

The Deposition Book: un lungo viaggio nella verità

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L'intero documento si riferisce alla desposizione di James Donald Walters fondatore e direttore della comunità Ananda, resa in sette parti nel periodo compreso tra il 6 settembre e il 30 novembre 1995 contestualmente alle indagini e al processo intentato da A.M. Bertolucci nei confronti di Ananda Church of God Realization.

Negli stralci della deposizione, tra momenti di estrema compostezza ed altri di grande smarrimento, emerge la storia di un uomo e di una comunità di individui, vista e interpretata attraverso le loro aspettative ed ambizioni, e nutrita dai loro più profondi convincimenti.

Per questo riteniamo "The Deposition Book", la testimonianza più reale e credibile dell'esperienza di Ananda, non solo esso è narrato direttamente dalla bocca del fondatore, ed è pregno quindi della sua storia personale e della propria visione delle cose, ma contiene anche accuse e testimonianze di altri attori, interni ed esterni alla comunità che in qualche modo sono stati coinvolti e partecipi del grande progetto di Walters "le colonie di fratellanza mondiali".

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Lo scopo di questa opera è quello di permettere alle persone di approfondire la loro conoscenza della natura di questa comunità, raccontata direttamente dal suo primo adepto, e al tempo stesso di esaminare i fatti sotto una luce più "laica" grazie alla partecipazione e agli interventi dei legali, del Giudice e della parte civile.

Gli autori

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1 I N D E X

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8 Kriyananda to "Dear Ones"

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11 Rules of Conduct for Members, Ananda World Brotherhood Village

1 --o0o--

2 BE IT REMEMBERED that on Wednesday, September 6,
3 1995 commencing at 10:09 a.m., thereof, at Tooker & Antz,
4 Certified Shorthand Reporters, 131 Steuart Street, Suite
5 201, San Francisco, California, before me, HOLLY THUMAN,
6 duly authorized to administer oaths pursuant to Section
7 2093(b) of the California Code of Civil Procedure,
8 personally appeared
9 DONALD WALTERS,
10 called as a witness, who, having been first duly sworn, was
11 examined and testified as hereinafter set forth.

12 --o0o--

13 APPEARANCES

14 FLYNN, SHERIDAN & TABB, P.O. Box 690, 6125 El

15 Tordo, Rancho Santa Fe, CA 92067, represented by MICHAEL J.

16 FLYNN and PHILIP H. STILLMAN, Attorneys at Law, appeared as
17 counsel on behalf of the Plaintiff.

18 HUB LAW OFFICES, 711 Sir Francis Drake Boulevard,
19 San Anselmo, California 94960, represented by FORD GREENE,
20 Attorney at Law, appeared as counsel on behalf of the
21 Plaintiff.

22 JON R. PARSONS, Attorney at Law, 2501 Park
23 Boulevard, Suite 207, Palo Alto, California 94306-1925,
24 represented by JON R. PARSONS, Attorney at Law, appeared as
25 counsel on behalf of the Defendants.

1 (Appearances, cont'd)

2 Also present when indicated were YVONNE HANCHETT;

3 PAUL FRIEDMAN; DR. PETER VAN HOUTEN; ASHA PRAVER; JOHN
4 NOVAK; and SHEILA RUSH.

5 Videographer: ROBERT BARBAGELATA, Dan Mottaz

6 Video Productions, One Lansdale Avenue, San Francisco,

7 California 94127, (415) 731-1300.

8 --o0o--

1 September 6, 1995 10:09 a.m.

2 --o0o--

3 EXAMINATION BY MR. FLYNN

4 THE VIDEO OPERATOR: Good morning. This marks
5 the beginning of videotape number 1 in the deposition of
6 Donald Waters --

7 THE WITNESS: Walters.

8 THE VIDEO OPERATOR: Excuse me, Walters, thank you
9 sir -- in the matter of (the plaintiff) versus Ananda
10 Church of God Realization, et al., in the Superior Court of
11 the State of California in and for the County of
12 San Mateo. The case number is 390230.

13 Today's date is September 6, 1995, and the time is
14 10:11 a.m.

15 The location of this deposition is 131 Steuart
16 Street on the second floor in San Francisco, California.
17 The deposition was noticed by attorney for the
18 Plaintiff, and the videotape is being produced on behalf of
19 same.

20 The video operator is Robert Barbagelata, a
21 California Notary Public for the County of San Mateo,
22 employed by Dan Mottaz Video Productions at One Lansdale
23 Avenue in San Francisco, California 94127, Area Code 415,
24 731-1300.

25 Would counsel present today please identify
1 themselves and state whom you represent?

2 MR. FLYNN: Okay. I'll start. Good morning. My
3 name is Michael Flynn, and I represent the Plaintiff,
4 (the plaintiff).

5 MR. STILLMAN: Good morning. Philip Stillman,
6 Flynn, Sheridan & Tabb, for the Plaintiff, (the plaintiff)
7 .

8 MR. GREENE: Ford Greene, G-r-e-e-n-e, sole
9 practitioner on behalf of Plaintiff, (the plaintiff).

10 MR. PARSONS: Do you want to include the other
11 legal staff here?

12 MR. FLYNN: No. I don't think we need to.

13 THE WITNESS: I'm Donald Walters for Church of --
14 Ananda Church of Self-Realization now. It was God
15 Realization.

16 MR. PARSONS: And Jon Parsons appearing on behalf
17 of the defendants.

18 MR. FLYNN: Are there any stipulations for the
19 record?

20 MR. PARSONS: I'm not certain we need any at this
21 point.

22 MR. FLYNN: No. We're going to proceed according
23 to the rules.

24 THE VIDEO OPERATOR: Okay. Swear in the witness

25 and proceed.

1 MR. FLYNN: Holly, would you swear in Mr. Walters,
2 please?

3 (The oath was administered.)

4 MR. FLYNN: Q. Would you state your name for the
5 record please, sir?

6 A. Donald Walters.

7 Q. How old are you, Mr. Walters?

8 A. I am 69.

9 Q. And I understand you're known by other names?

10 A. Yes. Kriyananda.

11 Q. Where did you get that name?

12 A. I got that name in 1955.

13 Q. Who gave it to you?

14 A. Daya Mata, the president of Self-Realization
15 Fellowship.

16 Q. What is Self-Realization Fellowship?

17 A. Self-Realization Fellowship is an organization
18 started by Paramhansa Yogananda in nineteen -- I guess it
19 was incorporated in 1935. He came to this country in 1920.

20 Q. And apparently, you were part of this
21 organization, Self-Realization Fellowship?

22 A. Yes. Yes.

23 Q. Can you explain a little bit about how you became
24 affiliated with that organization?

25 A. I became affiliated. I was there for 14 years.

1 Q. When?

2 A. I came to him in 1948.

3 Q. How old were you at that time?

4 A. 22.

5 Q. What was your occupation?

6 A. I had no occupation.

7 Q. Had you gone to college?

8 A. Pardon?

9 Q. Had you gone to college?

10 A. Yes.

11 Q. Where did you go to college?

12 A. I went to Haverford, and then Brown.

13 Q. Haverford College, where was that, sir?

14 A. That's outside Philadelphia. And Brown, of
15 course, you know, being from Boston. That's in Rhode
16 Island.

17 Q. Did you graduate from Haverford?

18 A. No. I left there after 2 years. I left Brown
19 after a year and a half, and went down to the Dock Street
20 Theater to study playwrighting. And I was there for a year;
21 realized what I wanted was God.

22 And so from then on, I've dedicated my life to
23 seeking God.

24 Q. How have you dedicated your life to seeking God?

25 A. By meditation, by service, by helping to share

1 what I believe with other people, and by prayer.

2 Q. Have you been seeking God in the form of some
3 traditional religious organization?

4 A. Yogananda came to show the unity between the
5 original teachings of Krishna and the original teachings of
6 Jesus.

7 So the tradition I follow is not a blend of those
8 two so much as a recognition of the unity in the teachings
9 of those two great teachers. And what I teach is a
10 traditional teaching.

11 Q. Traditional teaching of who?

12 A. Both. Through the interpretation and --
13 explanation, I should say, of Yogananda.

14 Q. Now, Yogananda, can you tell us who he is, or
15 was? Is he still alive?

16 A. No. He passed away in 1952.

17 Yogananda was sent here to this country by his
18 teacher to disseminate the teachings of yoga -- which is to
19 say of meditation, not the yoga postures -- and to help
20 people to find themselves and their relationship with God
21 through quietening of the mind.

22 You see, the difference between prayer and
23 meditation is that prayer talks to God; meditation listens
24 for his answer.

25 So he taught both.

1 Q. This fellow Yogananda did?

2 A. This saint Yogananda did.

3 Q. Right. And when did he die?

4 A. '52.

5 Q. And you became known as Kriyananda 3 years after
6 his death?

7 A. Yes.

8 Q. And you mentioned someone named Daya Mata?

9 A. Daya Mata is presently still the president. She
10 is the third president of Self-Realization Fellowship.

11 Q. And you said she was the one who gave you this
12 name?

13 A. Yes.

14 Q. And in what context did she give you the name?

15 A. It was as a monastic vow. I joined the monastic
16 order, and this was final vows that I took in 1955.

17 Nor can I say with entire justice that she gave me
18 the name, because the name came to me in medication. I
19 proposed that as the name I wanted, so she granted that to
20 me.

21 Q. By what authority did she grant that to you?

22 A. She granted it to me as a representative of
23 Yogananda.

24 Q. Was she the head of his organization at that time?

25 A. Yes -- yes, at that time she was.

1 Q. And you mentioned final vows. What were those

2 final vows that you took?

3 A. The final vows were of poverty, chastity and
4 obedience and loyalty. Those four.

5 Q. Poverty, chastity, loyalty and obedience?

6 A. Yes.

7 Q. And what does "final" mean?

8 A. Final means that you take that vow for the rest of
9 your life.

10 I did not remain in the order; therefore, those

11 vows did not bind me after leaving the order except to the
12 extent that I chose to let them.

13 Q. Oh, who says that?

14 A. Pardon?

15 Q. Who said that the vows no longer bound you after
16 you left this order?

17 A. Well, as a matter of fact, in 1985, I got her to
18 dispense me from those vows.

19 Q. Can you explain how that happened?

20 A. Yes. I went to see her, and she prayed to God and
21 to our line of gurus and removed that restriction on me,
22 whatever you want to call it.

23 Q. Why did you ask for that restriction to be removed?

24 A. Because I was going to be married.

25 Q. In 1985, did you say?

1 A. Yes.

2 Q. Now, who did you marry then?

3 A. I married Rosanna Golia, from Naples, Italy.

4 Q. Had you ever been married before that?

5 A. Not legally.

6 Q. What do you mean by not legally?

7 A. Not legally means that it was a marriage before
8 God, but not before the law.

9 Q. So you married someone before you dispensed with
10 your vows?

11 A. Yes.

12 Q. Even though the vows were final?

13 A. My dear sir, my vows are between me and God, not
14 between me and the courts. How final they are and how I
15 treat them is my business.

16 Q. Well, why did you take them?

17 A. Why did I take them?

18 Q. Why did you make them final?

19 A. That was the system, and I accepted it. And I
20 have done the best throughout my life to live by them even
21 in marriage.

22 Q. Well, I'm a little confused.

23 Apparently, on your own, you married someone in
24 conflict with your vows. And then several years later --

25 A. No.

1 Q. -- you married someone else?

2 A. No. I made the announcement then that I was not

3 following that way.

4 I gave this announcement, made this announcement
5 public. I was -- I even put an article in the Yoga Journal
6 to help make it clear that I was taking this step
7 deliberately, and I was taking it because I felt that this
8 was the need of our community and of our times.

9 Q. I thought you said the vows were between you and
10 God.

11 A. Well, that's true.

12 Q. Why did you put it in the Yoga Journal?

13 A. The breaking of them was already the business of
14 the public.

15 Q. Who told you that?

16 A. I said that.

17 Q. Now, you mentioned that the vows are part of a
18 monastic order?

19 A. Yes.

20 Q. What monastic order was that?

21 A. This was the Self-Realization order.

22 Q. Is that the formal name of the order?

23 A. I guess so. It's Self-Realization Fellowship, so
24 -- see, when you've got a new organization, you don't have
25 categories as clearly defined. So you could say
1 Self-Realization Fellowship order, order of Self-Realization
2 Fellowship Church.

3 It's all the same thing. It was of that
4 organization founded by Yogananda.

5 In 1962, I ceased to be a part of that
6 organization. From then on, I had to follow my own inner
7 guidance.

8 Q. Well, I'm a little confused. Let me ask you
9 this:

10 Did -- is Yogananda the person who founded that
11 order?

12 A. No. It's a very ancient order. He represented
13 that order, and that order is a Swamy order.

14 Q. Wait. Let's talk about that for a minute. A
15 swamy order?

16 A. Yes.

17 Q. Is that what Yogananda belonged to?

18 A. Yes.

19 Q. And where does the swamy order derive from?

20 A. It's -- it was reorganized -- nobody knows how
21 ancient it is, but it was reorganized by Swamy
22 Chankaracharya probably 2000 years ago, but it's uncertain
23 when he was -- when he lived.

24 Q. And so Yogananda was a part of the Swamy order?

25 A. Yes.

1 Q. And he took vows as part of the Swamy Order?

2 A. Yes.

3 Q. And you took the same vows as part of the Swamy

4 order?
5 A. Yes.
6 Q. When you took the vows, did you become a swamy?
7 A. Yes.
8 Q. And again, that was in 1955?
9 A. Yes.
10 Q. Which I believe you said was 3 years after
11 Yogananda died?
12 A. Right.
13 Q. And the vows were poverty, chastity, loyalty and
14 obedience. Is that correct?
15 MR. PARSONS: Objection.
16 THE WITNESS: Yes.
17 MR. PARSONS: It's been asked and answered.
18 MR. FLYNN: Q. Now, chastity, what did that vow
19 -- you took a final vow of chastity.
20 What did that mean in the Swamy order in 1955?
21 A. Why don't you figure for yourself what it means.
22 Q. Well, sir, fortunately, for better or worse, I get
23 to ask the questions, and you get to answer them. So I'd
24 like an answer.
25 A. What it means is that you're chaste.
1 Q. No sex?
2 A. Uh-huh.
3 Q. Can I have an answer to that?
4 A. Yes.
5 Q. Chaste means no sex?
6 A. Right, right.
7 Q. So you took a final vow of no sex in 1955?
8 A. Yes.
9 Q. As part of this Swamy order which was part of this
10 Yogananda tradition?
11 A. Yes.
12 Q. And in 1985, you went to this person -- what's her
13 name?
14 A. Rosanna Golia.
15 Q. No, no. The person you went to to dispense of the
16 vows?
17 A. Daya Mata.
18 Q. And in 1985, she was the head of Yogananda's
19 organization?
20 A. Yes.
21 MR. PARSONS: These questions have been asked and
22 answered already. You should take notes if you're going to
23 have to keep asking him to repeat it.
24 MR. FLYNN: Q. Now, can you explain a little more
25 about who this fellow Yogananda was?
1 You mentioned that he was a saint. Can you --
2 A. What specific things are you interested in?
3 Q. Well, was he a saint in the sense that -- you know
4 how the Catholic church or various institutionalized

5 churches designate someone a saint, they canonize them and
6 they --

7 A. You may never do that until a person is dead.

8 Q. So --

9 MR. PARSONS: Mr. Walters, let's wait until he's
10 formulated a question so we can have some sort of coherent
11 question.

12 MR. FLYNN: Q. So was Yogananda declared a saint
13 after he died?

14 A. No.

15 Q. Was he declared a saint before he died?

16 A. We considered him a saint.

17 Q. "We" being who?

18 A. Those who have followed him.

19 Q. So when you took those vows of poverty, chastity,
20 obedience and loyalty, you took those vows of, for example,
21 obedience to Yogananda?

22 A. Yes. Except that that was not -- I gave him my
23 obedience when I met him.

24 Q. Well, I -- lets -- in 1955, he was dead, and you
25 were taking the vows.

1 A. Obviously, that would not be -- but the loyal --

2 Q. Who were you giving those vows to?

3 A. Obedience to his teachings, you could say.

4 Obedience to my superior, which would be Daya Mata. That's
5 it.

6 Q. Well, let me ask you this: Was there a formal
7 ritualized statement --

8 A. Yes.

9 Q. -- that you made when you took the vows?

10 A. Yes.

11 Q. And did that statement recite that you were vowing
12 to obey Yogananda, Yogananda's teachings, Yogananda's --

13 A. Through his representative, who was my superior.

14 Q. I see. Okay. And with regard to loyalty, when
15 you took the vow in 1955, 3 years after Yogananda died, who
16 were you vowing to be loyal to?

17 A. The organization. And of course, I was loyal to
18 him. There was no question about it.

19 Q. And the organization is what organization, sir?

20 A. The one I've mentioned.

21 Q. Which is what?

22 A. Why don't you tell me? I've told you five times.

23 MR. PARSONS: You're absolutely right that we're
24 apparently repeating things numerous times now.

25 The organization has already been identified as
1 the Self-Realization Fellowship.

2 MR. FLYNN: Q. Okay. That's different than your
3 organization?

4 A. Yes. Mine didn't exist.

5 Q. So when you went to this person in 1985 to

6 dispense with the vows, did you dispense with the vow of
7 loyalty to that Self-Realization Fellowship organization?

8 A. Oh, that was changed long before that, because I
9 left the organization in '62.

10 However, I have remained loyal in every way that I
11 could, not being a part of it. In other words, I believe in
12 it and I support it.

13 Q. Well, aren't you in litigation with that
14 organization?

15 A. Yes.

16 Q. But you're loyal to it?

17 A. Yes.

18 Q. To the organization?

19 A. Yes.

20 Q. Are you obedient to that organization?

21 A. I can't be. I would be if I could be, but I can't.

22 Q. When you went to see this fellow, this person Daya

23 Mata, in 1985, did you ask to be dispensed -- to be

24 dispensed of the vow of loyalty and obedience at that time?

25 A. It was generally just my vows.

1 However, it was understood from 1962 that in fact
2 I had no obligation to them of any kind. So it was a
3 formality, and you would like perhaps to call it a
4 sentiment, but there was no obligation.

5 Q. Is that the way they felt, or is that the way you
6 felt?

7 A. Both.

8 Q. Did they give you a letter to that effect saying,
9 you're no longer bound by your vows, in 1962?

10 A. They said, you're no longer a part of us.

11 Q. Who said that?

12 A. That's the -- I suspect -- let's see. That would
13 be the vice president at that time.

14 Q. What was his name?

15 A. Her name.

16 Q. Oh, her name. What was her name. Pardon me.

17 A. Tara, T-a-r-a.

18 Q. Tara --

19 A. Mata.

20 Q. Tara Mata?

21 A. Mata means mother in Sanskrit.

22 Q. I see. Same last name as this Daya Mata.

23 A. Yeah, because it's not a name. It's a title.

24 Q. And Kriyananda was a title or a name for you?

25 A. A name, yes.

1 Q. Now, you never graduated from Haverford or Brown?

2 A. No. Haverford or Brown, no, I didn't.

3 Q. It compels me to ask, I know you testified you
4 left, but forgive me for asking, but did you flunk out?

5 A. No. I took a leave of absence and never went back.

6 Q. Were you flunking any courses and were on the

7 verge of flunking out?

8 A. Well, I think I flunked one course. But no, I was
9 not flunking. I was still persona grata there.

10 Q. Having been a college person at one point in time
11 and having had your typical rough spots, some people leave
12 college when they think they're going to flunk out anyway.

13 Were you in that position?

14 A. Not at all. No. I was thinking -- I was seeking
15 something that they weren't giving me.

16 Q. What was that?

17 A. Truth.

18 Q. What courses were you seeking truth in?

19 A. I was trying to find a way of life that would help
20 me to feel more attuned to reality, more inspiration, more
21 love. All these things weren't a part of academia.

22 Q. Well, you were a student. Right? You weren't a
23 professor?

24 A. I was a student.

25 Q. So are there any courses -- did you take any
1 philosophy courses?

2 A. Uh-huh.

3 Q. What philosophy courses did you take?

4 A. Well, I brought a poetry book to class.

5 I didn't like the intellectual approach to truth.

6 I felt that that was not the way I wanted to find truth.

7 Not with the mind, but with the soul.

8 Q. What is truth?

9 A. That's a question that you can only understand,
10 not by definition, but by experience.

11 Q. Intellectually, it can't be grasped. Is that what
12 you're saying?

13 A. You can grasp theories, but you grasp the
14 experience by the intellect.

15 Q. How do facts differ from truth?

16 MR. PARSONS: Wait, excuse me. I object to the
17 relevance of this. And what do you mean by facts and truth,
18 and we're getting far afield on any sort of relevancy here.

19 MR. FLYNN: I'm just picking up on your own
20 client's testimony, Mr. Parsons.

21 MR. PARSONS: Well, I'm going to object to that
22 question. I'm going to instruct the witness not to answer
23 the distinction between facts and truths.

24 MR. FLYNN: Q. Dock Street Theater. I believe
25 you testified that came after you left Brown.

1 Incidentally, what course were you flunking?

2 A. What course did I flunk?

3 Q. Yeah.

4 A. Well, it's ironic, because I've composed so much
5 music, over 300 pieces. But I flunked music composition.

6 The reason I flunked is that I never went to class.

7 Q. Why did you not go to class?

8 A. Because I had lost interest in college.
9 Q. But you were interested in music?
10 A. Not at that time, no. If I'd really known that I
11 would be composing music, I would have studied. But I had
12 no idea.
13 Q. Did you take any psychology courses?
14 A. No.
15 Q. Have you ever studied psychology?
16 A. No. Just the way a dilettante would study.
17 Q. You mentioned 300 pieces of music you've
18 composed. Is this pop music, classical music, jazz, R&B?
19 What kind of music is this?
20 A. Much more classical than any of the others, but
21 you might call it --
22 Q. Orchestral music?
23 A. I beg your pardon?
24 MR. PARSONS: Excuse me. Please let him finish
25 his answer.
1 THE WITNESS: You might call it neo-classical in
2 the sense that it's more new age than baroque, but it's
3 melodic.
4 And so I don't follow the structure of classical
5 music so much. I wrote a quartet, and that follows the
6 structure, except that I didn't even realize that a quartet
7 usually has four movements, and this only has three, so that
8 shows my lack of sophistication.
9 Mostly what I write is from inside. But it's
10 melodic, and its purpose is to uplift. It's to touch the
11 soul rather than the intellect and the emotions. And it's,
12 fortunately for me, had very good reviews.
13 But that can't really tell you much about it.
14 It's probably my best answer briefly.
15 MR. PARSONS: Excuse me one second.
16 (Discussion between the witness and his counsel.)
17 MR. FLYNN: The record will note the conversation.
18 Q. You mentioned the word "soul." What do you mean
19 by the soul?
20 A. The soul is that aspect of our nature which is a
21 part of God.
22 Q. What do you mean by God?
23 A. Again, I think probably you need to experience
24 such things.
25 Q. Okay. Now, have you experienced God?
1 A. I beg your pardon?
2 Q. Have you experienced God?
3 MR. PARSONS: I'm going to object. That's
4 inquiring too -- too intimately into one's personal
5 religious experience.
6 I'm going to instruct the witness not to answer
7 whether he has experienced God.
8 THE WITNESS: But I feel comfortable saying --

9 answering another question.

10 Am I enlightened? No.

11 MR. FLYNN: Q. Well, I -- what's -- you keep

12 making these statements, Mr. Walters, which impels me to ask

13 these questions.

14 What is enlightenment?

15 A. Knowing your relationship with God by direct

16 experience.

17 MR. FLYNN: Okay. You're not going to let him

18 answer the prior question, Mr. Parsons, with regard to

19 whether or not -- even though he's given this testimony

20 about the definition of the word "soul," which he's used in

21 his testimony --

22 Q. As I understand, it's something to do with knowing

23 your relationship to God. I think that was the definition.

24 A. No.

25 Q. No, I didn't get it right?

1 A. No, you didn't get it right.

2 Q. Okay. Can you make it more right for me?

3 A. The soul is that aspect of God which is in each

4 one of us.

5 In other words, behind your ego, there is the

6 presence of God. And that's your true self, and that's

7 self-realization, to realize that. To realize that you are

8 not Mr. Flynn; you're God acting a role as he acts in every

9 atom in this universe.

10 It depersonalizes your existence and makes you

11 realize that you're a part of the infinite.

12 Q. So I'm not really a lawyer; I'm part of some

13 abstract, conceptual entity or flow in time?

14 A. It seems abstract only as long as you think you're

15 a lawyer.

16 Q. And if I don't think I am a lawyer, then what

17 would I think?

18 A. Well, you might be thinking something else. I'm

19 not talking about that. I'm talking about when you stop

20 thinking, when you rise above thought.

21 Q. But if I didn't think I was a lawyer, would I

22 realize God?

23 A. No.

24 MR. PARSONS: Objection. It calls for

25 speculation.

1 Let's try to get back on to something that has

2 some relevance.

3 THE WITNESS: It's also wasting time.

4 MR. PARSONS: Yes, very much so.

5 MR. FLYNN: Q. Now, Dock Street Theater, how long

6 did you last there?

7 A. I stayed there one year.

8 Q. Did you graduate from Dock Street Theater?

9 A. No, I never even joined. I studied sort of as a

10 layperson who was writing a play on his own and taking part
11 in the dramatic activities there.

12 Q. I know nothing about Dock Street Theater. Was it
13 a training school for theatrics?

14 MR. PARSONS: Just let him --

15 THE WITNESS: Let him ask the question, yes.

16 MR. FLYNN: Q. Was it a training school for
17 theatrics?

18 A. It had a training school. This is different.

19 Dock Street Theater, it's still there, and it's a
20 very old -- I don't know how old, but much, much before my
21 time.

22 It's a community theater, and they had classes
23 there, a course, for people who enrolled in this course.
24 I didn't want to study there, because I wasn't
25 interested in becoming an actor. I wanted to learn stage
1 craft. So I took part in the plays and the productions
2 there. I was friends with them, but I didn't study there in
3 that sense.

4 Q. Oh, okay. See, I kind of misunderstood you,
5 because I kind of had you going from being a student at
6 Brown -- being a student the Haverford, being a student and
7 Brown, and being a student at Dock Street Theater.

8 A. No.

9 Q. But that's not correct. You were never a student
10 at Dock Street Theater?

11 A. Right.

12 Q. Was that the type of institution that had a -- you
13 paid tuition to go to classes there?

14 A. Well, since I didn't pay tuition and didn't go to
15 classes, I have to assume that that's what they did, but I
16 don't know.

17 Q. You don't know. Okay.

18 But in any event, you had no affiliation to Dock
19 Street Theater --

20 A. Not --

21 Q. Other than kind of hanging out there?

22 A. Yeah, that's about right.

23 Q. Okay. But as far as Haverford and Brown, you were
24 enrolled as a student at both those institutions and paid
25 tuition. Is that correct?

1 A. That is correct.

2 Q. And you hung out at the Dock Street Theater for
3 about a year?

4 MR. PARSONS: That's been asked and answered.

5 MR. FLYNN: Q. Okay. Now, then at age 22, which
6 was what, 1948, did you say?

7 A. (Witness nods head.)

8 Q. -- you met Yogananda. Where did you meet him?

9 A. Los Angeles.

10 Q. And what were the circumstances under which you

11 met him?

