and accurate copy of those minutes that you were a  
2 part of?

3 A It's not official document, it's a document  
4 which is prepared by some individual in that board -- in  
5 the E-Core group, so I cannot tell 100 percent because if  
6 it's an official document we sign it and we know 100  
7 percent sure. So this one is not official document.

8 Q Okay.

9 A So somebody takes notes and types it out in the  
10 computer and prints it out, so --

11 Q Okay. You recall receiving a copy of this, do  
12 you not?

13 A Possible. I cannot say. I cannot remember  
14 everything I received, so I cannot say.

15 Q Okay. I'm just going to have to ask you about  
16 the content of it.

17 A Yes, it's possible that I might have received,  
18 I don't know.

19 Q I know. I -- I need better than possibilities  
20 unfortunately.

21 A Okay.

22 Q So it says on the second page halfway down  
23 above [garideva@yahoo.com](mailto:garideva@yahoo.com) (sic) it says the GS declaration  
24 of --

25 MR. HALPERN: Your Honor, I object to reading

1 this document into evidence. It's not admitted.

2 THE COURT: Just read -- just ask him a  
3 question.

4 MR. OBITTS: Okay.

5 THE COURT: The objection's sustained.

6 Q (By Mr. Obitts) During this meeting you  
7 discussed about general secretary Dhruvananda, did you  
8 not?

9 A I cannot remember every meetings discussions,  
10 please.

11 Q Okay. I want to know if you remember if this  
12 discussion occurred. It says the GS declaration of  
13 emergency creates a greater --

14 MR. HALPERN: Sam objection, Your Honor.

15 MR. OBITTS: -- controversy --

16 THE COURT: You can have him look at it to  
17 refresh his memory. He's clearly said he doesn't  
18 remember.

19 Q (By Mr. Obitts) Okay. Fair enough. So if you  
20 go above [giridev4@yahoo.com](mailto:giridev4@yahoo.com) the last paragraph there  
21 starting with the GS declaration of emergency.

22 THE COURT: Read that to yourself, see if it  
23 refreshes your memory. When you're done reading it, let  
24 the lawyer know.

25 THE WITNESS: Okay. The second page you said?

1           Q     (By Mr. Obitts) The second page, yup, above --  
2           there's like two squiggly lines going across, right in  
3           the middle. Do you see where the spine of the middle  
4           binder is?

5           A     Yeah, yeah, I see.

6           Q     Okay.

7           A     Yes, correct. Yes, I see this.

8           Q     Just could you read that paragraph and then I'm  
9           going to ask you a question real quick. Starting with  
10          the GS declaration.

11          A     Yes, I read it.

12          Q     Okay. The GS there isn't that the GS  
13          Dhruvananda?

14          A     Yes.

15          Q     So during your discussions at the E-Core group  
16          you discussed about dealing with general secretary  
17          Dhruvananda, did you not?

18          A     As I told you, I cannot remember every single  
19          thing what we discussed.

20          Q     Right. Let's move on to Defendants' Exhibit  
21          172. All right?

22          A     Yes.

23          Q     This is the KL minutes of October 12 through  
24          15. And KL is Kuala Lumpur, is it not?

25          A     Correct.

1           Q     And there was a meeting in October 12 through  
2 15, 2005, in Kuala Lumpur that you attended, correct?

3           A     Yes.

4           Q     And in fact you spoke at that meeting, correct?

5           A     I'm not sure again what happened in the  
6 meeting, I was there in the meeting, we all spoke,  
7 everybody spoke, I also participated.

8           Q     Is this a true and accurate copy of the minutes  
9 of those meetings?

10          A     Let me go through it and then tell you.  
11 Actually this is not the minute, particularly, so I don't  
12 know.

13          Q     Okay. So let's talk about the meeting then,  
14 all right?

15          A     Yeah.

16          Q     So you can set that aside, and I'm just going  
17 to ask you some questions --

18          A     Okay.

19          Q     -- about this meeting at Kuala Lumpur. First  
20 of all you follow a tour program, do you not?

21          A     As I told you I follow everything according to  
22 the best of my capacity.

23          Q     That's not my question. Did you have a tour  
24 program in place at that time?

25          A     Yes, I have tour program.

1           Q     Okay. Did the general secretary approve your  
2 tour program to go to the Kuala Lumpur meeting?

3           A     The general secretary did not approve any of my  
4 tour program from '95 onwards, so it was never approved,  
5 it was always -- I was communicating with them and going  
6 whenever I wanted. It was never approved by them from  
7 '95.

8           Q     Okay.

9           A     Yeah.

10          Q     All right. So during this meeting there was  
11 strategy discussed, correct, that you participated in,  
12 regarding -- I'll back that up. Is it your knowledge  
13 that there was a -- that there as a decision made as to  
14 various strategies if the general secretary and the  
15 Purodha board did not abide by the wishes of the E-Core  
16 group?

17          A     I don't remember. We talked about submitting a  
18 proposal to the Purodha Board.

19          Q     Okay.

20          A     That much I remember.

21          Q     Okay. Well, let's get this document in front  
22 of you and maybe it can help refresh your recollection,  
23 okay?

24          A     Okay.

25          Q     So go ahead. Defense Exhibit 172, and I'm

1 going to ask you if this -- this helps refresh your  
2 recollection.

3 A 172?

4 Q 172, that's right.

5 A Yeah.

6 Q So during this meeting there were a couple of  
7 different plans that were decided to follow, correct?

8 A I have to go through it before I say. Let me  
9 see.

10 Q Feel free.

11 A Yeah, this is notes taken by some individual,  
12 so I cannot say because the individual has limitation how  
13 much he can determine to put notes, so it's not --

14 Q I understand that. I'm not asking you about --  
15 I'm -- I'm just trying to refresh your recollection, and  
16 all I'm trying to do is ask you whether or not at the  
17 Kuala Lumpur meeting in October of 2005 there were some  
18 plans that were discussed to be implemented.

19 A I don't remember all the detailed things. I  
20 can only remember that we discussed in detail about how  
21 to solve the problem, how to follow Carya'carya in true  
22 spirit, how to reunite the organization. This is what I  
23 remember.

24 Q Isn't it true that at this meeting that you all  
25 decided that at this meeting that you all decided that

1 you would organize at the sectorial level regardless of  
2 whether or not the Purodha Board declared a state of  
3 serious controversy?

4 A I don't remember any of. Let me read them so I  
5 can see.

6 Q Okay. If you look on the first page at Plan B,  
7 maybe that will help refresh your recollection.

8 MR. HALPERN: Your Honor, the witness is being  
9 asked to reflect to -- refresh his recollection from a  
10 document that he has not testified to as having any  
11 validity.

12 THE COURT: It doesn't matter what he's given  
13 to refresh his recollection with. I can ask you to take  
14 off your left shoe and give it to him if that will help  
15 him remember. It doesn't matter. Only the witness can  
16 say whether he remembers or not. Objection's overruled.

17 THE WITNESS: I don't remember. This could  
18 have been one of the individuals might have told, I don't  
19 know.

20 Q (By Mr. Obitts) Okay. Isn't it true that the  
21 decision was made to build up the sectorwide structure by  
22 amending the bylaws of the sectorial bodies?

23 A It's not true.

24 Q Isn't it true that the decision was made that a  
25 response to any repercussion if you or some of the other

1 individuals were changed to a posting was to be a formal  
2 nonrecognition from the sectorial body?

3 A Can you make the question simple, please?

4 Q I'm trying to. I'm sorry. Isn't it true that  
5 at this meeting there was a decision made that if you or  
6 other people part of the E-Core group were disciplined or  
7 transferred from your posting that there would then  
8 become a formal nonrecognition response from the  
9 sectorial body?

10 A I don't remember. As I told you already it  
11 depends on the sectors, it's not one can make decisions  
12 there and implement them in the sectors.

13 Q Isn't it true that at this meeting a decision  
14 was made that in response to any potential repercussions  
15 that the sectorial offices would secure their legal  
16 security in sectors via constitutional amendments?

17 A You want to offer any document here?

18 Q Sure, I'd be glad to. If you would go to D-  
19 1590. Oh, I'm sorry. DFTS1590.

20 A Yes.

21 Q Okay?

22 A Yes.

23 Q Okay. And it goes a quarter of the way down a  
24 response to potential repercussion and persecution of  
25 individuals in the sectors. It says formal

1 nonrecognition --

2 A Wait, please. DFTS1590?

3 Q Yup. Go toward the top and after the number  
4 four it's the next paragraph.

5 A Yes.

6 Q Okay?

7 THE COURT: Mr. Obitts, the witness' foundation  
8 is that he doesn't remember. If you're asking him to  
9 read this to refresh his memory you're more than welcome  
10 to do that.

11 MR. OBITTS: Yes.

12 THE COURT: Beyond that, it's not in evidence  
13 so you can't read it into the record. Okay?

14 Q (By Mr. Obitts) So if you could read that  
15 paragraph related to response, and then I'll ask you a  
16 question.

17 A Yes. I don't remember these things completely.  
18 It must be some individual might have suggested. I  
19 cannot remember all the points. I don't remember all the  
20 points.

21 Q Okay. If there was -- at the meeting if there  
22 was a transfer or a reposting do you recall that the  
23 decision was made to have the SEC and ACB do resolutions  
24 of limited nonrecognition?

