

<p>DISTRICT COURT, CITY AND COUNTY OF DENVER, COLORADO</p> <p>1437 Bannock Street Denver, CO 80202</p>	<p>COURT USE ONLY</p>
<p><b>Plaintiffs:</b> Ananda Marga, Inc., et al.,</p> <p>v.</p> <p><b>Defendants:</b> Acharya Vimalananda Avadhuta, et al.,</p> <p>And</p> <p><b>Intervenor:</b> Ananda Marga Pracaraka Samgha.</p>	
<p><b>Attorneys for Defendants and Intervenors:</b></p> <p>Alan C. Friedberg, Atty. Reg. No. #6042 Pendleton Friedberg Wilson &amp; Hennessey, P.C. 1875 Lawrence Street, 10th Floor Denver, Colorado 80202-1898 Tel.: 303-839-1204 E-Mail: afriedberg@penberg.com</p> <p>Timothy R. Obitts, Att. Reg. #29107 (appearing as counsel for Defendants and Intervenor) Mae Cheung (<i>pro hac vice</i> for Intervenor) Gammon &amp; Grange, P.C. 8280 Greensboro Drive, 7th Floor McLean, Virginia 22102 Tel.: 703-761-5000 E-Mail: TRO@gg-law.com E-Mail.: MAC@gg-law.com</p>	<p>Case No. 10CV1867</p> <p>Div.: 259</p>
<p><b>DEFENDANTS/COUNTER-PLAINTIFFS' AND INTERVENOR'S OPPOSITION TO PLAINTIFFS' JOINT MOTION TO STAY EXECUTION OF TAXATION OF COSTS, FINAL JUDGMENT AND INJUNCTION PENDING DISPOSITION OF APPEAL</b></p>	

Defendants/Counter-plaintiffs Acharya Vimalananda Avadhuta, Clark E. Forden,  
Dipendra Kumar Singh, Dirk Duill, Shyam Sundar Kaushesh and Piyush Bhatnagar (collectively  
“Defendants”) and Intervenor Ananda Marga Pracaraka Samgha (“AMPS” or “Intervenor”), by

counsel, hereby file their opposition to Plaintiffs' Joint Motion to Stay Execution of Taxation of Costs, Final Judgment and Injunction Pending Disposition on Appeal.

### **I. STATEMENT OF FACTS**

On May 16, 2011, this Court issued a ruling granting Defendants' and Intervenor's motion for involuntary dismissal under C.R.C.P. 41(b) (the "41(b) Ruling"). As is required under C.R.C.P. 41(b), this Court considered all of the credible testimonial and documentary evidence presented at trial. Specifically, this Court considered the testimony of all of Plaintiffs' witnesses and all documents that had been admitted into evidence – all of which were either self-authenticating documents or authenticated by Plaintiffs' witnesses. The Court also considered some documents of which it was entitled to take judicial notice. Based upon its consideration of all of the witness and documentary evidence, this Court made numerous findings of fact and conclusions of law and, in light of such findings and conclusions, granted Defendants' and Intervenor's 41(b) motion for involuntary dismissal. (Tr. May 16, 2011, pp. 10-36.)

In its 41(b) Ruling, this Court declared pursuant to C.R.C.P. 57 that on October 30, 2005, Plaintiff Fernando Kumar (a.k.a. Ac. Tirthananda Avt.) ceased being the rightfully appointed Sectorial Secretary of the New York Sector of AMPS, of which Ananda Marga, Inc. is the legal embodiment; that all actions taken by the Ananda Marga, Inc. Board of Directors after that date, including amending Ananda Marga, Inc.'s bylaws in 2006, were of no legal force and effect; and that the Defendants are the rightfully appointed Board of Directors of Ananda Marga, Inc., among other things. The 41(b) Ruling also enjoined the individual-named Plaintiffs, individually and collectively, from holding themselves out to be the Board of Directors of Ananda Marga, Inc. and from exercising control over Ananda Marga, Inc. The Court's 41(b) Ruling also

required the individual Plaintiffs to surrender possession and control of Ananda Marga, Inc. to the Defendants and to give the Defendants an accounting of their use of all assets and real and personal property of Ananda Marga, Inc. since October 30, 2005. (Tr. May 16, 2011, pp. 36-42.)