12 MR. PARSONS: Objection. That question is vague.

13 What do you mean by "circumstances"?

14 MR. FLYNN: Q. Well, did you meet him in a pub,

15 did you meet him at a --

16 A. I met him at the Hollywood Church of

17 Self-Realization Fellowship.

18 Q. At the Hollywood Church. Okay.

19 And what was his function at that church?

20 A. He had been giving a service there. It was

21 Sunday, and he had interviews afterward, and I saw him then.

22 Q. Can you recall what you said to him, what he said

23 to you?

24 A. Yes.

25 Q. And what was that, sir?

1 A. I am sorry, that's between me and God. I don't

2 talk about things that are sacred to me just in a deposition.

3 Q. Well, was this like a confessional type --

4 A. No -- yes, it was, in a way.

5 Q. Like --

6 A. He asked me about my life, and I told him.

7 MR. PARSONS: So informally --

8 MR. FLYNN: Q. I'll respect that. I mean, if you

9 tell me it was like a confessional, we can --

10 A. It's a very sacred moment in my life.

11 Q. This -- the meeting --

12 A. The meeting.

13 Q. The fact of the meeting or the conversation, or

14 everything?

15 A. The moment. That means the fact. The meeting of

16 course made possible the facts.

17 Q. Okay. So what happened then? You then joined his

18 organization?

19 A. Yes.

20 Q. And did you start working for his organization?

21 A. Yes. I lived there in the monastery and did the

22 work that they did.

23 Q. What kind of work did you do?

24 A. Well, it was mostly gardening, plastering, that

25 kind of thing.

1 Q. All right. And how long did you garden and

2 plaster?

3 A. Not very long. About 4 months, I think.

4 Then he put me in the job of answering letters and

5 correcting the exam papers that people sent in.

6 Q. How long did you do that?

7 A. Well, probably off and on for the rest of my time

8 there.

9 Q. Would it be a correct statement for me to say that

10 in 1948, at the age of 22, you decided after having met

11 Yogananda to dedicate your life to Yogananda and God?

12 A. Well, the decision was made before I met him.
13 Q. Can you explain that?
14 A. I had been planning to spend my life in seclusion.
15 And I didn't know how to meditate; I was trying to meditate
16 without any knowledge of what it meant.
17 But it said in the Indian scriptures that you need
18 to meditate to know God, and to know your higher self, to
19 quiet the mind so that you can be aware of your higher self.
20 I came upon Autobiography of a Yogi in
21 Doubleday-Doran -- it was Doubleday-Doran at that time; now
22 it's Doubleday -- in New York City. And I was so moved by
23 that book that I took the next bus to California.
24 But my decision had been made. It was up to him
25 whether he accepted me or not. But I can't say that meeting
1 him was my conversion. The conversion occurred before I met
2 him.
3 Q. Let me say -- put it this way.
4 Around the time that you read Autobiography of a
5 Yogi -- which is a book authored, presumably, I take it from
6 your testimony, by Yogananda?
7 A. It's authored by Yogananda, yes.
8 Q. Okay. Around the time you read this book by
9 Yogananda, and met him, you decided to commit yourself to
10 pursuing God and Yogananda's teachings.
11 Is that a fair statement?
12 A. Well, before that, I decided to commit my life to
13 God. I'd been seeking God for many years.
14 So I felt finally I'd met somebody I could follow,
15 because I felt he had wisdom.
16 Q. Fair enough. So prior to meeting Yogananda, you
17 had been seeking God for a number of years.
18 A. Yes.
19 Q. Around the time you read this book and met
20 Yogananda, you decided to seek God through Yogananda. Is
21 that a fair statement?
22 A. No. The fair statement is that I felt he could
23 teach me; that he knew things that I didn't know; that he
24 would help me to -- I found that I wasn't getting very far
25 in working on myself.
1 I needed somebody who could know my nature and
2 tell me what I needed to do that would help me to grow.
3 But in fact, I didn't know anything about these
4 things at that time.
5 Q. Well, you read the book before you met the person
6 who wrote it?
7 A. A week before.
8 Q. Right?
9 A. A week before.
10 Q. Oh, okay. A week before.
11 Now, I've heard this term "guru" a lot in this
12 litigation. And did Yogananda become your guru?

13 A. Yes.

14 Q. Did --

15 A. I should add something there.

16 Q. Sure.

17 A. He never -- he said, I never say, and I never

18 heard him say, I am the guru. He said, God is the guru. I

19 don't have disciples; they are God's disciples.

20 And he always maintained that attitude. In other

21 words, didn't draw energy to himself, but he helped us to

22 direct that energy, our energy, toward our own higher self

23 and toward God.

24 Q. Fine. Did you consider Yogananda to be your guru?

25 A. In God.

1 Q. Can I get a "yes" or "no"?

2 A. No. And I'll tell you why not, if you want to

3 know.

4 Q. I'd love to know.

5 A. Because a lot of people think that the person is

6 what people who follow gurus are attracted to.

7 It wasn't the person. It was the truths that he

8 represented. It was not a personal or idol thing, i-d-o-l.

9 It was the fact that this man could inspire me in a way that

10 nobody else had to find that truth within myself.

11 So when people nowadays use the word "guru," they

12 abuse the word, and I don't want to support that abuse.

13 Q. All right. Well, let me see if I can simplify

14 this a lot.

15 Since 1948, have you considered Yogananda to be

16 your guru?

17 A. Absolutely.

18 Q. And as your guru -- strike that.

19 Between 1948 and 1955, when you took the vows, did

20 you consider Yogananda to be your guru?

21 A. Yes.

22 Q. And when you took the vows in 1955, those were

23 final vows.

24 Now, during that 1948 to 1955 7-year period, were

25 you like in training to determine whether you were fit to

1 take those final vows, or ready to take those final vows,

2 like in other religious organizations?

3 MR. PARSONS: Well, that's a compound question now

4 that requires --

5 MR. FLYNN: Q. It is compound. But can you

6 answer it? You've got the drift of it.

7 MR. PARSONS: Well, I don't know if he can answer

8 what he thinks might be the question you think you asked.

9 MR. FLYNN: Q. All right. Between 1948 and 1955,

10 were you like in a training period to determine whether you

11 were ready to take the final vows?

12 A. I guess so.

13 Q. So then after 7 years, you decided you were

14 ready.

15 A. Yes. They invited me to take them.

16 Q. When you took those final --

17 A. In other words, it wasn't my gradual trying to

18 convince myself. It's the system that people at that time

19 had to wait 7 years -- now I believe it's 10 -- before they

20 were invited.

21 Q. Oh, I see. So there was a rule?

22 A. Uh-huh.

23 Q. And then the rule was 7 years?

24 A. Yes.

25 Q. Now the rule is 10 years?

1 A. I think, but I don't know. I'm not with them now.

2 Q. Oh, the rule is 10 years in that organization?

3 A. I'm talking about that organization.

4 Q. Which is Self-Realization Fellowship?

5 A. Yes.

6 Q. And there's a shorthand expression for that, isn't

7 there?

8 A. Pardon?

9 Q. Can we use the acronym for that --

10 A. SRF.

11 Q. SRF. We'll use that acronym, and we'll know what

12 we mean?

13 A. Yes.

14 Q. Okay. Now, your organization is separate from

15 them.

16 A. Yes.

17 Q. What is the rule in your organization with regard

18 to how long you wait to take vows?

19 A. We are not --

20 MR. PARSONS: Assuming there is such a rule in our

21 vows, et cetera, I'll let the witness answer.

22 THE WITNESS: Our rule is different.

23 MR. FLYNN: Q. What is your rule?

24 A. Our rule is, it's a householder community. So

25 what people promise is that they will live lives of

1 self-control.

2 That is to say, voluntary self-control of

3 simplicity, not poverty; and -- poverty, chastity --

4 obedience is not our rule, either. Even when Yogananda put

5 me in charge of the monks, which he did, I never asked for

6 their obedience; I asked for their voluntary cooperation.

7 So we have that at Ananda also.

8 Q. Can I stop you right there?

9 A. Voluntary cooperation.

10 Q. No, you said something I was very interested in.

11 You said, "even when Yogananda put me in charge of

12 the monks" --

13 A. Yes.

14 Q. -- "I asked for their voluntary cooperation" --

15 A. Correct.

16 Q. -- not their obedience.

17 A. Uh-huh. In other words, I would have had --

18 Q. But please, Mr. Walters. But Yogananda was asking
19 for obedience.

20 MR. PARSONS: That misstates the testimony.

21 Do you have a question you'd like to ask the
22 witness?

23 MR. FLYNN: Q. Yes. Isn't it true that Yogananda
24 was asking for obedience? So why would you be interjecting
25 yourself and saying you were asking for voluntary
1 cooperation?

2 MR. PARSONS: That's a compound question. Let's
3 break it down into parts.

4 MR. FLYNN: Q. All right. Between 1948 and 1955
5 -- maybe I'm confused -- you were -- you considered
6 Yogananda to be your guru. And you would obey him. True?
7 Can you answer "yes" or "no"?

8 A. Yes.

9 Q. And if Yogananda said to do something, because he
10 said it, you did it.

11 A. Yes.

12 Q. And then he put you in charge of the monks, and
13 you kind of changed that rule a little bit.

14 A. No.

15 MR. PARSONS: Well, is that -- he's restating what
16 he seems to remember your testimony to be.
17 Wait till he's asked you a question.

18 MR. FLYNN: Q. Right. You didn't change the
19 rule?

20 A. No.

21 Q. Did you ask the monks to obey Yogananda?

22 A. I didn't have to.

23 Q. They already knew to do that?

24 A. Yes.

25 Q. So you didn't even have to ask them for their
1 voluntary cooperation, because they obeyed Yogananda, not
2 you.

3 A. May I give an example?

4 In an Army, you've got the general, but you've got
5 captains. And in matters of where the policy is already
6 established, the captain has to make it happen, so you obey
7 the captain. But you understand in obeying the captain that
8 you're obeying the general.

9 Q. So -- okay, I get it. So it was like a
10 military --

11 A. Except that it's not military.

12 Q. -- scale of leadership.

13 A. It could be comparable. Don't bring it to the
14 point of saying it's like a military in the sense of being
15 militaristic or that. It wasn't.

16 But when spiritual guidance was concerned, he gave
17 it. When -- my decision or suggestion that we meditate at 7
18 in the morning instead of 6:30, or vice versa, that would be
19 for me to do, under his guidance, and always under his
20 direct.

21 Q. And then after he died, whoever his successor
22 was, you did things under their guidance and direction?

23 A. Yes.

24 Q. And who was it -- was this person Daya Mata his
25 immediate successor?

1 A. No, there was the third. There was another --
2 James Lynn, his name was. He was the president. But he
3 only lived for a year.

4 Q. And did you obey him?

5 A. Was it a year? It was 2 years.

6 Q. Did you obey him?

7 A. Yes.

8 Q. And then when this person Daya Mata took over, you
9 obeyed her?

10 A. Yes.

11 Q. So when you took that vow in 1955 to obey --
12 according to a particular --

13 A. Daya Mata.

14 Q. -- Daya Mata, according to a particular statement,
15 did you vow to obey this organization called SRF --

16 MR. PARSONS: Objection.

17 MR. FLYNN: Q. -- in the statement you took?

18 MR. PARSONS: Okay. Objection. It's been asked
19 and answered. He's already testified on is that.

20 Let's move on to something that has some meaning
21 in the case.

22 MR. FLYNN: Oh, I -- Mr. Parsons, I believe this
23 all has very significant meaning, as I believe you will
24 see.

25 THE WITNESS: I've answered it, though.

1 MR. FLYNN: Q. Can you just give me another --
2 indulge me again, Mr. Walters. Can you answer that
3 question?

4 Did you vow in this specific statement that you
5 took at the time to obey SRF?

6 A. I vowed to obey Yogananda's living representative.

7 Q. Who was this person Daya Mata. Okay.

8 Do you happen to have that language in that vow or
9 those vows that you took in 1955?

10 A. I must have.

11 Q. Okay. We'd ask that that be produced.

12 Now, in 1962, apparently you had some differences
13 with these people, or with this organization. Is that
14 correct?

15 A. Yes -- no, it's not. They had differences with
16 me.

17 Q. All right. What differences did they have with
18 you?

19 A. Do I have to go into this entire long story of my
20 separation? It seems irrelevant to the present case.

21 Q. Well, you put it in your declaration in part,
22 so --

23 A. I did?

24 Q. Which you filed in this lawsuit.

25 A. That's right, okay.

1 Well, if you want it short --

2 MR. PARSONS: Let me state for the record --

3 MR. FLYNN: Please. Your objections should be
4 short, concise, succinct, and not designed to illuminate a
5 potential answer for the witness, Mr. Parsons, as you know
6 under the Rules.

7 MR. PARSONS: It would have been a lot quicker and
8 shorter if you'd just let me state it.

9 MR. STILLMAN: Well is there an objection, a legal
10 objection?

11 MR. PARSONS: Yes.

12 MR. FLYNN: Is there an objection, a legal
13 objection to the question?

14 MR. PARSONS: Are you done?

15 I'm going to object to the extent that the
16 question calls for this witness to disclose personal,
17 confidential matters that he feels are a matter of privacy.
18 I will permit the witness to answer to the extent
19 that it requires him to disclose things which have already
20 been disclosed in his declaration, but which he feels are
21 not personal and confidential.

22 MR. FLYNN: I object to that. It's -- that's just
23 obstruction, there's no such recognized legal privilege.

24 THE WITNESS: I'll answer both of you. I'll
25 answer both of you. There's nothing private about it. I've
1 made a public declaration about it. I've always been open
2 about it.

3 And it's more the length of it, that I could give
4 the long story, and it would take us all day, wasting time,
5 money, and getting nowhere.

6 It's in a number of documents, including one
7 called "My Separation from SRF," which I would like to
8 recommend you read, and you can introduce as much of it as
9 you like into the testimony.

10 MR. FLYNN: Q. Well, let's take your short
11 version then.

12 What happened between you and this organization?

13 A. The short version was, I was the only man on the
14 board of directors, and I didn't see things the way the
15 women did.

16 I wanted to spread the work and help others to
17 know it. They were trying to protect the work.

18 They got rid of me because they were afraid of the
19 energy I was putting out, and in their words, said that if
20 we keep him, in 15 years he'll be strong enough to divide
21 the work, which I never intended to do.

22 But they were afraid, and I would say jealous, of
23 my success.

24 Q. What success were you having that they were
25 jealous of?

1 A. I was having success in India lecturing to many
2 thousands of people, and -- that's enough.

3 Q. You were having success in India lecturing to many
4 thousands of people.

5 What other success were you having that they were
6 jealous of?

7 A. I was extremely popular.

8 Q. You were extremely popular. With who?

9 A. With the people I lectured to, with the people who
10 knew me. Even now in India they still talk about me.

11 Q. Can I stop you right there?

12 A. What they wanted, if I may continue --

13 Q. Go ahead.

14 A. -- was somebody who didn't do anything without
15 writing for approval from the board of directors and waiting
16 6 months. And I felt that I needed to act with the freedom
17 that a person on the scene has to have.

18 This is something that people have in
19 organizations, especially when the means of communication
20 was letters, as they were in those days.

21 As soon as I found out they didn't want what I
22 did, then I said, okay, I won't do it.

23 I never resisted or rebelled or disobeyed, but I
24 did presume that this is what the work needed, and this is
25 how to build it. They didn't want that. They wanted

1 somebody who never did anything without their approval.

2 When they told me that's what they wanted, then

3 that's what I tried to do. But by then, they were convinced
4 that I never would anyway.

5 Q. You made a statement, "even now in India they
6 still talk about me."

7 A. They.

8 Q. Who's they?

9 A. Many people. That's all I can say. When you say
10 they, you presumably mean more than ten, but it's all I can
11 really say.

12 Q. But you see Mr. Walters, the problem is, I didn't
13 say "they," you did.

14 A. And I'm saying what I meant by that. Many people.

15 Q. How do you know that?

16 A. Because I've been there, because they've written
17 to me, because they've talked to friends of mine, and so on.

18 Q. Now, you made a statement earlier that you wanted

19 to expand the work, and they, meaning these SRF folks,
20 didn't want to.

21 Do you recall that a moment ago?

22 A. No. I -- if -- I didn't -- I was trying to give
23 the short answer.

24 Yogananda wasn't well-known in India. I wanted
25 people to know about him. There were -- I mean, if you
1 really need this, I can tell you. The people --

2 Q. You see, if you could answer my precise question.

3 Did you state 2 or 3 minutes ago, they, meaning
4 these SRF people, didn't want to expand the work, but I
5 wanted to?

6 A. No --

7 Q. Did you make that statement, sir?

8 MR. PARSONS: I'm going to object to that. The
9 record speaks for itself. You can have the court reporter
10 read it back. I don't see any reason to ask the witness
11 what he said before.

12 Let's have it read back if you want to know what
13 he said.

14 MR. FLYNN: First of all, are you instructing the
15 witness not to answer my question?

16 MR. PARSONS: I will instruct the witness not to
17 answer.

18 MR. FLYNN: That's specifically obstructionist on
19 a very -- with no grounds cited, on a very important issue
20 in this lawsuit -- to wit, credibility -- which I am
21 entitled to probe into, Mr. Parsons. You are obstructing
22 the deposition.

23 Secondly, Mr. Walters made a statement that I
24 believe he is now attempting to retract. His retraction of
25 statements he's made in public, particularly regarding
1 issues relating to this lawsuit, is a subject of this
2 lawsuit.

3 Thirdly, Mr. --

4 THE WITNESS: What was the subject of this
5 lawsuit? Say it again?

6 MR. FLYNN: -- Mr. Walters -- your contradictory
7 statements, made in public and made in private.

8 Thirdly, Mr. Walters may have an excuse for a
9 contradictory statement. You are blocking my effort to find
10 out what that potential excuse could be.

11 And I'm not going to suggest to you what they are,
12 but they could involve any psychological impediment he's
13 under, any medication impediment that he's under, which I
14 would be entitled to probe into, all of which you have now
15 blocked off.

16 And the record will so reflect.

17 Q. Now, Mr. Walters --

18 A. Excuse me, I have to go to the bathroom. I'll be
19 right back.

20 MR. PARSONS: Let's take a break.
21 THE VIDEO OPERATOR: Mr. Flynn? Counselor, should
22 we go off the record or stay on the record?
23 MR. FLYNN: Let's stay on the record. Leave the
24 video on.
25 MR. STILLMAN: Just remember the mike's on.
1 MR. FLYNN: We're off the written record.
2 (Discussion off the record.)
3 MR. FLYNN: Okay. We're back on the written
4 record. We've been on the video record.
5 Now, Mr. Walters, you are also referred to as
6 "Swamy"?
7 A. I was referred to as that. Now it's more like a
8 nickname. Swamy has many meanings. It can be husband in
9 India, even. So it's not a formal swamy. But it's a
10 nickname. People call me that.
11 Q. A nickname?
12 A. Yes. In other words, they'd known me by that name
13 for many years, so they just kept calling me that.
14 Q. Why had they known you for many years?
15 A. Because I was a swamy.
16 Q. You were a swamy and stopped being a swamy?
17 A. Yes, that's what I told you.
18 Q. When Daya Mata dispensed you of your four vows --
19 poverty, chastity, loyalty and obedience -- you stopped
20 being a swamy.
21 MR. PARSONS: Is that a question?
22 MR. FLYNN: Q. Is that correct?
23 A. Yes.
24 Q. Between 1955 and 1985, you were a swamy.
25 A. Yes.
1 Q. I believe you've written, and correct me if I'm
2 wrong, that being a swamy means being celibate. Is that
3 true?
4 A. Yes.
5 Q. Now, you considered Yogananda to be your guru.
6 Did you consider the successors to Yogananda -- to wit, this
7 person Daya Mata -- to be your guru?
8 A. No.
9 Q. And the definition of the term "guru" again, in
10 the monastic order that you took your vows in in 1955, means
11 what, Mr. Walters?
12 A. The same as it meant before I took my vows.
13 Q. Which is what?
14 A. That I, through his example and through his
15 inspiration, hope to be introduced to God.
16 Q. Can you give me a definition -- you've written
17 extensively, have you not?
18 A. Yes.
19 Q. How many books have you written?
20 A. I think it's about 63.

21 Q. 63 books.

22 A. I think.

23 Q. And articles. How many articles have you written?

24 A. Oh, I have no idea. Many.

25 Q. Hundreds?

1 A. Possibly. I really don't know.

2 Q. Over a hundred or less than a hundred?

3 A. I cannot say. I don't know. I've been teaching

4 now for 46 years. That's a long time. Enough time to write

5 quite a lot. But how many I've written, I really don't know.

6 Q. 46 years teaching. What have you been teaching in

7 those 46 years?

8 A. The teachings of Yogananda.

9 Q. Have you been teaching the teachings of Kriyananda

10 or the teachings of Yogananda?

11 A. Yogananda.

12 Q. Now, I believe you still haven't given me the

13 definition of the word "guru" in the monastic order that you

14 took the vows in.

15 Can you give me a definition?

16 A. Definition of guru would be apart from the

17 monastic order. It's a spiritual thing. Householders were

18 disciples, nonmonastics were disciples.

19 Disciples of a guru -- I mean, a guru is one who

20 has realized God and helps others to realize him by

21 teaching, by example, by inspiration.

22 Q. Yogananda was a guru?

23 A. Yes.

24 Q. Yogananda was your guru?

25 A. Yes.

1 Q. And you swore to obey Yogananda and his successors?

2 MR. PARSONS: Objection. It misstates the

3 testimony; it's been asked and answered.

4 I'm instructing the witness not to answer that

5 question. Let's move on.

6 MR. FLYNN: Q. Now, in 1962, you separated from

7 SRF, but you still remained a swamy. Is that correct?

8 A. Yes.

9 Q. Now, in 1962, when you separated from SRF, did you

10 quit or did they, in effect, fire you?

11 A. Fired me.

12 Q. And the reason they fired you -- let's do this

13 very cogently, if we can. I'd like to enumerate them.

14 The reason they fired you is, one, they wanted to

15 protect, and you wanted to expand.

16 A. This is the question that I wanted to refine.

17 Q. Can we say it cogently?

18 Did you say basically you wanted to expand

19 Yogananda's teachings, and they wanted to protect them?

20 A. I wanted to refine that statement, not retract it.

21 Q. What refinement did you want to give to that

22 statement?

23 A. They wanted to expand it by working on the office
24 and sending out lessons.

25 I wanted -- they were -- well, I'll try to keep it
1 brief. You see, my problem is not that I'm trying to hide.

2 I'm trying to -- I'm trying not to take an hour describing
3 something that I consider irrelevant.

4 The people in India were deadbeats. They weren't
5 doing anything for the work. The only way that I could see
6 to build the work was to start elsewhere, get a new group of
7 people, come back with that new group, and revivify that
8 energy at the headquarters.

9 I did this with Daya Mata's permission. But the
10 other directors, when they found out that I was actually
11 doing something in New Delhi as opposed to Calcutta, they
12 began to think I was trying to separate the work. I was
13 not.

14 That was the effort. I was trying to bring life
15 to it, and they were trying to just send out lessons from
16 the headquarters office and do the same kind of asleep
17 activity, you might say, lack of activity, that had been
18 going on for 40 years.

19 Q. Now, when you say "deadbeats," you're talking of
20 people in the SRF organization as deadbeats?

21 A. In India. In India.

22 Q. In India. And these people had been deadbeats
23 under Yogananda when he was alive for the prior 40 years?

24 A. Yes, I would say so.

25 Q. And even though thee people were acceptable to
1 Yogananda, they weren't acceptable to you?

2 A. I don't think they were acceptable to him. There
3 was nothing he could do about it. I was to go with him
4 there to help revive it.

5 Q. Well, he was dead --

6 A. That was in 1950, 1951. And again in '52, but
7 then he died.

8 Q. Well, when you were over there and got relieved of
9 command, so to speak, that was later; right? That was like
10 '58 to '62?

11 A. '62.

12 Q. So Yogananda had been dead for 10 years at that
13 point?

14 A. Yes.

15 Q. Now, we'll accept that answer that you just gave
16 as answer number one.

17 Are there any other reasons that they fired you?

18 A. I answered it by saying they were afraid of my
19 energy. I think they felt I was too independent.

20 In other words, I had creative ideas. They didn't
21 want somebody with creative ideas, and said as much.

22 Q. Let's just address that for a moment. Let's take

23 that through history just for the moment.

24 How many people in your organization at the
25 current time, roughly?

1 A. At the current time? Well, I don't know. But if
2 you take into account all our different communities and so
3 on, I would estimate about 800.

4 Q. Members?

5 A. Yes. Resident members. That probably includes
6 children. I'm not really up on the figures.

7 Q. And how many members in their organization at the
8 present time?

9 A. I can --

10 MR. PARSONS: I have an objection as to the
11 definition of "member." And I haven't found any foundation,
12 haven't heard any foundation, this witness can even testify
13 as to how many members they have.

14 I'll certainly, however, let the witness testify
15 to the extent he knows they're members.

16 THE WITNESS: It would be a presumption on my
17 part. I really don't know.

18 MR. FLYNN: Q. Do you have a guesstimate?

19 MR. PARSONS: Same objection. I'll let him
20 answer.

21 THE WITNESS: Yes. I would estimate 20,000.

22 Mind you, when I say members of their
23 organization, there's no clear definition of "member." When
24 you speak of members of our organization, there's no clear
25 definition of what a member is.

1 I talked of resident members, but there are many
2 others.

3 MR. FLYNN: Q. I was just trying to put it in the
4 context of these SRF people being afraid of your energy, too
5 independent, and didn't want to create.

6 And then I see that they ended up with, according
7 to your own testimony, with about 20,000 members, and you
8 ended up with about 800, when they were creating and you
9 were creating alongside each other.

10 Is that basically what happened?

11 A. Well, they did have a head start.

12 MR. PARSONS: Wait a minute. I'm going to object
13 to the question.

14 I can't even make any sense out of it. It's
15 obviously argumentative, it's compound, it's speculation.

16 MR. FLYNN: That's fine, Mr. Parsons, but I
17 believe the witness answered, and the answer is fine with
18 me.

19 I believe the answer was, they did have a head
20 start.

21 MR. PARSONS: That was a response, yes. I don't
22 think that answered your question.

23 MR. FLYNN: Q. Now, when you say they did have a
24 head start, why did they have a head start?
25 You were a direct disciple of Yogananda, they were
1 a direct disciple of Yogananda. Is that right, Mr. Walters?
2 MR. PARSONS: I'm going to object --
3 THE WITNESS: I find that a ridiculous question.
4 MR. PARSONS: Wait a minute, Mr. Walters. I'm
5 going to object that the question is argumentative.
6 MR. FLYNN: Fine.
7 Q. All right. Are there any other reasons you were
8 fired?
9 A. No.
10 Q. Was (the plaintiff) a member of your church?
11 A. Not yet, as far as I know.
12 MR. PARSONS: Objection. Point of time. At what
13 point in time was she a member of the church? 1962?
14 MR. FLYNN: At any time. At any time.
15 Q. Was (the plaintiff) a member of your church?
16 A. I have to say, I don't really know.
17 Q. Well, you counseled her, did you not?
18 A. At a certain point, I had to. But I didn't know
19 her.
20 Q. Did you counsel her as one of your members of your
21 church?
22 A. No.
23 Q. Did you counsel her as a person who walked in off
24 the street?
25 A. No.
1 Q. Did you counsel her as an employee of one of your
2 organizations?
3 A. No.
4 Q. Okay. We'll get back to that.
5 What other reasons do you know of that they fired
6 you?
7 A. I said, I don't know of others.
8 MR. PARSONS: This is -- this is 1962?
9 MR. FLYNN: 1962 we're back to.
10 Q. Did they fire you because you had been trekking
11 around Delhi with a Hindu woman --
12 A. No.
13 Q. -- who you were cohabiting with at the time?
14 A. No.
15 Q. Have you written any correspondence --
16 MR. PARSONS: I'm also objecting, it calls -- that
17 assumes facts not in evidence.
18 I'll certainly let the witness answer, and he has.
19 MR. FLYNN: Q. Have you written any
20 correspondence in which you recited the name of a woman you
21 were with in New Delhi --
22 A. No.
23 Q. -- in 1961 and -2?