25 A I don't remember.

1           Q     You're basically not going to remember anything  
2     about the Kuala Lumpur meeting, are you?  What can you  
3     tell me happened at the meeting?

4           A     I already told -- I already explained to you.  
5     We discussed about the proposal to propose that Purodha  
6     board to solve the problems of the organization, how to  
7     bring unity.  That was the essence of the meeting.

8           Q     Okay.  Were there any other of the board  
9     members of Ananda Marga, Inc., at that meeting?

10          A     No.

11          Q     Okay.

12          A     It was -- I attended as an individual, not as  
13     Ananda Marga, Inc., Board member.

14          Q     I'm asking you if any individuals that happened  
15     to be on the Board of Ananda Marga, Inc., were at that  
16     meeting.

17          A     No.

18          Q     If you could turn to Defendants' Exhibit 171,  
19     which is the one in front of this one.

20          A     171, yes.

21          Q     Yes.  Okay.  And this is another E-Core  
22     conference call of 9-12-05, if you look down toward the  
23     bottom here.

24          A     Yes.

25          Q     Okay.  And you participated in this meeting,

1 did you not?

2 THE COURT: Mr. Obitts, I hate to keep  
3 interrupting here, but you said 9-12-05 and the record --  
4 the exhibit seems to indicate December 9, '05.

5 MR. OBITTS: Oh, that's right. I'm looking at  
6 the wrong -- it's the wrong way.

7 THE COURT: So I know some of the documents  
8 have --

9 MR. OBITTS: December 9 --

10 THE COURT: -- the day first and then the  
11 month, but --

12 MR. OBITTS: You're right. You're right.

13 Q (By Mr. Obitts) December 9, 2005, meeting, do  
14 you recall that?

15 A It's six years before, I cannot call exactly  
16 the meeting. The minutes says that so I can see that,  
17 that much I can tell.

18 Q Okay. Do you recall a meeting in December of  
19 2005, where it was discussed that the general secretary  
20 Dhruvananda was having a hard time deciding anything?

21 A Where is it, please?

22 Q Right. On the next page --

23 A Yeah.

24 Q -- letter H. Maybe that will help refresh your  
25 recollection. Have you read that?

1           A     Yeah, I read that.

2           Q     Okay. Did it help refresh your recollection?

3           A     I don't remember exactly. I remember this much  
4     that the various individuals who are going to talk to  
5     different people to try and make them understand to try  
6     to help to solve the problem. So it's possible, I cannot  
7     remember every person.

8           Q     Okay. In these E-Core groups you always talked  
9     about the general secretary Dhruvananda, did you not?

10          A     Definitely at the time, I can say, I cannot  
11     tell in general because the situation has been changing  
12     so I cannot --

13          Q     No. I'm saying as -- you're right. In  
14     December of 2005.

15          A     In December of 2005, Dhruvananda, yes.

16          Q     Okay. Fair enough.

17          A     Yeah.

18          Q     If you could turn to Defendants' 326.

19                 THE COURT: 326?

20                 MR. OBITTS: Yes, Your Honor. Sorry, this  
21     could be some gymnastics.

22                 THE WITNESS: Yes, please.

23          Q     (By Mr. Obitts) This is an email from you  
24     dated December 8, 2005, correct?

25          A     325 you said, no?

1 Q Yeah. 326. Defendants' 326.

2 A Oh, okay. Yes.

3 Q Okay. And this is related -- and this is to  
4 the E-Core Listserv, correct?

5 A Yes.

6 Q Okay. And below are some agenda items for an  
7 upcoming meeting, correct?

8 A Which points you're talking about?

9 Q Well, there's -- it's -- there's an email  
10 that's attached to this email that appears to be below  
11 it.

12 A Oh, yeah.

13 Q Okay. And that's the -- some points on the  
14 agenda for an upcoming meeting for -- correct?

15 A Yes.

16 Q Okay. And one of those items on the meeting  
17 was the recent posting transfers, correct?

18 A Yes.

19 Q And that was the recent posting transfers of  
20 you, correct?

21 A I don't know, I have to see.

22 Q Okay.

23 A It's not about my posting.

24 Q Okay. It's about the Suva sector posting,  
25 correct?

1           A     Yes.

2           Q     And you all decided that you're going to ignore  
3 the postings by general secretary Dhruvananda for the  
4 Suva sector as well, the E-Core group?

5           A     No, it is talking about Suva sector posting.  
6 It didn't talk about my posting in this.

7           Q     I understand. My question to you is isn't it  
8 true that the E-Core group decided that the proper course  
9 was to ignore the postings of -- by Dhruvananda of  
10 individuals to the Suva sector?

11          A     E-Core doesn't have right to decide postings  
12 about Suva Sector. The Suva sector workers have the  
13 right to make those decisions.

14          Q     Okay. And is that in the Carya'carya? That  
15 workers are allowed to decide their postings?

16          A     The workers have to follow the spirit of  
17 Carya'carya not the particular words. The spirit of  
18 Carya'carya is more important.

19          Q     Okay. And that's according to time, place, and  
20 person, correct?

21          A     Yes.

22          Q     If you could turn to Defendants' 210, which is  
23 not in evidence.

24          A     210?

25          Q     Yup.

1           A     Yes.

2           Q     Okay. This is a true and accurate copy of an  
3 email that was authored by you?

4           A     Yes.

5           MR. ERWIN: At this time, Your Honor, I'd like  
6 to move Exhibit 210 into evidence.

7           MR. HALPERN: No objection.

8           THE COURT: 210's admitted without objection.

9           (Defendants' Exhibit 210 admitted into evidence.)

10          Q     (By Mr. Obitts) If you can set that one aside.  
11 Isn't it true that Purodha Pramukha Shraddhananda was  
12 willing to give you amnesty prior to his death in 2008  
13 for your actions?

14          A     Amnesty doesn't arise. What for amnesty? I  
15 don't understand.

16          Q     For your misbehavior.

17          A     Well, first it has to be established I had a  
18 misbehavior, then the question comes amnesty.

19          Q     Okay. Is -- isn't it true that Ananda Marga,  
20 Inc., represented to the federal government on many  
21 occasions that the Purodha Pramukha is the highest  
22 spiritual body of Ananda Marga?

23          A     Purodha Pramukha?

24          Q     Yeah, is the highest spiritual person of Ananda  
25 Marga?

1           A     I cannot talk in general. I have to see the  
2 document in order to see exactly what we are looking at.

3           Q     Okay. Well, let me ask you this then: Isn't  
4 it true that the Purodha Pramukha Shraddhananda in 2005  
5 was the spiritual head of Ananda Marga?

6           A     It depends how you see it, because for me  
7 personally Anandamurti is the spiritual head. Shrii  
8 Shrii Anandamurti is the spiritual head.

9           Q     Okay. So does it -- it means that he might be  
10 the spiritual head depending upon the time, place, and  
11 person?

12          A     Who?

13          Q     Of you?

14          A     Whom you're talking about.

15          Q     Shraddhananda.

16          A     No, no. Shraddhananda is the Purodha Pramukha.

17          Q     Right. And my question to you is he is the  
18 highest spiritual head of Ananda Marga, correct?

19          A     You see, we don't have the concept of spiritual  
20 head. Spiritual head is Baba for us.

21          Q     All right. Let's go to Defendants' Exhibit 94.  
22 Bate stamped DFTS00347 at the bottom where Ananda Marga,  
23 Inc., describes the ecclesiastical and religious  
24 hierarchy --

25          A     Can you please --

1 Q -- of Ananda Marga Pracaraka Samgha.

2 A What number, please?

3 Q Sure. It's DFTS00347 at the bottom.

4 A Exhibit number?

5 Q 94. Defendants'.

6 A 94. Yeah. Yes.

7 Q Do you see that?

8 A Yes.

9 Q Okay. And it says on the second paragraph  
10 below number 12.

11 A Second paragraph?

12 Q Yes. It says the Purodha Pramukha --

13 A What page?

14 Q It's DFTS00347. It's number --

15 A 337 you said, not 347. You want me 347?

16 Q Yes, please. That would be wonderful.

17 A Okay. Yeah, 347.

18 Q Okay. It reads among -- and the second  
19 paragraph of number 12 --

20 A Yeah.

21 Q -- describing the organization's religious  
22 hierarchy or ecclesiastical government --

23 A Yeah.

24 Q -- among the Purodhas, the Purodha Pramukha,  
25 the spiritual head of Ananda Marga is elected among the

1 ranks for life. Do you see that?

2 A Yes, I see that.

3 Q Isn't it true that the Purodha Pramukha is the  
4 spiritual head of Ananda Marga?

5 A It's up to the interpretation of the people.  
6 As I told you, Baba is our spiritual head. So I stand  
7 by --

8 Q And that interpretation once again is time,  
9 place, and person?

10 A No. Baba is spiritual head. Nobody would  
11 dispute that.

12 Q Okay. So --

13 A So --

14 Q -- only Baba is absolute. Everything else is  
15 subject to interpretation?

16 A No, no. Baba is the spiritual head. We don't  
17 accept anybody else as the spiritual head. Baba is our  
18 spiritual head and others are all organizational head,  
19 that is other nomination in the organization. So it's  
20 not -- spiritual head is Baba for us.