Also on May 16, 2011, this Court granted Defendants' and Intervenor's motion to reconsider this Court's May 6, 2011, ruling denying Defendants' and Intervenor's Joint Motion for Summary Judgment. Upon such reconsideration, this Court vacated its prior order and, in light of its findings and legal conclusions stated in its 41(b) Ruling and in light of the state of the record, granted Defendants' and Intervenor's Joint Motion for Summary Judgment (the "Summary Judgment Ruling"). (Tr. May 16, 2011, 42:24-44:1.) Shortly thereafter, in response to Defendants' and Intervenor's Motion for Entry of Order and Judgment and Request for Immediate Attention, this Court entered final order of judgment *nunc pro tunc* May 16, 2011.

Plaintiffs now ask this Court to stay execution of its order and judgment, including the order of injunction and the taxation of costs, pending the Plaintiffs' intended appeal of this Court's Summary Judgment Ruling.

## **II. ARGUMENT**

As stated by the Plaintiffs, the Colorado Court of Appeals has adopted the federal standards for analyzing whether to grant a stay of judgment.<sup>1</sup> *Romero v City of Fountain, Colorado, et al.*, 2011 Colo. App. LEXIS 732, \*6-7 (May 12, 2011). Under such standards, the factors that the Court must consider are "(1) whether the stay applicant has made a strong showing that he is likely to succeed on the merits; (2) whether the applicant will be irreparably

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<sup>1</sup> Although *Romero* involves a motion to stay an order denying a preliminary injunction rather than one imposing a permanent injunction, the Defendants and Intervenor stipulate that the four factors listed mentioned by the *Romero* court are the appropriate standard for this Court to apply in this instance.

injured absent a stay; (3) whether issuance of the stay will substantially injure the other parties interested in the proceeding; and (4) where the public interest lies.” *Id.* (citations omitted).

In adopting these standards, the Court of Appeals also adopted the Sixth Circuit’s formulation of how to balance the four factors against one another. The Sixth Circuit held that, “[t]he probability of success that must be demonstrated is inversely proportional to the amount of irreparable injury that plaintiff[] will suffer absent the stay. Simply stated, more of one excuses less of the other. This relationship, however, is not without its limits; the movant is always required to demonstrate more than the mere ‘possibility’ of success on the merits.” *Id.* at \*8 (quoting *Michigan Coalition of Radioactive Material Users, Inc. v. Griepentrog*, 945 F.2d 150, 153-154 (6<sup>th</sup> Cir. 1991)). To succeed in their motion, therefore, Plaintiffs need to show either great probability of success or a great amount of irreparable injury. Plaintiffs have in fact failed to demonstrate either, and their motion should therefore be denied.

**A. The Plaintiffs’ Motion Should Be Denied Because They Have Failed To Show That This Court’s Findings of Fact Are Clearly Erroneous.**

The first factor for this Court to consider in determining whether to grant Plaintiffs’ motion to stay is the Plaintiffs’ probability of success on the merits of the appeal. In making such a motion, the movant is always required to demonstrate more than the mere ‘possibility’ of success on the merits.” *Romero*, 2011 Colo. App. LEXIS 732 at \*8-9 (quoting *Griepentrog*, 945 F.2d at 153-154). Here, the Plaintiffs have failed to demonstrate even a mere possibility of success and, therefore, their motion should be denied.

The Plaintiffs’ motion indicates the Plaintiffs’ intent to appeal this Court’s Summary Judgment Ruling on the grounds that there were in fact “numerous material disputed facts.” However, Plaintiffs’ attempt to demonstrate likelihood of success on the merits fails because

although the Plaintiffs intend to seek an appeal of the Summary Judgment Ruling, their motion does not address this Court's 41(b) Ruling, which requires a different standard of appellate review. Under the standard of appellate review appropriate to the 41(b) Ruling, the Plaintiffs have little likelihood of success on the merits. Additionally, even under the standard of review appropriate to motions for summary judgment, the Plaintiffs have failed to demonstrate a likelihood of success on the merits because the facts identified by the Plaintiffs as being disputed have been found by this Court to be undisputed based upon the record at trial.

1. The Plaintiffs Fail to Address Rule 41(b).

This Court first granted judgment to Defendants and Intervenor, including enjoining the Plaintiffs, under C.R.C.P. 41(b) and then, in light of the findings of fact made in connection with the 41(b) Ruling, also granted Defendants' and Intervenor's motion for summary judgment. The Court's May 16 ruling is, therefore, a ruling that reaches the same result through both C.R.C.P. 41(b) – the rule allowing involuntary dismissal by a defendant – and C.R.C.P. 56 – the rule governing summary judgment. Plaintiffs' motion only indicates the Plaintiffs' intent to appeal this Court's summary judgment and addresses only their likelihood of success on such an appeal. Plaintiffs have failed to demonstrate a likelihood of success because their appeal, even if successful, would leave this Court's Rule 41(b) Ruling to continue in full force and effect. Therefore, as a threshold matter, Plaintiffs' attempt to demonstrate their likelihood of success on the merits must address likelihood of success not only under the standard for appellate review of this Court's summary judgment ruling but also under the standard for appellate review of this Court's 41(b) Ruling. The Plaintiffs' motion fails to do so and therefore fails adequately to demonstrate likelihood of success on the merits.