24 MR. PARSONS: Objection. Vague as to time.
25 THE WITNESS: This is not the time element, anyway.
1 MR. PARSONS: I don't even know what time he's
2 talking about.
3 What time are you talking about?
4 MR. FLYNN: Q. Between 1962 and 1964.
5 A. No.
6 MR. PARSONS: Wait.
7 MR. FLYNN: Q. Did you write any letters?
8 MR. PARSONS: Okay. Go ahead. Ask the next --
9 MR. FLYNN: Please, Mr. Parsons, you're objecting
10 and obstructing.
11 MR. PARSONS: So no I'm not.
12 MR. FLYNN: You're objecting incorrectly and
13 obstructing improperly.
14 Q. Now, Mr. Walters, did you write any letters to any
15 women in India between 1960 and 1964 relating to your
16 relationship with them?
17 A. I'm not --
18 MR. PARSONS: Give me an opportunity to object.
19 THE WITNESS: All right. Sorry.
20 MR. FLYNN: Q. In 1964, did you write a letter in
21 which you contained the name of a woman who you had
22 allegedly been cohabiting with in India?
23 MR. PARSONS: I'm going to object. I'm not going
24 to let the witness testify as to any personal events which
25 happened. It intrudes unreasonably into his sphere of
1 privacy and confidentiality.
2 It also assumes facts not in evidence; it's
3 argumentative.
4 MR. FLYNN: The issue in this case, though,
5 Mr. Parsons is that this witness --
6 MR. PARSONS: Parsons. Your client is (the plaintiff).
7 MR. FLYNN: Mr. Parsons, the issue in this case is
8 that your client rubbed his penis against my client's face
9 in a counseling session.
10 The issue in this case is that your client has
11 abused women for over a period of 30 years because of his
12 sexual misconduct.
13 The issue in this case is his declarations that he
14 filed in this case in which he says he hasn't done such a
15 thing.
16 So the issue is his credibility.
17 That credibility relates also to an article that
18 he wrote called "My Separation From SRF." That credibility
19 relates to whether or not he has accurately testified here
20 today as to the true reasons why he separated from SRF.
21 It may well be, sir, that the real reason he
22 separated from SRF is real simple: The same pattern of
23 conduct that he has been pursuing for some 40 years;
24 namely, his sexual inability to control himself.

25 MR. PARSONS: Well, I --

1 MR. FLYNN: Therefore --

2 MR. PARSONS: I know you wish those facts to be
3 true, but there's no basis for that.

4 MR. FLYNN: I'm entitled to -- well, we'll see.

5 We're going to be getting into the basis in this deposition,

6 I assure you.

7 Q. Now, Mr. Walters, did anyone from SRF confront you
8 with the fact that you were maintaining a relationship with
9 an Indian girl in India --

10 A. No.

11 Q. -- as a basis for your separation?

12 A. No.

13 Q. And you're quite certain that you didn't write any
14 letter to anyone in which you denied a relationship in which
15 you put the name of the woman in the letter?

16 A. Well, that's a long time ago, but I would have
17 denied it.

18 Q. Do you remember denying -- strike that.

19 Do you remember putting the name of a woman in the
20 letter?

21 A. This was not a part of their reasons given for
22 separating me from Self-Realization Fellowship.

23 Q. Very clever, Mr. Parsons.

24 Do you remember --

25 MR. PARSONS: No, no, no, this is Mr. Walters.
1 He's a defendant.

2 MR. FLYNN: I must be thinking that maybe the
3 instruction had something to do with it.

4 Q. Do you remember putting the name of a woman in the
5 letter?

6 MR. PARSONS: In which letter is this?

7 MR. FLYNN: Q. That you wrote between 1962 and
8 1964?

9 MR. PARSONS: He's already testified that there
10 was no such letter.

11 MR. FLYNN: Please, Mr. Parsons. You're
12 obstructing again.

13 MR. PARSONS: I'm not obstructing, when I point
14 out the truth, that you're asking questions you're making up
15 which aren't based in any fact.

16 He's already testified there was no letter. I'm
17 not going to let you ask him questions about something
18 that's in a letter he's already testified didn't exist.

19 MR. FLYNN: Q. Is it true that there is no
20 letter, Mr. Walters, in which you stated the name of a
21 woman?

22 A. There was a personal allegation from somebody, and
23 I denied that allegation. It was not a part of their reason
24 for dismissing me.

25 Q. Who was the personal allegation from?

- 1 A. I think it was Daya Mata's sister, but I'm not
2 certain.
- 3 Q. What's Daya Mata's sister's name?
- 4 A. Her name is Virginia Wright.
- 5 Q. Who did you write the letter to? Virginia Wright?
- 6 A. I'm sorry, I don't remember. But I got -- I have
7 the knowledge that somebody, after the fact of my
8 separation, made this charge, and I wrote to say there's no
9 truth in it.
- 10 Q. Did you put the name of the woman in the letter?
- 11 A. I must have. I think I did.
- 12 Q. Did you in fact travel around Delhi with that
13 woman?
- 14 A. I did not.
- 15 Q. Did you in fact attempt to open an ashram in
16 Delhi?
- 17 A. Yes.
- 18 Q. As a convent for women?
- 19 A. No.
- 20 Q. Did you say anything in the letter about opening
21 an ashram for women in Delhi?
- 22 A. No.
- 23 Q. Are there any other reasons that were given to you
24 in connection with your separation from SRF?
- 25 A. No.
- 1 Q. Between 1962 and 1985, while you remained a swamy,
2 did you adhere to the vows of being a swamy?
- 3 A. As well as I could, which means no.
- 4 Q. You did not adhere to your vows. Is that your
5 testimony?
- 6 A. No. Correct.
- 7 Q. You violated your vows?
- 8 A. I can't say I violated, because I was doing my
9 best to abide by them.
- 10 Q. Your intention was to abide by them, but you
11 occasionally -- well, frequently -- didn't abide by them?
- 12 MR. PARSONS: Wait a minute.
- 13 THE WITNESS: I beg your pardon?
- 14 MR. FLYNN: Q. Is that true?
- 15 MR. PARSONS: That's compound. I don't even --
16 restate it.
- 17 MR. FLYNN: Q. How frequently did you fail to
18 advise -- adhere to your vow of chastity between 1962 and
19 1985?
- 20 A. Yes. Peter says I should take a break here.
- 21 Q. Who's Peter?
- 22 A. Dr. Van Houten.
- 23 Q. Dr. Van Houten. He's a member of your church?
- 24 A. He's my doctor.
- 25 Q. Is he a member of your church?
- 1 A. Yes.

2 Q. How long has he been a member of your church?

3 A. 15 years, 20 years.

4 Q. You want to take a break, Mr. Walters?

5 A. The doctor -- not he; the cardiologist said every
6 hour I should take a break.

7 Q. Well, you just took a break probably 15 or 20

8 minutes ago.

9 Do you want another break?

10 A. Yes.

11 MR. PARSONS: Then we're going to take a break.

12 MR. FLYNN: How long would you like to break for,

13 Mr. Parsons?

14 MR. PARSONS: 10 minutes?

15 MR. FLYNN: 10 minutes. Off the record.

16 THE VIDEO OPERATOR: We're going off the record at

17 11:26 a.m.

18 (Recess from 11:26 a.m. to 11:41 a.m.)

19 THE VIDEO OPERATOR: We're back on the record at

20 11:41 a.m.

21 THE WITNESS: I've been reminded of something,

22 that it was in 1981 that I stopped using the title "Swamy."

23 MR. FLYNN: We were on the record?

24 Are you ready to go, Bob?

25 THE VIDEO OPERATOR: Yes, we were on the record.

1 MR. FLYNN: Q. After speaking with your counsel

2 and/or other people who are attending this deposition,

3 you're changing your testimony, Mr. Walters, from the year

4 1985 to the year 1981 as being the year that you stopped

5 being a swamy. Is that right?

6 MR. PARSONS: That misstates what he just said.

7 He stated that he stopped using the term "Swamy" in 1981.

8 MR. FLYNN: Q. Do people still call you Swamy?

9 A. Yes.

10 Q. Did (the plaintiff) call you Swamy?

11 A. I don't remember.

12 Q. Did you tell people not to call you Swamy?

13 A. No.

14 Q. Now, going back to the separation from SRF, did

15 these individuals from SRF who fired you tell you that they

16 had heard from the Indian government that you had lied to

17 the Indian government by telling the Indian government that

18 you were going to start a park around or near Delhi, when in

19 fact you were intending to start a women's ashram?

20 MR. PARSONS: So that's a compound question. What

21 part of that question would you like him to start responding

22 to?

23 MR. FLYNN: Q. Did the two people -- I think you

24 said Daya Mata and Tara Mata met you in New York when they

25 fired you; is that what you said?

1 A. Uh-huh.

2 Q. Did those two tell -- to wit, Daya Mata and Tara

3 Mata -- tell you that they had heard from the Indian
4 government that you had lied to the Indian government about
5 your intentions?

6 A. No.

7 Q. Was there any discussion between you and Tara Mata
8 and Daya Mata about the issue of you lying to the Indian
9 government?

10 A. No.

11 Q. Did you in any form of correspondence -- memo,
12 letter, notes -- write to anyone between 1962 and 1964 about
13 the issue of lying to the Indian government about your
14 intentions?

15 MR. PARSONS: Okay. I'm going to object to that
16 on the grounds that you're no longer concerned with his
17 separation from SRF, and therefore you're dealing with
18 personal matters.

19 I'm instructing the witness on First Amendment
20 privacy grounds to not answer that question.

21 ++ MR. FLYNN: Would you note that area of the
22 deposition, please?

23 That's just pure obstructionism. As you know,
24 Mr. Parsons, this deposition is being taken so that we may
25 respond to your motion for summary judgment.

1 This is a very significant area of the summary
2 judgment motion in connection with the credibility of
3 Mr. Walters and the issues of fact concerning his
4 declaration and the claims he makes in his declaration as to
5 the origin of his organization.

6 You are obstructing and preventing us from
7 obtaining the necessary discovery so that we may be able to
8 respond to your motion for summary judgment.

9 And we're going to take it up with the Court,
10 because your objection is completely frivolous.

11 Q. Now, Mr. Walters --

12 MR. PARSONS: I disagree with that. And your
13 response to my objections should also be brief and to the
14 point, as you've requested of me, please.

15 MR. FLYNN: Q. Mr. Walters, I'm going to ask you
16 again, sir -- and this issue relates specifically to your
17 credibility -- did you write in a letter between 1962 and
18 1964 that there were issues relating to whether you had lied
19 to the Indian government about your intentions in connection
20 with your separation from SRF?

21 MR. PARSONS: I'm going to object to that as well.
22 That's an incredibly convoluted question. I'm not even
23 certain what the real response -- what would be called for
24 as a response to that question, for the reasons stated
25 before, in addition to the vagueness, compound, ambiguous,
1 I'm instructing the witness not to answer.

2 MR. FLYNN: Q. In connection with your --

3 MR. PARSONS: In addition, I'm sorry, if you have

4 a document in this regard, then the document speaks for
5 itself.

6 MR. FLYNN: Well, see, the issue is, Mr. Parsons,
7 as you know, we are in the middle of conducting
8 investigatory pursuits and discovery in connection with this
9 case to respond to your summary judgment motion.
10 Our investigation has revealed that perhaps such
11 documents exist.

12 You are now obstructing our ability to find out
13 the dates, who the letters were sent to; you're blocking off
14 that whole area of discovery, and you're making it
15 impossible for us to pursue what we need to pursue to
16 respond to your motion.

17 There is a further issue of whether or not
18 Mr. Walters and his organization are entitled to hide behind
19 the First Amendment protections relating to religion that he
20 has been doing and you have been doing in your motion for
21 summary judgment, as to whether or not his religion is
22 legitimate or a sham.

23 Q. But more specifically, I would like to know, did
24 you write a letter, Mr. Walters, between 1962 and 1964,
25 relating to your separation from SRF and relating to the
1 issue of whether you had lied to the Indian government?

2 MR. PARSONS: Same objection, same instruction.

3 MR. FLYNN: Q. Okay. Now, did you lie to the
4 Indian government and tell them that you were going to start
5 an ashram -- or strike that -- you were going to start and
6 create a park in Delhi, when you in fact intended to create
7 an ashram?

8 A. No.

9 Q. Have you ever discussed that issue with anyone?

10 MR. PARSONS: What issue is that?

11 MR. FLYNN: Q. The issue of whether you had lied
12 to the Indian government.

13 A. No -- sorry?

14 Q. The answer was no, sir?

15 A. Uh-huh.

16 Q. Have you ever put in any form of correspondence
17 the issue of whether you had lied to the Indian government?

18 MR. PARSONS: I'm going to object on the same
19 grounds as before. It's vague as to time.

20 If you want to connect it into any separation from
21 SRF, please then limit the time frame. Anything post 1962,
22 it's unreasonably intrusive, it's speculative, irrelevant.

23 I'm instructing the witness not to answer.

24 MR. FLYNN: Q. Around or about 1962, did you
25 write in any form of correspondence --

1 A. Yes.

2 Q. -- any issues relating to whether you had lied to
3 the Indian government?

4 MR. PARSONS: Around 1962?

5 MR. FLYNN: Around 1962.

6 MR. PARSONS: I will permit the witness to testify
7 up to the point where he was separated from SRF.

8 Anything after that, I'm instructing him not to
9 answer on the same grounds stated before.

10 MR. FLYNN: Which are totally frivolous.

11 Q. But go ahead, Mr. Walters.

12 A. Did I -- say it again, then.

13 Q. Did you around 1962 write in any form of
14 correspondence any matter relating to issues of whether you
15 had lied to the Indian government?

16 MR. PARSONS: Well, wait a minute. Let me see if
17 I can make sense out of that question myself.

18 I believe the question is vague and
19 unintelligible. I will permit the witness to answer if he
20 can formulate a response up to the point of the separation
21 from SRF.

22 THE WITNESS: I -- let's see. How can I put that?

23 Their accusations included that. I denied the
24 accusations.

25 MR. FLYNN: Q. "Their" is who?

1 A. Against me.

2 Q. Who does "their" refer to in your response?

3 A. Tara. Tara.

4 Q. Tara Mata's allegations referred to the fact that
5 you had lied to the Indian government. Is that correct?

6 A. That's part of her allegation. The rest I've told
7 you.

8 Q. Well, you earlier hadn't listed that as one of the
9 allegations --

10 A. No. I can't remember them all.

11 MR. PARSONS: Wait until he's asked you a
12 question.

13 MR. FLYNN: Q. Now, what did Tara Mata say to you
14 with respect to your lying to the Indian government?

15 MR. PARSONS: Your question -- I'll object that it
16 assumes facts not in evidence.

17 I will permit the witness to answer the question
18 of what did Tara Mata say concerning the allegation that he
19 lied to the Indian government.

20 THE WITNESS: Okay. She was charging that I had
21 not been given permission to start an ashram.
22 Daya Mata had given me that permission. Daya Mata
23 did not tell Tara that she gave me that permission.
24 Therefore, it looked as if I was doing it on my own, but I
25 was not.

1 MR. FLYNN: Q. What did Tara Mata say with
2 respect to the allegation of whether you had lied to the
3 Indian government?

4 A. Mr. Flynn, it's been 33 years. I don't remember
5 her words, nor do I remember specifically her intent.

6 I do remember that they were lies. Her lies.
7 Q. What were lies?
8 A. Her statements were lies. In other words, she was
9 presuming things she knew nothing about.
10 Q. What was she presuming?
11 A. That, for one.
12 Q. What for one?
13 A. That I took it all on myself, instead of doing it
14 with permission.
15 Q. What other lies did Tara Mata make to you,
16 Mr. Walters?
17 A. Well, I'd say her entire charge. That I was
18 disloyal and disobedient, that I was on my own without any
19 kind of approval from -- from -- well, from Daya Mata.
20 I was acting, in other words, in good faith.
21 Q. You were acting in good faith. Says you.
22 MR. PARSONS: You've just heard him say that,
23 Mr. Flynn. Please, don't be argumentative. Ask the next
24 question, please.
25 MR. FLYNN: Q. Now, did Tara Mata confront you
1 with the fact that you had allegedly lied to the Indian
2 government about your intention to start a park versus your
3 real intention to start an ashram?
4 MR. PARSONS: Objection. Compound, vague,
5 speculative, uncertain as to the use of the term
6 "confront."
7 I will permit the witness to answer to the extent
8 he can.
9 THE WITNESS: There's no allegation that you've
10 said in that compound question that's true.
11 MR. FLYNN: Q. Was the allegation made to you by
12 Tara Mata?
13 MR. PARSONS: And the allegation being
14 specifically what?
15 MR. FLYNN: Q. That you lied to the Indian
16 government.
17 A. Yes, she said that. I denied it.
18 Q. What did she say?
19 A. You said fact, you see. That's why I challenged
20 it. It's not a fact.
21 Q. What did she say?
22 A. That's what I've told you, I can't remember.
23 Q. Okay. So one of the charges of Tara Mata was,
24 lied to Indian government, which you denied.
25 Did you put anything in your pamphlet, "My
1 Separation From SRF," about that allegation?
2 MR. PARSONS: Objection. The document speaks for
3 itself.
4 I'll permit the witness to answer.
5 THE WITNESS: Pardon?
6 MR. PARSONS: Well, I objected that the document

7 speaks for itself.

8 MR. FLYNN: Please, Mr. --

9 MR. PARSONS: Excuse me one second.

10 Go ahead.

11 THE WITNESS: I don't remember everything I put in

12 that document. I don't remember specifically that.

13 MR. FLYNN: Q. Did you put anything in the

14 document "My Separation From SRF" relating to cohabiting

15 with an Indian woman?

16 MR. PARSONS: Objection. Again, the document

17 speaks for itself. You've once again intruded now

18 unreasonably into the right of privacy, and I'm instructing

19 the witness not to answer that question.

20 MR. FLYNN: It's an arbitrary, unilateral

21 frivolous objection. We will take up with the Court your

22 obstructing discovery in this case.

23 MR. PARSONS: Maybe we should take these up sooner

24 rather than later, so we can get ruling on them.

25 MR. FLYNN: We'll do it in our own time,

1 Mr. Parsons.

2 MR. PARSONS: I would imagine so.

3 MR. FLYNN: Q. Now Mr. Walters, you said, and

4 correct me if I'm wrong, in your earlier testimony, that

5 they, being these SRF people, were afraid of your energy,

6 you were too independent, and they didn't want to be

7 creative.

8 Do you recall that testimony?

9 MR. PARSONS: I'm objecting again. It's

10 absolutely outrageous to sit here and ask a witness to

11 confirm whether or not what you just say is what he said

12 before.

13 You're here not to try to test his ability to

14 recall exactly and confirm or deny your statement of what he

15 said.

16 If you want to know what he said, let's get it off

17 the record. It's right here. It'll take 5 seconds.

18 MR. FLYNN: Mr. Parsons, you're obstructing the

19 deposition.

20 Q. Mr. Walters, is it true that you were too

21 independent and too creative and you had too much energy as

22 being the reason why you separated from SRF?

23 MR. PARSONS: Excuse me. Is it true that he had

24 these things is the reason that he separated from SRF?

25 Now, this is independently of anyone's allegations

1 or complaints or anything like that?

2 MR. FLYNN: Do you recall the -- Mr. Parsons

3 you're obstructing the deposition.

4 MR. PARSONS: I'm going to instruct the witness

5 not to answer that question as formulated.

6 MR. STILLMAN: On what grounds?

7 MR. PARSONS: It doesn't make any sense.

8 MR. STILLMAN: Unintelligible?
9 MR. PARSONS: It's unintelligible, it calls for
10 speculation on the part of third parties who separated --
11 who caused the separation.
12 MR. STILLMAN: And you know that under Civil Code
13 -- Code of Civil Procedure Section 2025 --
14 MR. PARSONS: Excuse me, I like to deal with one
15 lawyer who's representing the party.
16 MR. STILLMAN: I'm also representing, and I have a
17 case that allows me to do this.
18 In the first place, you know that the only
19 instruction not to answer under the Code of Civil Procedure
20 is privilege. This is not a privilege issue.
21 Form of the question, you have it. We're entitled
22 to an answer.
23 MR. PARSONS: Please don't point at me. You don't
24 need to point at me when you're objecting.
25 MR. FLYNN: Mr. Parsons, you're being obstructive.
1 Q. Mr. Walters, let me ask you this, sir.
2 Did you tell Tara Mata and Daya Mata in 1962 when
3 they met you in New York that they were afraid of you?
4 A. No, I did not.
5 Q. Did you tell them that the only reason they were
6 firing you is because you were too independent?
7 A. No, I did not.
8 Q. Did you tell them that the only reason they were
9 firing you was because you were creative and they were not?
10 A. No.
11 Q. What did you tell them?
12 A. I didn't tell them anything.
13 Q. Now, between 1962 and 1968, what did you do?
14 MR. PARSONS: Objection. It calls for a
15 narrative; it's compound. What do you mean, what did he do?
16 MR. FLYNN: Q. Can you answer the question?
17 A. I breathed. What do you want to know?
18 MR. PARSONS: Exactly.
19 MR. FLYNN: Q. What was your occupation?
20 A. I was teaching with Dr. Haridas Chaudhury at the
21 Cultural Integration Fellowship.
22 Q. Where was that?
23 A. San Francisco.
24 Q. What was the nature of that organization?
25 A. It was teaching Indian teachings. He was an
1 author.
2 Q. How long did you do that?
3 A. He had a heart attack, and I offered to help out,
4 and so they asked me if I wouldn't take over teaching until
5 he recovered from his heart attack. So it was maybe 3
6 years. I'm not sure.
7 Q. What did you teach?
8 A. I taught the teachings of India.

9 Q. What teachings of India?

10 A. Do you want me to explain a thousand -- many
11 thousands of years old tradition? I thought what I know.

12 Q. Did you teach Yogananda's teachings?

13 A. Yes.

14 Q. Did you teach teachings other than Yogananda's
15 teachings?

16 A. Mr. Flynn, nobody owns a teaching. I taught the
17 truth as I knew it. I'd had the truth from Yogananda. I
18 didn't try to bring people to Yogananda. I taught the truth
19 as I knew it.

20 Q. Mr. Walters --

21 A. In other words, they were following another path.
22 I didn't want to convert them from that path, so I served as
23 I could. But I taught universal truths.

24 Q. Universal truths as taught by who?

25 A. As taught by thousands of sages for thousands of
1 years. As taught in the Bhagavad-Gita and the Upanishads
2 and the Vedas.

3 You must be very ignorant of this fact if you're
4 asking that question.

5 Q. Did you create a curriculum of these teachings?

6 A. No.

7 Q. Did you teach from notes?

8 A. I beg your pardon?

9 Q. Did you teach from notes?

10 A. I never do.

11 Q. Did you just teach spontaneously?

12 A. Yes.

13 Q. And in these spontaneous teachings over a period
14 of 3 years, you taught the Upanishads?

15 A. I thought the teachings of the Upanishads. I must
16 have referred to them sometimes.

17 Q. You taught the teachings of the Bhagavad-Gita?

18 A. Yes. Same answer.

19 Q. You taught the teachings of Yogananda?

20 A. Uh-huh.

21 Q. You taught the teachings of Christ?

22 A. Yes.

23 Q. With no notes?

24 A. Yes.

25 Q. All as interpreted by Swami Kriyananda. Is that
1 correct?

2 A. As understood. That's different from saying
3 interpreted.

4 Q. Now, after you finished this 3-year teaching
5 period, then what was your occupation?

6 A. Well, I was giving classes around the Bay Area. I
7 earned very little at the Cultural Integration Fellowship,
8 so these classes helped to pay for the apartment I was
9 living in.

10 And then I began, through the teaching, to try to
11 raise the funds in class fees and so on to build a
12 community.

13 Q. And what community were you intending to build?

14 A. Ananda.

15 Q. Founded on the teachings of Yogananda?

16 A. Yes.

17 Q. Founded on the teachings of SRF?

18 A. Yogananda.

19 Q. Separate from the teachings of SRF?

20 A. Excuse me. They teach his teachings; I teach his
21 teachings.

22 I don't refer to them for what I teach. I refer
23 to him, to what I learned from him.

24 Q. Well, when you began to teach the teachings of
25 Yogananda, what year was that?

1 A. 1949.

2 Q. When you began to teach the teachings of Yogananda
3 in connection with starting this community, what year was
4 that?

5 A. I never stopped.

6 Q. Did you purchase property to start this community?

7 A. Yes.

8 Q. Whose name did you purchase it in?

9 A. Well, I put it in the name of Ananda.

10 Q. In 1968?

11 A. '67 was the first land that I bought.

12 Q. That you personally bought?

13 A. Uh-huh.

14 Q. Did you put it in your name?

15 A. No.

16 Q. Did you put it in the name of a corporation?

17 A. I think so. I am not sure now. That's been a
18 long time.

19 I didn't own property, so it had to be in the name
20 of Ananda.

21 Q. Do you own property in Sacramento?

22 A. Do I own property? I own no property.

23 Q. Have you ever owned any property?

24 A. No.

25 Q. When you put this property in the name of
1 Ananda --

2 MR. PARSONS: Excuse me, I do believe that
3 question is kind of confusing.

4 You're talking about real property so far, as
5 opposed to personal property, suits and the like. Is that
6 correct?

7 MR. FLYNN: Q. Mr. Walters, do you own any
8 apartment buildings?

9 A. No.

10 Q. In -- anywhere?

11 A. No. But I've answered that in saying I don't own
12 any real property.

13 Q. When you bought this property in 1967, and you
14 said you put it in the name of Ananda, you believe -- is
15 that correct?

16 A. To the best of my recollection. I might have put
17 it in the name of the Yoga Fellowship, but this I'm not
18 sure.

19 At any rate, it was not in my name.

20 Q. Well, whatever organization's name you put it
21 into, can you tell me who was affiliated with that
22 organization at the time?

23 MR. PARSONS: Wait. I'm going to object to that.

24 What do you mean by "affiliated with that organization"?

25 Are you calling for all the members of it? What are you --

1 MR. FLYNN: Q. I'll withdraw it.

2 Do you know whether it was a corporation that
3 owned the property?

4 A. Okay. Well, I'll try to explain it.

5 Richard Baker was the Roschi of the Zen temple;

6 Gary Snyder was a -- is a poet; Allen Ginsberg is or -- I
7 don't know if he's still living -- a poet.

8 We bought the land together. Dick Baker, Richard
9 Baker, didn't actually give it -- I'm now remembering,
10 because I'm not very up on things like this.

11 But he didn't actually give us the deed to the
12 property until some years later. So it was my understanding
13 that this is what I am doing for an organization which I was
14 creating at that time.

