

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

Plaintiffs: **Ananda Marga, Inc.**, a Colorado Nonprofit Corporation; **Fernando Kumar (aka Ac. Tiirthananda Avt.)**, an individual; **Donald W. Nelson (aka Ac. Vedaprajinananda Avt.)** an individual; **Rubens C. Teixeira (aka Ac. Rainjitananda Avadhuta)** an individual; **Prabha Thakur (aka Avtk. Ananda Vibha Ac.)**, an individual; **Jody Wright (aka Ac. Devanistha)** an individual; **William C. Dorf (aka Valmiki)**, an individual; **L. Michael Hemmelgarn (aka Vinaya)**, an individual; **Wayland Secrest (aka Vishvadeva)**, an individual; **Ananda Marga of Denver, Inc.**, a Colorado Nonprofit Corporation; **Ananda Marga Pracaraka Samgha, Inc.**, a Colorado Nonprofit Corporation; **Ananda Marga Women's Welfare, Inc.**, a Kansas Nonprofit Corporation; **Ananda Marga Yoga Society, Inc.**, an Illinois Nonprofit Corporation; **Ananda Dhiira Sierra Foothills, Inc.**, a California Nonprofit Corporation; **Ananda Marga of Albany, Inc.**; a New York Nonprofit Corporation; **Ananda Marga of Eugene, Inc.**, an Oregon Nonprofit Corporation; **New Day Ananda Marga School of Portland, Inc.**, an Oregon Nonprofit Corporation; **Progressive Schools, Inc.**, a Florida Nonprofit Corporation; **Ananda Marga of Minneapolis, Inc.**, a Minnesota Nonprofit Corporation; **Ananda Marga of North Carolina, Inc.**, a North Carolina Nonprofit Corporation; **Ananda Marga of New York City, Inc.**, a New York Nonprofit Corporation; Plaintiff; **Ananda Marga of Philadelphia, Inc.**, a Pennsylvania Nonprofit Corporation; **Ananda Marga of Vermont, Inc.**, a Vermont Nonprofit Corporation;

Defendants: **Acharya Vimalananda Avadhuta**, an individual; **Clark E. Forden**, an individual; **Dipendra Kumar Singh (aka Acarya Dharmapremananda Avadhuta)**, an individual; **Dirk Duill (aka Acarya Divyalokeshananda Avadhuta)**, an individual; **Shyam Sundar Kaushesh**, an individual; **Piyush Bhatnagar**, an

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individual; and <b>Steve Maniscalco</b> , an individual.	
Attorneys for Plaintiff: Name: Alexander Halpern, #7704 Address: 1426 Pearl Street, Suite 201 Boulder, Colorado 80302 Phone Number: (303) 449-6180 FAX Number: (303) 449-6181 E-mail: <a href="mailto:ahalpern@halpernllc.com">ahalpern@halpernllc.com</a>  Name: Stephen Erwin, #32643 Address: The Highlander Law Firm 885 Arapahoe Avenue Boulder, Colorado 80302 Phone Number: 720-255-4354 FAX Number: 303-449-6126 Email: <a href="mailto:highlanderlaw@gmail.com">highlanderlaw@gmail.com</a>	Case Number: 2010CV1867  Div: 1
<b>FIRST AMENDED COMPLAINT FOR DECLARATORY JUDGMENT AND          INJUNCTIVE RELIEF</b>	

The Plaintiffs for a Complaint against the Defendants allege as follows:

**Jurisdiction and Venue**

1. This action is brought pursuant to Rules 57 and 65 of the Colorado Rules of Civil Procedure and the Uniform Declaratory Judgments Law, for declaratory and injunctive relief to determine and enforce rights of the Plaintiffs pursuant to the Colorado Nonprofit Corporation Act.

2. This Court has personal jurisdiction over each Defendant pursuant to C.R.S. §13-1-124. The Defendants claim to be officers or directors of the Corporation, which is incorporated, transacts business, and owns property in the State of Colorado. By wrongfully purporting to be an officer or director of a Colorado Nonprofit Corporation, and wrongfully attempting to take possession or control of property located in this State, each Defendant has committed tortious acts in Colorado.