21 Q Okay. Let's turn over to Defendants' Exhibit  
22 201, please. 2-0-1. Sorry.

23 A Yes, please.

24 Q Do you recall receiving a copy of those notice  
25 granting amnesty for individuals who have delinquent?

1           A     I don't remember.

2           Q     You don't remember. Okay. Do you remember  
3 that the -- that there was a letter from AMPS Central  
4 granting amnesty for individual who had delinquent?

5           A     No, I don't remember, that's what I'm telling.  
6 So I don't remember.

7           Q     Okay. Fair enough. You testified that the  
8 Purodha board had stayed your posting. The October 30,  
9 2005, posting, correct?

10          A     Correct.

11          Q     Isn't it true that on January 6, 2006, they  
12 lifted the stay?

13          A     No, it is not true.

14          Q     Are you telling me that you did not write in  
15 articles repeatedly that the Purodha board lifted the  
16 stay on January 6, 2006?

17          A     Articles?

18          Q     Yes. A history of the conflict that you signed  
19 off on?

20          A     I didn't write any articles.

21          Q     Okay. Did you sign off on a document called a  
22 history of the conflict?

23          A     History of the conflict? I have to see the  
24 document and then I can tell you.

25          Q     Okay. Well, let's get you the document. If

1 you'd go to Defendants' Exhibit 323. Defendants' Exhibit  
2 323, please. Once you have it in front of you, let me  
3 know, and I'm going to ask you a follow-up question  
4 regarding your deposition. Do you have the document in  
5 front of you?

6 A Yes.

7 Q Isn't it true at your deposition that you  
8 stated that you signed off on this document and that it  
9 was a true and accurate statement?

10 A Yes.

11 Q Okay. Let's turn over to the second to the  
12 last page of this history of the conflict. Which is  
13 P006961 which is a document that was produced by you all  
14 in discovery.

15 A Yes.

16 Q And it says, third paragraph down, on January  
17 5th --

18 MR. HALPERN: Objection. This document is not  
19 in evidence.

20 THE COURT: You going to move it into evidence?

21 MR. OBITTS: I don't want to at this time, Your  
22 Honor, so I'll ask him a question.

23 Q (By Mr. Obitts) Why don't you read that  
24 paragraph, and then I'm going to ask you a question to  
25 see if that refreshes your recollection.

1 THE COURT: Well, he hasn't said he doesn't  
2 remember yet -- yet.

3 MR. OBITTS: Yet.

4 THE COURT: He's been saying that a lot but he  
5 hasn't said it yet, so -- on this. So ask him --

6 MR. OBITTS: I understand.

7 Q (By Mr. Obitts) Okay. Could you read that  
8 paragraph, and I'm going to ask you if that refreshes  
9 your recollection as to whether or not on January 6,  
10 2006, the stay was lifted.

11 THE COURT: I just said he didn't say yet that  
12 he doesn't remember about the stay. He said it didn't  
13 happen.

14 MR. OBITTS: I didn't happen?

15 THE WITNESS: That's what I said.

16 MR. OBITTS: Well, I got to listen better.

17 THE COURT: He said it didn't happen.

18 THE WITNESS: I said it didn't happen. That's  
19 what I said.

20 MR. OBITTS: Okay. Fine. Fair enough. Then I  
21 -- Your Honor, I would like to move this document into  
22 evidence at this time.

23 THE COURT: Any objection to Exhibit 323?

24 MR. HALPERN: I'm sorry, I lost -- he said the  
25 document didn't happen?

1 MR. OBITTS: No.

2 THE COURT: He said the -- good God. We got a  
3 take a break after this. The witness has stated -- that  
4 -- in response to the question that isn't it true that  
5 January of 2006 the stay on his transfer was lifted or  
6 vacated, and he said that never happened. And so in  
7 response to that, Counsel is asking him questions about  
8 an article that apparently he's corroborated and  
9 confirmed in his deposition and so he's now moved the  
10 admission of this exhibit. Do you have any objection to  
11 this exhibit?

12 MR. HALPERN: May I voir dire?

13 THE COURT: Of course. Were you at the  
14 deposition?

15 MR. HALPERN: Okay.

16 THE COURT: Go ahead, then.

17 VOIR DIRE EXAMINATION

18 BY MR. HALPERN:

19 Q Dada T, do you recognize this document?

20 A Yes.

21 Q Did you draft this document?

22 A One of the person together with others.

23 Q So you know the contents of this document?

24 A Yes, I know the contents.

25 MR. HALPERN: No objection.

1 THE COURT: 323 is admitted without objection  
2 and Mr. Obitts you may proceed.

3 (Defendants' Exhibit 323 admitted into evidence.)

4 MR. OBITTS: Okay. Then we can move that  
5 document aside.

6 CROSS-EXAMINATION (Continued)

7 BY MR. OBITTS:

8 Q If you could look at Defendants' Exhibit 208,  
9 please?

10 A Yes.

11 Q Is this not the decision of the Purodha Board  
12 lifting the stay?

13 A No, this is --

14 Q That you reference in your article?

15 A No. This is not this.

16 Q This is not that? So what is lifting the stay  
17 that you referenced in your article?

18 A I have to see the article again if you have to  
19 say --

20 Q Okay. Pull it out.

21 A -- what I say -- because when you mix things I  
22 cannot remember everything. So, it's a big article.

23 Q That's Defendants' Exhibit 323. It's on  
24 P0006961.

25 A Yes.

1           Q     It says, after many hours of pressure these two  
2 members of Purodha board finally yielded and agreed to  
3 withdraw the decision reached between the September 30,  
4 2005, and January 6, 2006, in exchange for ending the  
5 central emergency declared by the general secretary,  
6 correct?

7           A     Yes. Yes.

8           Q     Okay.

9           A     But that doesn't say about stay of transfer.  
10 That doesn't say that, just what it says.

11          Q     Okay. Did the Purodha Board stay your transfer  
12 during that time period? Yes or no.

13          A     Yes.

14          Q     Isn't it true that Exhibit 208 is a true and  
15 accurate copy of that stay that you reference in  
16 Defendants' Exhibit 323?

17          A     It is not. This letter does not serve as a  
18 solution. It doesn't say anything. This article is  
19 written by different individuals what they heard from  
20 their bases of knowledge. But this is not an official  
21 document. This document I never see before. So I cannot  
22 say this is the same thing.

23          Q     Okay.

24          A     And I don't recognize handwriting, I don't  
25 recognize any seal, I don't recognize any so I cannot

1 say.

2 Q You say you don't recognize it. We can do it  
3 once, that's good for me. All right. Let's look then  
4 again at -- well, for the first time as Defendants'  
5 Exhibit 301. You got that one in front of you? You  
6 previously testified that with related to this document,  
7 which is also a Plaintiffs' exhibit --

8 A Yes.

9 Q -- that you think you might have first seen  
10 first -- seen first this document in discovery, correct?

11 A Yes.

12 Q But you're not sure?

13 A I am not sure.

14 Q Is it somewhat ironic -- I'm sorry.

15 THE COURT: Thank you.

16 MR. OBITTS: Withdraw.

17 Q (By Mr. Obitts) Isn't it true that you  
18 produced this as part of your Rule 26(a) disclosures to  
19 the Defendants in this case?

20 MR. HALPERN: Objection. That's not  
21 impeachment.

22 THE COURT: He's asking him if he knows.

23 Q (By Mr. Obitts) You can look at Bate stamp  
24 P00545.

25 A Yes, it is produced by the Plaintiffs, yes.

1 Q And this is the same document --

2 MR. OBITTS: Your Honor, I'm sorry, this was  
3 moved into evidence previously as Plaintiffs' Exhibit 98.  
4 So we'd like to have this document moved in as  
5 Defendants' Exhibit 301 unless you think it's cumulative.

6 THE COURT: It is cumulative. Just use  
7 Plaintiffs' Exhibit 98.

8 MR. OBITTS: Oh. Okay.

9 Q (By Mr. Obitts) If you could turn over to  
10 Defendants' Exhibit 302, please?

11 A Yes, please.

12 Q This is an email for your posting transfer in  
13 January 18, 2003, to the New York sector, is it not?

14 A 302, you say?

15 Q 3 -- 302. 3-0-2.

16 A Yeah, I don't see my posting transfer here.

17 Q Okay. Go down below.

18 A Which point?

19 Q Should be in there.

20 A It's not here in 302. It says starting with  
21 Acarya Ananda Danavrata, that one?

22 Q I apologize.

23 A Yes.

24 Q For some reason the second page was taken off  
25 of this. Just give me a minute. So let's get that

1 exhibit.

2 THE COURT: Hate it when that happens.

3 Q (By Mr. Obitts) Isn't it true that paid dues  
4 to AMPS Central prior to 2005?

5 A It's voluntary donations.

6 Q Isn't it true that you had to pay dues as an  
7 Avadhuta?

8 A No.

9 Q As an Acarya?

10 A No.

11 Q As a Tattvika?

12 A No.

13 Q If we could turn to Defendants' Exhibit 327,  
14 please?

15 A 327?

16 Q Yup. Do you have that in front of you?

17 A Yes.

18 Q And that's an email from you to somebody named  
19 Kishan Sood?

20 A Yes.

21 Q And it's dated May 22, 2007?

22 A Yes.

23 Q Okay. And this has already been admitted into  
24 evidence. But isn't it true that as of March 22, 2007,  
25 that you still believed that the Ranchi was the

1 legitimate administration?