15 Now, whether I had created it or not or was going
16 to, this I don't know. It was not mine, in any case, until
17 it became the property of the Yoga Fellowship, I believe.
18 It may have been Ananda, but I think it was the Yoga
19 Fellowship.

20 Q. Who was the head of the Yoga Fellowship?

21 A. I.

22 Q. Who was the head of Ananda?

23 A. I. That means to say, I am the spiritual
24 director. We have a manager, we have other people who
25 direct the business affairs, that kind of thing.

1 Q. Well, in 1967 and the years thereafter, were you
2 involved in the business affairs?

3 MR. PARSONS: During that entire period of time?

4 MR. FLYNN: Q. At any time after you purchased
5 the property.

6 A. Involved, I don't know the extent to which you
7 mean. Maybe you'd like to tell me, because I helped direct
8 things, I helped get them started.

9 Did I take anything from them? No. Did I benefit
10 from them personally? No.

11 Q. In connection with the royalties of the sales of

12 your books, to whom do they go?

13 A. I don't keep those.

14 Q. You give them to the organization?

15 A. I put them in a special account that can be used,
16 that I use, for projects for the organization that are not
17 personal, but that help the organization.

18 Q. Whose name is the account in?

19 A. It's in the church name.

20 Q. Where is the account?

21 A. In Nevada City, I guess, at the bank there.

22 Q. And who are the signatories on the account?

23 A. Lila Hogendyk I think is the main one. I never

24 see it, so I don't really know if I'm a signatory or not.

25 Q. Now, do you receive directly any of the royalties 1 of your books?

2 A. No.

3 Q. They all go into this account?

4 A. Yes.

5 MR. FLYNN: Would you mark this as Exhibit 1?

6 (Exhibit 1 was marked.)

7 MR. FLYNN: Q. You have Exhibit 1 there in front

8 of you, Mr. Walters.

9 Did you author what has been marked as Exhibit 1?

10 A. I did.

11 Q. Is that your signature on the second page of

12 Exhibit 1?

13 A. Yes. Yes.

14 Q. And you authored this document on or about August

15 31, 1995?

16 A. Correct.

17 Q. And the term "295 Dwapara," who originated that
18 term?

19 A. Yogananda's guru.

20 Q. What has which is name?

21 A. Swamy Sri Yukpeswar.

22 Q. He was a swamy in the swamy monastic order also?

23 A. Yes.

24 Q. One who took final vows also?

25 A. Yes.

1 Q. Now, in this Exhibit 1, you state:

2 "It isn't that I'm worried about their questions.

3 What does concern me a little is the almost insane hatred

4 they've evinced for cults, among which they see Ananda as a
5 leading and vicious example."

6 You wrote that?

7 A. Yes. I wrote the whole letter.

8 Q. Who is the "they" you're referring to?

9 A. You, Ford Greene and Mr. Stillman.

10 Q. And it is Mr. Stillman, Mr. Greene and myself that
11 have a, quote, "almost insane hatred"?

12 A. This is what you revealed in your papers.

13 Q. Is this a quality that you know about inside

14 yourself that you see in other people?

15 MR. PARSONS: Wait, wait. I'm going to object to

16 that. I don't even know what the question means.

17 Is this a quality you see in yourself -- I don't

18 even know what that is.

19 Certainly, it's too personal and intrusive, if it

20 makes sense at all. I'm instructing the witness not to

21 answer.

22 MR. FLYNN: Q. Have you written that only to the

23 extent that you can see love in other people, you have love

24 yourself; and only to the extent you see hatred in other

25 people, you have that hatred in yourself?

1 Have you written that, Mr. Walters?

2 MR. PARSONS: This is so far afield. I don't see

3 any possible relevancy for this.

4 I'm going to instruct the witness not to answer.

5 I'm going to even suggest that we take this line of

6 questions to the referee that's been appointed for

7 discovery.

8 Let's get a ruling on this right now.

9 MR. FLYNN: Please, Mr. Parsons. I'll conduct the

10 deposition the way I want.

11 Q. Now, what basis do you have to believe that

12 Mr. Greene, Mr. Stillman and myself have an insane hatred?

13 MR. PARSONS: Okay. I'm going to object to the

14 question as being totally irrelevant. It has nothing to do

15 with this lawsuit. It's a matter of personal opinion and

16 statement on behalf of this witness.

17 I'm going to instruct him not to answer.

18 More than that, I'm going to request at this time

19 -- it's now 10 after 12:00. I would like to take a bunch.

20 MR. FLYNN: I'd like to go to 1 o'clock. We've

21 already had two breaks, Mr. Parsons, and we didn't get

22 started until 10:15.

23 MR. PARSONS: That's too bad, because I want to

24 take a lunch break right now. And -- no, please.

25 There's an issue as to the health of this

1 deponent. The tone of the questioning, the bitterness, the

2 sarcasm of it I think is something which causes me to have

3 concern, and I'm requesting that we break for lunch now.

4 MR. FLYNN: And I'm asking that we continue to

5 1 o'clock.

6 THE WITNESS: What does my doctor say?

7 MR. PARSONS: No, we're breaking for lunch right

8 now.

9 MR. STILLMAN: Why don't we just split the

10 difference. Why don't we go to 12:30?

11 MR. PARSONS: No. Right. We have been

12 exceedingly accommodating.

13 MR. FLYNN: What time are you going to return,

14 Mr. Parsons?

15 MR. PARSONS: We figure we probably need about an
16 hour. So be back at 1:15.

17 THE VIDEO OPERATOR: This is the end of videotape
18 number 1 in the deposition of Donald Walters. We're going
19 off the record at 12:11 p.m.

20 (Lunch recess from 12:11 p.m. to 1:22 p.m.)

21 --o0o--

22 AFTERNOON SESSION

23 (Exhibit 2 was marked.)

24 THE VIDEO OPERATOR: This is the beginning of
25 videotape number 2 in the deposition of Donald Walters.

1 We're back on the record at 1:22 p.m.

2 MR. FLYNN: Q. Would you look at Exhibit 2 which
3 has been placed in front of you, sir, which is the
4 Declaration of James Donald Walters in Support of Motion for
5 Summary Adjudication, which is comprised of 32 numbered
6 pages.

7 And would you look on the 32nd page and confirm
8 that that is in fact your signature?

9 A. Yes.

10 Q. And prior to signing this declaration, did you
11 read it?

12 A. Yes.

13 Q. Did you write this declaration?

14 A. Yes.

15 Q. And is everything contained in this declaration
16 true and correct, as you stated under the pains and
17 penalties of perjury on May 31, 1995?

18 A. To the best of my knowledge, yes.

19 Q. And this was executed at Denver, Colorado?

20 A. I was in Colorado at the time, right.

21 Q. What were you doing in Colorado at the time?

22 A. I was giving some lectures.

23 Q. Over how long of a period?

24 A. I think it was about 3 weeks. I'm not sure. I
25 was in Colorado and Chicago.

1 Q. You were on the lecture circuit giving lectures?

2 A. Yes.

3 Q. Your health permitted that?

4 A. It was a strain, but I managed through it. I had
5 committed myself to it before I knew about all the health
6 problems.

7 MR. PARSONS: Excuse me one second. I wanted to
8 say something to my client.

9 (Discussion between the witness and his counsel.)

10 THE WITNESS: I can't hear you. Write it.

11 MR. FLYNN: Q. So the answer to my question was,
12 yes, your health permitted that. Is that correct?

13 A. No. But I did it because I had to.

14 Q. Did your health prohibit it?

15 A. That would be one that my doctor could answer. He

16 discouraged me from going.

17 Q. But you went anyway?

18 A. Yes.

19 Q. And how many hours a day did you lecture?

20 A. Maximum of 1.

21 Q. And how often did you travel during that time

22 frame?

23 A. You mean, how many places did I lecture?

24 Q. Were you traveling every day?

25 A. No.

1 Q. Every other day?

2 A. No.

3 Q. What was your routine during that time frame?

4 A. All right. I lectured in Aspen, I was there for

5 their weekend conference. I had two lectures there. One

6 workshop, and the other one a lecture, conference. It was a

7 large thing to which others came.

8 The other was a bookstore in Denver. And then I

9 lectured at a church, and at a center that we have. So that

10 was altogether about a week.

11 Then I flew to Chicago, and --

12 MR. PARSONS: I don't think he's asked you yet

13 about Chicago.

14 MR. FLYNN: Q. Well, I asked you about your

15 routine.

16 So you flew to Chicago. How long were you in

17 Chicago?

18 A. I -- let's see. First I was at the American

19 Booksellers Association. That was a couple of days.

20 Then I lectured at our Ananda Center in Chicago,

21 at a bookstore, and at a church, and then at a conference.

22 That's all.

23 Q. Now, this declaration is dated -- is that May 31?

24 The date at the end. Is it May 21, May 31?

25 A. Where?

1 Q. On the 32nd page.

2 A. The date is July 5.

3 Q. No, above your signature on page 32.

4 A. Yes, okay.

5 Q. Well, is that your handwritten number next to the

6 word "May"?

7 A. I don't know. It's not even clear.

8 Q. Were you in Denver, Colorado on May 31?

9 A. Yes.

10 Q. Were you in Hawaii on June 29, 1995?

11 A. June 29? No.

12 Q. Yes.

13 A. I don't think I was.

14 Q. Have you been in Hawaii in the last 6 months?

15 A. Yes.

16 Q. When were you in Hawaii?

17 A. April.

18 Q. And during the period between April and June of
19 1995, did you characterize yourself as feeling great?

20 MR. PARSONS: Characterize in what sense? Are you
21 asking for a statement he made to someone?

22 MR. FLYNN: Q. Yes.

23 MR. PARSONS: Okay. So the question is, did he
24 make a statement to anyone that he felt great?

25 MR. FLYNN: Q. Yes.

1 MR. PARSONS: The question --

2 THE WITNESS: It's very possible.

3 MR. FLYNN: Q. Did you feel great during that
4 time frame?

5 A. Part of the time. But if you're asking for
6 medical testimony, this is not medical.

7 Q. I'm not asking you. I'm asking you for the way
8 you felt, Mr. Walters.

9 MR. PARSONS: Well, actually, you've asked --
10 okay, go ahead.

11 MR. FLYNN: Please, Mr. Parsons.

12 Q. Would you turn back to Exhibit 1, please?

13 When you wrote Exhibit 1, did you consider the
14 contents of Exhibit 1 to be truthful?

15 A. Yes.

16 MR. PARSONS: I'm going to object at this part. I
17 have -- during the lunch break, I have discovered that
18 Exhibit 1 was a letter that Mr. Walters wrote to the church
19 community. I don't know how you got a copy of it, but I
20 understand it was intended to be a confidential
21 communication within the church.

22 Therefore, I don't want any questions concerning
23 the content of this communication between Mr. Walters and
24 his church members.

25 MR. FLYNN: Q. How many members of the church did
1 you send Exhibit 1 to?

2 A. I couldn't tell you.

3 Q. How many members of the church were there on
4 August 31, 1995?

5 A. I couldn't tell you.

6 Q. Approximately?

7 A. I don't know.

8 Q. Approximately 800, as you earlier testified?

9 A. I don't know.

10 Q. More than a hundred?

11 A. Yes.

12 Q. More than 200?

13 A. Yes.

14 Q. More than 300?

15 A. I'm not sure.

16 Q. More than 400?

17 A. I don't know how many it was sent to.

18 Q. How many members were there on August 31, 1995?

19 A. I don't know.

20 Q. More than 400?

21 A. I would assume so.

22 MR. PARSONS: He's just stated -- no, he's just

23 stated he doesn't know.

24 MR. FLYNN: Q. Were there approximately 800

25 members in August of 1995?

1 MR. PARSONS: Objection. He's asked and answered

2 that question. I'm instructing the witness not to answer.

3 MR. FLYNN: Q. How was Exhibit 1 distributed to

4 the membership?

5 A. I gave it to my secretary, who gave it to the

6 ministry office, who sent it out.

7 Q. Was there any cover letter conveying any

8 confidentiality relating to it?

9 A. I don't even know.

10 Q. Did you tell anyone that you intended it to be

11 confidential when you sent it out?

12 A. I said it was for our members. That's all I said.

13 Q. Did you do anything to maintain the

14 confidentiality of Exhibit 1?

15 A. Nothing --

16 MR. PARSONS: Other than telling his secretary

17 that it was for the members?

18 MR. FLYNN: Correct.

19 THE WITNESS: Correct.

20 MR. FLYNN: Q. You did nothing?

21 A. Nothing.

22 MR. FLYNN: The objection is completely specious.

23 Q. Would you tell me what the symbol is the in the

24 upper left-hand corner of Exhibit 1?

25 A. This is our symbol of Ananda.

1 Q. Where did you get that symbol?

2 A. It came to me in medication.

3 Q. What meditation -- or strike that.

4 When did it come to you in meditation?

5 A. I would estimate, but I don't know for sure, about

6 1970, '71.

7 Q. Did it come to you while you were at a massage

8 parlor where that was a symbol on the massage parlor sign?

9 A. No.

10 Q. The answer was no?

11 A. No. The answer is no.

12 Q. Now, when you sent out Exhibit 1 to the members,

13 did the membership list that was used to distribute this

14 constitute something that was on a computer at Ananda?

15 A. I don't --

16 MR. PARSONS: Objection. Lack of foundation.

17 There's no basis that this witness knows that information.

18 Calls for speculation.

19 THE WITNESS: I don't know.
20 MR. PARSONS: And he doesn't know.
21 MR. FLYNN: Q. And was it intended to only go to
22 members who were still loyal to Ananda?
23 A. I have no idea.
24 Q. So it may have gone to members who were not loyal?
25 A. The fact that you got it makes me assume so.
1 Q. Thank you very much, Mr. Walters.
2 Now, in the last 3 or 4 weeks, have you instructed
3 any senior ministers at Ananda to go to individual members
4 and question them about their loyalty to you?
5 A. No.
6 Q. Has that practice been done?
7 A. No.
8 Q. What is the name of your secretary?
9 A. I have two secretaries. One is Alan.
10 Q. Alan what?
11 A. Alan Heubert.
12 Q. And what is the name of the other?
13 A. Hridaya, H-r-i-d-a-y-a. Whether she's gone back
14 to her maiden name because of separation from her husband, I
15 don't know.
16 Q. Now, in the last -- strike that.
17 Since April of 1995, have you felt great, or have
18 you felt that the pressures from this lawsuit were going to
19 kill you?
20 MR. PARSONS: What point in time since April of
21 '95?
22 MR. FLYNN: From April of 1995 to August 31, 1995.
23 MR. PARSONS: Has he felt great every single day?
24 Is that the question?
25 MR. FLYNN: Q. In general. Have you felt great,
1 or have you felt that the pressures from this lawsuit were
2 going to kill you?
3 A. I have not felt that they were going to kill me.
4 Q. Now --
5 THE WITNESS: Mr. Greene, would you mind not
6 staring at me like that?
7 MR. PARSONS: Yes. Mr. Greene, you're leaning
8 forward and your head --
9 MR. GREENE: Mr. Parsons, I am going to sit here,
10 and I am going to observe the witness in whatever way I
11 choose.
12 And Mr. Walters, if it makes you feel
13 uncomfortable, you'll just have to get used to it,
14 because --
15 THE WITNESS: I can also get up and leave.
16 MR. PARSONS: That's right. And in fact, if you
17 don't act with decorum in a way that does not disturb and
18 upset the witness, we will leave and seek a protective
19 order.

20 MR. FLYNN: That's just all a game you're playing

21 Mr. Parsons.

22 DR. VAN HOUTEN: I'll suggest it medically --

23 MR. FLYNN: Please, sir, you're not on the witness
24 stand.

25 It's a game you're playing to try to protect your

1 witness, as exemplified by some of the conduct that you
2 pulled this morning.

3 Let's proceed with the question.

4 MR. FLYNN: Q. Now, in your letter dated August

5 31, you thank someone for writing declarations which you
6 accept humbly as the unadorned truth.

7 Did you read those declarations?

8 A. Yes.

9 MR. PARSONS: I'm going to object, and I'm going

10 to instruct the witness not to answer concerning the content
11 of this letter that was sent out to the membership.

12 ++ MR. FLYNN: Okay. This is an important

13 document. That's why it's been marked as Exhibit 1, for
14 reasons that will become clear.

15 Please mark this section, and I'll specifically go

16 right into it right now.

17 Q. In the last 30 to 60 days -- yes --

18 MR. STILLMAN: Just note that it's an admission.

19 MR. FLYNN: It's also an admission.

20 MR. STILLMAN: It's an admission statement of the

21 party. Whether you think it's confidential or not is

22 ludicrous. Sorry.

23 MR. FLYNN: Q. Swamy Walters --

24 MR. PARSONS: Excuse me. I'd ask you to address

25 him as Mr. Walters.

1 MR. FLYNN: Well, I believe that he's testified

2 this morning that the membership addresses him as Swamy
3 Walters.

4 MR. PARSONS: No, no, he hasn't. He's testified

5 that some people, out of what I take respect, who are close
6 to him use that term as an honorific, not as a title.

7 And I don't believe you're in that position where

8 you ought to use the word "Swamy" when you're talking to
9 him. I think a little more respect is in order.

10 MR. FLYNN: Probably only in a past lifetime,

11 Mr. Parsons.

12 Q. Now, Mr. Walters, in the last 60 days, have you

13 stated that, "Even master had his shakti"?

14 A. I have not.

15 Q. In the last 6 months, have you stated, "Even

16 master had his shakti"?

17 A. I have not.

18 Q. Do you know an woman #8?

19 A. I do.

20 Q. You're having a sexual encounter with her at the

21 present time. Is that correct?

22 A. That's not correct.

23 MR. PARSONS: Objection. Objection --

24 MR. FLYNN: Q. Do you know a --

25 MR. PARSONS: No, wait. Let me get my objection
1 on the record.

2 I'm objecting that you're inquiring now into
3 private matters, and I'm not going to let you ask those
4 questions.

5 I'm going to instruct the witness not to answer
6 questions about his personal lifestyle at this time.

7 MR. FLYNN: Privacy is no privilege.

8 MR. PARSONS: I'm sorry, it is. The courts seem
9 to disagree with you.

10 MR. FLYNN: Q. In Exhibit 1, you state, after
11 talking about the declaration:

12 "This has been an instructive year for me in many
13 ways. It has helped me to understand more deeply the
14 supreme virtue of loyalty. Not as a dogmatic
15 commitment to an abstract concept, but as a simple
16 commitment of the heart in a spirit of divine
17 friendship. Somebody this year told me a scurrilous
18 story about Master. I replied, 'I don't believe it for
19 a moment.' But later I thought, 'Even if, against all
20 I know to the contrary, it were proven to be true, he's
21 mine, and I love him.'"

22 Now, did I read that statement correctly,
23 Mr. Walters?

24 MR. PARSONS: Now, again, I'm going to object.

25 I'm going to instruct the witness not to answer the question
1 for the reasons stated before.

2 If this is such an important document, I suggest
3 we take a break. We have a discovery referee who is on
4 telephone standby, I understand.

5 MR. FLYNN: Believe me, we will take this up,
6 Mr. Parsons, on our time.

7 Q. Now, Mr. Walters, what was the scurrilous story
8 that you spread about Yogananda in the last year?

9 MR. PARSONS: Oh, that -- that is argumentative,
10 it lacks foundation, it's intended to badger this witness.
11 Mr. Greene, please.

12 I'm going to instruct the witness not to answer
13 that question. I'm going to ask we get on to relevant
14 matters.

15 MR. FLYNN: You're going to find as I'm going to
16 get into his declaration, you're obstructing, and this is
17 very relevant.

18 Q. During the last year, did you hear a scurrilous
19 story about Yogananda?

20 MR. PARSONS: Objection. What's the relevancy of
21 this?

22 MR. FLYNN: Q. It will become plain momentarily,

23 Mr. Parsons.

24 MR. PARSONS: Well, then momentarily maybe I'll
25 withdrew my objection, but I'm asserting an objection now.

1 MR. FLYNN: This is discovery, and I'm not
2 entitled to enlighten you or the witness about the
3 significance of this matter.

4 MR. STILLMAN: I'll note also that the last time I
5 checked, the Code of Civil Procedure says that relevancy is
6 reserved for the time of trial and is not a proper objection
7 in a deposition.

8 MR. FLYNN: Q. Did you, sir, in the last year
9 hear a scurrilous story about Yogananda?

10 MR. PARSONS: No, I'm instructing the witness not
11 to answer that question for the reasons stated.
12 And if you ask it again, I'm going to stop the
13 deposition and I'm going to call the discovery referee, so
14 we can get some reasonableness going here and move on with
15 this thing.

16 MR. FLYNN: Q. Mr. Walters, in the last year, as
17 the sexual allegations against you were proven to be true,
18 did you resort to trying to bring down Yogananda in defense
19 of yourself?

20 MR. PARSONS: That's absolutely outrageous. It
21 assumes facts not in evidence, it's argumentative.
22 I suggest we take a break right now and get the
23 discovery referee on the phone.

24 MR. FLYNN: Q. Turn to the declaration --

25 MR. PARSONS: Okay. We're going to take break
1 anyway, then.

2 MR. FLYNN: -- that you filed, please.

3 No, Mr. Parsons, we're not.

4 MR. PARSONS: Yes, I'm sorry.

5 MR. FLYNN: I'm conducting the examination; not
6 you, sir.

7 MR. PARSONS: No, you're badgering this witness.

8 MR. FLYNN: I intend to use this record for my own
9 purposes to prove your obstructionism. I don't intend to
10 delay the deposition and play into your game-playing.

11 MR. PARSONS: What I -- here's what we'll do.

12 MR. FLYNN: If you're going to take a break, you
13 take it at your own risk. We've only resumed for
14 approximately 15 minutes. You were 15 minutes late in
15 returning, and you're again obstructing the deposition.

16 I am now going to ask a question.

17 MR. PARSONS: Well, I'm taking a break right now
18 to have a discussion with my client.

19 MR. FLYNN: We're going to leave the video on.

20 MR. PARSONS: That's fine.

21 MR. FLYNN: We've only been going for 15 minutes.

22 MR. FLYNN: You can leave the video on. We

23 haven't been going for only 15 minutes.
24 I believe if you read the record, you'll see that
25 your statement about starting 15 minutes late is as false as
1 many of the other things you've said here today.
2 MR. FLYNN: We'll leave the video on.
3 THE VIDEO OPERATOR: Mr. Parsons, your microphone
4 is still on.
5 MR. PARSONS: Like driving away from the pump with
6 the --
7 THE VIDEO OPERATOR: Exactly.
8 THE REPORTER: Did you want to go off the written
9 record?
10 MR. FLYNN: Yes.
11 (Discussion off the written record.)
12 MR. FLYNN: For the record, we object to these
13 incessant breaks. Every time the swamy gets cornered,
14 Mr. Parsons jumps in and tries to bail him out and take him
15 out of the room, and we object.
16 MR. PARSONS: I object to that characterization.
17 MR. FLYNN: It won't happen during the trial.
18 MR. PARSONS: No, no --
19 MR. FLYNN: I assure you it won't happen during
20 the trial, Mr. Parsons.
21 MR. PARSONS: That's right, because we won't have
22 these sorts of ridiculous questions which will be permitted
23 by the Court.
24 MR. FLYNN: We will have questions that will be
25 permitted by the Court, Mr. Parsons, that you won't be able
1 to bail your client out on. I assure you of that.
2 MR. PARSONS: I'm not bailing my client out.
3 MR. FLYNN: Q. Now, Mr. Walters, would you turn
4 to Exhibit -- and before doing so, let me ask you once
5 again, sir, in the last year, what scurrilous story have you
6 heard about Yogananda?
7 MR. PARSONS: Objection. For the reasons already
8 stated, I'm not letting you examine this witness concerning
9 this document or anything in the document. I'm instructing
10 the witness not to answer.
11 MR. FLYNN: Q. Forgetting the document.
12 In the last year, what scurrilous story have you
13 heard about Yogananda?
14 MR. PARSONS: I'm objecting. It assumes facts not
15 in evidence, it's irrelevant, and it inquires in --
16 unreasonably into these matters. I'm instructing him not to
17 answer.
18 MR. FLYNN: Q. In 1962, when you were separated
19 from SRF, did you state to Tara Mata and Daya Mata that you
20 could shake SRF to its roots with information that you had?
21 MR. PARSONS: Okay. At this point, I'm going to
22 object to that line of questioning.
23 I reviewed the declarations. I had permitted

24 certain questions under your representation that there had
25 been statements made in the declarations concerning the
1 separation.

2 I have subsequently reviewed those declarations
3 and find no such reference in there whatsoever.

4 The whole area, therefore, is remote in time; it
5 has nothing to do with this lawsuit; it's irrelevant; and
6 intrudes therefore unreasonably into the personal matters of
7 this witness.

8 I'm instructing him not to answer.

9 MR. FLYNN: We'll see, Mr. Parsons.

10 MR. PARSONS: Yes, we will.

11 MR. FLYNN: We will see.

12 Q. In the period 3 years ago to 4 years ago, when the
13 SRF lawsuit was brought against you, did you go out and
14 spread a scurrilous story about Yogananda?

15 A. No.

16 Q. 3 to 4 years ago, was a scurrilous story about
17 Yogananda told to you?

18 MR. PARSONS: Objection for the reasons stated
19 before.

20 I'm instructing the witness not to answer.

21 MR. FLYNN: This is all serious, serious
22 obstruction, prohibiting our ability to respond to the
23 motion for summary judgment, as you will see soon,
24 Mr. Parsons.

25 MR. PARSONS: Well, I have offered to present this
1 to the discovery referee right now --

2 MR. FLYNN: Q. Would you turn to Exhibit 1,
3 please?

4 MR. PARSONS: -- so that we can avoid having to
5 come back and wasting time.

6 If you believe that it's that important, let's
7 take it to the referee.

8 MR. FLYNN: The only one wasting time is you,
9 Mr. Parsons, with your constant cluttering of the record.

10 MR. PARSONS: I see.

11 MR. FLYNN: Q. Mr. Walters, would you turn to
12 Exhibit 1, please?

13 MR. PARSONS: He's still at Exhibit 1.

14 MR. FLYNN: Q. Strike that. Would you turn to
15 Exhibit 2?

16 You state in paragraph 2, "Yogananda founded
17 Self-Realization Fellowship in this country in 1925."

18 A. Oh, okay. Yes.

19 Q. Where did you get that information?

20 A. It's common knowledge.

21 Q. Common knowledge to who?

22 A. The world.

23 Q. Are you sure the year is 1925?

24 A. What?

- 25 Q. Are you sure that the year he founded
1 Self-Realization Fellowship in the United States was 1925?
2 A. Again, it's a matter of how you define "founded."
3 '20, he came here. He didn't actually found it.
4 '25, he founded the headquarters. He didn't actually
5 incorporate until 1935.
6 Q. Is the statement true or false?
7 A. True. I've given three choices. That was one of
8 them, the middle one.
9 Q. Was the term "Self-Realization Fellowship" used in
10 1925 to designate Yogananda's organization in the United
11 States?
12 A. I don't really know.
13 Q. Were you telling the truth when you wrote
14 paragraph 1 -- or strike that -- the first sentence in
15 paragraph 2 on page 2 of your declaration?
16 A. I've answered that.
17 Q. So as I understand your testimony today, you don't
18 know whether he founded Self-Realization Fellowship, that
19 name, in 1925. Is that correct?
20 MR. PARSONS: That misstates his testimony with
21 respect to your prior question.
22 He founded the organization. He didn't know --
23 he's testified he didn't know what name he used, but it's
24 the same organization that was founded in 1925.
25 MR. FLYNN: Mr. Parsons, don't clutter the record,
1 don't instruct the witness how to answer, don't interpret
2 the witness's questions, and don't testify. It's not your
3 job.
4 MR. FLYNN: Q. Now, Mr. Walters, to your
5 knowledge, when did Paramhansa Yogananda first use the term
6 "Self-Realization Fellowship" to designate his organization?
7 A. I don't know. It would be -- Mr. Parsons gave the
8 correct answer. When he used the name, I wasn't alive even
9 at that time, so I have to go by hearsay.
10 All I know is, he incorporated it in 1935.
11 Q. Did you get this information from Mr. Parsons when
12 you signed this declaration?
13 A. No.
14 Q. Who did you get it from?
15 A. From my knowledge of his history, from
16 Self-Realization Fellowship literature, from all kinds of
17 things. What I've said here is common knowledge.
18 Q. On the first sentence of paragraph 1, you state,
19 "I make this declaration based on my own personal
20 knowledge, and I am competent to testify to the matters
21 stated herein."
22 Do you see that?
23 MR. PARSONS: I don't see that. Where is it?
24 MR. FLYNN: Page 1, paragraph 1, first sentence.
25 Q. Now, did you have personal knowledge of whether

1 Yogananda founded Self-Realization Fellowship in the United
2 States in 1925?

3 A. I have to define that in my way. I obviously, not
4 being alive then, didn't see him, wasn't his disciple.

5 It's common knowledge. That's my personal
6 knowledge. Nobody's ever contradicted it. It was our
7 tradition in Self-Realization Fellowship.