3. Venue is proper in the City and County of Denver pursuant to C.R.C.P. Rules 98(a) and (c).

## The Parties

1. Plaintiff, Ananda Marga, Inc. (“Corporation” or “Plaintiff Corporation”) is a Colorado Nonprofit Corporation with offices at 854 Pearl Street, City and County of Denver, CO 80203.

2. Plaintiff Fernando Kumar (aka Ac. Tirthananda Avt.)(individually “Plaintiff Director” or collectively “Plaintiff Directors”) is a Director and Officer of the Plaintiff Corporation.

3. Plaintiff Donald W. Nelson (aka Ac. Vedaprajinananda Avt.) is a Director and Officer of the Plaintiff Corporation.

4. Plaintiff Rubens C. Teixeira (aka Ac. Rainjitananda Avadhuta) is a Director and Officer of the Plaintiff Corporation.

5. Plaintiff Prabha Thakur (aka Avtk. Ananda Vibha Ac.) is a Director of the Plaintiff Corporation.

6. Plaintiff Jody Wright (aka Ac. Devanistha) is a Director of the Plaintiff Corporation.

7. Plaintiff William C. Dorf (aka Valmiki) is a Director of the Plaintiff Corporation.

8. Plaintiff L. Michael Hemmelgarn (aka Vinaya) is a Director of the Plaintiff Corporation.

9. Plaintiff Wayland Secrest (aka Vishvadeva) is a Director of the Plaintiff Corporation.

10. Plaintiff, Ananda Marga of Denver, Inc. (“Denver Affiliate” or collectively “Affiliate Plaintiffs”) is a Colorado Nonprofit Corporation with offices at 1224 Washington Street, Denver CO 80203.

11. Plaintiff, Ananda Marga Pracaraka Samgha, Inc. (“Pracaraka Affiliate” or collectively “Affiliate Plaintiffs”) is a Colorado Nonprofit Corporation with offices at 854 Pearl Street, Denver, CO 80203.

12. Plaintiff, Ananda Marga Women’s Welfare, Inc. (“Women’s Welfare Affiliate” or collectively “Affiliate Plaintiffs”) is a Kansas Nonprofit Corporation with offices at 94-38 212th Street, Queens Village, NY 11428.

13. Plaintiff, Ananda Marga Yoga Society, Inc. (“Yoga Society Affiliate” or collectively “Affiliate Plaintiffs”) is an Illinois Nonprofit Corporation with offices at 2201 High Cross Road, Urbana, IL 61802.

14. Plaintiff, Ananda Dhiira Sierra Foothills, Inc. (“Sierra Affiliate” or collectively “Affiliate Plaintiffs”) is a California Nonprofit Corporation with offices at 19393 Sanctuary Road, Penn Valley, CA 95946.
15. Plaintiff, Ananda Marga of Albany, Inc. (“Albany Affiliate” or collectively “Affiliate Plaintiffs”) is a New York Nonprofit Corporation with offices at 133 Lancaster Street, Albany, NY 12210.
16. Plaintiff, Ananda Marga of Eugene, Inc. (“Eugene Affiliate” or collectively “Affiliate Plaintiffs”) is an Oregon Nonprofit Corporation with offices at 966 Lorane Highway, Eugene, OR 97405.
17. Plaintiff, New Day Ananda Marga School of Portland, Inc. (“New Day Affiliate” or collectively “Affiliate Plaintiffs”) is an Oregon Nonprofit Corporation with offices at 1825 SE Clinton Street, Portland, OR 97202.
18. Plaintiff, Progressive Schools, Inc. (“Florida Affiliate” or collectively “Affiliate Plaintiffs”) is a Florida Nonprofit Corporation with offices at 742 Aragon Avenue NE, Palm Bay, FL 32905.
19. Plaintiff, Ananda Marga of Minneapolis, Inc. (“Minneapolis Affiliate” or collectively “Affiliate Plaintiffs”) is a Minnesota Nonprofit Corporation with offices at 37 Capri Drive, Mankato, MN 56001.
20. Plaintiff, Ananda Marga of North Carolina, Inc. (“North Carolina Affiliate” or collectively “Affiliate Plaintiffs”) is a North Carolina Nonprofit Corporation with offices at 22 Ravenscroft Drive, Asheville, NC 28801.
21. Plaintiff, Ananda Marga of New York City, Inc. (“New York City Affiliate” or collectively “Affiliate Plaintiffs”) is a New York Nonprofit Corporation with offices at 97-38 42<sup>nd</sup> Avenue, Corona, NY 11368.
22. Plaintiff, Ananda Marga of Philadelphia, Inc. (“Philadelphia Affiliate” or collectively “Affiliate Plaintiffs”) is a Pennsylvania Nonprofit Corporation with offices at RR 1 Box 1366, Hop Bottom, PA 18824.
23. Plaintiff, Ananda Marga of Vermont, Inc. (“Vermont Affiliate” or collectively “Affiliate Plaintiffs”) is a Vermont Nonprofit Corporation with offices at Box 232, Warren, VT 05674.
24. Defendant Acharya Vimalananda Avadhuta is an individual who, on information and belief, is a citizen of India with a listed United States residence at 5799 Brinkwater Blvd., Hilliard, OH 43026.
25. Defendant Clark E. Forden is an individual who, on information and