2. This Court's Findings of Fact Were Not Clearly Erroneous.

In fact, the Plaintiffs have very little likelihood of success on the merits on an appeal of the 41(b) Ruling. Under C.R.C.P. 41(b), a defendant may, after the presentation of the plaintiff's evidence, bring a motion to dismiss the plaintiff's claim "on the ground that upon the facts and the law the plaintiff has shown no right to relief." If the trial court grants judgment pursuant to such a motion, the court must make findings of fact and conclusions of law that form the basis of its judgment. C.R.C.P. 41(b) and 52. The purpose of such findings of fact and conclusions of law is to inform the appellate courts as to the basis of the trial court's decision. *Gilitz v. Bellock*, 171 P.3d 1274 (Colo. App. 2007). C.R.C.P. 52 provides that a trial court's findings of fact in such a ruling "shall not be set aside unless clearly erroneous, and due regard shall be given to the opportunity of the trial court to judge the credibility of witnesses." The trial court's decision to grant a motion to dismiss brought under C.R.C.P. 41(b) should not be disturbed on appeal unless the findings of the trial court are clearly against the weight of evidence. *Smith v Weindrop*, 833 P.2d 856 (Colo. App. 1992).

Under C.R.C.P. 41(b), therefore, the Plaintiffs must overcome a very deferential standard of appellate review of this Court's findings of fact in order to succeed on the merits of their intended appeal. Plaintiffs' motion fails even to allege much less demonstrate that this Court's findings of fact and conclusions of law are clearly erroneous or clearly against the weight of evidence as required by C.R.C.P. 41(b) and 52. Instead, the Plaintiffs state simply that the Court's summary judgment ruling was inappropriate "because ... numerous material disputed facts remain after the summary judgment motions were fully briefed and after Plaintiffs

presented their case in chief at trial.” The Plaintiffs have therefore failed to demonstrate likelihood of success on the merits of the appeal under C.R.C.P. 41(b).

3. There are no Disputed Material Facts.

Additionally, even when viewed under the standard of appellate review for summary judgment, the Plaintiffs have failed to demonstrate likelihood of success on the merits. A decision regarding summary judgment is reviewed *de novo*. However in this instance, the facts that Plaintiffs’ motion identifies as being in dispute are findings of fact made by this Court in the context of its 41(b) Ruling. As mentioned above, such findings of fact are only to be disturbed if clearly erroneous, which position Plaintiffs have not even attempted to argue. Plaintiffs have therefore failed to demonstrate a likelihood of success in an appeal on the matter.

In fact, Plaintiffs are and will be unable to demonstrate that this Court’s findings of fact were clearly erroneous, since such findings of fact were based on the testimony of Plaintiffs’ own witnesses, on the documents admitted into evidence (many of which contained the Plaintiffs’ own statements made under penalty of perjury to multiple United States governmental agencies), and on this Court’s assessment of the credibility of the witnesses. For example, the Plaintiffs state in their motion that “[t]here is a material dispute regarding whether the Central Purodha Board lifted the stay of the attempted transfer of Ac. Tirthananda Avt. in January 2006.” In so stating, Plaintiffs ignore the testimony of Tirthananda himself admitting that the stay was lifted, and the document authored by Tirthananda in which he informed others of the lifting of the stay, which document was admitted into evidence.

Plaintiffs have failed to satisfy the first factor required for this Court to grant a stay under *Romero*.

**B. Plaintiffs Have Not Demonstrated a Danger of Real, Immediate, and Irreparable Injury That Would Be Prevented By a Stay.**

The second factor that this Court must consider in deciding the Plaintiffs' motion is whether the Plaintiffs will be irreparably injured if this Court does not grant their motion to stay. In order to demonstrate such an irreparable injury, the Plaintiffs must show "a danger of real, immediate, and irreparable injury that may be prevented by the requested relief." *Romero*, 2011 Colo. App. LEXIS 732 at \*10 (citing *Rathke v. McFarlane*, 648 P.2d 648, 653 (Colo. 1982)). Plaintiffs have failed to do so in their motion.