2 A No.

3 Q States here then -- ready?

4 A Uh-huh.

5 Q If you go down --

6 A Yeah.

7 Q -- it says, I do not recognize those based in  
8 Kolkata as legitimate, so I use in my writings that they  
9 are based -- are Kolkata based workers. Still they  
10 function as administration, and there are workers and  
11 Margiis who are following them. In 2007, if you weren't  
12 following Kolkata, you could only be following Ranchi,  
13 correct?

14 A No, it is not correct.

15 Q Okay. In March of -- 22, 2007?

16 A Yes.

17 Q Okay. If you'd be so kind as to turn to  
18 Exhibit 3 -- Defense Exhibit 392, please?

19 A Only have 337 here.

20 Q Okay. We'll get you the next book. 392,  
21 please. Defendants.

22 A 392, yes.

23 Q Yup. Okay. Isn't it true that this is a true  
24 and accurate copy of an email from Dadashiila to you  
25 dated January 11, 2006?

1           A     Yeah, that is the email received from  
2     Dadashilla to my account.

3           Q     Okay. And it's a true and accurate copy,  
4     correct?

5           A     I cannot say that.

6           THE COURT: It's already admitted, it doesn't  
7     matter.

8           Q     (By Mr. Obitts) So isn't it true that as of  
9     January 11, 2006, you knew that the Central Purodha Board  
10    had recalled the resolutions from the 30th of September  
11    2005 to January 6, 2006?

12          A     The Purodha Board did not communicate so I  
13    cannot say that. This is not from Purodha Board.

14          Q     I'm asking you if you knew --

15          A     I already said --

16          Q     -- from anybody that that occurred.

17          A     I already said that -- that while these types  
18    of things went on in India, and we -- we understood there  
19    was some --

20          THE COURT: Sir, I'm going to interject because  
21    this is taking unnecessarily long. I want you to listen  
22    to his question, and I want you to answer just that  
23    question.

24          THE WITNESS: Okay.

25          THE COURT: He asked you did you know from any

1 source, that's what his question was. I'm going to ask  
2 him to repeat it and I want you to answer that question,  
3 okay?

4 THE WITNESS: Okay.

5 Q (By Mr. Obitts) Did you know from any source  
6 whether or not the Central Purodha Board had lifted the  
7 stay on January 11, 2006?

8 A I didn't hear from any source.

9 THE COURT: Okay. He answered you.

10 MR. OBITTS: Okay. Fair enough.

11 Q (By Mr. Obitts) Is it --

12 THE COURT: So --

13 MR. OBITTS: I'm almost done. Three more  
14 questions, Your Honor.

15 THE COURT: Okay.

16 Q (By Mr. Obitts) Is it pure happenstance that  
17 the board of Ananda Marga, Inc., after the Central  
18 Purodha Board lifted the stay started to talk about  
19 amending the bylaws?

20 A It has nothing to do with the Central Purodha  
21 Board.

22 Q Oh, okay. If you could look then at  
23 Defendants' Exhibit 333.

24 A 3?

25 Q 333.

1           A     333.  Yes, please.

2           Q     Is this a true and accurate copy of a letter  
3 you received?

4           A     Yes, this is a letter I received, but the  
5 signature I don't know is the true signature.

6           MR. OBITTS:  At this time, Your Honor, I'd like  
7 to move Defendants' Exhibit 333 into evidence.

8           MR. HALPERN:  No objection.

9           THE COURT:  It's 333, isn't it?

10          MR. OBITTS:  333.

11          THE COURT:  Okay.  No objection, it will be  
12 admitted.

13                 (Defendants' Exhibit 333 admitted into evidence.)

14          Q     (By Mr. Obitts)  If you could turn the page --  
15 or exhibit number and go to Defendants' Exhibit 334,  
16 please.

17          A     Yes.

18          Q     Okay.  Is this a true and accurate copy of the  
19 letter you received on February 26, 2010, from AMPS  
20 Central?

21          A     I don't know if that's AMPS Central or not.  
22 The letter perhaps says AMPS Central.  That's a true copy  
23 of --

24          Q     All I'm asking is this a true and accurate copy  
25 of a letter you received, then, how's that?

1           A     Yes.  Yes.

2                   MR. OBITTS:  At this time, Your Honor, I'd like  
3 to move Exhibit 334 into evidence.

4                   MR. HALPERN:  No objection.

5                   THE COURT:  Those will be -- 334 is admitted.

6                   (Defendants' Exhibit 334 admitted into evidence.)

7           Q     (By Mr. Obitts)  If you would be so kind as to  
8 turn to Defendants' Exhibit 350, please?

9           A     Only up to 337 here.

10          Q     Actually, you know what?  I don't need to do  
11 Defense Exhibit 350, it would be cumulative.  You  
12 previously testified that there was some meeting in 2011  
13 electing a new Purodha Pramukha; is that correct?

14          A     Yes.

15          Q     Okay.  Isn't it true that you were named in a  
16 lawsuit in India and a court order was put in place  
17 enjoining that meeting but yet you disobeyed the court's  
18 order?

19          A     I did not get any court order.

20          Q     All right.  Let's help -- maybe we can refresh  
21 your recollection.  Let's look at a certified copy of  
22 that order -- actually there are two of them.  
23 Defendants' Exhibit 348 and Defendants' Exhibit 349.

24                   MR. HALPERN:  Your Honor, I object on the  
25 grounds of relevance.

1 THE COURT: It's impeachment. Overruled.

2 MR. HALPERN: The impeachment is he asked him  
3 if he recognizes a document, he says, I don't know, I  
4 didn't do that, and then he impeaches him on it. That's  
5 not impeachment, that's new evidence.

6 MR. OBITTS: I'm impeaching him on the fact  
7 that this guy doesn't follow the law. He's got a  
8 pattern --

9 THE COURT: I understand what the purpose of  
10 the impeachment was, so the objection's overruled.

11 THE WITNESS: What is the number?

12 Q (By Mr. Obitts) Defense Exhibit 348 and 349.

13 A 348, yes.

14 Q So you're telling me that you're not aware that  
15 you were named in a lawsuit with Yatiishvarananda and  
16 others where you were enjoined on March 18, 2011, from  
17 having a meeting?

18 A I am not at all aware of this.

19 Q Okay. Let's turn to the next page. To  
20 Defendants' 349.

21 A Yes.

22 Q Are you aware that you were -- that you along  
23 with Yatiishvarananda and other Defendants, one to 16  
24 which included another member of the board of Ananda  
25 Marga, Inc., were enjoined from holding any meetings

1 electing a Purodha Pramukha?

2 A I don't know. Again, this I never saw, I never  
3 received.

4 Q Okay. Are you aware that there are contempt  
5 proceedings going on in India against you right now by  
6 the Court?

7 MR. HALPERN: Objection. No -- no foundation.

8 THE COURT: He's asking him if he knows.

9 Objection's overruled.

10 THE WITNESS: I don't know.

11 MR. OBITTS: Your Honor, I would like the Court  
12 to take judicial notice of self-authenticating documents  
13 348 and 349 which are certified copies of the injunctions  
14 discussed.

15 MR. HALPERN: Any objection to --

16 MR. HALPERN: Your Honor, I'd object --

17 THE COURT: -- 348 and 349?

18 MR. HALPERN: -- I don't see any certification.

19 There's nothing verifying that this is a certification.

20 THE COURT: I haven't seen it so let me take a  
21 look at it over the break --

22 MR. OBITTS: Okay.

23 THE COURT: -- if it meets the parameters --

24 MR. OBITTS: That's all --

25 THE COURT: -- and prerequisites of the

1 appropriate rules then I'll accept it; if it doesn't, I  
2 won't.

3 MR. OBITTS: Okay. I've got nothing further  
4 for this gentleman.

5 THE COURT: All right. How much redirect do  
6 you have?

7 MR. HALPERN: 15 minutes.

8 THE COURT: Okay. Let's go ahead and take a  
9 short break and come back in about 10 minutes, and then  
10 we'll finish up this witness hopefully before the end of  
11 the day. Okay? Thanks. I don't have a book with those  
12 exhibits in it. The last book I have is 337. So just  
13 give it to Drew, and I'll take a look at it.

14 (Whereupon a recess was taken.)

15 (Whereupon the Court reconvened and the following  
16 proceedings were entered of record.)

17 THE COURT: Please be seated.

18 You may proceed, Mr. Halpern.

19 MR. HALPERN: Thank you, Judge.

20 REDIRECT EXAMINATION

21 BY MR. HALPERN:

22 Q Dada Tiirthananda, the conduct rules of the  
23 Ananda Marga -- are these -- are these something that  
24 you're supposed to follow slavishly?

25 A No, it is not. Rather Ananda Marga is not

1 dogma, so we need to understand why and it's rational  
2 application --

3 Q Uh-huh.

4 A -- it's not a blind thing.

5 Q So the application of rationality and  
6 intelligence has always been permitted?

7 MR. OBITTS: Your Honor, that's two leading  
8 questions in a row now. Compound question -- and  
9 compound, has that.