belief, is a dual citizen of Canada and the United States with a United States residence at 2005 Wheaton Haven Court, Silver Springs, MD 20902.

26. Defendant Dipendra Kumar Singh (aka Acarya Dharmapremananda Avadhuta) is an individual who, on information and belief, is a citizen of India with a listed United States residence at 5799 Brinkwater Blvd., Hilliard, OH 43026.

27. Defendant Dirk Duill (aka Acarya Divyalokeshananda Avadhuta) is an individual who, on information and belief, is a German citizen with a listed United States address at 5799 Brinkwater Blvd., Hilliard, OH 43026.

28. Defendant Shyam Sundar Kaushesh is an individual who, on information and belief, is a United States citizen with his address at 62 Mohawk Avenue, Deer Park, NY 11729.

29. Defendant Piyush Bhatnagar is an individual who, on information and belief, is an Indian citizen with a U.S. address at 411 Wellman Avenue, North Chelmsford, MA 01863.

30. Defendant Steve Maniscalco is an individual who, on information and belief, is a United States citizen with his address at 1007 NE Mulberry St., Lee's Summit, MO 64086.

### **General Allegations**

31. Plaintiffs incorporate herein all of the preceding averments.

32. The Plaintiff Corporation was duly incorporated pursuant to the Colorado Nonprofit Corporation Act on March 21, 1974, and is in good standing.

33. The Corporation's original Bylaws were certified and duly adopted by the Corporation's Board of Directors on March 30, 1974. The Board of Directors of the Corporation did not need nor seek the approval or input of AMPS/AMPS Central, any purported General Secretary, or any other person or entity in drafting or ratifying its Articles or Bylaws.

34. The Bylaws provide that the Corporation is the parent organization for the North American Continent, designated as the New York (North American) Sector, of the international Ananda Marga organization ("New York Sector")<sup>1</sup>. The Corporation is sometimes referred to as the "Sectorial Office." The Corporation is generally affiliated with "Ananda Marga Pracaraka Samgha" ("AMPS/AMPS Central").

35. The Corporation is a church as well as the central church of a network of subordinate churches throughout the United States and North America. The primary

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<sup>1</sup> The Corporation is sometimes referred to as the "New York Sector" and historically operates throughout North America and Central America and the Caribbean.

objective of the Corporation is to propagate the philosophy and practices of Yoga. The Corporation is recognized as a charitable, tax-exempt organization pursuant to IRC §501(c)(3).

36. The Corporation has subordinate churches and/or religious centers (“Subordinate Affiliates” or “Plaintiff Affiliates”) throughout the United States and North America in which the Corporation maintains ultimate control over the assets of its Subordinate Affiliates.

37. The Corporation is governed by a Board of Directors. The Board of Directors includes the Sectorial Secretary, the President, the Vice-President, the Secretary, the Treasurer and three to eight additional Directors appointed by the Sectorial Secretary. The Board of Directors has the authority and power, *inter alia*, to manage and control all assets and activities of the Corporation in accordance with the direction of the Sectorial Secretary and to establish major administrative policies governing the affairs of the Corporation.