8 Q. So you're claiming that to be personal knowledge
9 of yours?

10 A. Yeah. You could correct me on that if you like.

11 I'm telling you what I meant.

12 Q. Could you answer my question? Are you claiming
13 that to be personal knowledge of --

14 A. I have defined --

15 Q. -- of Donald Walters?

16 A. I have defined what I mean by personal knowledge.

17 Q. Something someone told you?

18 MR. PARSONS: Something that's common knowledge,
19 is what he said. So I object that it misstates his
20 testimony.

21 MR. FLYNN: Q. Then you state, Mr. Walters, that
22 "I am a direct disciple of Paramhansa Yogananda." Page 1,
23 paragraph 1, second sentence.

24 A. Yes.

25 Q. What do you mean by that?

1 A. That he initiated me himself. That he accepted me
2 as a disciple.

3 Q. You state in paragraph 2, "From 1958 until 1962, I
4 served as SRF minister in India."

5 Is that a truthful statement?

6 A. Yes.

7 Q. Where in India did you serve?

8 A. Calcutta, Ranchi, a lecture tour through the
9 north. Basically, that.

10 Q. Did you serve in Delhi?

11 A. Yes.

12 Q. How long did you serve in Delhi?

13 A. Off and on for at least 2 years.

14 Q. What was the nature of your service in Delhi for
15 SRF?

16 A. I was giving lectures, giving -- yeah, that's
17 about it. Services.

18 Q. To who?

19 A. To the public.

20 Q. Other than giving services, did you perform any
21 other services for SRF in India in Delhi?

22 A. I was attempting to form an organization, a park
23 and ashram, in the center of the city where the greenbelt
24 area comes in close to the center.

25 Q. By whose authority?

1 A. Daya Mata.

2 Q. And what were you doing to establish an ashram in
3 that area?

4 A. Trying to convince the government it was a good
5 thing.

6 Q. How were you attempting to do that?

7 A. Well, I studied the situation, visited different
8 people in the government, finally wrote a letter to the
9 chief commissioner of Delhi State explaining why it would be
10 in their advantage. Spoke to Nehru. All of that.

11 Q. What did you tell Nehru?

12 A. Exactly that.

13 Q. Exactly what?

14 A. That I was trying to start a park and an ashram.

15 Q. Did the government of India attempt to eject you
16 from India?

17 A. I don't know.

18 Q. Did they accuse you of being a spy?

19 A. I don't know.

20 MR. PARSONS: Objection. Lack of foundation.

21 MR. FLYNN: Q. Did they accuse you of being a
22 liar?

23 MR. PARSONS: Objection. Calls for speculation,
24 lack of foundation.

25 Go ahead.

1 MR. FLYNN: Q. Did the government of India accuse
2 you of being a liar?

3 MR. PARSONS: Same objection.

4 Oh, I'm sorry, but you can go ahead and answer.

5 THE WITNESS: I thought you said you objected.

6 MR. PARSONS: I did object, but you can go ahead
7 and answer that.

8 THE WITNESS: No.

9 MR. FLYNN: Q. Now, when you tried to start the
10 ashram as your service in India, did you lie to the Indian
11 government?

12 A. Did I what?

13 Q. Lie to the Indian government?

14 MR. PARSONS: At the point in time where he's
15 trying to start the ashram, did he lie to the Indian
16 government?

17 THE WITNESS: No.

18 MR. FLYNN: Q. Now, shortly after, you were
19 thrown out of SRF; is that correct?

20 Shortly after this effort to start the ashram in
21 Delhi, you were thrown out of SRF?

22 MR. PARSONS: Objection to the word "thrown out.

23 MR. FLYNN: Q. Fired. Removed.

24 MR. PARSONS: You may answer.

25 THE WITNESS: No.

1 MR. FLYNN: Q. Well, what --

2 A. It depends on what you mean by "shortly."

3 Q. What period of time transpired between the time
4 when you attempted to start the ashram in your service as a
5 minister for SRF and the time that you were fired?

6 A. Year and a half.

7 Q. During that year-and-a-half period, were you
8 making any efforts to start the ashram?

9 A. No.

10 Q. And was this a women's ashram, or a men's ashram,
11 or both?

12 A. I wasn't trying to start it.

13 Q. Well, the one you were trying to start.

14 A. It wouldn't have been an ashram. It would have
15 been more of a retreat. It would have been both men and
16 women, though.

17 Q. Well, did you tell the Indian government that you
18 wanted to try to start an ashram and a park?

19 A. Uh-huh. Yes, sorry.

20 Q. So it would have been an ashram for men or an
21 ashram for women, or both?

22 A. Both.

23 Q. And were you working with other SRF ministers in
24 this endeavor?

25 A. I was working -- depending on what you mean by
1 working with, I was working with the knowledge of our main
2 minister in Calcutta.

3 Q. Were you working --

4 A. I was working with the knowledge of Daya Mata in
5 America.

6 Q. Were you working in the company, the physical
7 presence, of any other nuns or monks --

8 A. No.

9 Q. -- when you were endeavoring to do this?

10 A. No.

11 Q. Were you working in the physical presence of any
12 women or men who were members of SRF when you were
13 endeavoring to do this?

14 A. Well, there were -- there was a whole group of
15 people there. They were members of a sort. I guess you
16 could say that.

17 Q. Now, in 1968, you said you founded Ananda World
18 Brotherhood Village.

19 MR. PARSONS: Are you quoting now from the
20 declaration?

21 MR. FLYNN: Q. Page 2, paragraph numbered 3.

22 Is that correct?

23 A. That's right.

24 Q. And did you have permission of SRF to do that in
25 1968?

1 A. No.

2 Q. Did anyone at SRF counsel you not to do it on or
3 about the time you did it?

4 A. Later, I think 2 years later, Daya Mata said that
5 it was wrong.

6 Q. Why did she tell you it was wrong?

7 A. That's her business.

8 Q. Well, what did she tell you?

9 MR. PARSONS: Then I'm going to instruct the
10 witness not to answer that question, because it intrudes
11 unreasonably in a relationship between the two organizations
12 and the spiritual relationship they had before.

13 And it's obviously irrelevant. It's argumentative.

14 MR. FLYNN: In light of your declaration, that's
15 absurd, Mr. Parsons.

16 MR. PARSONS: Well, it's not my declaration.

17 MR. FLYNN: Well, you're the one apparently who
18 helped Mr. Walters prepare this. He's even adopted your
19 previous testimony.

20 Q. Now, would you go down to paragraph 4 please,
21 Mr. Walters?

22 "All of our churches and communities are base on
23 the teachings of Paramhansa Yogananda."

24 Did I read that correctly?

25 A. Uh-huh.

1 Q. Is that true?

2 A. Yes.

3 Q. Did Paramhansa Yogananda assert, as his primary
4 teaching, loyalty?

5 A. It was a primary teaching. Not the primary.

6 Q. Loyalty. Is that correct?

7 MR. PARSONS: Well, within the context of what he
8 says, being one of the primary teachings.

9 MR. FLYNN: Q. And in 1968, did you consider
10 yourself being disloyal to -- or strike that.

11 2 years later, when Daya Mata contacted you, did
12 you consider yourself to be disloyal to the teachings of
13 Paramhansa Yogananda?

14 MR. PARSONS: I'm going to object to that as
15 well. You keep trying to inquire into the relationship, the
16 spiritual relationship to a former member.

17 I'm going to instruct him not to answer that
18 question.

19 MR. STILLMAN: On what grounds? What's your legal
20 grounds?

21 MR. PARSONS: Relevancy, privacy.

22 MR. FLYNN: Q. Then you state, "The term
23 'teachings' as I use it, means Yogananda's teachings,
24 whether based on his published works, or my own writings and
25 lectures discussing and interpreting his teachings."

1 Did I read that correctly?

2 A. Uh-huh. I haven't looked it, but I assume it's
3 correct.

4 MR. PARSONS: Yes. And the document of course

5 speaks for itself. I'll object on that grounds.
6 I'll let the witness state the obvious, though.
7 MR. FLYNN: Q. Now, what writings and lectures --
8 or strike that. Were you teaching -- strike that.
9 At Ananda Village, since you've started it, have
10 you been teaching Yogananda's teachings, your own teachings
11 and writings, or your interpretation of Yogananda's
12 teachings?
13 MR. PARSONS: Compound, vague. But I'll permit --
14 I would object on that grounds.
15 I'll permit the witness to answer.
16 MR. FLYNN: Q. Which were you teaching?
17 THE WITNESS: What did he say? I didn't hear
18 him.
19 MR. PARSONS: Okay. Can you repeat the question,
20 please?
21 MR. FLYNN: Will you read back the question?
22 (Record read.)
23 THE WITNESS: What I was teaching? Yogananda's
24 teachings.
25 MR. FLYNN: Q. Were you teaching the
1 interpretation of his teachings by you?
2 A. Mr. Flynn, a disciple has to use his own words.
3 He can't just be quoting like a parrot.
4 I would not call that an interpretation; I would
5 call it an explanation. That's quite different.
6 Q. Well, you say in your declaration under oath that
7 you interpreted his teachings.
8 A. Where is this?
9 Q. Page 2, line 24, first word.
10 A. 29 -- all right. Then I have to accept that
11 that's what it is.
12 But I'm trying to help you to understand what I
13 mean by "interpreting."
14 Q. Well, was it true when you wrote "interpreting"?
15 Were you interpreting Yogananda's teachings?
16 A. I've tried to explain what I mean. My
17 interpretation is an explanation.
18 Q. You didn't say "explain." You said "interpret,"
19 Mr. Walters.
20 A. All right. Let it be.
21 Q. Now, when you were counseling (the plaintiff)
22 , were you counseling her according to Yogananda's
23 teachings or your interpretation of Yogananda's teachings?
24 A. Both.
25 MR. PARSONS: The question is vague as to time.
1 At what time do you mean?
2 MR. FLYNN: Q. Well, when she came to you for
3 counseling.
4 MR. PARSONS: And on what -- every time she came
5 to him for counseling?

6 MR. FLYNN: Q. Do you remember (the plaintiff)

7 ?

8 A. Uh-huh, I do.

9 Q. Do you remember whether she was a member of your
10 organization?

11 A. I don't know if -- whether she had become a member
12 or not yet. I didn't know her that well. I know she was
13 there to become a member.

14 Q. How well did you know her?

15 A. Not well.

16 Q. Did she massage your shoulders?

17 A. What?

18 Q. Did (the plaintiff) massage your shoulders?

19 A. I think she did.

20 Q. And you didn't know her very well?

21 A. No.

22 Q. Did you watch a movie with (the plaintiff)
23 during a counseling session?

24 MR. PARSONS: Objection. The question is
25 compound. I'd like you to break it down.

1 MR. FLYNN: Q. Did you watch a movie with
2 (the plaintiff)?

3 A. I don't remember.

4 Q. Did you watch a movie with (the plaintiff)

5 in which there was a depiction of a woman performing oral
6 sex --

7 A. No.

8 Q. -- on a male?

9 A. No.

10 Q. Did you watch a movie with (the plaintiff)
11 entitled "Outrageous Fortune"?

12 A. I don't remember that that was the movie. I don't
13 remember what the movie was about.

14 Q. You didn't know (the plaintiff) very well.

15 Was that your testimony?

16 A. Uh-huh.

17 MR. PARSONS: Objection. Asked and answered.

18 I'll be happy to have the court reporter read it
19 back, if you want to know what his testimony was.

20 MR. FLYNN: Q. When you watched -- strike that.

21 Assuming you watched a movie with (the plaintiff)

22 , do you have any memory of there being a

23 suggestion in the movie of a woman performing oral sex on a
24 man?

25 A. I have no such recollection.

1 Q. When (the plaintiff) came to you for

2 counseling, did she massage your shoulders?

3 MR. PARSONS: Vague as to time. At what time do
4 you mean?

5 MR. FLYNN: Q. At any time she came to you for
6 counseling?

7 A. I think so.

8 Q. When (the plaintiff) came to you for
9 counseling, did you massage any part of her body?

10 A. Her neck.

11 Q. When (the plaintiff) came to you for
12 counseling, what counseling did you give her?

13 MR. PARSONS: Again, it's vague as to time.

14 I'll permit the witness to answer, though.

15 THE WITNESS: Huh?

16 MR. PARSONS: You can go ahead and answer that,
17 but try to be specific as to time.

18 THE WITNESS: I don't know the time. But -- you
19 see, I don't remember whether she came to me first or Danny
20 Levin came to me first. But my attempt was to encourage her
21 to break off any possible relationship with him.

22 MR. FLYNN: Q. While she was massaging your
23 shoulders?

24 A. You see, I wanted her to --

25 Q. Can you answer my question?

1 Were you encouraging her to break off a
2 relationship with Levin while she was massaging your
3 shoulders?

4 A. No. I'd already given her that counsel.

5 Q. And was that counsel based on Yogananda's
6 teachings or an interpretation of his teachings?

7 A. Both.

8 Q. What teachings?

9 A. That he was married, and he should not have an
10 affair with her. That she was going through the training
11 period there; it was inappropriate.

12 That I felt that it was a mistake, morally and
13 spiritually.

14 Q. When you gave that counseling to (the plaintiff),
15 did you put her head in your lap?

16 A. I tried to answer that, and you stopped me. I'm
17 going to answer it.

18 I wanted her to know that I was not being
19 prejudicial against her. So I tried to express friendship
20 for her.

21 Putting her head in my lap? She was complaining
22 of a sore neck. I said, would you like me to try to massage
23 it? I asked her. I didn't tell her. And that's all it
24 amounts to.

25 Q. So the answer is yes, you put her head in your lap?

1 A. She put her head in my lap.

2 Q. Thank you, Mr. Walters. You're sure of that
3 testimony?

4 MR. PARSONS: That testimony being what?

5 MR. FLYNN: Q. She put her head in your lap. You
6 remember that?

7 A. Uh-huh. In the sense that I asked her if she

8 wanted me to. I wouldn't drag it down. I didn't force
9 anything.

10 Q. Did you take her head and put it in your lap?

11 A. No.

12 Q. Do you remember the physical movements of the two
13 of you by which her head ended up in your lap?

14 A. I asked her, and she put her head in my lap.

15 Q. What did you ask her?

16 A. Would you like me to massage my -- your neck
17 because it's sore?

18 She's the one who complained. And I'm good at
19 adjusting necks.

20 Q. So you asked her if you would like -- if she would
21 like to have her head in your lap?

22 A. No. I asked her --

23 MR. PARSONS: I was going to object. That
24 misstates his testimony.

25 THE WITNESS: Okay. You objected.

1 MR. FLYNN: Q. Well, what did you ask her?

2 A. Would you like me --

3 MR. PARSONS: Objection. Asked and answered.

4 Go ahead.

5 THE WITNESS: I can answer?

6 MR. PARSONS: Go ahead, yes.

7 THE WITNESS: Or are you saying not to?

8 MR. PARSONS: No, you can go ahead and answer.

9 THE WITNESS: I asked her, would she like to have
10 me adjust her neck.

11 MR. FLYNN: Q. Now, was this before or after the
12 two of you watched a movie together?

13 A. Before. The reason we watched the movie, if I may
14 say more --

15 MR. PARSONS: Why don't we wait for --

16 MR. FLYNN: Please, Mr. Parsons. That is an
17 outrage, sir, and it's on the video.

18 Don't counsel your witness how to answer in the
19 middle of a pending question when he's answering, and you
20 know he's going to say something that you don't want him to
21 say.

22 THE WITNESS: That's the purpose of a lawyer.

23 Excuse me, I'm going to the bathroom.

24 MR. FLYNN: You can't in the pending question.

25 You must finish your answer.

1 MR. PARSONS: I believe he can.

2 MR. STILLMAN: As long as no one leaves, I
3 guess --

4 MR. FLYNN: Bob, get all this, would you?

5 MR. PARSONS: I don't know how much all there is
6 to get, but I'm sure the camera will pick up everything in
7 front of it.

8 (Discussion off the written record.)

9 MR. FLYNN: Mark this as Exhibit 3, please.
10 (Exhibit 3 was marked.)
11 MR. PARSONS: By the way, how sensitive are these
12 mikes?
13 THE VIDEO OPERATOR: Very sensitive.
14 MR. PARSONS: I should probably keep my whispered
15 advice to my client to a minimum, then.
16 MR. STILLMAN: That depends. If you don't want to
17 waive your attorney-client privilege rights.
18 MR. FLYNN: It doesn't make any difference,
19 Mr. Parsons. I assure you, it's all going to come out in
20 the wash. The cosmic wash.
21 MR. STILLMAN: Cosmic wash.
22 MR. FLYNN: And (the plaintiff) v. Walters wash.
23 MR. PARSONS: Well, we will see.
24 (The witness reentered the deposition room.)
25 MR. FLYNN: There will be no stone left unturned.
1 Q. Mr. Walters, I've marked as Exhibit 3 the Rules of
2 Conduct for Members at Ananda.
3 I believe you wrote that document. Is that
4 correct? Is that correct, sir?
5 A. Pardon?
6 Q. You did write the rules of conduct for members?
7 A. Yes. Yes, I did.
8 Q. And would you turn to page numbered 5? The
9 numbers are down at the bottom.
10 Well, we can start over on 4.
11 You write, "Community life is in a sense like
12 marriage. For whatever one member does affects everyone.
13 Whatever hurts one is hurtful to all. And whatever benefits
14 one accrues to the benefit of all."
15 Did you write that, sir?
16 A. Yes.
17 Q. And this is part of Article 2 of the rules of
18 conduct entitled "Community Life Defined." Is that correct?
19 MR. PARSONS: The document speaks for itself. I
20 object. He can answer.
21 MR. FLYNN: Q. Going over to page 5, you write,
22 "'Loyalty,'" in quotes, "Paramhansa Yogananda often said,"
23 quote, "'is the first law of God,'" end quote.
24 Did I read that correctly?
25 MR. PARSONS: Objection. The document speaks for
1 itself.
2 MR. FLYNN: Q. Now, is it true, sir, that
3 Yogananda said that loyalty is the first law of God?
4 A. I wrote it.
5 Q. Is it true?
6 A. Yes.
7 Q. And one of the vows you took in 1955 was that of
8 loyalty. Is that correct?
9 A. Yes.

- 10 Q. The same loyalty that's referred to here by
11 Yogananda in you?
- 12 A. I suppose so. It depends on the context.
- 13 Q. "He spoke strongly concerning the opposite quality
14 to loyalty." Quote, "Treachery," end quote, "he told his
15 disciples," quote, "is the greatest sin before God. For
16 moral sins are committed in weakness, under the influence of
17 past habit. But treachery is deliberate."
- 18 Did I read that correctly?
- 19 MR. PARSONS: Objection. The document speaks for
20 itself.
- 21 THE WITNESS: You don't need to ask me.
- 22 MR. FLYNN: Q. Did I read that correctly?
- 23 A. You don't need to ask me.
- 24 Q. Yeah, I do. I need it on the record that it's
25 been read correctly into the record.
- 1 A. All right.
- 2 Q. Now, sir, did you write, in 1955, between 1955 and
3 1962, that you would never start an organization that would
4 be opposed to SRF, because it would be treachery to do so?
- 5 MR. PARSONS: I'm going to object on the same
6 grounds, that this is religious matter of personal privilege
7 here, privacy.
- 8 I'm going to instruct the witness not to answer.
- 9 MR. FLYNN: Q. Now, when (the plaintiff)
10 came to you for counseling, did any part of the counseling
11 you gave to her relate to the issue of loyalty?
- 12 A. Not that I remember.
- 13 Q. Did any part of the counseling that you gave to
14 her relate to the issue of treachery?
- 15 A. Pardon?
- 16 Q. Treachery.
- 17 A. Not that I remember.
- 18 Q. Did any part of the counseling that you gave to
19 her relate to Minister Levin's adulterous relationship with
20 her?
- 21 A. Not that I remember. It was adulterous. I talked
22 about it not being right, that he had a wife, a backward
23 child. I don't think I used the word "adulterous."
- 24 Q. Did Minister Levin -- strike that.
- 25 Was Minister Levin one of the senior ministers at
1 Ananda in 1992?
- 2 A. He was a minister.
- 3 Q. Was he one of the lightbearers?
- 4 A. Yes, I think so.
- 5 Q. That's one of the senior ministers, is it not --
- 6 A. Oh, okay.
- 7 Q. -- Mr. Walters?
- 8 A. I guess you could say that. These are not terms
9 we use, but okay.
- 10 Q. Lightbearer is not a term you use?

11 A. Lightbearer is a term we use.
12 Q. Is senior minister a term you use?
13 A. I don't think we use that term. But we could.
14 There's nothing wrong with it.
15 Q. Would you turn to page 29 of your declaration?
16 MR. GREENE: Which is Exhibit 2.
17 MR. FLYNN: Q. Which is Exhibit 2, where you
18 state, line 11, "61 were senior ministers or Lightbearers."
19 A. Well, then that's what it is. Okay. You're
20 refreshing my memory.
21 Q. That is one of the terms you used in your
22 declaration, is it not?
23 A. Yes, it is, then.
24 Q. And Minister Levin was one of the senior ministers
25 at Ananda when he was sexually involved with (the plaintiff)
1 (the plaintiff). Is that correct?
2 A. Yes.
3 Q. Now, as a senior minister at Ananda, did his
4 sexual involvement with (the plaintiff) represent
5 disloyalty to the Ananda organization?
6 A. I certainly wouldn't define it like that.
7 Q. Was it treacherous?
8 A. I would not define it like that.
9 Q. When you counseled (the plaintiff), did you
10 counsel her that Minister Levin as a senior minister had the
11 burden as such, as a senior minister, not to become involved
12 with a new member sexually?
13 A. If I said such a thing, it was to Levin, not to
14 her.
15 Q. Now, did you discuss (the plaintiff)'s
16 sexual involvement with Levin during this counseling
17 session?
18 MR. PARSONS: I'm going to object. "This
19 counseling session" referring to which one?
20 MR. FLYNN: Q. The one the witness has already
21 referred to, when he counseled her.
22 THE WITNESS: Would you repeat the question?
23 MR. FLYNN: Q. Yes. When you counseled
24 (the plaintiff), did the issue of her sexual
25 relationship with Levin, Minister Levin, come up in the
1 counseling session?
2 A. Well, I didn't know that they were having a sexual
3 relationship. They were attracted to each other. That's as
4 far as I knew.
5 Q. Who told you that?
6 A. Nobody told me they were. I assumed that.
7 Q. (the plaintiff) did not tell you that Minister
8 Levin was sexually harassing her?
9 A. Certainly not.
10 Q. Did (the plaintiff) tell you in any words,
11 any form of words, there was a sexual connection between she

12 and one of your senior ministers?

13 A. No.

14 Q. When you counseled --

15 A. If I may add, she was speaking of the attraction
16 she felt for him.

17 Q. At any point in time, did you find out that there
18 was a sexual connection between the two of them?

19 A. I don't think I knew about it until the very end,
20 after she came back from India.

21 Q. So when she came to you for this counseling
22 session, what is your best memory of what she told you?

23 MR. PARSONS: And again, "this counseling session"
24 is referring to the one he's already described, not the one
25 after she came back from India?

1 MR. FLYNN: Q. What is your best memory of when
2 the counseling sessions that you had with her occurred?

3 A. The time and the year --

4 Q. Yes.

5 A. -- you mean? No, I don't know. I don't know.

6 However -- what was the first thing you asked?

7 Q. When did this first counseling session occur?

8 A. Oh, that I don't remember.

9 Q. Okay. But that was the one where you suggested
10 she put her head in your lap. Is that correct?

11 A. She put her head in my lap.

12 MR. PARSONS: Right. Again, that misstates his
13 testimony, but he's corrected it.

14 MR. FLYNN: Q. Did you earlier testify that you
15 suggested to (the plaintiff) that she put her head in your
16 lap?

17 MR. PARSONS: I'm going to object. I'm going to
18 instruct the witness not to answer on any questions as to
19 what he said earlier in the deposition.

20 MR. FLYNN: Q. Did you tell (the plaintiff), when
21 you were with her as part of this counseling session, that
22 she should put her head in your lap, in any form of words?

23 MR. PARSONS: Objection. Asked and answered.

24 You can respond again.

25 THE WITNESS: Hmm?

1 MR. PARSONS: You can go ahead.

2 THE WITNESS: I said, I asked her if she would
3 like to. That's all I went for -- that's as far as it went,
4 I should say.

5 MR. FLYNN: Q. You asked her if she would like to
6 what?

7 A. Put her head there so that I could massage her
8 neck.

9 Q. Put her head where?

10 A. On my leg.

11 Q. Did you get an erection when she put her head on
12 your leg?

13 A. I did not.

14 Q. Now, how long did this counseling session last?

15 A. I don't remember how long. I do know that

16 somebody had brought a movie, and it had to be returned the
17 next day. What the movie was, I don't know. I remember not
18 liking it. It was somebody else's choice.

19 I wanted to see the movie that evening, and I had

20 a choice between asking her to leave or saying, well, do you
21 want to stay while I watch it?

22 I didn't want her to feel that I was throwing her

23 out. Therefore, I said, you may stay if you like.

24 Q. And this was after she put her head in your lap?

25 A. Yes.

1 Q. And you don't recall whether the movie had a scene

2 in which there was a suggestion of oral sex?

3 MR. PARSONS: Objection. Asked and answered.

4 The witness can respond.

5 THE WITNESS: I'm certain there wasn't. If there

6 was, because it's a movie she named, I'd have to say that I
7 didn't watch that part, so I don't know. I cannot remember
8 ever watching that.

9 MR. FLYNN: Q. Now, which leg did she put her

10 head on?