In support of their motion, Plaintiffs enumerate several injuries that they purport are likely to befall if this Court does not stay its judgment and order. Specifically, Plaintiffs state that parents are likely to pull their children out of Ananda Marga schools in the United States and that the Intervenor "will stop at nothing to throw anyone out on the street who fails to succumb to their new version of a subordinate pyramidal order." Plaintiffs further state that Ananda Marga, Inc. affiliates will be thrown into confusion as to whether or not they can continue normal operations. The Plaintiffs also claim: that the Kolkata Administration will likely attempt to assert claim over Ananda Marga, Inc. and its affiliates; that the directors of the subordinate affiliates will be in danger of violating their fiduciary duty if they are forced to obey the directives of the Intervenor; and that the Intervenor (whom Plaintiffs refer to as AMPS Ranchi) will likely dissolve corporations (specifically, the Ananda Marga Women's Welfare Department, Inc.) and sell Ananda Marga, Inc. properties to fund litigation in India. Plaintiffs have failed, however, to demonstrate that these injuries are "real, immediate, and irreparable" absent a stay by this Court.

All the injuries Plaintiffs claim to be “likely” are speculative at best and, in fact, run counter to the reality of the Defendants’ and Intervenor’s actions since this Court’s May 16 order. Claims that such injuries are “likely” or even inevitable are supported by nothing other than Plaintiffs’ own assertions in their motion. Plaintiffs cite no instances of parents threatening to withdraw or even actually withdrawing their children from Ananda Marga schools, no instances of Intervenor throwing individuals on the street for any reason, and no threats or actions by Intervenor to dissolve any corporations or sell any properties of Ananda Marga, Inc. or those of any affiliates.

In fact, the Defendants’ actions since May 16 have demonstrated an attempt to bring healing and unity to the fractured organization. Acharya Vimalananda Avadhuta (“Vimalananda”), the rightfully appointed Sectorial Secretary of the New York Sector as found by this Court, has communicated with the margiis of the New York Sector to reassure them of his openness to hearing their concerns, his eagerness to heal the organization after the unfortunate turmoil of the recently concluded litigation that Plaintiffs began, and his intent that the work and programs of Ananda Marga should continue in the sector. *See* communications from Vimalananda to the New York Sector attached hereto as Exhibit 1.

Additionally, on June 2, 2011, *one week prior to* Plaintiffs filing their motion, Defendant Clark Forden, Corporate Secretary of Ananda Marga, Inc., participated in a conference call with Plaintiff Michael Hemmelgarn, a former Director of Ananda Marga, Inc., to make a plan for a smooth and peaceful transition of the control, records and assets of Ananda Marga, Inc. Also participating in the phone call were Stephen Erwin, counsel for Plaintiffs, and Timothy Obitts, counsel for Defendants and Intervenor. In this conference call, Defendant Forden gave several

assurances to Plaintiff Hemmelgarn that the Defendants had no intention of throwing anyone out on the street. *See* Affidavit of Defendant Clark E. Forden attached hereto as Exhibit 2.

Furthermore, upon being allowed access to the Ananda Marga, Inc. headquarters in Corona, New York, the Plaintiffs promptly communicated with a couple who have been renting an apartment on the premises to discuss their lease terms and assure the couple – who are not sympathetic to the Defendants – that they can remain on the premises but would need to negotiate new lease terms. *Id.* This is not indicative of individuals or an organization that will stop at nothing to throw people out on the street.

Plaintiffs do not explain (and it is far from clear) why it is likely that the so-called Kolkata Administration, “which also has an appointed Sectorial Secretary and other Secretaries in the New York Sector” and which has operated independently of Ananda Marga, Inc. for many years, would start now to make competing claims of control over Ananda Marga, Inc. and its affiliates.

Lastly, the handover of authority of Ananda Marga Women’s Welfare Department, Inc. between the outgoing Plaintiff Prabha Thakur, the outgoing Sectorial Women’s Welfare Secretary, and Didi Ananda Hitaesana, the incoming Sectorial Women’s Welfare Secretary, occurred recently without any threats by Didi Ananda Hitaesana to dissolve the corporation or otherwise to “leav[e] women of Ananda Marga in the New York Sector without a voice and with no assets to conduct their operations,” as Plaintiffs claim to be “likely.”