38. The officers of the Corporation include a “Sectorial Secretary,” President, Vice-President, Secretary, and Treasurer (“Officers”). The Sectorial Secretary is “overall in-charge of the Sectorial Office.” The Sectorial Secretary is appointed by the General Secretary of AMPS Central. The remaining officers and any new, additional, or replacement Directors are appointed by the Sectorial Secretary.

39. The Corporation is not a member, subsidiary or subordinate entity of AMPS/AMPS Central, or any organization purporting to be AMPS/AMPS Central. There are no provisions in the Articles of Incorporation or Bylaws of the Corporation, the Constitution of AMPS, or any other document granting or assigning AMPS/AMPS Central any authority over the Corporation, its assets, Board of Directors, or Officers other than the limited authority to appoint the Sectorial Secretary.

40. All of the assets and property of the Corporation are held solely in the name of the Corporation. All deeds related to any real property of the Corporation list the Corporation as the owner of the property. There are no documents or agreements creating an express or implied trust in any of the Corporations real or personal property to benefit AMPS or any other entity.

41. The Corporation is congregational in nature; that is, it is governed by its Board of Directors independently of any other ecclesiastical body, including AMPS/AMPS Central. There are no written, verbal or implied agreements, trusts, constitutions, or other laws (ecclesiastical or secular) that state that the Corporation, its Directors, Officers or Subordinate Affiliates are legally subordinate to AMPS/AMPS Central, its General Secretary or any other person or entity, or state that AMPS/AMPS Central has any legal right to control the Corporation or to possess, assign or sell the property of the Corporation. The Articles of Incorporation and Bylaws of the Corporation do not incorporate the Constitution or regulations of AMPS/AMPS Central.

42. The Board of Directors of the Corporation has the sole authority to decide who has the authority to appoint its officers and directors, including the Sectorial Secretary, and to amend its Articles and Bylaws in order to change such authority, without seeking approval from any other person or entity. In addition, the Board of Directors of the Corporation has the sole authority to decide which purported General Secretary of AMPS/AMPS Central, if any, shall have the authority to appoint its Sectorial Secretary, amend its Bylaws to change the procedures by which such appointment is made, and to decide which faction competing for control of AMPS, if any, the Corporation may maintain an ecclesiastical affiliation.

43. In sharp contrast, the Subordinate Affiliates and Plaintiff Affiliates are subordinate entities of the Corporation, Ananda Marga, Inc., in its role as the Sectorial Office, and the assets of each Subordinate Affiliates and Plaintiff Affiliates are generally under the ultimate control of the Corporation. For example, the Subordinate Affiliates' and Plaintiff Affiliates' Bylaws generally contain language such as:

a. "Affiliate organizations may be recognized upon the approval of their Articles of Incorporation and By-Laws by a consensus of the Board of Directors of the Sectorial Office." "The By-Laws shall be ratified upon the approval of the Board of Directors of the Sectorial Office and upon the Board of Directors of this Corporation." "The By-Laws may be amended only with the prior written approval of the Sectorial Secretary. Approval shall be contingent upon the consensus of the Board of Directors of the Sectorial Office."

b. "An affiliated organization which fails to comply with their approved Articles of Incorporation, By-Laws or for other cause deemed sufficient may be disqualified as an affiliate organization of the Sectorial Office by a consensus of the Board of Directors of the Sectorial Office."

c. "All assets of the affiliate organization are subject to the ultimate control of the Sectorial Office. Custody and management of all assets of this Corporation are entrusted to this Corporation subject to its disqualification of affiliation by the Board of Directors of the Sectorial Office."

d. "The Board of Directors [of the Subordinate Affiliate] shall manage and control the assets and activities of the Local Unit in accordance with the directions of the Sectorial Secretary of the Sectorial Office."

e. "The Board of Directors [of the Subordinate Affiliate] shall implement major administrative policies governing the affairs of the Local Unit as devised by the Board of Directors of the Sectorial Office..."

f. "The Regional Secretary (who is appointed by the General Secretary of AMPS) shall be overall in charge of the Local Unit. In the instance where no person is appointed as the Regional Secretary, the Sectorial Secretary of the Sectorial Office shall be the acting Regional Secretary."

44. The Bylaws of some Subordinate Affiliates and Plaintiff Affiliates contain similar, but not identical, language directly subordinating them to the Corporation.