10 THE COURT: And the form of the question  
11 sustained.

12 MR. HALPERN: Is that both of them or just the  
13 last one?

14 THE COURT: Both.

15 Q (By Mr. Halpern) What's the nature of the  
16 requirement imposed on Ananda Marga -- on a Margii by  
17 conduct rules?

18 MR. OBITTS: Your Honor, this is another  
19 leading compound question.

20 THE COURT: No. Well, it is, it's an open-  
21 ended question. Overruled.

22 THE WITNESS: There are different things.  
23 There is Yama, Niyama which is the moral principles and  
24 then how to live in a society, there are conduct rules.  
25 But the whole spirit everything is rationally explained.

1 That is the difference between dogma and rationality.  
2 Other places you have to follow blindly, it's a God's  
3 word. In Ananda Marga we don't say anything like God's  
4 word, you have to follow blindly.

5 Q (By Mr. Halpern) What happened in December of  
6 2005 that caused you as sectorial secretary to decide  
7 that Dhruvananda was not a legitimate general secretary?

8 MR. OBITTS: Your Honor, that goes beyond the  
9 scope of my cross-examination.

10 THE COURT: It does. Plus you already talked  
11 about that on direct.

12 MR. HALPERN: Seems to me that was within the  
13 scope of the --

14 THE COURT: I'm appealable, I'm not debatable,  
15 Mr. Halpern.

16 MR. HALPERN: I'm sorry?

17 THE COURT: I'm appealable, but I'm not  
18 debatable.

19 MR. HALPERN: I understand.

20 THE COURT: Okay. Thank you.

21 Q (By Mr. Halpern) What is the -- what was the  
22 E-Core group?

23 A It's a group of individuals who made proposal  
24 to solve the crisis of the organization according to what  
25 they think is the practical solution when there is

1 division, disunity, disharmony, so how best we could try  
2 to solve the problem, gaining the trust and confidence of  
3 everyone.

4 Q And what was the reason for the meeting or the  
5 formation of this E-Core group?

6 A The organization was divided, and there were  
7 violence happening and so we were deviating from the  
8 spiritual part, Ananda Marga socio-spiritual, and we were  
9 harming each other so distrust was growing. So naturally  
10 how to build that trust, so we wanted to propose a  
11 national process -- proposal in order to bring back  
12 everything to the track. According to the spirit of  
13 Carya'carya.

14 Q How would you describe the purposes of that  
15 group with respect to fulfillment of the vision of the --  
16 of the Guru?

17 MR. OBITTS: Objection. That one's leading.

18 THE COURT: No. How?

19 MR. HALPERN: How?

20 THE COURT: Overruled.

21 THE WITNESS: Yeah. Because of the division  
22 people were not able to focus their work on Ananda Marga  
23 which is the path of bliss to propagate dharma. So when  
24 they were not able to do it because of the internal  
25 politics and division, so E-Core felt -- its

1 responsibility at first, Baba physically left but we have  
2 to share the responsibility, we cannot let the  
3 organization destroy itself.

4 So Baba gave us this responsibility to control  
5 their own so we cannot stay silent spectators of all the  
6 things what is happening. So we came forward to try to  
7 propose something we thought rational. To try to find a  
8 solution.

9 Q (By Mr. Halpern) Would you please look at  
10 Exhibit 333, Defendant 333?

11 A Yes.

12 Q This is the document about your acts of  
13 insubordination so forth, right? January 21, 2010?

14 A Is that your question or --

15 Q I just want to make sure we're looking at the  
16 same document.

17 A Yeah, yeah, same document, yes, correct.

18 Q Did you regard this document as a valid  
19 direction?

20 A No.

21 Q Why not?

22 A One, the GS at the time in 2005, December, when  
23 he did not implement the decision of the Purodha Board  
24 when the Purodha Board made the decision regarding the  
25 president according to the request of the Central

1 Committee. From that time he doesn't have the legitimacy  
2 in my understanding on the socio-spiritual organization.

3 Q And this is signed by the Ranchi general  
4 secretary?

5 A Yes. But I'm not too sure he signed it or not.  
6 The signature I'm not sure.

7 Q Why aren't you sure about that signature?

8 A Well, I have been receiving letters with  
9 different signatures at different times, so I'm not sure.  
10 That's why.

11 Q And did the general -- what -- what authority  
12 did the general secretary have relative to your titles of  
13 Tattvikaship, Acaryaship, and Avadhutaship?

14 MR. OBITTS: Your Honor, this has been asked  
15 and answered during the direct.

16 THE COURT: Well, I'm going to presume it has  
17 something to clarify that you raised on cross, so I'm  
18 going to give him some leeway to do that.

19 MR. OBITTS: I didn't ask him any --

20 MR. HALPERN: Well, yeah.

21 MR. OBITTS: I didn't ask him any questions  
22 about the document whatsoever other --

23 MR. HALPERN: Well, you --

24 MR. OBITTS: -- than to identify it.

25 THE COURT: Okay. Well, he's entitled to

1 address it, so the objection's overruled.

2 THE WITNESS: General secretary does not have  
3 the right to seize the titles.

4 Q (By Mr. Halpern) I'll ask you to look at  
5 Exhibit 334.

6 A Yes, please.

7 Q And is this document February 26, 2010, here  
8 again did you regard this as a valid directive from  
9 Ananda Marga?

10 A No.

11 Q And why not?

12 A As I told from 2005 onwards there was no  
13 legitimate general secretary and on top of it the  
14 signature is not even sure it is he signed or not. And  
15 the Purodha Board was not allowed to meet Purodha  
16 Pramukha after 2005, December. To Purodha Pramukha.  
17 They were physically prevented from meeting Purodha  
18 Pramukha. So then the question doesn't arise --

19 MR. OBITTS: Your Honor, he's now going onto  
20 hearsay that you stopped him on the first time around  
21 because there's no foundation as to his knowledge.

22 THE COURT: Sustain it to the form of the  
23 question. Ask him something else.

24 MR. HALPERN: Does that mean the entire answer  
25 is --

1           THE COURT: Other than he said he disregarded,  
2 didn't consider it valid. The reason he gave why he  
3 didn't consider it valid. Beyond that, I don't need to  
4 hear about the Purodha Board.

5           MR. HALPERN: Well, that's fine.

6           Q     (By Mr. Halpern) Those two documents regarding  
7 an injunction that was supposedly issued against you, do  
8 you recall those?

9           A     Which document?

10          THE COURT: D-348, D-349.

11          THE WITNESS: 348?

12          MR. HALPERN: Yeah, it's actually in another  
13 book.

14          THE COURT: Which since you're asking about  
15 them the record will reflect I will take judicial notice  
16 of both documents under 803(8) and 902(3).

17          THE WITNESS: What are the number, please?

18          Q     (By Mr. Halpern) 348.

19          A     I don't have it here.

20          Q     It's in another book.

21          A     348, yes.

22          Q     Were you ever served with an injunction by any  
23 court or court officer?

24          A     No, never. I never got any notice.

25          MR. HALPERN: I have no further questions.

1 THE COURT: Recross limited to redirect?

2 MR. OBITTS: Yup. Very quick, Your Honor.

3 RECROSS-EXAMINATION

4 BY MR. OBITTS:

5 Q Isn't it true that the E-Core group was  
6 prescribing changes to the organizational structure as  
7 set forth by Reverend Baba?

8 A No.

9 Q Okay. So when you testified previously that  
10 your thinking of why the legitimacy of the Purodha Board  
11 was inaccurate was because they did not go out and take  
12 hearings or hear from the Margiis throughout the world,  
13 do you recall that testimony previously?

14 A No, I don't recall any.

15 Q Okay. Previously you testified that you  
16 thought the legitimacy of the general secretary and  
17 specifically the presidency was in question because the  
18 Purodha Board did not consult with the general Margiis  
19 throughout the world.

20 A No. That's not the reason I told. I told that  
21 the general secretary did not implement the decision, the  
22 general secretary was one of the member of the Purodha  
23 Board and the Purodha Board made the decision declaring  
24 the president, and that decision was not implemented by  
25 the general secretary.

1           Q     Okay. And then the Purodha Board made a  
2 subsequent decision, did they not?

3           A     Purodha Board did not make any more decision  
4 after that.

5           Q     Okay. According to you; is that correct? I'll  
6 -- I'll strike that one. Isn't true that under the  
7 Carya'carya AMPS is not a democracy?

8           A     There is both democracy and (inaudible) both  
9 are there in Carya'carya.

10          Q     Okay. Isn't it true that when you received the  
11 letters in Exhibit 333 and 334 that general secretary  
12 Dhruvananda was the acting Purodha Pramukha by order of  
13 court?

14          A     I did not receive anything so how can I comment  
15 anything on that? I didn't receive anything.

16          Q     So you have no reason to disbelieve then that  
17 there is a court order in India saying that number one,  
18 that Acarya Dhruvananda is the general secretary of AMPS  
19 and that Acarya Dhruvananda is to be the acting Purodha  
20 Pramukha of AMPS?

21          A     I didn't receive anything, I didn't see any  
22 document so I have nothing to say on that.

23          Q     Fair enough. Thank you.

24                THE COURT: All right. That will conclude the  
25 witness' testimony. If there is no objection, he may

1 step down and regain his seat.