Rather than a danger of real, immediate, and irreparable injury absent a stay due to the actions of the Defendants and Intervenor, as Plaintiffs claim, it is more likely that margiis of the New York Sector who are concerned and confused about the future of the mission are acting

upon the instructions and groundless rumors being spread by the Plaintiffs, as evidenced by the e-mail attached to Defendants' and Intervenor's Motion for Entry of Order and Judgment and Request for Immediate Attention, which e-mail the Plaintiffs have disclaimed any connection with, despite three of their names being listed in the e-mail as persons to contact.

Plaintiffs' motion provides no factual basis upon which to base their claims of irreparable injury, and the facts instead demonstrate that such claims of irreparable injury are contradicted by the actions that the Defendants and Intervenor have actually taken since May 16, 2011. Plaintiffs have therefore failed to demonstrate a danger of a real, immediate, and irreparable injury, and their motion should be denied.

**C. A Stay Would Cause Injury to the Defendants' and Intervenor's Attempts to Bring Much-Needed Unity and Healing to an Already Fractured Organization.**

The third factor that this Court must consider under *Romero* is the injury that would be suffered by the Defendants and Intervenor if this Court were to grant Plaintiffs' motion.

*Romero*, 2011 Colo. App. LEXIS 732 at \*10 (citing *Peak Medical Oklahoma No. 5, Inc. v. Sebelius*, No. 10-CV-596-TCK-PJC, 2010 U.S. Dist. LEXIS 122713 at \*4 (N.D. Okla. Nov. 18, 2010)). An analysis of this factor also counsels against granting Plaintiffs' motion.

Because of the Plaintiffs' actions in attempting to separate the New York Sector from the rest of the worldwide Ananda Marga mission since at least October 30, 2005, Intervenor has been unable to direct the programs and efforts of Ananda Marga in the New York Sector for many years. During such time, Plaintiffs have sown confusion and distrust of the Intervenor, and thus of the system established by Rev. Baba, among the margiis of the New York Sector. A stay of the injunction will likely create greater distrust and confusion as the Plaintiffs use such a stay to spread further harmful rumors among the margiis of the New York Sector about Defendants'

and Intervenor's intentions (like those contained in the Plaintiffs' motion and in the e-mail attached to Defendants' and Intervenor's Motion for Entry of Order and Judgment and Request for Immediate Attention). The Defendants' and Intervenor's most critical task at this point is to restore the proper structural order of Ananda Marga in the New York Sector and to dispel the misconceptions created by the Plaintiffs' misrepresentations of Intervenor. Already, margiis have begun to take advantage of Vimalananda's open lines of communication to discuss the best ways to move forward and heal from the past. A stay of this Court's order and injunction will severely stunt the little progress that has been made thus far.

Furthermore, a stay of the injunction will enable the Plaintiffs to further remove records from the offices of Ananda Marga. The few weeks that the Defendants have had access to Ananda Marga, Inc.'s corporate records have already revealed approximately three years' worth of bank statements and other records to be missing from the corporate files. *See Exhibit 2.* Defendants and Intervenor have reason to believe that Plaintiffs removed such records from the corporate files between this Court's ruling on May 16, 2011, and the above-mentioned conference call between the parties on June 2, 2011. Any further removal of records or assets occasioned by a stay would cause significant injury to the Defendants, who are already facing the difficult task of attempting to reconstruct the last several years' worth of records.<sup>2</sup> Therefore, a stay would cause significant injury to the Defendants as the rightful Board of Directors of Ananda Marga, Inc., and to the Intervenor as the parent organization of Ananda Marga, Inc.

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<sup>2</sup> Defendants and Intervenor would also ask the Court to take note that the Plaintiffs have yet to provide an accounting as ordered by this Court on May 16, 2011. (Exhibit 2.)

**D. The Public Interest Lies in Defendants' Continued Efforts to Heal the Organization.**

The last factor for this Court to consider in determining Plaintiffs' motion is whether there are considerations of public policy that have a bearing on the question. *Romero*, 2011 Colo. App. LEXIS 732 at \*10 (citing *Peak Medical* at \*4). There is no public interest that is served in preventing Intervenor, the parent organization of Ananda Marga, Inc., from being able to direct the administration and management of Ananda Marga, Inc., and therefore of the New York Sector. Rather, such direction is critical during this time in which the Defendants attempt to restore proper order to the New York Sector. Nor, in light of the Plaintiffs' small likelihood of success on appeal, is there any public interest served in preventing the Defendants, the Board of Directors rightfully appointed by the legitimate authority of AMPS, from taking up their duties and bringing order and healing to the organization in the New York Sector, as Defendants have begun to do. For that reason, this Court should deny Plaintiffs' motion and maintain the *status quo*, with Defendants as the rightfully appointed Directors of Ananda Marga, Inc.