45. Pursuant to Article XVI, Section 2, the Bylaws of the Corporation may be amended “only with the prior written approval of the Sectorial Secretary” and that “approval shall be contingent upon the consensus of the Board of Directors.” There are no provisions in the Articles of Incorporation or Bylaws of the Corporation or Constitution of AMPS, or any other document, requiring the Board of Directors of the Corporation to seek approval of AMPS or any other entity or person in order to amend its Bylaws or Articles.

46. The Corporation, by action of its Sectorial Secretary and Board of Directors, amended its Bylaws on July 21, 1982. These amendments were adopted in compliance with Corporation’s Bylaws that provide that only the incumbent Sectorial Secretary and Board of Directors of the Corporation have the authority to adopt or oppose amendments to the Bylaws. The Board of Directors of the Corporation did not seek the approval of AMPS/AMPS Central, any purported General Secretary, or any other person or entity prior to making amendments to and ratifying its Articles or Bylaws. Neither AMPS Central, nor any purported AMPS Central organization(s), nor any purported General Secretary of such objected to or challenged the validity of the process used to amend the Corporation’s Bylaws or the content of such amendments.

47. On January 6, 2006, and January 7, 2006, the Board of Directors of the Corporation held special meetings to discuss further amendments to the Corporation’s Bylaws. The amendments were authorized by resolution at a special meeting of the Board of Directors on January 28, 2006, and were entered into the corporate records on February 10, 2006. The current Sectorial Secretary had previously consented in writing to such amendments. The Board of Directors of the Corporation did not seek the approval of AMPS/AMPS Central, any purported General Secretary, or any other person or entity prior to making amendments to and ratifying its Articles or Bylaws.

48. The 2006 amendments included certain significant changes concerning the appointment process, duties, and powers of the Sectorial Secretary. The Board of Directors, including the current Sectorial Secretary, unanimously adopted the amendments to the Bylaws, which include without limitation, the following provisions:

ARTICLE V SECTION 2 is hereby changed to:

The Sectorial Secretary is appointed by the General Secretary of Ananda Marga Pracaraka Samgha-Central. *The appointment of a new Sectorial Secretary must be ratified by a vote of two-thirds or more of the Board of Directors, not including the incumbent Sectorial Secretary.* The Board of Directors will consult with the key adherents of the corporation before conducting their ratification vote. *If there are not sufficient votes to ratify a new Sectorial Secretary, the proposed appointee will not be considered*



*accepted as the Sectorial Secretary.* The General Secretary of Ananda Marga Pracaraka Samgha-Central will be promptly asked to submit another proposed appointee. Except in the case of death, resignation, prolonged absence or disability, the incumbent Sectorial Secretary will be expected to continue to function in that role until a new Sectorial Secretary has been ratified. The remaining officers shall be appointed by the Sectorial Secretary. [Emphasis added.]

ARTICLE VI SECTION 3 is hereby changed to:

The Sectorial Secretary will have the power to suspend or remove any director, officer, agent, program secretary, or employee of this Corporation, with or without cause. Such actions must be submitted to the Board of Directors. If two-thirds or more of the remaining Board of Directors — excluding the Sectorial Secretary — vote not to ratify the action, the action will be considered overturned.

ARTICLE VI SECTION 9 is hereby changed to:

In the case of death, resignation, prolonged absence, or disability of the Sectorial Secretary, a Sectorial Secretary Pro-tem (also known as the Acting Sectorial Secretary) will be appointed by the General Secretary of Ananda Marga Pracaraka Samgha-Central. This Sectorial Secretary Pro-tem will assume the responsibilities of the Sectorial Secretary until a successor for the Sectorial Secretary is appointed according to Article V Section 2 of these Bylaws. *The Sectorial Secretary Pro-tem must be ratified by a vote of two-thirds or more of the Board of Directors, not including the incumbent Sectorial Secretary.* The Board of Directors will consult with key adherents of the Corporation before conducting their ratification vote. *If there are not sufficient votes to ratify a new Sectorial Secretary Pro-tem, the proposed appointee will not be considered accepted as the Sectorial Secretary Pro-tem.* The General Secretary of Ananda Marga Pracaraka Samgha-Central will be asked to submit another proposed appointee. Until the Sectorial Secretary Pro-tem is ratified by the board, the Sectorial Office Secretary will function as Sectorial Secretary for a period not exceeding 90 days. After that, if no Sectorial Secretary Pro-tem has yet been ratified, then the Board will select a Sectorial Secretary Pro-tem. [Emphasis added.]