2 Call your next witness. We'll get about 30  
3 minutes in and we'll have to stop. But let's go ahead  
4 and get 30 minutes in.

5 MR. ERWIN: Okay. Michael Hemmelgarn.

6 THE COURT: Come on up and be sworn, please.

7 MICHAEL HEMMELGARN

8 called as a witness on behalf of the Plaintiffs, having  
9 been first duly sworn, testified as follows:

10 THE WITNESS: Yes, Your Honor.

11 THE COURT: Please be seated. You may proceed.

12 MR. ERWIN: First may I approach the witness to  
13 remove these notebooks?

14 THE COURT: Yeah.

15 DIRECT EXAMINATION

16 BY MR. ERWIN:

17 Q Can you state your name for the record, please?

18 A Michael Hemmelgarn.

19 Q Can you spell your last name, please?

20 A H-e-m-m-e-l-g-a-r-n.

21 Q And when did you first become involved in  
22 Ananda Marga?

23 A In early 1972.

24 Q And do you hold any spiritual titles?

25 A None.

1 Q So what is -- what is your role? Do you -- do  
2 you have a title?

3 A I do not.

4 Q Okay. Are you an initiate of Ananda Marga?

5 A Yes.

6 Q And is there another name for initiates of  
7 Ananda Marga? Are you a Margii?

8 A I'm a Margii. I'm an adherent.

9 Q Okay.

10 A Or attempt to be anyway.

11 Q And what organizational positions have you held  
12 within Ananda Marga?

13 A Corporate or organizational?

14 Q Let's start with just organizational within  
15 Ananda Marga in general. Have you held any positions,  
16 organizational positions?

17 A Back in the 1970's I worked as an assistant  
18 regional AMURT, Ananda Marga Universal Relief Team,  
19 coordinator in what was now called Chicago region. And  
20 then nothing else other than that.

21 Q Okay. And what positions do you -- do you hold  
22 any positions within Ananda Marga, Inc.?

23 A Yes.

24 Q And can you describe your history in Ananda  
25 Marga, Inc.?

1           A     I relocated to Denver in 1977.  And in 1978 I  
2     became a board member and I believe the treasurer.  I  
3     have been pretty much since 1978 except for three  
4     different periods at least on the board of directors or  
5     acting in some capacity as an officer, either vice  
6     president, or treasurer.

7           Q     Are you a member of the legal society of AMPS  
8     in India?

9           A     No.

10          Q     Have you ever paid any dues to them?

11          A     No.

12          Q     Have you ever consented to be placed on their  
13     membership roles?

14          A     Not at all.

15          Q     Okay.  Now, do -- do you recall who appointed  
16     you to your various positions within Ananda Marga, Inc.?

17          A     I do.

18          Q     Can you describe those?

19          A     In 1977 or 1978 Acarya Yatiishvarananda, who  
20     was a former witness, appointed me to certain positions  
21     within Ananda Marga, Inc.  When he accepted -- when he  
22     was reposted and became the sectorial secretary in  
23     another sector then Acarya Haratmananda who was also a  
24     former witness appointed me.  Following that Acarya  
25     Devashraddhananda, I don't know if that's been spelled,

1 Your Honor.

2 THE COURT: I'll figure it out. I've got the  
3 ananda part right.

4 Q (By Mr. Erwin) Okay.

5 A Acarya Devashraddhananda who succeed Acarya  
6 Haratmananda as the sectorial secretary then appointed me  
7 to positions. I resigned or took a leave of absence from  
8 the Board at various times generally for a year. And  
9 basically every sectorial secretary I've worked with.

10 Q Okay. And can you describe what your role as a  
11 director in Ananda Marga, Inc., has been? Let's -- let's  
12 start early on.

13 A As a director of Ananda Marga, Inc., I -- I  
14 like it better there -- we were involved in matters  
15 relating to business affairs, legal affairs, and  
16 corporate affairs of Ananda Marga, Inc.

17 Q Okay. Skip back one -- one second to cover  
18 something. As a -- as an adherent -- general adherent or  
19 Margii, do you take any vows?

20 A Only oaths of initiation.

21 Q Okay. And to whom do you make these oaths? Or  
22 oath.

23 A Well, it's three oaths, and they are spoken to  
24 the initiating Acarya.

25 Q Okay.

1           A     The one who is teaching -- doing the initiation  
2 process.

3           Q     Do you make any oaths to any particular entity  
4 or person other than your teacher?

5           A     No.

6           Q     Can you just -- I mean, are you allowed to  
7 describe your oaths or are they secret -- are they  
8 private to you?

9           A     In general they're oaths concerning the  
10 sanctity and secrecy of the meditation lessons. And  
11 basically about doing good to others and never  
12 consciously hurting anyone.

13          Q     Any oaths of obedience to any person or entity?

14          A     None whatsoever.

15          Q     Now, as a board member of Ananda Marga, Inc.,  
16 and sometime officer have you ever had any relationship  
17 or -- with anyone claiming to be a governing body of AMPS  
18 in India?

19          A     None whatsoever.

20          Q     As a director or officer of Ananda Marga, Inc.,  
21 did you have any direct communications with any general  
22 secretary?

23          A     In the capacity of general secretary or just  
24 like on an occasional visit to India to say --

25          Q     Any official capacity as general secretary?

1           A     None whatsoever.

2           Q     Okay.  As a director of Ananda Marga, Inc.,  
3     have you in your capacity as a director had any  
4     communications with any Central Committee or Central  
5     executive committee of AMPS?

6           A     Not in those capacities, no.

7           Q     Okay.  Now, during your tenure as a board -- or  
8     as a director since 1978 on, are you aware of any board  
9     of director resolutions of Ananda Marga, Inc., that  
10    accept or incorporate Carya'carya or the legal AMPS  
11    constitution or any rules, regulations, or procedures of  
12    either of those?

13           MR. OBITTS:  Objection.  This is cumulative.  
14    He got this out of three witnesses --

15           MR. ERWIN:  This is based on --

16           MR. OBITTS:  -- so far, I think.

17           THE COURT:  Well --

18           MR. ERWIN:  And this is based on his tenure  
19    that goes back to 1978.

20           THE COURT:  And this is a little bit beyond  
21    tha,t so the objection's overruled to the extent that  
22    it's beyond it's broader scope.

23           Q     (By Mr. Erwin)  Go ahead and answer the  
24    question.

25           A     Could you repeat the question?  I'm sorry.

1           Q     Sure.  In your capacity as a director of Ananda  
2 Marga, Inc. that goes back to 1978 through now --  
3 currently, correct?

4           A     Correct.

5           Q     Are you aware of any board of director  
6 resolutions of Ananda Marga, Inc., that incorporate  
7 Carya'carya, legal AMPS constitution or any rules,  
8 regulations, or procedures of either of those?

9           A     None, whatsoever.

10          Q     Okay.  During your tenure as a director of  
11 Ananda Marga, Inc., or officer of Ananda Marga, Inc., are  
12 you aware of any resolutions that accept or give anyone  
13 other than the board of directors of Ananda Marga, Inc.,  
14 authority to approve the bylaws of Ananda Marga, Inc., or  
15 any amendments?

16          A     None whatsoever.

17          Q     Now, you've had -- was it one of your duties as  
18 a director or officer of Ananda Marga, Inc., to  
19 communicate with various governmental entities?

20          A     Yes.

21          Q     In what capacity?

22          A     Generally as a Board member or as part of the  
23 legal department.

24          Q     Okay.  And -- and -- and what kind of  
25 communications would you -- what was your role in these

1 communications with the government agencies?

2 A Role in what sense? I'm sorry.

3 Q Okay. I'll rephrase the question. What were  
4 your duties with respect to communicating with any  
5 government agencies?

6 A I maintained communication with the Internal  
7 Revenue Service of the United States, the Colorado  
8 Department of Revenue, Missouri Secretary of State and  
9 Department of Revenue, Colorado Department of -- or  
10 Colorado Secretary of State and similar state entities  
11 or governmental entities regarding either tax matters,  
12 registration matters, corporation matters and tax  
13 filings. And then with the United States -- then called  
14 INS, Immigration and Naturalization Service, later BCIS,  
15 later USCIS regarding immigration matters.

16 Q Okay. And did you prepare many of the  
17 communications, letters to the IRS and/or INS?

18 A Yes.

19 Q Okay. And --

20 A Or -- or assisted in the preparation.

21 Q Okay. Now, were -- were -- who in AMI was  
22 responsible for preparing the tax exempt application?

23 A Which one?

24 Q The -- the application for group tax exemption.

25 A I believe Mr. Paul Fahnestock was in 1972 based

1 upon my review of corporation documents. I believe that  
2 it was -- I recall that it was his signature on the group  
3 exemption application. Someone else -- okay.

4 Q And did you prepare any follow-up documents to  
5 the IRS with respect to AMI's group tax exemption?

6 A Not group tax exemption but tax exemption  
7 itself, yes.

8 Q Okay. And can you describe that?

9 A Certainly.

10 Q Sure. Ananda Marga Yoga Society of Kansas got  
11 the first federal tax exemption for Ananda Marga in the  
12 United States. On November 19, 1970. On June 30, 1972  
13 the IRS issued a letter granting the group tax exemption  
14 to Ananda Marga Yoga Society of Kansas for all of its  
15 qualified subordinates as listed on the annual group  
16 exemption list that's provided.