11 A. She was on my left side, so it was my left leg.

12 Q. And how long did she have her head on your leg?

13 A. Well, not more than 10 minutes. Maybe 5.

14 Q. And you were massaging her neck; is that correct?

15 A. I answered that.

16 Q. And while you were massaging her neck, what were
17 you saying to her?

18 MR. PARSONS: Objection. Assumes facts not in
19 evidence.

20 The witness can respond.

21 THE WITNESS: I just don't know.

22 MR. FLYNN: Q. You don't recall?

23 A. No.

24 Q. Which direction was her face facing when she had
25 her head --

1 A. Face up.

2 Q. -- on your leg?

3 A. Face up.

4 Q. Were you on a couch?

5 MR. PARSONS: Okay.

6 THE WITNESS: Yes.

7 MR. FLYNN: Q. And this couch was in your living
8 room?

9 A. Uh-huh.

10 MR. GREENE: "Yes" or "no" answers.

11 MR. FLYNN: Q. Yes, you --

12 A. Yes.

13 Q. The couch was in your living room?

14 A. Yes.

15 Q. And was her body laid out on the couch with her
16 head in your lap?

17 MR. PARSONS: Objection. He's already testified
18 it's on her leg, so I object on that grounds.

19 I'll let him answer.

20 MR. FLYNN: Q. You earlier said lap. Do you make
21 a discontinuing between leg and lap?

22 A. I don't know. But the couch was a small couch,
23 two people only could sit on it, so I think she had her legs
24 up over the end.

25 Q. What was she wearing?

1 A. Clothes.

2 Q. Did you at any time suggest she take off her
3 clothes?

4 A. No.

5 Q. Is that a common practice of yours?

6 MR. PARSONS: Excuse me.

7 MR. FLYNN: Q. To massage young girls' necks and
8 suggest they take off their clothes?

9 MR. PARSONS: I object to that. There's no
10 foundation. It's argumentative.

11 But what I will do is, I will permit the witness
12 to testify with respect to the time period of 1991 to the
13 present.

14 MR. FLYNN: You're already in trouble,
15 Mr. Parsons. You filed a declaration in opposition to the
16 motion to strike in which your client denied all these
17 things, and so we're entitled to get testimony on it.

18 MR. PARSONS: Well, examine him on the
19 declaration, then.

20 MR. FLYNN: He will be.

21 THE WITNESS: And I deny it.

22 MR. FLYNN: Q. You deny it. I'm sure you do,
23 Swamy.

24 Now, let me ask you this: When (the plaintiff) had
25 her head on your leg or lap, face up, what part of her body
1 were you massaging?

2 A. Her neck.

3 Q. What part of her neck were you massaging?

4 A. The back of the neck.

5 Q. And how long did you massage it?

6 A. You asked me that.

7 Q. 5 to 10 minutes?

8 A. Uh-huh.

9 Q. That was yes; right?

10 A. Yes. And mind you, I'm saying that from what I
11 remember.

12 Q. Now, when you were massaging her neck for 5 or 10
13 minutes, what parts of her neck were you massaging?

14 A. How many times do I have to answer?

15 MR. PARSONS: Yes, objection. It's been asked and
16 answered.
17 MR. FLYNN: No, I've never asked what parts of the
18 neck.
19 THE WITNESS: Would you like to lie down and have
20 me demonstrate on you?
21 MR. PARSONS: No, no, no.
22 MR. FLYNN: Believe me, Swamy. I wouldn't want
23 you to get near me.
24 MR. PARSONS: I don't want you to use "Swamy,"
25 please. Okay? He should be Mr. Walters to you. Some
1 reference of respect.
2 I've objected. I'll permit the witness to answer
3 this question.
4 THE WITNESS: Well, the back of the neck.
5 MR. FLYNN: Q. What part of the back of the neck?
6 A. The back of the neck.
7 Q. Up near the medulla oblongata?
8 A. Yeah. Yes.
9 Q. Or down near the --
10 A. Both.
11 Q. From all the way below the medulla oblongata to
12 the C1 --
13 MR. PARSONS: Wait a second. Wait, excuse me one
14 second.
15 Being sure to let him get his question out before
16 you start responding.
17 MR. FLYNN: Q. All parts of the back of the neck?
18 A. I don't understand this question. Of course.
19 Q. How many hands were you using?
20 A. Two hands.
21 Q. Now, how long did you counsel (the plaintiff)
22 before she was lying down on your couch with her neck in
23 your leg or lap?
24 MR. PARSONS: Is the question as to that day, how
25 long?
1 MR. FLYNN: Q. Yes.
2 A. How long did I counsel her?
3 Q. Yes.
4 A. I don't remember.
5 Q. Do you recall any of the teachings of Yogananda
6 that you counseled her about?
7 A. I don't think I talked about them.
8 Q. Did you talk about any of the rules of conduct of
9 members when you were counseling her?
10 A. When I counsel people, I don't talk about rules.
11 I try to think what's good for them and for whoever is
12 involved.
13 Q. Did -- when you counseled (the plaintiff), did the
14 issue of your being a swamy come up at all?
15 A. No.

16 Q. Did the issue of your celibacy come up at all?

17 A. No.

18 Q. Did the issue of your lack of celibacy come up at
19 all?

20 A. No.

21 Q. Did you tell her in any form of words during this
22 counseling session that even though you were a swamy, you
23 weren't celibate?

24 A. No.

25 Q. Did she refer to you as Swamy during the -- strike
1 that.

2 Did she refer to you as Swamy G during the
3 counseling session?

4 A. I have no idea.

5 Q. You don't recall?

6 A. I don't.

7 Q. She may have, but you don't recall?

8 A. I don't recall.

9 Q. Are you commonly, in fact, referred to as Swamy G
10 at Ananda Village?

11 MR. PARSONS: I'll object. Commonly is a vague
12 term.

13 I'll permit the witness to answer.

14 THE WITNESS: It's an honorific.

15 MR. FLYNN: Q. So the answer is yes?

16 A. Uh-huh.

17 MR. GREENE: "Yes" or "no"?

18 MR. FLYNN: He said yes.

19 MR. GREENE: No. You said yes.

20 THE WITNESS: Yes.

21 MR. FLYNN: Q. Now, and I believe you've written
22 that "swamy" means "celibate."

23 MR. PARSONS: Excuse -- do you want to ask him a
24 question?

25 MR. FLYNN: Q. Yes. I believe you've written
1 that swamy means celibate.

2 MR. PARSONS: That's a statement of fact, of your
3 opinion.

4 MR. FLYNN: Q. No, it's a statement that you've
5 written that, Mr. Walters.

6 MR. PARSONS: Wait until he asks you a question.

7 MR. FLYNN: Q. Have you written that?

8 A. Probably.

9 Q. In 1992, were you celibate when (the plaintiff)
10 referred to you as Swamy G?

11 A. I feel that's my private life.

12 I'm not a swamy; I haven't presented myself as a
13 celibate. I think that's my business.

14 Q. Well, I insist on an answer.

15 MR. PARSONS: Well, I'm going to object that it
16 calls for an intrusion into his personal relationships.

17 There's been no complaint. I'm going to instruct him not to
18 answer.

19 MR. FLYNN: No complaint? It's the basis of the
20 of the whole lawsuit, Mr. Parsons, that this fellow held
21 himself out for being a swamy for some 30 years, and in fact
22 he's molesting girls for the whole time.

23 MR. PARSONS: That's untrue.

24 MR. FLYNN: That's the whole basis of this
25 lawsuit.

1 THE WITNESS: Sir, it's scurrilous and a lie.

2 MR. FLYNN: Q. We're going to get into the your
3 use of false and scurrilous in connection with your
4 declaration in terms of what's a lie and what's not.

5 MR. PARSONS: Thank you for that preview.

6 MR. FLYNN: Q. Now, when you were counseling
7 (the plaintiff), do you know whether she understood
8 you to be the spiritual director of Ananda Village?

9 A. I am. She must have.

10 Q. And she came to you for counseling?

11 A. Yes.

12 Q. Because one of her -- your senior lightbearers was
13 involved sexually with one of your new members, who happened
14 to be very attractive. Isn't that correct?

15 A. No.

16 MR. PARSONS: Wait a minute. Wait. That's
17 argumentative; it's compound.

18 I'm going to ask you to ask questions which can be
19 answered directly.

20 MR. FLYNN: Q. Mr. Walters, in Article 5,
21 "Personal Habits," under your rules of conduct, you state --

22 A. What page is that?

23 Q. Page 13. "Members' reading material should
24 exclude anything that is grossly sensual or violent."

25 MR. PARSONS: Excuse me. Let the witness get to
1 that point. Page 13. Right here.

2 THE WITNESS: Okay.

3 MR. FLYNN: Q. Do you see that?

4 A. Uh-huh.

5 Q. Would that include movies?

6 A. Yes. It's a counsel; it's not an order.

7 Q. "It should include as much as possible books that
8 are spiritual or instructive or in some way expansive to
9 their consciousness."

10 Would that include movies?

11 A. I suppose. Yes, of course.

12 Q. "Members should not read even spiritual books
13 indiscriminately, but try to confine themselves more to
14 books that are in tune with the teachings of Paramhansa
15 Yogananda."

16 Would that include movies?

17 A. Yes.

18 Q. Then you say further down, "For the first year,
19 especially, novices should confine their leisure reading as
20 much as possible to the writings of Paramhansa Yogananda,
21 Sri Kriyananda" -- that's you; right?

22 A. Yes.

23 Q. -- "and others in the Self-Realization

24 Fellowship/Ananda line."

25 A. Yes.

1 Q. Would that include movies?

2 A. Yes.

3 Q. And (the plaintiff) was a novice in your

4 community?

5 A. I think so.

6 Q. And she came to you for counseling because of a

7 sexual involvement with one of your senior ministers.

8 A. Excuse me, I testified that I didn't know she had

9 a sexual involvement with him.

10 Q. Well, what exactly did she tell you what the

11 involvement was?

12 A. She told me she was very attracted to him and

13 didn't know what to do about it. That's all I knew.

14 Q. Were you very attracted to her?

15 A. No. Not at all.

16 Q. And when you were giving her this counsel, you

17 played a movie that (the plaintiff) says has a depiction of a

18 woman giving a man oral sex.

19 Now, sir, according to your rules of conduct,

20 would that be prohibited to a novice?

21 MR. PARSONS: Excuse me. Let me --

22 THE WITNESS: By that, is your question, would it

23 be prohibited for a novice to see a movie?

24 MR. FLYNN: Q. In the presence of the spiritual

25 director, in which a woman is giving a blow job to a male.

1 Would that be prohibited, Swamy, under your rules?

2 A. Excuse me. The rule isn't a prohibition; it's a

3 counsel.

4 I didn't know what movie I was going to see. The

5 only movie I remember from that period was "Sound of

6 Music."

7 I don't remember that movie. And I didn't know

8 what it was going to be.

9 MR. PARSONS: I also object the question calls for

10 speculation and lacks foundation. No basis in fact.

11 MR. FLYNN: Q. So your counsel would be, under

12 your rules of conduct, to counsel a novice such as

13 (the plaintiff) from seeing such a movie when she was

14 a novice?

15 A. I would. I wouldn't tell her she may not.

16 MR. PARSONS: And by "such a movie," you're

17 referring to the movie you described with the blow job, as

18 you put it?

19 MR. FLYNN: "Outrageous Fortune."

20 MR. PARSONS: Oh, now your question goes to the
21 movie "Outrageous Fortune."

22 MR. FLYNN: Q. The movie that was shown that
23 (the plaintiff) has testified about in which there is a
24 suggestion of a woman performing oral sex on a male.

25 MR. PARSONS: That assumes facts not in evidence,
1 it's not supported by what this witness has said, it
2 misstates this witness's testimony, it calls for speculation.

3 THE WITNESS: I didn't see anything like that.

4 MR. FLYNN: Q. What did you see?

5 A. Something I didn't like, but I don't remember what
6 it was.

7 Q. You don't remember?

8 A. No, I don't.

9 Q. And you don't remember whether you had an election
10 or not?

11 A. I remember that I did not.

12 Q. Now, when (the plaintiff)'s head was in your lap
13 for 5 or 10 minutes --

14 DR. VAN HOUTEN: Mr. Walters, would you like to
15 take a break?

16 THE WITNESS: No, it's okay. We can wait a little
17 bit longer.

18 MR. FLYNN: Q. Did you tell her that as the
19 spiritual director of the Ananda community, she should not
20 have any sexual involvement with any senior ministers at
21 Ananda?

22 A. I never put it on that level at all.

23 Q. And after (the plaintiff) visited you for
24 this counseling session, did you contact Minister Levin?

25 A. Yes.

1 Q. When?

2 A. Probably the next day, but I don't know.

3 Q. And what prompted you to contact him the next day?

4 A. Because I wanted to counsel him against this.

5 Q. Against what?

6 A. This association with her.

7 Q. What association?

8 A. I didn't know what association. Romance.

9 Q. You wanted to counsel one of your senior ministers
10 against something you didn't know what it was?

11 A. Well, it was obviously romantic. That was enough
12 for me to counsel.

13 Q. In 1992, did you have any more romantic
14 relationships with any of your members, novices or
15 otherwise?

16 MR. PARSONS: I'm going to object in that it
17 inquires unreasonably into his right of privacy.

18 MR. FLYNN: That's frivolous. We'll see about
19 that.

20 MR. PARSONS: Well, we'll see about it. Let's see
21 about it right now.
22 MR. GREENE: There's no instruction.
23 MR. FLYNN: Yeah, are you instructing?
24 MR. PARSONS: And I instruct him not to answer.
25 MR. FLYNN: Q. Now, on page 16 of your
1 instructions under "Marriage," you write, "At Ananda" --
2 MR. PARSONS: Excuse me. Are you referring to
3 what's been marked --
4 MR. GREENE: Exhibit 3.
5 MR. PARSONS: Rules of conduct?
6 MR. FLYNN: The rules prepared by the swamy.
7 Q. "At Ananda, however, if the bride wears white it
8 is to declare, 'My husband and I always want to live
9 together in purity.'"
10 MR. PARSONS: Where are you reading from?
11 THE WITNESS: Where are we?
12 MR. FLYNN: Q. The next-to-the-last paragraph,
13 last sentence.
14 THE WITNESS: Here we are.
15 MR. PARSONS: Oh, okay.
16 MR. FLYNN: Q. Do you see that?
17 A. Yes, surely.
18 Q. What do you mean by purity?
19 A. Well, I mean fidelity to each other.
20 Q. Did you know that (the plaintiff) was
21 married when she came to your organization?
22 A. I didn't know if she was still married or not. I
23 hardly knew her.
24 In other words, I was addressing the subject from
25 the standpoint of Danny being married, so I didn't know
1 about her.
2 Q. Did you ask?
3 A. No.
4 Q. You had no time to ask, because --
5 A. I had plenty of time to ask. The question didn't
6 occur.
7 MR. PARSONS: Again, wait until you have a
8 question before you.
9 THE WITNESS: Oh, I thought he asked one. Sorry.
10 MR. FLYNN: Q. The question didn't occur?
11 A. Pardon?
12 Q. I believe your testimony was, the question didn't
13 occur. Is that correct?
14 A. Yes.
15 Q. You were the counselor, she was the counselee. Is
16 that correct?
17 A. Yes.
18 Q. It did occur to you to put her head in your lap?
19 MR. PARSONS: Objection. That's obviously
20 argumentative. I'm instructing the witness not to answer.

21 MR. FLYNN: Q. Now, would you turn to page 30,
22 please, of the rules?
23 "Should any member fall into negativity and" --
24 MR. PARSONS: Excuse me for a minute. Let the
25 witness get there.
1 MR. FLYNN: -- "and darkness" --
2 MR. PARSONS: Excuse me. Before you ask the
3 question, I want to take a brief break with my client.
4 THE WITNESS: Okay.
5 MR. PARSONS: Be sure to take that off.
6 THE WITNESS: Yes.
7 THE VIDEO OPERATOR: Can we go off the record?
8 MR. FLYNN: Off the record.
9 THE VIDEO OPERATOR: This is the end of videotape
10 number 2 in the deposition of Donald Walters. We're going
11 off the record at 2:48 p.m.
12 (Recess from 2:48 p.m. to 2:58 p.m.)
13 THE VIDEO OPERATOR: This is the beginning of
14 videotape number 3 in the deposition of Donald Walters.
15 We're back on the record at 2:59 p.m.
16 MR. FLYNN: Q. Now, referring to this Article 14,
17 "Departure or Dismissal of Members" on page 30, you write:
18 "Should any member fall into negativity and
19 darkness, and show himself, moreover, to be closed to
20 the community's help, he must be asked to leave both
21 for his own sake, and for the sake of those whom his
22 attitudes might otherwise infect."
23 Did I read that correctly?
24 MR. PARSONS: Objection. The document speaks for
25 itself. You can respond.
1 THE WITNESS: As far as I can tell.
2 MR. FLYNN: Q. And is that what happened to you
3 with SRF?
4 MR. PARSONS: Objection. I've already stated my
5 objections. I'm not going to let you ask about his
6 relationship with SRF.
7 Irrelevant, privacy grounds. Instruct the witness
8 not to answer.
9 MR. FLYNN: Q. Was this a rule that you adopted
10 from SRF that I read as part of the rules at Ananda?
11 A. No.
12 Q. This was your own rule?
13 A. Yes.
14 Q. And did you ask (the plaintiff) to leave the
15 community?
16 A. No.
17 Q. Did you ask Minister Levin to leave the community?
18 A. No.
19 Q. At any time did you suggest in any form of words
20 that (the plaintiff) should leave Ananda Village?
21 A. Yes.

22 Q. And when was that?

23 A. See, the village is only one Ananda community. I
24 asked her to transfer to another.

25 Q. And in your view at that time, when you asked her
1 to do that, had she fallen into negativity or darkness?

2 A. I was not dismissing her.

3 Q. You were moving her?

4 A. Yes.

5 Q. Can you answer my question as to whether or not in
6 your view at the time she had fallen into negativity or
7 darkness?

8 A. Well, she hadn't as far as I could tell. She was
9 rebelling against what I asked of her. That's not the same
10 thing.

11 Q. So she had not fallen into negativity or darkness?

12 A. I didn't see it that way.

13 MR. PARSONS: Objection. Asked and answered.

14 MR. FLYNN: Q. Had Minister Levin fallen into
15 negativity or darkness?

16 A. No.

17 Q. Okay. Did you consider it at the time as
18 spiritual director to be negativity or darkness when one of
19 your senior ministers was engaging in a sexual relationship
20 with a novice?

21 MR. PARSONS: Objection. It assumes facts not in
22 evidence, calls for speculation. But I'll let the witness
23 answer.

24 THE WITNESS: No.

25 MR. FLYNN: Q. You did not?

1 A. Consider him to have fallen into negativity and
2 darkness?

3 Q. No. Did you consider the fact that a senior
4 minister was engaged in an adulterous relationship to be
5 negativity or darkness at the time you were spiritual
6 director counseling (the plaintiff)?

7 MR. PARSONS: Same objection. You can answer.

8 THE WITNESS: No.

9 MR. FLYNN: Q. Now, did (the plaintiff) ask
10 to see you, or did you ask to see her --

11 MR. PARSONS: When is this --

12 MR. FLYNN: Q. The first counseling session you
13 had with her.

14 A. I think she asked to see me. I'm sure it had to
15 be that, because nobody else knew about it.

16 Q. I beg your pardon?

17 A. Nobody knew that they were attracted to each
18 other, so it had to be she.

19 Q. How do you know that nobody knew?

20 A. She hadn't told anybody. That's all I know. I
21 didn't tell anybody.

22 Q. Had Minister Levin told anybody?

23 A. I very much doubt it.

24 Q. Had Vidura told you?

25 MR. PARSONS: Told this witness what?

1 MR. FLYNN: Q. That there was a relationship

2 going on of some nature between (the plaintiff) and

3 your senior lightbearer, Minister Levin.

4 MR. PARSONS: And again, vague as to time. This

5 is prior to this session you're just talking about?

6 MR. FLYNN: Yes.

7 MR. PARSONS: Okay.

8 THE WITNESS: I don't think so. It was not a

9 question of a relationship, in my mind. It was something

10 that she felt an attraction, and I tried to help her in

11 that, and to help him in that.

12 I don't remember anything like that.

13 MR. FLYNN: Q. Have you ever spoken to Vidura

14 about this issue, about the attraction between (the plaintiff)

15 and Levin?

16 A. Did I speak, or have I spoken?

17 Q. Have you spoken?

18 A. Well, obviously, this case has been going now for

19 a year. I've spoken with him.

20 Q. Prior to the case being filed?

21 MR. PARSONS: Again, can you state the full

22 question?

23 MR. FLYNN: Q. Prior to the case being filed, did

24 you speak to Vidura about the relationship between Levin and

25 (the plaintiff)?

1 A. Well, as I recall, first I tried to get them to

2 stop on their own.

3 When I saw that that wasn't working, I asked

4 Vidura, who is our general manager, to find her a job in

5 another department.

6 And so he took her from Crystal Clarity into a

7 better paying job, in fact, in our computer department.

8 Q. This is what you asked Vidura to do?

9 A. Yes.

10 Q. When did you ask him to do that?

11 A. Well, I don't remember. It was after the first

12 counseling session. Later, though I don't know when, but it

13 was when I realized that my -- that they were not able

14 voluntarily to remain separate, so I tried this as the next

15 step.

16 Q. What is your best memory of how long after the

17 first counseling session this meeting with Vidura took

18 place?

19 MR. PARSONS: Objection. He hasn't testified to

20 any meeting that I heard.

21 I'll permit the witness to answer.

22 THE WITNESS: It was -- I would -- my best

23 recollection, let's put it that way, as you did, would be a

24 month.

25 MR. FLYNN: Q. Let me see if I understand your

1 testimony correctly.

2 You had a counseling session with (the plaintiff)

3 . Do you recall when that occurred?

4 MR. PARSONS: Objection. Asked and answered.

5 Go ahead.

6 THE WITNESS: It was asked and answered.

7 MR. FLYNN: Q. You don't recall. Is that

8 correct?

9 A. (Witness shakes head.)

10 Q. And then a month goes by.

11 A. To the best of my recollection.

12 Q. And then you instruct Vidura to move

13 (the plaintiff) from one job to another job in the computer

14 department. Is that correct?

15 A. Yes.

16 MR. PARSONS: No, that misstates his testimony.

17 It wasn't within the computer department.

18 THE WITNESS: No, right. Right.

19 MR. FLYNN: Q. But it was a month that elapsed

20 between the time you instructed Vidura --

21 A. I can't say better than I've said, which is the

22 best of my recollection.

23 Q. And when did (the plaintiff) get moved from one job

24 to the other?

25 A. I don't know.

1 Q. And what was Vidura's function when you gave him

2 that instruction?

3 A. Vidura --

4 MR. PARSONS: Objection. It's vague. You mean

5 his function with respect to what he was to do in response

6 to this specific request, or his job duties?

7 MR. FLYNN: State an objection, Mr. Parsons. The

8 witness was about to answer, and you interjected.

9 MR. PARSONS: Vague. The witness can answer.

10 THE WITNESS: He's helping me to understand what

11 you're saying, which I appreciate.

12 His function as the general manager was my reason

13 for addressing him.

14 MR. FLYNN: Q. Why did you wait a month?

15 A. Well, I didn't see -- I didn't see how things

16 were developing.

17 I was not -- mind you, this was very far from the

18 center of whatever I was doing then. I talked to the head

19 of the Crystal Clarity department and said, would it be okay

20 to move (the plaintiff). She pleaded with me not to. She was

21 doing crucial work.

22 I didn't want to tell her why I was asking, so it

23 made it a little awkward. And then I decided that the
24 situation is far more important than the work. People are
25 more important than just things.

1 So at that point -- and it took me that long, I
2 don't know why it took that long, it took that long -- I was
3 not with them every day. I was hardly with them at all.
4 But as I touched on matters here and there, I
5 began to realize that they were not able to separate their
6 affections, and that's when I talked to Vidura.

7 Q. How did you find out that they were not able to
8 separate their affections?

9 A. Her statements, his statements.

10 Q. What statements were made to you by (the plaintiff)
11 during that month?

12 A. She said, he's very magnetic. I can't help being
13 attracted to him. He said the same thing.

14 And I -- in order not to intrude too far on their
15 free will, I said, what -- how do you feel about your
16 marriage? Are you trying to break up your marriage?
17 He said, no, I don't want to. So then I had to
18 say that, I must separate you.

19 Now, as I recall, at the beginning of June, he was
20 away anyway on tour, so it wasn't an issue for a while.

21 How long, I have no idea. What they specifically
22 said, I have no idea. It's more the energy that I was
23 addressing.

24 Q. Well, where were you getting information relating
25 to the energy during that month?

1 A. From them.

2 Q. How frequently did you see Minister Levin during
3 that month?

4 A. Very little.

5 Q. How frequently did you see (the plaintiff) during
6 that month?

7 A. Even less.

8 Q. But you did see them.

9 A. Yes.

10 Q. And did you talk to them?

11 A. Hmm?

12 Q. You did see them, and did you talk to them during
13 that month?

14 MR. PARSONS: Is that a question, or is that a
15 statement?

16 MR. FLYNN: Q. Is that correct?

17 A. Yes.

18 Q. And during that month, did Minister Levin say to
19 you, I can't resist, I can't say no, to the relationship
20 with (the plaintiff)?

21 MR. PARSONS: Is your question one of a quote, or
22 words to that effect?

23 MR. FLYNN: Q. Yes.

24 MR. PARSONS: Okay. So the question before you is
25 a quote.
1 THE WITNESS: Did he say that, you're asking?
2 MR. FLYNN: Q. Words to that effect.
3 A. Both of them were talking in terms of how
4 difficult it was. That's all I can really say.
5 Q. Difficult what was?
6 A. To resist the attraction they felt.
7 Q. And it's your testimony, Mr. Walters, during this
8 month you did not know that there was a sexual relationship
9 involved. Is that correct?
10 A. That is correct.
11 Q. And during this month, you did remain as spiritual
12 director of the community. Is that correct? Throughout the
13 period?
14 A. Of course.
15 Q. And during this month, you did take the
16 responsibility of counseling both of them. Is that correct?
17 A. I think it's misleading to say I took the
18 responsibility. I did my best to serve them and serve their
19 interests. I don't take responsibility for anybody's life.
20 Q. As the senior spiritual director of Ananda, you
21 were counseling both of these people during that month. Is
22 that correct?
23 A. Yes.
24 Q. And during that month, were you engaged in the
25 same type of conduct with woman #8 that Levin was
1 engaged in with (the plaintiff)?
2 MR. PARSONS: Okay. I'm going to object. I'm
3 going to instruct the witness not to answer with respect to
4 his private, personal matters.
5 MR. FLYNN: Q. Now, when you were counseling
6 (the plaintiff), did you ask her any questions to find out
7 what the nature or extent of the involvement with Levin was?
8 MR. PARSONS: Objection. Vague as to time.
9 The witness can respond.
10 THE WITNESS: No, I didn't.
11 MR. FLYNN: Q. When you were counseling Levin,
12 did you ask Levin what the nature or extent of his
13 involvement with (the plaintiff) was?
14 A. I did not --
15 MR. PARSONS: Objection. Vague as to time.
16 You can go ahead and respond.
17 THE WITNESS: I did not.
18 MR. FLYNN: Q. Let's return to Exhibit --
19 MR. PARSONS: Excuse me one second. I want to
20 just say something to my client here.
21 (Discussion between the witness and his counsel.)
22 MR. FLYNN: Q. I'd like to return to Exhibit 2,
23 Mr. Walters, your declaration.
24 Paragraph 5, page 3 --

25 A. Page 3.

1 Q. You say that you are the author of over 60 books.

2 Is that correct?

3 A. Yes.

4 Q. Which are roughly divided into two groups: "Those
5 which discuss Yogananda's teachings directly, and those
6 which discuss or demonstrate the application of these
7 spiritual doctrines and beliefs to everyday needs,
8 situations and challenges."