ARTICLE XVI, SECTION 1 is hereby changed to:

The appointment and term of office of the Sectorial Secretary will be at the discretion of the General Secretary of Ananda Marga Pracaraka Samgha-Central. *However, all such changes must be in accordance with Article V, Section 2 of these Bylaws.* [Emphasis added.]

49. Plaintiff Director Fernando Kumar was appointed as Sectorial Secretary in 2003 and is the current Sectorial Secretary of the Corporation.

50. The current duly appointed and elected Board of Directors and Officers of the Corporation are the Plaintiff Directors.

51. In 1990, the founder and spiritual leader of Ananda Marga as well as AMPS, Prabhat Ranjan Sarkar, died in India. From that point forward, conflict increased among elements within the organization until, in 2003, two factions claimed to be the legal embodiment of AMPS Central. By the end of 2005, the conflict within one of these factions escalated resulting in another split in 2007. These three factions, each of which has its own adherents and has appointed its own General Secretary, officers, and directors, now claim to be Ananda Marga/AMPS/AMPS Central. As a result, it became impossible for the Board of Directors to determine which faction and which General Secretary had the authority pursuant to the Corporation's Bylaws, to appoint or transfer the Sectorial Secretary of the Corporation. As such, the Board of Directors of the Corporation made certain amendments to its Bylaws to mitigate the risk that one or more of such factions would attempt, through use of force or coercion, to gain complete control of the Corporation.

52. The dispute over control of AMPS/AMPS Central has been and continues to be the subject of numerous legal disputes pending in the courts of India in which one or another of these factions seeks judicial designation as the lawful AMPS/AMPS Central. These disputes are not resolved, and the Indian courts do not recognize any single claimant or its purported General Secretary to be AMPS/AMPS Central. Many of the currently pending cases in India revolve around which faction competing for control of AMPS has certain rights to call elections for officer and board member positions.

53. The Defendants are associated with one of the three Indian factions competing for control of Ananda Marga AMPS/AMPS Central, acting through Ac. Dhruvananda Avadhuta as its purported General Secretary of AMPS/AMPS Central. This particular faction is based out of Ranchi, India ("Ranchi Faction"). Another faction competing for control of AMPS/AMPS Central, acting through Ac. Raviishananda Avt. as its purported General Secretary of AMPS/AMPS Central is based out of Kolkata (Calcutta), India ("Calcutta Faction"). The Calcutta Faction's purported General Secretary has also appointed its own Sectorial Secretary of the "New York Sector." Unlike the Ranchi Faction, the Calcutta Faction is purporting to operate as the New York Sector of AMPS simultaneously with the Corporation, has elected an independent Board of Directors and has made no attempt to gain control of the Corporation's assets or reconstitute its Board of Directors.

54. The Plaintiff Directors in January of 2006 adopted and have since adhered to the policy "to refrain from recognizing the claim of any group in India to be the legitimate AMPS/AMPS Central while the legal situation in India is so unsettled and still under litigation. This policy will remain in effect for as long as necessary."

55. On January 9, 2009, the Ranchi Faction, acting through Ac. Dhruvananda Avadhuta as the purported General Secretary of AMPS/AMPS Central, sent a letter claiming that the Plaintiff Directors have "failed and finally left us disappointed." The

letter was addressed to Ac. Vimalananda Avadhuta (“Defendant Vimalananda”), as Sectorial Secretary of the “New York Sector of AMPS,” not to the incumbent Sectorial Secretary of the Corporation, Plaintiff Director Fernando Kumar. The letter instructed Defendant Vimalananda to reconstitute the Board of Directors of the Corporation.