17 In 1974, after -- based again on my review of  
18 corporate documents, and -- and personal knowledge and  
19 discussions with Dada Tiirthananda --

20 MR. OBITTS: Your Honor, I don't know if he's  
21 laid the foundation with knowledge and also relevancy.

22 THE COURT: Well, I presume he's going to offer  
23 him to talk about some of the exhibits that you've been  
24 beating them up with over the last three or four days.

25 MR. ERWIN: That's right, Your Honor.

1 THE COURT: So the objection is overruled.

2 THE WITNESS: After the sectorial office moved  
3 -- after the sectorial office moved to Denver in late  
4 1973 Ananda Marga, Inc., was formed and --

5 MR. OBITTS: Your Honor, we're happy to  
6 stipulate that Ananda Marga Yoga Society for Ananda  
7 Marga, Inc., filed for tax exemption in 1978, that there  
8 was a '72 one, there's a '74 one done by Ananda Marga,  
9 Inc. That there is a group exemption for their  
10 subordinates. Affiliates of Ananda Marga.

11 THE COURT: Do you accept that stipulation?

12 MR. ERWIN: Thank you, Your Honor. Yes.

13 THE COURT: Okay. That should short circuit  
14 your examination or at least reform it.

15 Q (By Mr. Erwin) Okay. Let's move on. What  
16 role did you have in preparing the application to the IRS  
17 for the church status?

18 A I was one of the two co-authors.

19 Q Okay. And when was that?

20 A In middle -- from approximately May through  
21 August of 2003.

22 Q Who was the other co-author?

23 A Acarya Rainjitananda Avadhuta also a former  
24 witness and a member of our Board.

25 Q Right. And what was your role in preparing

1 those documents -- that document?

2 A Providing my background and information and  
3 experience in -- in nonprofit tax matters to assist, also  
4 communicating with the Internal Revenue service exempt  
5 organization division in Cincinnati concerning aspects of  
6 that and applicability.

7 Q How involved were you -- how involved were in  
8 actually drafting the language in that document?

9 A Very involved.

10 Q Okay. And can you explain how the language in  
11 that document came about?

12 THE COURT: Do you want to be a little more  
13 specific? What language, which document?

14 MR. ERWIN: Sure, I'll --

15 THE COURT: I've got over 600 exhibits here,  
16 Mr. Erwin. A big record. I guess it's just close to 600  
17 exhibits. Give or take a few.

18 Q (By Mr. Erwin) Can you look at Exhibit --  
19 Plaintiffs' Exhibit 113?

20 A It's not in this book.

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

22 THE COURT: Yeah.

23 MR. ERWIN: I believe this document's already  
24 admitted.

25 MR. OBITS: Yes, it is. No, it's not.

1                   MR. ERWIN: I believe it's admitted as a  
2 Defendants' exhibit.

3                   MR. OBITTS: Let me look at it real quick and  
4 I'll tell you.

5                   THE WITNESS: It says Plaintiffs' Exhibit 113.

6                   MR. ERWIN: Right.

7                   MR. OBITTS: I think the ones we were using  
8 were signed.

9                   THE COURT: Did you guys not look at each  
10 other's exhibits at all before this trial started? I  
11 mean, I know I got a bizarre statement from you that you  
12 couldn't stipulate to any fact in the case, so now you're  
13 telling me you didn't even bother to look at each other's  
14 exhibits? Because that's not acceptable. That's not  
15 what we expect lawyers to come in here in this court and  
16 do.

17                   Rule 16 contemplates that you look at each  
18 other's exhibits. If you have duplicate exhibits, then  
19 you don't give me two exhibits, one for the Defendant one  
20 for the Plaintiff with the exact same exhibit. You give  
21 me one. It's called a stipulated exhibit. It is a waste  
22 of time.

23                   MR. OBITTS: Your Honor, we'll stipulate to  
24 this exhibit.

25                   THE COURT: When we leave today, I want you to

1 go through each other's exhibits and make sure there are  
2 no duplicate exhibits and to the extent that there are, I  
3 want them identified for the record clearly so we don't  
4 have someone trying to prepare a record later trying to  
5 confer and determine which exhibits are identical and  
6 which aren't.

7 Okay. Exhibit 113 is admitted by stipulation.  
8 Plaintiffs' 113.

9 (Plaintiffs' Exhibit 113 admitted into evidence.)

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

11 A I'm sorry?

12 Q Do you recognize this?

13 A Yes, I do.

14 Q Okay. And will you look at the page that  
15 starts on P00831? Request for expedited treatment.

16 A Okay.

17 Q Okay. Now, are you the primary author of this?

18 A Yes.

19 Q Okay. Can you describe how you developed the  
20 language that went into this letter?

21 A As carefully as I could over a period of a few  
22 months. And a particularly intense period of three  
23 weeks. How I prepared it?

24 Q No. How did you develop the language that went  
25 into this letter?

1           A     Oh. Okay. From -- from a number of sources.  
2           Number one from reading prior IRS documents that we had  
3           received and that I reviewed from others. Secondly from  
4           communications with the Internal Revenue Service and with  
5           prior communications with a number of tax attorneys,  
6           nonprofit tax attorneys, one in Chicago, one in  
7           Washington, D.C., and one in Denver.

8                     We did not retain any of them, it was just a  
9           generalized conversation that we had. Thirdly I derived  
10          language from this from specific contact with Internal  
11          Revenue Service EO, or exempt organization agents who  
12          suggested both the format --

13                    MR. OBITTS: Your Honor, we're going into  
14          hearsay now.

15                    THE COURT: I think it goes more toward the  
16          effect on the listener and what he did as a result of  
17          what he did -- what investigation he did. The  
18          objection's overruled. Go ahead.

19                    THE WITNESS: The IRS suggested specific  
20          language tailored as much as possible toward our specific  
21          and rather unique organizational purpose.

22                    Q     (By Mr. Erwin) Now, in this letter did you  
23          refer to Ananda Marga, Inc.'s central authorities?

24                    A     Um --

25                    Q     Do you recall that?

1           A     I believe we did, yes.

2           Q     Okay.

3           A     I would -- I would -- write plenty of  
4 documents, I have a lot of clients, I would prefer to  
5 refresh myself is need be.

6           Q     Okay.

7           A     But I believe so, yes.

8           Q     Now, did you use that phrase when you were  
9 writing letters like this to the IRS on occasion?  
10 Central authorities?

11          A     Yes.

12          Q     And who were the Central authorities?

13          A     It depended upon the situation.

14          Q     Can you just -- can you explain that?

15          A     Certainly. Did you say IRS or INS, I'm sorry?

16          Q     We're on IRS right now.

17          A     IRS. Okay. We had a general affiliation with  
18 AMPS Central according to our legal documents and so we  
19 accepted certain guidance or communications or as we've  
20 used coordinated cooperation with elements or  
21 organizational person in India. There were others also  
22 that we communicated with. And I personally considered  
23 many of them to be what I would call Central authorities.  
24 Without distinction as to what -- what background they  
25 had or anything else.

1           Q     Okay. Now, in communicating with the IRS with  
2     respect to this application, can you look at the document  
3     that begins on P000836?

4           A     Yup, I'm there.

5           Q     Okay. And this is an explanatory document.  
6     Did you prepare this as well?

7           A     Yes.

8           Q     Yes.

9           A     I was one of the co-authors.

10          Q     Okay. So did you consider yourself Ananda  
11     Marga, Inc., to be a church before you went through this  
12     process?

13          A     No.

14          Q     Okay. And explain why not.

15          A     My review of the corporate documents from  
16     Ananda Marga Yoga Society and then Ananda Marga, Inc.,  
17     prior to my arriving in Denver in 1977 indicated to me  
18     that Ananda Marga, Inc., had applied for and been  
19     accepted as a 501 C-3, Internal Revenue Section,  
20     organization as religious, charitable, educational, and  
21     occasional literary and scientific. And that was the  
22     status that was recommended because I was -- I was  
23     informed by the president, Mr. Fahnestock, when I spoke  
24     with him --

25                 MR. OBITTS: Your Honor, we're going into

1 hearsay --

2 THE COURT: Sustained.

3 Q (By Mr. Erwin) Just -- yeah, let's stick to  
4 what -- what you knew.

5 MR. OBITTS: Also I'd move to strike the  
6 testimony. They stated in their motion for summary  
7 judgment that they were a church. It's a pleading, it's  
8 been admitted to. They can't switch it now, Your Honor.

9 MR. ERWIN: No. That's not what I asked him.

10 THE COURT: He's asking historically so I  
11 didn't treat that or interpret that as trying to change  
12 horses in midstream, so, the objection's overruled.

13 Q (By Mr. Erwin) So let me ask you this then.  
14 Why did you start referring to yourself -- to AMI as a  
15 church?

16 A Actually the proper term would be church for  
17 federal tax purposes. I was informed -- we received  
18 communications for two or three Wholetimer Acaryas in  
19 2003, I believe May, which caused us alarm. It said that  
20 the Immigration and Naturalization Service, or whatever  
21 name it goes by now, was changing its regulations and  
22 they denied two or three of our green card or permanent  
23 resident applications on the basis that we were not a  
24 church or a church for federal tax purposes.