9 Did I read that correctly?

10 MR. PARSONS: Objection. The document speaks for
11 itself.

12 You can respond.

13 THE WITNESS: I am not reading along with you.

14 Perhaps I should, so I can say yes. But you've read it. I
15 have to assume you're reading it correctly.

16 MR. PARSONS: Well, that's a dangerous assumption,
17 Mr. Walters.

18 THE WITNESS: Is it? I'll read it again. Say it
19 again?

20 MR. FLYNN: Q. Well, why don't you read to
21 yourself --

22 A. Pardon?

23 Q. -- starting on line 7 of paragraph 3, beginning
24 with "Those which discuss" --

25 A. Yes.

1 Q. Or strike that. Line 6, "which can roughly be
2 divided into two groups."

3 A. Uh-huh.

4 Q. Okay. Which I just read aloud.

5 Read that from line 6 to line 10?

6 A. Well, you're asking me. It sounded right.

7 Is it better if I read along with him every time?

8 MR. PARSONS: Well --

9 THE WITNESS: All right. I can.

10 MR. PARSONS: If he's going to ask you --

11 THE WITNESS: I know my own words, so I doubt -- I
12 might mishear an "of" or a "that," but I know --

13 MR. FLYNN: Q. Why did you divide these groups of
14 books -- or these books into two groups?

15 A. Some of the teachings are strictly about the
16 spiritual path. Others are how to manifest spiritual
17 principles.

18 And he set that example in a book of his own
19 called *The Law of Success*. How to apply spiritual
20 principles in daily life, in all the various aspects of
21 daily life.

22 Q. So you're saying that he divided his books into
23 two groups?

24 A. He set the example by writing also on practical
25 subjects, by saying that any spiritual teaching is valid in

1 the highest way only if it addresses our needs on all
2 levels, and not just spiritual.
3 In other words, our -- how to apply spiritual
4 principles to worldly activities like business or education
5 or all the different things, the arts and so on.
6 Q. Now, when you got fired from SRF, did you get any
7 permission to write about Yogananda's teachings from anyone
8 at SRF?
9 A. I didn't ask for permission.
10 Q. And --
11 A. I'm a disciple. I have a right to write about my
12 guru's teachings.
13 You would have a right to write about them, and
14 you're not a disciple. Anybody has a right to write about
15 such things.
16 Q. Yes. But the difference, Mr. Walters -- and this
17 is going to be a question -- is, you took a vow of loyalty
18 and obedience, and I didn't.
19 So the question is, when you took the vow of
20 loyalty and obedience, did that vow include the requirement
21 that you obey Yogananda's successors that you admit to be
22 his successors, Daya Mata?
23 MR. PARSONS: I'm going to object to that. His
24 successes or successors?
25 MR. FLYNN: Successor.
1 MR. PARSONS: I'm going to object, because once
2 again we've gotten into the nature of the relationship
3 between this witness and the SRF organization.
4 For the reasons stated before, included primarily
5 the privacy issue, I'm going to instruct this witness not to
6 answer that question.
7 MR. FLYNN: Okay.
8 MR. GREENE: It's been waived.
9 MR. FLYNN: Yeah, it's been waived.
10 Q. Let's go further down. You wrote a book
11 apparently called *The Path: A Spiritual Autobiography*.
12 Who is that an autobiography about?
13 A. It's really -- it's my autobiography, but it's
14 really about my life with Yogananda, primarily.
15 Q. Your life with Yogananda. From 1948 to 1952?
16 A. Basically, plus stories that I accumulated about
17 his early years.
18 Q. Well, how many times did you see him between 1948
19 and 1952?
20 A. Innumerable.
21 Q. Can you give me an estimate?
22 A. No.
23 Q. How often were you in his company?
24 A. A great deal.
25 Q. Daily?
1 A. Not daily. But when I was with him, I was often

2 with him for many hours.

3 Q. Weekly?

4 A. Hmm?

5 Q. Weekly?

6 A. No, because he was away sometimes. But he gave me
7 a great deal of time. I don't have any way of being able to
8 tell you how much time.

9 I can say it was quality time with me personally
10 and nobody else present.

11 Q. Can you give me any estimate of the hours, days,
12 weeks --

13 A. I'm sorry, you're asking questions I won't answer,
14 because I don't know the answer.

15 Q. In your book *The Path: A Spiritual Autobiography*,
16 did you express in any form of words how much time you spent
17 with Yogananda?

18 A. No.

19 Q. So this book, *The Path*, is about your spiritual
20 journey. Is that correct?

21 MR. PARSONS: Objection. It's been asked and
22 answered.

23 I'll let the witness answer.

24 THE WITNESS: It's basically about living with him
25 and what it was like to live with him. I depersonalized it.

1 MR. FLYNN: Q. What do you mean by that?

2 A. I told stories of other people, I told stories
3 that were only stories that had a point to them.

4 Even when I wrote about my years prior to that, it
5 was always stories that had a point leading to my meeting
6 with him.

7 The whole book was -- it was an autobiography in
8 the sense that I lived through it. It was a really a book
9 about him, because it was like a sequel to his autobiography.
10 He talked about all the saints he had known. I
11 talked about what he was like. Things he couldn't say about
12 himself.

13 Q. You considered this book to be a sequel to his
14 autobiography? Is that what you just said?

15 MR. PARSONS: Objection. It misstates the
16 witness's testimony.

17 I'll let the witness answer.

18 THE WITNESS: In the sense that I have said.

19 MR. FLYNN: Q. Well, he wrote his autobiography,
20 and he didn't write a sequel, did he, Mr. Walters?

21 A. Mr. Flynn, you're being insulting. I wrote that
22 book the way I felt to write it. And I have called it a
23 sequel not in the sense that he wrote it or that I was
24 writing as his amanuensis.

25 I wrote it in the sense that this was a book about
1 him, whereas his book was about his life with other people.
2 He didn't, out of humility, write that much about himself.

3 In that sense, it was a sequel. In no other sense.

4 Q. He didn't write that much about himself.

5 A. Uh-huh.

6 Q. Did he write Autobiography of a Yogi about his
7 meetings with other saints, such as Ghandi, a political
8 saint?

9 A. He did.

10 Q. Did he write about his visions with someone like
11 Christ?

12 A. You've obviously read the book. Yes.

13 Q. Did he write about his childhood?

14 A. Sir, where are you going with this? This is a
15 waste of time.

16 Q. I'm dealing with your declaration that you filed
17 in court.

18 A. Yes. Well, then tell me what you're talking
19 about. I don't understand you're talking about.

20 Q. Well, you've made the statement that he didn't
21 deal with his own life in his own autobiography.

22 MR. PARSONS: No, that misstates his testimony.
23 You're trying to find, make up irrelevant issues that have
24 no significance, grasping at straws trying to find
25 distinctions where there are none.

1 MR. FLYNN: Q. Let me ask you this, Mr. Walters.

2 Why did you put this paragraph 5 in your
3 declaration?

4 MR. PARSONS: I'm going to instruct the witness
5 not to answer to the extent that it discloses any
6 communication between attorney and client.

7 MR. FLYNN: Q. Why did you put paragraph 5 in?

8 A. I suppose to show that I have been actively
9 involved in this work for many years.

10 Q. Why did you put paragraph 4 in?

11 MR. PARSONS: I'm going to object.

12 THE WITNESS: I think this is a waste of time.

13 MR. PARSONS: I'm also going to object in that
14 asking a declarant why he puts paragraphs into a declaration
15 necessarily implicates the attorney-client communications
16 and work product matters which go into the decision of how
17 one structures.

18 So I'm going to instruct the witness not to answer
19 any question concerning why he put paragraphs in.

20 MR. FLYNN: Q. When you put paragraph 4 into your
21 declaration, sir, did you intend to refute anything in the
22 complaint of (the plaintiff)?

23 MR. PARSONS: I'm going to object to that on the
24 same grounds. There's no way he can answer a question like
25 that without disclosing the communications behind attorney
1 and client.

2 It's either truthful, not truthful, you can ask
3 him about those. But as to the motivation why, that

4 intrudes unreasonably know the attorney-client work product,
5 I'm instructing him not to answer.

6 MR. FLYNN: Q. You're aware that one of
7 (the plaintiff)'s claims in this case is that she was
8 brainwashed as part of your organization?

9 A. I am aware she said it.

10 Q. Now --

11 A. I'm also aware nobody else has ever said it.

12 MR. PARSONS: I'll also object, in that I'm not
13 at all certain that's an issue as defined by the pleadings.

14 MR. FLYNN: Q. Now, you're aware that
15 (the plaintiff) claimed that whatever sexual involvement she
16 had with your senior minister, Levin, was not consensual.

17 Are you aware of that issue in this lawsuit?

18 A. Say that again?

19 Q. That (the plaintiff) claims that there was no
20 consensual sexual relationship between her and Minister
21 Levin. Are you aware of that?

22 MR. PARSONS: And in this regard, I'm going to
23 instruct the witness not to answer to the extent it
24 discloses any attorney-client communication. But he can
25 testify as to any knowledge independently obtained.

1 THE WITNESS: I've read her papers.

2 MR. FLYNN: Q. So you're aware that there is an
3 issue of whether she could have given consent or not consent
4 while a member of your organization. Is that correct?

5 A. I am aware she said such a thing.

6 Q. Now, did you intend when you wrote paragraphs 4
7 and 5 to hold yourself out as an expert on the teachings of
8 Yogananda?

9 A. That subject didn't arise.

10 MR. PARSONS: Again, I'm going to instruct the
11 witness not to answer as to the motivation as to including
12 statements into the declaration, because he can't answer
13 without disclosing the communications which have passed
14 between attorney and client and the work product.

15 MR. FLYNN: Q. Are you knowledgeable about the
16 religion of Ananda?

17 A. I'm considered so.

18 Q. Do you know of any person who you would consider
19 to be more knowledgeable about the religion of Ananda?

20 A. No.

21 Q. Do you attempt to set forth in your declaration
22 information relating to the religion of Ananda?

23 MR. PARSONS: Again, for the reasons I've stated
24 before, I'm not going to let the witness testify as to the
25 intent as to why any statement is or is not in here.

1 So -- and I'm instructing him not to answer that
2 question as phrased.

3 MR. FLYNN: Q. Okay. Now, in paragraph 6 of your
4 declaration, you write, "In the second category are books I

5 write" -- "I wrote to show the relevance of Paramhansa
6 Yogananda's teaches to numerous aspects" --
7 A. What line is that, please?
8 Q. Line 1.
9 MR. PARSONS: It's on page --
10 THE WITNESS: Oh, I'm on 4.
11 MR. FLYNN: Q. Paragraph 6.
12 MR. PARSONS: Paragraph 6.
13 THE WITNESS: Okay.
14 MR. FLYNN: Q. "In the second category are books
15 I wrote to show the relevance of Paramhansa Yogananda's
16 teachings to numerous aspects of modern life: Marriage,
17 child raising, education, business, leadership, the arts,
18 architecture, philosophy, communities -- indeed, in a sense,
19 to the whole spectrum of life."
20 Did I read that correctly?
21 A. Yes.
22 MR. PARSONS: Objection. The document speaks for
23 itself. The witness can respond, as he did.
24 MR. FLYNN: Q. Do you consider yourself to be
25 knowledgeable with about the teachings of Yogananda as they
1 apply to those numerous aspects of modern life?
2 A. Yes.
3 Q. You consider yourself to be knowledgeable about
4 the teachings as they apply to marriage. Is that correct?
5 MR. PARSONS: Objection. Asked and answered,
6 because it's included in the list you've just referenced.
7 MR. FLYNN: Q. Is that correct?
8 A. He's objected.
9 MR. PARSONS: You can go ahead and answer it.
10 THE WITNESS: I've said yes.
11 MR. FLYNN: Q. And you consider yourself to be
12 knowledgeable about the teachings as they apply to
13 education. Is that correct?
14 MR. PARSONS: Again, objection. It's been
15 included, it's been asked and answered.
16 I will permit the witness to answer this last
17 repetition of the list of questions here.
18 Go ahead.
19 MR. FLYNN: Q. Is that correct?
20 A. I think so.
21 Q. And you do consider yourself to be knowledgeable
22 about the teachings as they applied, quote, "to the whole
23 spectrum of life." Is that quote correct?
24 MR. PARSONS: That misstates the testimony of the
25 declaration, and I object on that grounds. But I will
1 permit the witness to answer.
2 THE WITNESS: Well, I have said that his teachings
3 -- I understand his teachings in these contexts -- I have
4 seen that they're relevant to the whole spectrum of life.
5 I have certainly not analyzed the whole spectrum,

6 so you could not make that a factual statement.

7 MR. FLYNN: Q. Well --

8 A. In other words, they're relevant in many, many
9 different ways. I've explored a few of them. The rest
10 would be belief.

11 Q. Do you consider yourself to be knowledgeable as a
12 counselor of Yogananda's teachings?

13 MR. PARSONS: Objection on the term "counselor."

14 That's vague and ambiguous.

15 I'd ask you to define what you mean by that.

16 MR. FLYNN: Q. Someone who counsels someone else
17 about Yogananda's teaching.

18 MR. PARSONS: Counsels someone about Yogananda's
19 teachings.

20 I'll object. Vagueness, uncertainty. I'll permit
21 the witness to testify.

22 THE WITNESS: I hope so. That's all I can say.

23 MR. FLYNN: Q. You hope you consider yourself to
24 be an expert?

25 A. No. I hope that I am knowledgeable.

1 Q. Now, have you ever taken any courses in counseling?

2 A. Never.

3 Q. Has Yogananda ever written anything about how to
4 counsel people?

5 MR. PARSONS: Is that your question?

6 MR. FLYNN: Yes.

7 MR. PARSONS: Okay. I'll object -- again, I
8 object to it being vague and ambiguous on "counsel," but
9 I'll permit the witness to answer.

10 THE WITNESS: I don't really know whether he has
11 or not. He probably has.

12 MR. FLYNN: Q. Have you ever read any literature
13 on pastoral counseling?

14 A. No.

15 Q. Have you ever read any of the rules that other
16 religions write with regard to counseling between a minister
17 and a parishioner?

18 MR. PARSONS: Again, it's vague. I object on the
19 grounds of vagueness and ambiguous -- ambiguity, I guess is
20 the word.

21 On other religions' counseling, I'll permit the
22 witness to answer.

23 THE WITNESS: I counsel by my intuitive feeling.

24 It's not by knowledge. That's why I say, I hope. I hope
25 I'm correct. I can't say that I know anything.

1 MR. FLYNN: Q. Well, the question was, have you
2 ever read.

3 A. I said no.

4 Q. Do you know as you sit here today whether other
5 organized religious bodies have enacted rules relating to
6 counseling sessions between a counselor and a person in a

7 religious organization?

8 A. I don't know.

9 Q. As you sit here today, do you know whether any
10 other organized religious organizations have prohibited any
11 physical contact during counseling sessions between a
12 counselor and we'll call them a counselee?

13 A. I know nothing.

14 Q. You know nothing about this subject?

15 A. No.

16 Q. Now, in Yogananda's teachings as they apply to
17 marriage, does he ever discuss anything about intimacy
18 between two people?

19 A. Yes.

20 Q. In what -- in what teachings does he discuss
21 intimacy?

22 MR. PARSONS: Object as vagueness of "teachings."

23 Are you referring to specific lectures, books or --

24 MR. FLYNN: Whatever. I'm just picking up on

25 Mr. Walters' knowledge as set forth in paragraph 6.

1 MR. PARSONS: Okay. Well, I object to the term,
2 then, "teaching," because it's vague and ambiguous, but I'll
3 certainly permit the witness to answer.

4 THE WITNESS: I'm sorry, I can't answer your
5 question. It's not clear enough, it's not specific enough.

6 I don't really know what you're talking about.

7 MR. FLYNN: Q. Well, I asked whether or not

8 Yogananda has given any teachings about intimacy between two
9 people, and you said he has. Right?

10 A. You didn't ask that question. You asked about a
11 relationship. I don't think you asked about -- you could
12 read that again and see.

13 Did he ask that? Or does it matter? You can ask
14 it again.

15 Q. Mr. Walters, did you just testify a moment ago
16 that, yes, Yogananda wrote about the subject of intimacy
17 between two people in his teachings?

18 MR. PARSONS: No, again I'm not letting you ask
19 what the witness just said. If we want to know what the
20 witness just said, we can get the record.

21 I don't want to go on to layers on layers of what
22 it was that he remembers he said.

23 MR. FLYNN: Mr. Parsons, you're being
24 obstructionist.

25 MR. PARSONS: I am not.

1 MR. FLYNN: I'll ask you again. Forget the prior
2 record, just to get through this.

3 Q. Does Yogananda's teachings include any teachings
4 relating to the subject of intimacy between two people?

5 A. Well, the question of intimacy permits of many
6 different layers of understanding. I think that's probably
7 my difficulty.

8 MR. PARSONS: Then I'm going to object, because
9 the witness obviously has a problem with the vagueness and
10 ambiguity.

11 I will, however, permit the witness to respond to
12 the extent he can.

13 THE WITNESS: When he talked of a married couple,
14 he said vague terms like, be together less, concentrate more
15 on spiritual communion. He didn't go into detail, as far as
16 I know.

17 MR. FLYNN: Q. Do you consider yourself to be an
18 expert on the subject of intimacy in marriage?

19 MR. PARSONS: I'm going to object to the term
20 "expert." I think that's vague and ambiguous, especially in
21 the legal context.

22 I'll permit the witness to answer.

23 THE WITNESS: I don't consider myself an expert on
24 anything. I know certain things that seem to be -- people
25 seem to find helpful. I don't think I'm an expert.

1 MR. FLYNN: Q. Do you consider yourself to be
2 knowledgeable on the subject of intimacy in marriage?

3 MR. PARSONS: Generally, or with respect to
4 Yogananda's teachings?

5 MR. FLYNN: Q. With respect to Yogananda's
6 teachings.

7 A. Knowledgeable to say what I know. There's an
8 awful lot I don't know.

9 Q. What do you know?

10 A. What do I know?

11 MR. PARSONS: Objection. Calls for a narrative.

12 MR. FLYNN: Q. What do you know about the subject
13 of intimacy as taught by Yogananda in marriage?

14 MR. PARSONS: Again, I object. It calls for a
15 narrative.

16 I will permit the witness to respond if he's able
17 to digest out specific items.

18 DR. VAN HOUTEN: Mr. Walters, would you like a
19 break?

20 THE WITNESS: Well, yeah. Let's take a little
21 break. I honestly do not know the line you're trying to
22 develop.

23 Anyway, give me a break, and then we'll talk.

24 THE VIDEO OPERATOR: We're going off the record
25 at 3:35 p.m.

1 (Recess from 3:35 p.m. to 3:47 p.m.)

2 (Mr. Friedman and Mr. Hanchett left the deposition
3 room.)

4 THE VIDEO OPERATOR: We're back on the record at
5 3:47 p.m.

6 MR. FLYNN: Q. Would you turn to page 7,
7 paragraph 14 of your declaration please, Mr. Walters?

8 Now, you say, "In accordance with this ancient

9 tradition, my guru Paramhansa Yogananda, empowered me to
10 teach, to give initiation into Kriya Yoga, to edit his
11 writings, and to establish world brotherhood colonies."

12 Did I read that correctly?

13 A. Yes.

14 Q. When you took your vows in 1955, did you vow to
15 only administer Kriya Yoga as part of the SRF teachings?

16 A. No, I didn't.

17 Q. When did you take your vow of Kriya Yoga?

18 A. That was in December of '48.

19 Q. With Yogananda?

20 A. Yes.

21 Q. And did you vow when you took the Kriya Yoga vow
22 not to divulge Kriya Yoga except in conformity with the SRF
23 teachings?

24 MR. PARSONS: I'm going to object that that calls
25 for the private and personal statements that this person,
1 this witness, has made with respect to his religion at the
2 time, the organization with which he was affiliated at the
3 time.

4 MR. FLYNN: You waived it, Mr. Parsons, when you
5 put this in his declaration, that he was empowered by
6 Yogananda to initiate others into Kriya Yoga, and I'm
7 entitled to explore what he meant by that.

8 And part of that exploration is what vow he took
9 when he took Kriya Yoga from Yogananda.

10 And I would further add, because if I understand
11 that vow correctly, every time he's administered it ever
12 since 1962, he's broken the vow he made in 1948. And every
13 person who's ever received Kriya Yoga would know that he's
14 breaking it, repeatedly.

15 MR. PARSONS: I don't believe this declaration
16 opens up the door into the witness's vows.

17 I believe you are entitled to ask him concerning,
18 for example, what Yogananda did to empower him to teach and
19 to give initiation.

20 MR. FLYNN: You're just playing games.

21 MR. PARSONS: No, I'm not.

22 MR. FLYNN: You're just playing games, and you're
23 obstructing.

24 MR. PARSONS: No, I'm not.

25 MR. FLYNN: Q. How did Yogananda empower you to
1 teach Kriya Yoga?

2 A. He told me to do it.

3 Q. Did he ask you to take a vow when he told you to
4 do it?

5 A. No.

6 Q. When he initiated you into Kriya Yoga, did he
7 empower you to give it to others?

8 A. Mr. Flynn, this is a matter of my conscience. It
9 does not come under the purview of the law.

10 Q. Mr. Walters, you wrote this declaration, and you
11 said Yogananda empowered you to teach Kriya Yoga and to give
12 initiation into Kriya Yoga. Did you not?

13 A. He did.

14 Q. How did he do it?

15 A. I told you.

16 Q. How?

17 A. He told me to do it.

18 Q. Did he have you take a vow that you would only
19 initiate other people into Kriya Yoga in accordance with the
20 SRF teachings?

21 A. No.

22 Q. Does the Kriya Yoga vow that you took in 1948
23 require that?

24 MR. PARSONS: Excuse me. Require what?

25 Objection.

1 MR. FLYNN: Q. That it only be given to others in
2 accordance with the SRF teachings.

3 A. Sir, I go by my conscience, by my understanding.

4 Q. I'd like an answer to my question.

5 Please, would you have it read back?

6 A. Okay. It is not according to what I have

7 understood. I am a disciple, and it is my right and
8 privilege to follow the teachings as I understand them.

9 Now, vow, non-vow, if he told me to give it and if
10 I know that his blessings are there, that's what I follow.

11 Q. Look, Mr. Walters -- well, my question is, when
12 you stated the words of your vow when Yogananda empowered
13 you to initiate into Kriya Yoga, did you state that you
14 wouldn't divulge information relating to Kriya Yoga except
15 in accordance with SRF teachings?

16 A. No.

17 MR. PARSONS: Now again, I'm going to object to
18 that.

19 MR. FLYNN: The witness answered.

20 MR. PARSONS: I still object.

21 MR. FLYNN: Q. Now, have you ever seen the Kriya
22 Yoga SRF vow written down?

23 A. It was written long after that.

24 Q. And Mr. Walters, you were a minister of Kriya Yoga
25 for SRF from at least 1955 to 1962. Is that correct?

1 A. No.

2 Q. Well, you say here, 14 years. But we know you
3 took your final vows in 1955.

4 A. Say '49 to '62.

5 Q. '49 to '62, you were initiating people into Kriya
6 Yoga.

7 And every single time you initiated someone into
8 Kriya Yoga, you gave them a vow that they took. Is that
9 correct?

10 A. You are taking something people in SRF have told

11 you, which is a modern policy, not the policy at that time.

12 The vow that I gave then was that they would be

13 loyal to these gurus, to this line of gurus, and to their

14 practice of Kriya Yoga, period.

15 Q. And there was nothing, according to your testimony

16 now under oath, about vowing to not divulge the Kriya Yoga

17 teachings and the Kriya Yoga method, except in accordance

18 with the SRF teachings. Is that correct?

19 MR. PARSONS: Vague -- object that it's vague as

20 to time. I'll let the witness answer.

21 MR. FLYNN: Q. When you were a minister for 14

22 years.

23 A. Yes.

24 Q. Yes what?

25 A. Yes, I told them that they could not divulge it 1 without permission from Self-
Realization Fellowship.

2 However, that I consider -- and this is a question

3 of my conscience -- I consider myself guided by him rather

4 than by them, and I have to follow my conscience on that.

5 Q. But when you were empowered by Yogananda to

6 initiate into Kriya Yoga, that was the vow you took from

7 Yogananda, not to divulge. Is it not correct, Mr. Walters?

8 MR. PARSONS: Objection. That misstates this

9 witness's testimony.

10 THE WITNESS: Hmm? What did you say?

11 MR. PARSONS: His question --

12 THE WITNESS: You've misstated my testimony. But

13 I also say you don't have a right to ask questions that

14 concern my conscience and my understanding of what I am to

15 do. You are not --

16 MR. FLYNN: Q. Sir, you --

17 A. This is not a meeting with the board of directors,

18 in which case I would answer them strongly. It's a meeting

19 with somebody who doesn't know anything about these

20 teachings.

21 Q. Who is that?

22 A. You.

23 Q. Sir, in accordance with your declaration, you

24 stated, under oath, Yogananda empowered you to teach and to

25 give initiation into Kriya Yoga.

1 Is it not true, sir, when he gave you that power

2 to do that, you took the vow you wouldn't divulge it to

3 anyone, except in accordance with the teachings of SRF?

4 A. The tradition of India, which he honored --

5 Q. Can you answer my question?

6 A. No, I can't.

7 Q. Okay, fine.

8 MR. PARSONS: He is answering the question in his

9 own way.

10 MR. FLYNN: Q. You can't give me a "yes" or "no"

11 answer. Is that correct?

12 A. I can answer in my way. I'm not going to answer
13 in your way.

14 Q. When you received Kriya initiation, did you take a
15 vow that Yogananda read to you?

16 A. No.

17 Q. Did you take a vow that he stated to you --

18 A. Yes.

19 Q. -- and then you agreed to? Is that correct?

20 A. (Witness nods head.)

21 MR. GREENE: There's no answer.

22 MR. FLYNN: Q. You have to say yes.

23 A. Yes.

24 Q. And when you took that vow, did you agree that you
25 would not divulge the teachings of Kriya Yoga, except in 1 accordance with Self-
Realization teachings?

2 A. No, he didn't speak of Self-Realization.

3 Q. Secondly, when you took the vow, did Yogananda
4 have you agree that you wouldn't divulge to any other person
5 the Kriya Yoga technique except in accordance with the SRF
6 teachings?

7 A. It wasn't stated like that.

8 Q. And that's your testimony here today under oath?

9 A. Yes.

10 Q. Now, how many times have you administered Kriya
11 Yoga since 1962?

12 A. Hundreds, I imagine.

13 Q. So you've divulged the Kriya Yoga technique to
14 hundreds of people after you were removed from SRF. Is that
15 correct?

16 A. Yes.

17 Q. Now, and your justification for doing that is that
18 you believe that Yogananda empowered you to do that?

19 A. Yes.

20 Q. And you believe that Yogananda empowered you to do
21 that outside of SRF, even though you had been defrocked as a
22 minister. Is that correct?