56. On October 23, 2009, Defendant Vimalananda wrote a statement proclaiming to have reconstituted the Board of Directors and officers of the Corporation. The purported newly reconstituted Board of Directors and officers are the Defendants and include:

- a. Ac. Vimalananda Avadhuta—Sectorial Secretary/President
- b. Ac. Dharmapremananda Avahuda, aka Dipendra Kumar Singh, Sectorial ERAWS Secretary/Vice President
- c. Ac. Divyalokeshananda Avadhuta, aka Dirk Duill, Sectorial Office Secretary/Treasurer
- d. Dhruva, aka Clark E. Forden, Secretary
- e. Shyam Sundar Kaushesh, Member
- f. Piyush Bhatnager, Member
- g. Surendra, aka Steve Maniscalco, Member

57. Defendant Vimalananda had and has no authority or power to appoint or replace officers or Directors of the Corporation, and his actions were in violation of the Bylaws of the Corporation and the Colorado Nonprofit Corporation Act. Even if Ac. Dhruvananda Avadhuta, as the purported General Secretary of AMPS/AMPS Central, had the authority to appoint a new Sectorial Secretary of the Corporation, he did not comply with the provisions of the Corporation’s By-Laws and the Plaintiff Directors did not approve Defendant Vimalananda as the Sectorial Secretary of the Corporation as required by the By-Laws as amended.

58. On February 12, 2010, the Corporation received a letter from attorneys Gammon & Grange, P.C. on behalf of Ac. Dhruvananda Avadhuta and Defendant Vimalananda accusing the Plaintiff Directors of “numerous acts of insubordination,” improperly amending its Bylaws, and demanding that the Plaintiff Directors “return all documents, property and assets owned by Ananda Marga, Inc. and/or its Affiliates, or face legal action.”

59. On February 12, 2010, Defendant Clark Forden and Defendant Dirk Duill (aka Acarya Divyalokeshananda Avadhuta) sent an additional letter claiming to be on behalf of the Board of Directors and the Sectorial Secretary of Ananda Marga, Inc. to all “Ananda Marga Members in New York Sector.” This letter restated Defendants’ claims to be the duly appointed Board of Directors and officers of the Corporation and made false and misleading allegations that the Plaintiff Directors “promoted subordination, factiousness and falsehoods” and made “unauthorized amendments to the By-Laws/Constitution” of the Corporation.

60. The Corporation owns real and personal property in the State of Colorado, which according to the return-of-control demands in the February 12, 2010 letter, the Defendants now purport to control.

61. On information and belief, Ac. Dhruvananda Avadhuta, Defendant Vimalananda and one or more of the other Defendants have misrepresented to individuals, businesses, affiliates and others, including but not limited to the Internal Revenue Service, both within and outside the state of Colorado, that they are the duly elected or appointed Board of Directors and/or officers of the Corporation.

### **FIRST CLAIM FOR RELIEF**

#### **Declaratory Relief**

62. Plaintiffs incorporate herein all of the preceding averments.

63. The Plaintiff Directors are the duly appointed or elected Board of Directors and Officers of the Corporation in accordance with its Articles of Incorporation and Bylaws as amended.

64. Defendants claim to be the Directors and officers of the Corporation in violation of the Bylaws of the Corporation and Colorado law, have purported to exercise the authority of the holders of such offices, and have threatened to commence legal action affecting the rights, status, and legal relations of the Plaintiffs and Subordinate Affiliates.

65. An actual, justiciable controversy exists between the parties concerning their rights, status and legal relations that can be resolved by a declaratory judgment of the Court.

### **SECOND CLAIM FOR RELIEF**

#### **Injunctive Relief**

66. Plaintiffs incorporate herein all of the preceding averments.

67. Defendants are illegally holding themselves out as the Board of Directors and officers of the Corporation and exercising or attempting to exercise the authority of the Board of Directors and officers.

68. Defendants are illegally exercising or attempting to exercise authority and control over the Corporation's adherents, property and assets, as well as the adherents, property and assets of the Corporation's Affiliates.

69. Defendants' actions are causing real and irreparable injury to Plaintiffs, and unless enjoined will continue to do so.

### **THIRD CLAIM FOR RELIEF**

**Violation of the Colorado Nonprofit Corporation Act—Unauthorized Assumption of Corporate Powers**

70. Plaintiffs incorporate herein all of the preceding averments.

71. Defendants purport to act as or on behalf of the Corporation without authority to do so and without a good faith belief that they have such authority.

72. The actions of Defendants violate the rights of the Plaintiffs as set forth in the Colorado Nonprofit Corporation Act.