25 And at that point Dada Rainjitananda and I in

1 particular had an emergency conversations. We didn't  
2 want to see this continue, it portended a rather grave  
3 situation. And so I was aware of the fact that we could  
4 apply retro -- potentially or possibly retroactively for  
5 status as a church for federal tax purposes, which is a  
6 fairly narrowly defined thing.

7 MR. OBITTS: Your Honor, this person is now  
8 opining upon nonprofit law, and he's not opined that he  
9 is an attorney who practices in that area of the law.  
10 And he's trying to define through the 10 part test  
11 probably, I'm guessing they're going to the 10 part  
12 test --

13 THE WITNESS: 14 parts.

14 MR. OBITTS: Well, I practiced --

15 THE COURT: Well, I haven't heard foundation to  
16 this point. To the point that he's -- he's provided  
17 testimony he's fine based on his experience, background  
18 and training but we'll leave it at that. We'll see where  
19 he goes.

20 MR. ERWIN: Okay.

21 Q (By Mr. Erwin) Can you tell me did any -- who  
22 helped you develop sort of the history of Ananda Marga  
23 language in these letters?

24 A Dada Rainjitananda.

25 Q Okay. Now, if you can look on page 00839, it's

1 the third paragraph down there.

2 A Okay. I'm there.

3 Q Where it says -- can you read that paragraph  
4 that starts Ananda Marga?

5 A Ananda Marga Pracaraka Samgha --

6 Q I mean to yourself, I'm sorry.

7 A Oh.

8 Q Just familiarize yourself with it and then let  
9 me know if you wrote that.

10 A Yes.

11 Q Okay. Can you tell me why you wrote that  
12 particular language?

13 A I wrote that to provide some background as to  
14 the history of Ananda Marga in general, number one.  
15 Number two it was based upon my believe or understanding  
16 at the time without having seen documents from India.

17 Q So is it your understanding now that AMPS  
18 Central based in Ananda Nagar, India is the world  
19 headquarters of AMPR organization of our mission was  
20 registered in Bihar, 1956. Is -- is that still your --  
21 would you write that today?

22 A I would not write it that way today.

23 Q Why not?

24 A Because I've come to understand.

25 MR. OBITTS: Your Honor, I object. We've had

1 now two of their corporate witnesses here, the CEO of the  
2 organization -- well, actually I'm sorry, the -- the  
3 number two guy, the secretary testified as well as the  
4 CEO testified that these are true and accurate. He's  
5 appearing to wanting to impeach his own people.

6 MR. ERWIN: I'm -- Your Honor, the witness is  
7 testifying that he's the one who actually wrote this, and  
8 I'm -- I'm asking him if he believes this is correct.

9 THE COURT: Well, that wasn't what you asked  
10 him. That wasn't what you asked him. That's a different  
11 question. So on that basis, the objection is sustained.

12 Q (By Mr. Erwin) Do you currently believe that  
13 this language is correct?

14 A I do not believe it is correct currently.

15 Q Why not?

16 A I've come to understand the distinction between  
17 Ananda Marga Pracaraka Samgha based upon Carya'carya.  
18 And Ananda Marga Pracaraka Samgha of the legally  
19 registered society based upon the constitution.

20 Q And what was your intent when you wrote that?

21 A My intent was just to give some background.

22 Q Okay. And what does parent organization mean  
23 in the context of this letter referring to AMPS as a  
24 parent organization in the context of this letter?

25 A In the context of its letter, it means that it

1 was an organization from which we were spawned.

2 Q Now, does AMPS own AMI?

3 A Not at all.

4 Q Can it?

5 A No, it's not. It's a nonprofit organization  
6 and has no stock.

7 THE COURT: This a good place to stop?

8 MR. ERWIN: It is, Your Honor.

9 THE COURT: Okay. Mr. Hemmelgarn, thank you.  
10 We're going to go ahead and ask you to go ahead and grab  
11 a seat. You know, I just realized going back through my  
12 notes that I had one question for Haratmananda. Is he  
13 still here?

14 MR. ERWIN: He is not. Oh, no, he is. Okay.

15 THE COURT: Why don't you come on up, sir, I  
16 have one question I want to ask you. You remain under  
17 oath. Sir, you remain -- you understand you remain under  
18 oath?

19 MR. NAIDOO: Excuse me?

20 THE COURT: You understand you remain under  
21 oath that I administered before?

22 MR. NAIDOO: Yeah.

23 THE COURT: Yeah, earlier when you raised your  
24 hand and swore to tell the truth. Do I need to do that  
25 again or do you understand you're still under oath? Go

1 ahead and grab a seat.

2 Now, earlier in your testimony you were talking  
3 about the significance that and the importance that  
4 Acarya not have the same Sanskrit name. Do you remember  
5 that testimony?

6 MR. NAIDOO: Yes.

7 THE COURT: Okay. And you told me that if they  
8 -- if you have an occasion where two Acaryas have the  
9 same Sanskrit name, you receive the notice and you change  
10 their name?

11 MR. NAIDOO: Yes. Name is changed.

12 THE COURT: Okay. Who do you receive the  
13 notice from?

14 MR. NAIDOO: Well, in general when Baba was  
15 there, then Baba used to change.

16 THE COURT: Okay. And since Baba left?

17 MR. NAIDOO: After that, I don't remember any  
18 incident as such.

19 THE COURT: Okay. Is there a procedure in  
20 place after Baba left for you to change your name when an  
21 Acarya has the same name as someone else?

22 MR. NAIDOO: I'm not aware, sir.

23 THE COURT: Okay. Thank you. You can go ahead  
24 and grab your seat.

25 We'll see you all tomorrow morning at 9

1 o'clock. For planning purposes Mr. Obitts, where are  
2 you? I know that you were expanding the scope of your  
3 exam so that you wouldn't have to keep recalling these  
4 folks. Other than the folks that have been called to  
5 this point what other witnesses do you need to call in  
6 your case in chief?

7 MR. OBITTS: A few witnesses limited to the  
8 issue that's not cumulative related to incidents in the  
9 2005 time frame, if we even get there.

10 THE COURT: Okay. Mr. Erwin --

11 MR. ERWIN: Yes, Your Honor.

12 THE COURT: Obviously completing the testimony  
13 of Mr. Hemmelgarn, who else do you have that you need to  
14 call?

15 MR. ERWIN: We have Mr. Secrest.

16 THE COURT: Okay.

17 MR. ERWIN: And we have Dada Nityasuddhananda.

18 THE COURT: Okay. That's number eight on the  
19 list.

20 MR. ERWIN: And Joni Zweig.

21 THE COURT: That's it?

22 MR. ERWIN: I believe so, yes.

23 THE COURT: Okay. All right. I just wanted to  
24 get an idea of where we were. All right?

25 MR. OBITTS: Your Honor, when I said a few,

1 that probably means four as opposed to three.

2 THE COURT: So you're not envisioning --

3 MR. OBITTS: I'm not envisioning calling all of  
4 the will-calls on the thing, because I think that would  
5 be cumulative.

6 THE COURT: Okay. All I'm going to ask you all  
7 to do is take a look at your witness list and see -- and  
8 look at your evidence and the record, what's in the  
9 record and what exhibits are in the record, what  
10 testimony is in the record and start whittling it down.

11 The matter was set for two weeks and I remember  
12 talking to you all on the phone about whether that was a  
13 realistic assessment particularly -- I think at the time  
14 we set it we were under the misapprehension that it was a  
15 jury trial setting. But nonetheless it doesn't seem to  
16 me that two weeks is legitimately a time period that we  
17 need to complete this case.

18 MR. OBITTS: I would agree with you, Your  
19 Honor.

20 THE COURT: Even if it goes all the way to the  
21 very end, I don't know what Mr. Obitts meant but assuming  
22 we get there. Nonetheless it seems to me it's much  
23 shorter than that. That's what I was trying to get a  
24 handle on is whether it's short enough that it will be  
25 finished tomorrow, or are we looking at Monday or Tuesday

1 that's what I'm trying to figure out.

2 Because I do have other matters that I'm trying  
3 to get set on my docket on an expedited basis, and I  
4 can't do it if I'm committed to being here with you guys.  
5 So take a look at it, and we'll have another conversation  
6 in the morning about where we are, but it sounds like we  
7 are where I thought we are. And we'll be finishing if  
8 not tomorrow sometime early next week.

9 So with that, I appreciate your time, and we'll  
10 see you tomorrow morning at 9 o'clock. I will have to  
11 stop tomorrow I think at 3:30, but we'll take a shorter  
12 lunch hour to accommodate for that. So -- all right?  
13 Thank you.

14 MR. HALPERN: Your Honor, do you -- will you be  
15 wanting closing arguments or --

16 THE COURT: Depends on where we are. The  
17 likelihood is I would expect, yes. Sometimes I'll do  
18 them in writing, but there's been an awful lot of writing  
19 here, and I'm frankly afraid to let you all write anymore  
20 for fear that I would receive a 60 page closing argument.  
21 Then my law clerk would jump off a ledge.

22 So beyond that I would expect that at some  
23 point we'll have closing argument. Okay? Thanks.

24 (Whereupon these proceedings were concluded.)

25