**III. CONCLUSION**

The Plaintiffs have failed to demonstrate either a likelihood of success on the merits of their appeal or irreparable harm to them in the absence of a stay. Furthermore, a stay would damage the Defendants' and Intervenor's efforts to bring healing and unity, which is more in the public interest. For all these reasons and those stated above, this Court should deny Plaintiffs' motion.

Dated this 27th day of June, 2011.

*This document was E-filed via the LexisNexis File & Serve system. The originally signed copy is on file at the offices of Pendleton, Friedberg, Wilson & Hennessey, P.C.*

GAMMON & GRANGE, P.C.

By: s/ Mae Cheung

Timothy R. Obitts

Mae Cheung

**CERTIFICATE OF SERVICE**

I hereby certify that on this 27th day of June, 2011, a true and correct copy of the foregoing **DEFENDANTS/COUNTER-PLAINTIFFS' AND INTERVENOR'S OPPOSITION TO PLAINTIFFS' JOINT MOTION TO STAY EXECUTION OF TAXATION OF COSTS, FINAL JUDGMENT AND INJUNCTION PENDING DISPOSITION ON APPEAL** was served via the LexisNexis File and Serve system, addressed as follows:

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s/ Joanne West \_\_\_\_\_

ANANDA MARGA PRACARAKA SAMGHA  
NEW YORK SECTOR

Ba'ba' Na'm Kevalam

May 27, 2011

To all Ananda Margiis and Wholetimers of New York Sector,  
Namaskar,

Ananda Marga, in our beloved Reverend Guru Ba'ba's design, is for all and it is forever. No one will be able to divert its flow and its existence. He is at its hub, silently leading through His eternal loving presence and the legacy He carefully left with us -- the sacred scriptures, the detailed guidance for our conduct, the set of powerful spiritual practices, the order of Sannyasin Wholetimers, and the vast organizational array of structures. No matter what personalities in leadership, favored or disfavored, skilled or unskilled, the essence of His wishes will be expressed. It is up to each of us to keep our individual egos from blocking the forward progress of Ananda Marga.

To that end, it is my sincere desire that everyone of us take a moment to refresh ourselves and take rebirth with new breath and a renewed commitment to our collective flow in our Ananda Marga, in New York Sector and globally. We all share the same lis't'a, Adarsha and conduct rules as much as we cherish the same visions emanating from Parama Purusa. Our task is to ensure growth and development of the Ananda Marga mission in the New York sector.

Over the next weeks and months, let us heal from the years of trauma, the tragic results of a costly legal battle, and mend heavy hearts. I am learning about many Margiis now experiencing the shock of the legal outcome. Many others have felt years of a similar pain. Sympathy is felt and extended for those newly suffering.

The future is bright, let us not forget it. Ba'ba' gave us His blessings and reminded us regularly to see the bright side of everything. The transition from one era to the next is beginning. The work ahead need not leave any one behind, no one need to become homeless, and no project neglected. No harm should come to any one, or to any project. Decades of productive efforts should not be wasted through haste or retribution. The transition period could be from the short side of a few months to the long of a few years. The timing will depend on each situation and each individual involved. In most instances there will likely be no need for change... the future rests in the behavior, commitment and contributions of each and every one. I see my main tasks in the near future to be: Listening, learning, counseling, and educating. If I fail in doing these then I believe I am failing my duty as Sectorial Secretary over the long run.

#### SUMMER CONFERENCE AT ANANDA KANAN

In recent days, I have been consulting with the primary organizers of the summer SADVIPRA program at Ananda Kanan. For me, it has been helpful to come current with the careful planning of the semi-annual event. In summary, the programs will take place as advertised and as scheduled from June 25th to July 4th, continuing with the Planning Forum from the 4th to the 6th. Event information can be located at [www.anandamargafutures.org](http://www.anandamargafutures.org).

From my point of view, it is critical to add one essential aspect to the SADVIPRA program. Surely no one will protest. I wish to infuse the Summer programs with Ananda Marga's Spirituality. Rest assured, if, as Ba'ba' Himself said, Prout is 99% spirituality, then in the training of Sadvipras -- spirituality needs to be an upfront and active component. Sadvipra leadership devoid of Spirituality is impossible, as it would revert to mundane leadership, based in materialist values.