**FOURTH CLAIM FOR RELIEF**

**Violation of the Colorado Nonprofit Corporation Act—Unauthorized Possession of Corporate Assets and Property**

73. Plaintiffs incorporate herein all of the preceding averments.

74. The Defendants have taken action to wrongfully possess property, real and otherwise, of the Corporation and its Subordinate Affiliates

75. Defendants are not entitled to possess any property, real or otherwise, of the Corporation or its Subordinate Affiliates.

76. The Defendants' actions violate the rights of the Corporation, the incumbent Board of Directors and the Corporation's Subordinate Affiliates as set forth in the Colorado Nonprofit Corporation Act.

**PRAYER FOR RELIEF**

WHEREFORE, Plaintiffs, and each of them, respectfully request this Court to:

1. Enter judgment construing the Bylaws of the Plaintiff Corporation, declaring the rights of the parties, and confirming and affirming the rights and status of the Plaintiff Directors as the Board of Directors of the Corporation.

2. Declare that the Defendants are jointly and severally liable for any liabilities incurred by Plaintiffs pursuant to C.R.S. §7-122-104.

3. Enter interim and permanent injunctions compelling Defendants to refrain from illegally exercising or attempting to exercise the powers and authority of the Board of Directors and Officers of the Corporation and representing themselves as the Directors and officers of the Corporation;

4. Enter interim and permanent injunctions compelling Defendants to return any and all real or personal property or money of the Corporation of which Defendants have taken possession or control;

5. Enter interim and permanent injunctions compelling Defendants to cease and desist attempts to exercise authority or control over any and all real or personal property, money, adherents or Subordinate Affiliates of the Corporation;

6. Enter interim and permanent injunctions compelling Defendants to refrain from opening any bank accounts in the name of the Corporation or its Subordinate Affiliates, from using any Federal and Group Exemption identifying Numbers as listed with the IRS for Ananda Marga, Inc. and its Subordinate Affiliates, or from entering into any agreements on behalf of the Corporation or its Subordinate Affiliates and provide information regarding any such accounts or agreements already opened or executed to the Plaintiff Directors;

7. Declare that any and all property held in the name of or under the control of the Plaintiff Ananda Marga, Inc., including its Subordinate Affiliates, remain under such control;

8. Award Plaintiffs their costs of this action, including but not limited to, reasonable attorneys' fees and expert witness fees, to the full extent permitted by law;

9. Grant such other and further relief as the Court may deem just and proper.

Respectfully submitted this 9th day of April, 2010

*Original signature on file*

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Alexander Halpern  
Alexander Halpern LLC

*Original signature on file*

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Stephen Erwin  
The Highlander Law Firm, LLC

Attorneys for Plaintiff

Plaintiffs' Addresses:

Ananda Marga, Inc. and Director Plaintiffs  
854 Pearl Street, Denver, CO 80203-3314

Ananda Marga of Denver, Inc.  
1224 Washington Street, Denver CO 80203

Ananda Marga Pracaraka Samgha, Inc.  
854 Pearl Street, Denver, CO 80203

Ananda Marga Women's Welfare, Inc.  
94-38 212th Street, Queens Village, NY 11428

Ananda Marga Yoga Society, Inc.  
2201 High Cross Road, Urbana, IL 61802

Ananda Dhiira Sierra Foothills, Inc.  
19393 Sanctuary Road, Penn Valley, CA 95946

Ananda Marga of Albany, Inc.  
133 Lancaster Street, Albany, NY 12210

Ananda Marga of Eugene, Inc.  
966 Lorane Highway, Eugene, OR 97405

Ananda Marga of Minneapolis, Inc.  
37 Capri Drive, Mankato, MN 56001

New Day Ananda Marga School of Portland, Inc  
1825 SE Clinton Street, Portland, OR 97202.

Ananda Marga of North Carolina, Inc.  
22 Ravenscroft Drive, Asheville, NC 28801

Plaintiff, Ananda Marga of New York City, Inc.  
97-38 42<sup>nd</sup> Avenue, Corona, NY 11368

Ananda Marga of Philadelphia, Inc.  
RR 1 Box 1366, Hop Bottom, PA 18824

Ananda Marga of Vermont, Inc.  
Box 232, Warren, VT 05674