ONWARDS IN THE TRANSITION

Over the next weeks, I intend to better understand and address your concerns. Please feel free to contact me directly or communicate with and through other Acaryas and Senior Margiis as you see fit. I am always available at <[ssnysector@gmail.com](mailto:ssnysector@gmail.com)>, on Skype at <acaryav>, or by phone at 704-458-6888.

It is important to have your active participation in the larger team effort to constitute the bottom-up component in establishing Reverend Ba'ba's pyramidal Ananda Marga mission in the sector. Let us continue in-step with one another from now onwards.

Your brother,  
In Him,



Ac. Vimalananda Avt.  
Sectorial Secretary, New York Sector

# ANANDA MARGA, INC.

June 5, 2011

All Margiis and Wholetimers of New York Sector

Dear Sisters and Brothers, children and grandchildren,

Namaskar, Namaskar, Namaskar,

A few days ago, I sent a message to you that the Summer Conference at Ananda Kanan was indeed taking place as previously scheduled. As a follow-up to that, it is important to reemphasize a number of details and to further clarify some other important things.

Firstly, I wish to apologize to everyone for the sudden changes due to the shocking circumstances that we find ourselves in as we approach our semi-annual conference/retreat at Ananda Kanan in a few weeks. As most of you are aware, the recent litigation at the Denver District Court produced a ruling that has thrown the Sectorial leadership, myself included, into the welcome, but demanding, tasks to immediately cover many legal, financial and other managerial needs in response to the Court decision, and to respond to the situation in projects, offices and units in the USA. When you combine this large roll of tasks with the urgent need to conduct the Summer Ananda Kanan program, you can understand that it presents a challenge of logistics. Your patience and understanding as we proceed ahead in the coming days is most welcome and appreciated.

The former Organizing Committee of the Summer Sectorial Conference was disbanded for reasons of sudden breakdown of communications and for insubordination. After my first, goodwill letter to the sector, the erstwhile committee served me with a notice carrying ultimatums that were unacceptable to myself, to AMPS, and potentially detrimental to building a positive flow at Ananda Kanan. Additionally, the membership of the same committee was never made known to me despite my requests. As such that group of organizers was immediately disbanded and a new Organizing Committee created.

The new **EVENT ORGANIZING COMMITTEE** includes: **Dadas:** Ac. Dharmapremananda, Ac. Rudraprakashananda, Ac. Shubhacetanananda, Ac. Jivapremananda; **Brothers:** Madhusudana, Dharmapala, Piyush, Timir; and, **Sisters:** Jyoti, Nirmala and Devika. **Chaired, jointly by:** SS and SWWS. **Coordinators:** Ac. Rudraprakashananda, and one Didi to be named by SWWS.

ANANDA MARGA PRACARAKA SAMGHA  
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After the first meeting of this committee the following Event details are confirmed –

- Title: **Sadvipra Samaj: Preparing for the Future**
- Dates: Saturday, June 25<sup>th</sup> (arrival) to Monday, July 4<sup>th</sup> (departure, after lunch)
- Location: Ananda Kanan, Willow Springs, Missouri, USA
- Fees: **Please see the attached schedule of fees (below)** The fee structure as announced in the original event flyer will be in effect. Should you need a scholarship or other considerations, kindly clarify your request in your pre-registration

Pre-registration:

- (New)** Pre-reg Deadline has been extended to June 15
- (Previous, under old committee)** Those who pre-registered previously must make contact with the event managers immediately to confirm their pre-registration.

- Contact: **Telephone:** +1-417-469-4713 or +1-720-891-8712
- NEW Email Address:** SummerConference2011@ampsnys.org
- NEW Website:** www.ampsnys.org/SummerConference2011

I cordially invite you all to come to the summer conference join in the events with family friends and sympathizers. It's going to be a treat for all those who yearn to experience that special devotional flow that is rarely generated in presence of Baba's subtle physical vibration alone. Let nothing hinder your desire to enjoy the bliss of Ananda Kanan. You may miss an opportunity by not coming.

You are very welcome!!

Ac. Vimalananda Avadhuta,  
Sectorial Secretary, New York Sector

## Fee Schedule

	Pre-registration	Regular
8 Day Single Adult	\$420	\$460
Concession*	\$355	\$390
Per day	\$70	\$75
Children (0-5)	free	free
Children (6-12)	\$165	\$185
Teenagers (13-17)	\$220	\$240
Hong Kong etc**	\$295	\$295
GT, Qahira, etc***	\$200	\$200
Nairobi Sector	\$150	\$150

**The Forum, previously scheduled to start July 4th, has been cancelled.**

\*spouse/single parent/full time student/camping  
 \*\*Hong Kong, Suva and Berlin Sectors  
 \*\*\*GT, Qahira, Delhi & Manila Sectors, Mexico, Central America and Caribbean

DISTRICT COURT, CITY AND COUNTY OF DENVER, COLORADO 1437 Bannock Street, Denver, Colorado 80202	<b>▲ COURT USE ONLY ▲</b>
Plaintiffs: Ananda Marga, Inc., et al.	Case No: 2010CV1867
v.	Division 1
Defendants: Acharya Vimalananda Avadhuta, et al., And	
Intervenor: Ananda Marga Pracaraka Samgha	
<b><u>AFFIDAVIT OF CLARKE E. FORDEN</u></b>	

STATE OF MISSOURI

CITY/COUNTY OF WILLOW SPRINGS  
HOWELL COUNTY

Clark Forden, being first duly sworn states as follows.

Be it known to all that I am of lawful age and competent to make this Affidavit, I do hereby of my own volition solemnly swear, affirm, declare, attest and depose the following:

1. I am of sound mind and over eighteen years of age.
2. I was a Defendant in the above-named action.
3. I am a Director of Ananda Marga, Inc. and am the corporate secretary of Ananda Marga, Inc.
4. On June 2, 2011, I participated in a conference call with Plaintiff Michael Hemmelgarn, counsel for Defendants and Intervenor Timothy Obitts, and counsel for Plaintiffs Stephen Erwin.
5. The purpose of that conference call was to arrange for the peaceful and orderly duty charge handover of Ananda Marga, Inc., including all of its records, from the individual Plaintiffs to the Defendants pursuant to the Court's May 16, 2011 ruling.
6. In the course of that conference call, I attempted to address the rumors that the Plaintiffs had been spreading regarding the Defendants' intentions to kick out people who are

currently residing in the Ananda Marga, Inc. Pearl Street (Denver) and Corona (New York) properties, among others.

7. I assured Plaintiff Hemmelgarn and Attorney Erwin that the Defendants had no intention of putting anyone out on the street.
8. After this Court's order of judgment, I was among a team of Directors who traveled to the Ananda Marga, Inc./Sectorial Office headquarters in Corona, New York. There, we discovered that an apartment connected to the headquarters building had been rented to a margii couple who are more sympathetic to the Plaintiffs' position.
9. Since taking control of the Sectorial Office, I communicated with the couple on behalf of the Board of Directors of Ananda Marga, Inc. and made it clear that they are welcome to remain on the premises provided they agree to a new lease that limits their access to the headquarters offices and that also require the couple to return all copies of keys to portions of the building other than their apartment.
10. After gaining access to and taking control of the Sectorial Office, I and other Directors began to review the Sectorial Office records, including bank accounts and records of assets. At this point, we have reviewed and taken inventory of all the records in the Sectorial Office. Based on our review, we have yet to be able to locate any bank records for Ananda Marga, Inc. from 2009 forward. We are also unable to locate the complete files of recently submitted applications for religious worker immigration Visas, the file of vehicle titles that we know belong to Ananda Marga, Inc., and promissory notes for loans that we have been informed Ananda Marga, Inc. has taken out.
11. We have also made repeated requests to the Plaintiffs for lists of bank accounts, which requests have yet to be honored.
12. After the Court ruling on May 16, 2011 and after the ruling was entered into public records on May 27, 2011, the Plaintiffs continued to use Ananda Marga, Inc. Internet resources for their communications, including mailing lists on the Ananda Marga, Inc. domains. We have made repeated requests to the Plaintiffs to immediately transfer the Ananda Marga related domains in their possession and control. These requests have yet to be honored.
13. Finally, the Plaintiffs have yet to abide by the Court's order to provide an accounting of the use of all of Ananda Marga, Inc.'s assets and real and personal property since October 30, 2005, despite our requests that they do so.

FURTHER YOUR AFFIANT SAYETH NOT

*Clark E. Forden*

Clark E. Forden

The foregoing was subscribed and sworn before me this 27 day of June by Clark E. Forden, who being first duly sworn, acknowledged that he signed, as his free act and deed, the foregoing Affidavit and declared that all statements therein contained are true, correct and complete to the best of his knowledge and belief.

In witness whereof, I have hereunto set my hand and affixed my official seal.

Subscribed and sworn to before me

This 27<sup>th</sup> day of June, 2011

*G. J. Counts*

Notary Public