23 A. I believe --

24 MR. PARSONS: I'm going to object to the
25 "defrocked as a minister." There's no testimony or evidence
1 to support that.

2 I will, however, let the witness testify that he
3 did it outside.

4 THE WITNESS: I believe he took me out of the work
5 to serve him in another way.

6 MR. FLYNN: Q. And which way was that?

7 A. What I have done since then.

8 Q. Now, you're aware that you have brought a
9 counterclaim against (the plaintiff) in this case claiming
10 that her allegations against you are false and scandalous.

11 Is that correct?

12 MR. PARSONS: Objection. It misstates what the

13 allegations are.

14 I'll certainly let the witness answer to the

15 extent he can.

16 THE WITNESS: Well, it does obscure them. I don't

17 know -- I know that such a case exists.

18 MR. FLYNN: We're going to get into that.

19 MR. PARSONS: Oh, good. Thank you.

20 MR. FLYNN: Q. Would you turn to page 9,

21 paragraph 21? Line 13.

22 "These include the Hong-Sau and AUM techniques of

23 medication, the Energization Exercises, and the central

24 technique of Kriya Yoga."

25 See that? That's what you're teaching, is that

1 correct, at Ananda Village?

2 A. Yes. Yes.

3 Q. And you claim that it's Yogananda who empowered

4 you to teach those things. Is that correct?

5 A. Yes.

6 Q. Now, and then you empowered other ministers to

7 teach these things to people such as (the plaintiff)?

8 A. I didn't empower her to teach it.

9 Q. You empowered other ministers to teach it to her?

10 A. I empowered other ministers.

11 Q. And who gave you the right to empower other

12 ministers?

13 A. I felt that right from inside.

14 Q. Did Yogananda give you that right?

15 A. I feel he did.

16 Q. Did he ever tell you that you could ordain other

17 ministers to teach it?

18 A. In so many words, he did.

19 Q. What did he say?

20 A. He told me I had a mission to do for him, and he

21 said I will have the power to do it.

22 Q. What did he tell you your mission was?

23 A. Well, it's becoming clear. He didn't talk about

24 it much, but it's becoming more and more clear as I work. I

25 could not have done what I do without his blessings.

1 Q. Do you consider in your religious philosophy that

2 you have expounded in your declaration here to -- for there

3 to be a difference between right and wrong?

4 MR. PARSONS: Objection as to -- there is no

5 foundation, there's no basis, there's nothing in the

6 declaration that I've seen that would support this

7 right/wrong business.

8 And I don't -- and right and wrong is ambiguous.

9 You've got to define what you mean is right or wrong before

10 I'll let this witness respond to the question.

11 MR. FLYNN: Q. Would you consider it right for a

12 minister of Ananda to make sexual contact with a novice

13 during a counseling session?

14 A. I would not.

15 Q. Would you consider it wrong for a minister at

16 Ananda to do that?

17 A. I would.

18 Q. Would you consider it right for the spiritual

19 director of Ananda to have one of the novices at Ananda

20 masturbate the spiritual director to ejaculation?

21 MR. PARSONS: I'm going to object to that. It's

22 outside the scope of what's going on here.

23 MR. FLYNN: No it's not. You filed a counterclaim

24 saying the allegations are false and scandalous. That's

25 replete throughout the allegations.

1 MR. PARSONS: Then why don't you go to specific

2 allegations in the counterclaim, cross-complaint.

3 MR. FLYNN: I'm entitled to conduct -- you're

4 obstructing once again, Mr. Parsons.

5 I'd like an answer. Are you going to let him

6 answer, or are you instructing?

7 MR. PARSONS: I'm going to instruct him not to

8 answer.

9 MR. FLYNN: Q. Now, would you turn to page 14?

10 You state that members --

11 MR. PARSONS: Where is this?

12 MR. STILLMAN: Q. Page 14, paragraph 35, line 6.

13 "Members of the Ananda monastic order renounce

14 worldly interests that are centered in ego gratification in

15 the quest for personal gain."

16 Did I read that correctly, Mr. Walters?

17 A. Yes.

18 MR. PARSONS: Again, object. The document speaks

19 for itself.

20 MR. FLYNN: Q. The books that you wrote, the

21 60-odd books that you wrote back as you enumerated in

22 paragraph 5, did you do that for ego gratification and

23 personal gain, or for some other reason?

24 A. Some other reason.

25 Q. What is the other reason?

1 A. Service.

2 Q. Service to who?

3 A. To those who read it. I've already stated, I get

4 no personal gain. Ego gratification, no.

5 But I hope it'll help people. That's why I wrote

6 them.

7 Q. But you didn't do it for ego gratification?

8 A. Correct.

9 Q. Now, when you had various members of your

10 organization masturbate you to ejaculation --

11 MR. PARSONS: Objection.

12 MR. FLYNN: Q. -- did you do that for ego

13 gratification, or out of service?

14 MR. PARSONS: That's outrageous, that's badgering

15 the witness, that's harassing this witness. I'm going to --
16 it's just absolutely outrageous, and I'm instructing the
17 witness not to answer.

18 MR. FLYNN: Q. Going further down, "Members
19 promised to live their lives and surrender to God's will and
20 pledge their cooperative obedience to the spiritual
21 directors and to those who assist him in guiding the
22 spiritual community."

23 Who says what God's will is?

24 MR. PARSONS: Excuse me, where was that?

25 MR. FLYNN: Line 17 to line 20, page 14.

1 MR. PARSONS: Do you see that?

2 THE WITNESS: Uh-huh.

3 MR. FLYNN: Q. Who says what God's will is? You?

4 A. Nobody can say, this is God's will.

5 Q. And who says that cooperative obedience to the
6 spiritual director should be given? You?

7 A. Uh-huh.

8 MR. GREENE: Give an explicit answer.

9 MR. FLYNN: Q. Yes? The answer was yes?

10 A. Yes. Yes.

11 Q. So if you instructed someone to masturbate you to
12 ejaculation, would that be considered by you to be God's
13 will?

14 MR. PARSONS: Objection.

15 MR. FLYNN: We're going to into it, Mr. Parsons,
16 because he filed a declaration saying that he denied all of
17 the allegations that we have made regarding all these women
18 that he's abused over all these years.

19 MR. PARSONS: Okay. Well, let's go item by item,
20 then.

21 MR. FLYNN: This is part of the declaration.

22 MR. PARSONS: I'm not going to let you go into
23 this sort of outrageous sort of effrontery. This is
24 badgering the witness. There's no foundation for this.
25 Assumes facts not in evidence.

1 I'm instructing the witness not to answer.

2 MR. FLYNN: Q. Okay. Now, would you go over to
3 paragraphs 38 through 44, where you discuss the doctrines of
4 karma and reincarnation?

5 Are these Ananda teachings?

6 MR. PARSONS: "These" being karma --

7 MR. FLYNN: Q. Karma and reincarnation, which
8 you've got under "Other Ananda Teachings."

9 MR. PARSONS: I want the witness to read the
10 portion of the declaration you're referring to. That's
11 paragraphs what, 38, 39 --

12 MR. FLYNN: Q. 38 to --

13 THE WITNESS: I've stated them as clearly as I
14 can, yes.

15 MR. PARSONS: Wait.

16 MR. FLYNN: Q. Now, do you consider in light of
17 the teachings --
18 MR. PARSONS: Excuse me. Have you read the
19 sections?
20 THE WITNESS: Well, I wrote it.
21 MR. PARSONS: He hasn't told us what sections yet,
22 though.
23 THE WITNESS: Okay.
24 MR. PARSONS: 38 to something.
25 THE WITNESS: You want me to read the whole
1 thing? Okay.
2 MR. PARSONS: If he's going to ask you questions
3 about the declaration, I want you to read the declaration so
4 it's fresh in your mind.
5 And it's paragraph 38 to --
6 MR. FLYNN: He doesn't have to read them,
7 Mr. Parsons, I just want to draw attention to them.
8 And I want to ask whether karma and reincarnation
9 are part of the Ananda teachings.
10 A. They are.
11 Q. And in general in paragraphs 38 to 44, you sought
12 to incorporate a brief recitation of what karma and
13 reincarnation are in connection with Ananda teachings. Is
14 that correct?
15 MR. PARSONS: Again, I'm going to instruct the
16 witness not to answer with respect to his intent in
17 including any specific thing in here.
18 If you're going to ask him about paragraphs 38 to
19 44, I'm going to request that he read it so he's familiar
20 with the material, fresh in his mind --
21 MR. FLYNN: Q. Do you consider this lawsuit to be
22 part of your karma?
23 MR. PARSONS: Objection. That is a personal,
24 religious question, totally outside the bounds, and I'm
25 going to object on the grounds of privacy and instruct the
1 witness not to answer.
2 MR. FLYNN: Q. Now, Mr. Walters, you realize that
3 you have written in paragraph 41, "The karmic law is quite
4 impersonal."
5 What do you mean by that?
6 MR. PARSONS: Have you read that?
7 THE WITNESS: It's attracted whether you're a king
8 or a beggar. Whatever you do, there are no favorites.
9 MR. FLYNN: Q. So the karmic law would work in
10 connection with all aspects of your life as spiritual
11 director of the community, if I understand what you've
12 recited properly in this declaration. Is that correct?
13 A. I don't know exactly how you mean it. But the way
14 I'd mean it, I'd say yes.
15 Q. Whatever happens to you is part of this impersonal
16 karmic law?

17 A. Yes.
18 Q. While you're in this body?
19 A. Right.
20 MR. PARSONS: Is there a question?
21 MR. FLYNN: Q. Is that correct?
22 A. Yes.
23 Q. Which would include this lawsuit?
24 A. Yes.
25 Q. Now, what karma do you know about in your own life
1 which would cause you to have a disciple masturbate you as
2 spiritual director?
3 MR. PARSONS: Okay. I'm going to object for yet
4 another time on the intrusive, badgering, harassing nature.
5 If there is one more question like this, I'm
6 going to --
7 MR. FLYNN: There's going to be loads.
8 MR. PARSONS: Well, then what I want to do is, I'd
9 like to call the referee, we'll read this last question
10 back, and we'll get a ruling on whether he should read it.
11 MR. FLYNN: We'll get into it Mr. --
12 MR. PARSONS: Parsons.
13 MR. FLYNN: -- Mr. Parsons.
14 Q. Would you turn to page 20 please, sir?
15 You put in a section on your declaration called
16 "Women and Sexual Attraction" in paragraphs 50, 51, 52, 53
17 and 54. Is that correct?
18 A. Yes.
19 Q. And you said in paragraph 54, "In the 14 Steps
20 lessons" -- parentheses, I'm saying now, written by you --
21 "I elaborate on Yogananda's interpretation. The lessons
22 include a discussion of how the feminine principle, or
23 feeling part of our nature, can pull us away from our true
24 Self in God, or inspire us to rise toward God."
25 Did I read that correctly?
1 A. Yes.
2 Q. What were you referring to when you wrote that?
3 MR. PARSONS: Excuse me. Wrote what part of
4 that? What's the "that" that you're referring to?
5 MR. FLYNN: Q. What were you referring to about
6 Yogananda's interpretation about the feminine principle
7 dragging you toward your feeling nature and away from God?
8 A. Would you like a discourse?
9 Q. I'd like to know what you were referring to in
10 Yogananda's interpretation.
11 A. I was referred to Autobiography of a Yogi.
12 Q. Okay. Were you referring to that part of the
13 chapter --
14 MR. PARSONS: Excuse me one second.
15 (Discussion between the witness and his counsel.)
16 MR. PARSONS: Go ahead.
17 MR. FLYNN: Q. Would you turn now to paragraph 61

18 on page 25, where you talk about, "Environment is Stronger
19 Than Will Power/Satsang."

20 You say:

21 "Basic to our teachings is the belief that
22 Sat-Sanga, or good company, is essential on the
23 spiritual path and nearly as important as meditation.
24 Yogananda taught that the company one keeps determines
25 to a great extent whether one's energy will move inward
1 toward God or outward toward the world."

2 What did you mean by that when you wrote it in
3 this declaration that you filed in opposition in support of
4 your summary judgment motion?

5 A. Well, I was talking about the importance of being
6 with people who are of spiritual nature if you want to
7 develop spiritual consciousness.

8 Q. No in other words, if one of the ministers of
9 Ananda was spiritually abusing (the plaintiff), that
10 would be dragging down her into the feeling nature away from
11 God consciousness and hurting her. Is that correct?

12 MR. PARSONS: Objection. Calls for speculation,
13 assumes facts not in evidence.

14 MR. FLYNN: Q. According to your teaching that
15 you've outlined here. Is that correct?

16 MR. PARSONS: Same objection. I'll permit the
17 witness to answer.

18 Excuse me one second.

19 MR. PARSONS: I'd like that question read back,
20 please.

21 MR. FLYNN: Q. I'll withdraw it. Let me ask you
22 this, Mr. Walters.

23 You say in this paragraph, he emphasized --
24 referring to Yogananda --

25 MR. PARSONS: Where is this now?

1 THE WITNESS: 14.

2 MR. FLYNN: Q. Page 25, line 14. "He emphasized
3 that beginners especially should be very careful in the
4 company they keep."

5 Did I read that, Counsel, correctly?

6 MR. PARSONS: Objection. The document speaks for
7 itself.

8 MR. FLYNN: Q. So if a beginner, like (the plaintiff)
9 , was keeping company with your senior minister
10 who was sexually harassing her, according to your religious
11 views set forth in your declaration here, she'd be keeping
12 bad company.

13 MR. PARSONS: Objection. It assumes facts not in
14 evidence, it misstates the testimony.

15 MR. FLYNN: Is that true?

16 MR. PARSONS: Calls for speculation.

17 I'm instructing him not to answer that question as
18 phrased.

19 MR. FLYNN: Q. Then you say in this same
20 paragraph, "An aspect of this teaching" --
21 MR. GREENE: You didn't get an answer.
22 MR. FLYNN: I know, but he's playing games.
23 Q. "An aspect of this teaching is the belief that
24 senior disciples and ministers, because of their longer time
25 on the spiritual path, can usually provide important
1 spiritual assistance to newcomers."
2 Well, how long had Minister Levin been a senior
3 minister at Ananda when this situation with (the plaintiff) took
4 place?
5 A. You notice the word "usually."
6 Q. Can you answer my question?
7 How long had Levin been a senior lightbearer for
8 you, the spiritual director.
9 MR. PARSONS: Excuse me. Now, that's a different
10 question. That misstates the testimony. He had not been a
11 lightbearer for the spiritual director.
12 I'm instructing him not to answer as phrased. The
13 first question, I had no objection to.
14 MR. FLYNN: Q. How long had Minister Levin been a
15 senior minister at Ananda as of 1992?
16 A. Well, I don't know the time.
17 Q. Roughly?
18 A. Some years.
19 Q. 5?
20 A. That I can't say.
21 Q. 10?
22 A. No, I can't say. But some years.
23 Q. 15?
24 A. I've answered.
25 Q. Now, you certainly were a senior minister and
1 disciple at Ananda, because you were the spiritual
2 director. Is that correct?
3 MR. PARSONS: Objection. Asked and answered --
4 MR. FLYNN: Q. So according to your own sworn
5 statement, you were in a position to provide important
6 spiritual assistance to someone such as (the plaintiff),
7 a newcomer. Is that correct?
8 MR. PARSONS: I would like that question read
9 back, please.
10 MR. FLYNN: I'll withdraw it.
11 Q. You, as the spiritual director of some 40 years,
12 or whatever it was, were in a position, according to your
13 sworn statement, of providing important spiritual assistance
14 to (the plaintiff) as a newcomer. Is that true?
15 MR. PARSONS: Objection. That misstates
16 completely what this declaration says. It doesn't say
17 anything like that.
18 I'm going to instruct the witness not to answer.
19 You can ask him a direct question whether he was or was

20 not.

21 But if you base it upon what's purportedly in the
22 declaration, then I'm going to instruct him not to answer.

23 MR. FLYNN: Q. Well, would you agree with me that
24 this statement in your declaration, "An aspect of this
25 teaching is the belief that senior disciples and ministers,
1 because of their longer time on the spiritual path, can
2 usually provide important spiritual assistance to
3 newcomers," would include you as the spiritual director?

4 MR. PARSONS: Include him in what regard?

5 MR. FLYNN: Q. As someone who could provide
6 important spiritual assistance to newcomers such as
7 (the plaintiff)?

8 A. I would have to say yes.

9 Q. And have you read (the plaintiff)'s
10 testimony in this case that you rubbed her face on your
11 erect penis during a counseling session? Have you read
12 that, sir?

13 MR. PARSONS: Now, that's the question. Have you
14 read that -- what, her testimony in a deposition?

15 MR. FLYNN: Q. Yes. Have you read that?

16 A. Yes.

17 Q. Now, would you consider that to be important
18 spiritual assistance to a newcomer such as
19 (the plaintiff)?

20 MR. PARSONS: I'm going to object. That assumes
21 facts not in evidence, it's argumentative, it's badgering
22 this witness.

23 I'm going to instruct him not to answer.

24 MR. FLYNN: It is in evidence. She said it, and
25 you've admitted it.

1 MR. PARSONS: I have not admitted it.

2 MR. FLYNN: That she said it. You've admitted
3 that she said it.

4 MR. PARSONS: Admitted that she said it, that's
5 correct.

6 THE WITNESS: That's altogether different.

7 MR. PARSONS: That's right.

8 MR. FLYNN: Q. Mr. Walters --

9 MR. PARSONS: I've instructed him not to answer
10 that question.

11 MR. FLYNN: Q. Mr. Mr. Walters, do you consider
12 yourself to be a worldly person or not a worldly person in
13 the context that you write about worldly person in paragraph
14 61?

15 MR. PARSONS: I'm objecting as to any testimony by
16 this witness as to whether he considers himself a worldly or
17 an unworldly person.

18 MR. FLYNN: Q. When you wrote "worldly people" on
19 line 16, page 25 of your sworn declaration under oath filed
20 in support of your motion for summary judgment, what did you

21 mean?

22 MR. PARSONS: Let me see where that is.

23 MR. PARSONS: So you're asking for his definition
24 of "worldly people" as used in this declaration. Is that
25 it?

1 THE WITNESS: Is that it?

2 MR. FLYNN: The question speaks for itself.

3 The game playing -- Mr. Parsons, at some point
4 we're going to approach, after we've set a complete record,
5 the game playing at some point is going to come to an end.

6 MR. PARSONS: I hope so.

7 MR. FLYNN: Q. I want an answer to the question,
8 Mr. Walters.

9 A. Please state the question.

10 Q. What did you mean by worldly people when you wrote
11 it under oath in your declaration?

12 A. Worldly people are people that are not interested
13 in seeking God but in seeking worldly enjoyment and
14 involvement.

15 Q. Okay. So according to everything you've put in
16 your declaration, you've said that you were a person who
17 spent 40 years seeking God.

18 So I take it then from this that you're not a
19 worldly person.

20 MR. PARSONS: Objection. I'm not going to let
21 this witness testify as to whether he considers himself a
22 worldly person or not.

23 That's a private matter. It's totally beyond any
24 sort of realm in this lawsuit.

25 MR. FLYNN: This relates to impeachment, because
1 if he's contradicted himself, then his testimony could tend
2 to be not accepted by the jury.

3 So if he says that he's been seeking God for 40
4 years while he's been playing with all the little devotees
5 in the back room, then he's sworn falsely under oath.

6 MR. PARSONS: Well, no --

7 MR. FLYNN: And this whole --

8 MR. PARSONS: It's not supported by --

9 MR. FLYNN: This whole organization that he's been
10 propagating for 40 years is a sham. He says one thing and
11 he does another. Something that seems to be pervading this.

12 MR. PARSONS: You know, I've really reached the
13 point of this sort of badgering -- you know --

14 MR. FLYNN: No, we've reached the point of the end
15 of your obstructionism, Mr. Parsons. I will now ask another
16 question.

17 Q. Mr. Walters --

18 DR. VAN HOUTEN: Mr. Walters, would you like a
19 break?

20 THE WITNESS: No, it's fine.

21 MR. FLYNN: Q. Mr. Walters?

22 A. But I warn you, I'll be going 10 more minutes.
23 Q. Have you been seeking God for 40 years or more?
24 A. Yes.
25 Q. Did you just define a person who seeks God as not
1 a worldly person?
2 MR. PARSONS: Did he just define a person who
3 seeks God as not a worldly person?
4 MR. FLYNN: Yes.
5 MR. PARSONS: Objection. The question has been
6 asked and answered.
7 MR. FLYNN: I think we got the bite.
8 Q. Do you consider yourself a channel for God, as you
9 write about in your declaration?
10 MR. PARSONS: Excuse me. Where in the
11 declaration? Let's see this statement, and have the witness
12 have an opportunity to read it.
13 MR. FLYNN: Page 26.
14 MR. PARSONS: What paragraph is that?
15 MR. PARSONS: What's the paragraph?
16 MR. FLYNN: 63 and 64
17 THE WITNESS: Sixty what?
18 MR. PARSONS: 63 and 64.
19 THE WITNESS: So that's 26.
20 MR. PARSONS: So take a moment and read paragraph
21 63 and 64.
22 THE WITNESS: To the extent that everybody tries
23 to be a channel of God, or should, I try to be a channel of
24 God.
25 MR. FLYNN: Q. Do you consider yourself to be a
1 more pure channel for God than other people?
2 A. I don't make comparisons.
3 Q. Do you consider yourself to be a -- do you
4 consider Yogananda to be a purer channel than you?
5 A. Yes.
6 Q. Is that a comparison?
7 A. That's a comparison.
8 Q. Now, and no one gave you the right to set up
9 Ananda Village and be the swamy except you.
10 MR. PARSONS: Objection.
11 MR. FLYNN: Q. Is that correct, Mr. Walters?
12 MR. PARSONS: Objection as to the tone, the
13 character, it's badgering this witness, the use of "swamy,"
14 it misstates the testimony so far, it assumes facts not in
15 evidence.
16 MR. FLYNN: We're about to get into the swamy.
17 Q. Would you turn to page 30, use of the title
18 "swamy"?
19 Now, I believe you testified earlier, and I'll
20 just ask you again to put it in context, in 1955, you took
21 final vows that you said were vows for life of poverty,
22 chastity, loyalty and obedience.

23 MR. PARSONS: Objection.

24 MR. FLYNN: In the swamy monastic order. Is that
25 correct?

1 MR. PARSONS: Objection. Asked and answered.

2 He can answer that.

3 THE WITNESS: Hmm?

4 MR. PARSONS: You can again tell him that you took
5 those vows in 1955.

6 THE WITNESS: I did.

7 MR. FLYNN: Q. Now, then in 1981, you wanted to
8 marry woman #7, so you dropped the vows. Is that
9 true?

10 A. I don't know what right you have to ask me about
11 my life.

12 Q. Well, you put it in your declaration, sir. Let me
13 read it to you.

14 "In my 1981 letter to the Ananda Village Community
15 informing them of my marriage to woman #7, I explained
16 that I was no longer a monastic and discussed the future use
17 of the title 'Swamy.' What then of my monastic vows? I
18 feel that in a very real sense, I have completed them."
19 Did you write that?

20 A. Yes.

21 Q. What vows did you complete?

22 A. I felt I had done what I needed to in that line,
23 and I needed to take a new direction.

24 Q. In 1955, when you took the vow, you felt that you
25 wanted to make that vow for life. Is that correct?

1 A. That's correct.

2 MR. FLYNN: I've got an answer, thank you,
3 Mr. Parsons.

4 MR. PARSONS: Yes, but I'm still going to object
5 that this is argumentative, you're badgering the witness --

6 MR. FLYNN: Q. Now --

7 MR. PARSONS: Hold on one second.

8 And after we break, in just a few minutes, I'm
9 going to call the referee and see if we can't have the
10 referee attend the deposition tomorrow so that we can have
11 quicker responses to this sort of belligerent badgering sort
12 of questioning, which isn't intended to --

13 MR. FLYNN: Mr. Parsons --

14 MR. PARSONS: I'm making my statement.

15 MR. FLYNN: You're obstructing, you're
16 interrupting my time on the record. I object to your
17 continued and repetitive interruptions of my record, sir.

18 MR. PARSONS: Very good.

19 MR. FLYNN: You can call whoever you want to call
20 when you want to call them.

21 MR. PARSONS: Then I'm doing it right now.

22 MR. FLYNN: I'm going to ask your client another
23 question.

24 MR. PARSONS: You're not.

25 THE WITNESS: We can leave now.

1 MR. PARSONS: More than that, we're going to make
2 a call to the referee now and see if we can't get the
3 referee to be present tomorrow to stop some of this
4 nonsense.

5 THE WITNESS: I don't want to be longer than
6 4:30. This will take longer than 4:30. So until tomorrow.

7 THE VIDEO OPERATOR: Microphones, please?

8 Should we go off the record and end the tape?

9 MR. FLYNN: We have no choice. They are leaving
10 the deposition without the consent of the plaintiff.

11 On the record, tomorrow the deposition is being
12 held at the Sheraton Palace Hotel.

13 MR. PARSONS: No, it's not. It's being held
14 here. That's where it was noticed for.

15 MR. STILLMAN: We told you 2 days ago that we were
16 going to hold it here, and you said no, you already told
17 people --

18 MR. PARSONS: That's right, it was going to be here.

19 MR. STILLMAN: Now everybody knows that's going to
20 be held tomorrow at the Sheraton. That's where it was
21 supposed to be originally, and they didn't have a room. Now
22 they have a room.

23 Why do you object to having it at the Sheraton?

24 Is there some reason you have on the record for something at
25 the Sheraton.

1 MR. PARSONS: The reason is it was noticed for
2 here, we're all here, this is where it's going to be.

3 MR. STILLMAN: But why --

4 MR. PARSONS: The reason is, you can't move the --

5 MR. PARSONS: Will you let me talk?

6 You can't move a deposition around from place to
7 place, day-to-day.

8 Let's -- we're going to make a phone call to the
9 referee. Let's bring that up at the same time.

10 MR. STILLMAN: What do you care? Why do you care,
11 Jon? Why do you care whether it's here or somewhere else?

12 MR. PARSONS: I care.

13 MR. STILLMAN: Why?

14 MR. PARSONS: I've stated it. Now, let's make a
15 phone call to the referee.

16 (Time noted, 4:28 p.m.)

17 --o0o--

20 Signature of the Witness

Chapter 2) Part 2 of 7 September 11, 1995

1 I N D E X

2 EXAMINATION BY: PAGE

3 MR. FLYNN (Resumed): 240

4 --o0o--

5 EXHIBITS

6 PLAINTIFF'S FOR IDENTIFICATION PAGE

7 Letter dated July 3, 295 Dwapara, from 239

8 Asha Prayer to Daya Mata

9 Gurus, Spiritual Authority, and Celibacy

10 Photocopy of envelope addressed 270

11 "(the plaintiff)"

12 Photocopy of typewritten note dated 276 November 29, 293 Dwapara,

13 "Dear Annemarie"

14 Flyer advertizing The Green Door 289

15 Document headed "More History of Ananda" 291

16 June 29, 1995 All Community Satsang by 293Donald Walters, transcribed by Yvonne

17 Hanchett

18 1-page letter on Crystal Hermitage 332 letterhead dated April 18, 295 Dwapara to

19 "Dear Ones"

20 Declaration of J. Donald Walters in Opposition to Special Motion to Strike

21 Cross-Complaint of Ananda Church of 349

22 Self-Realization, Denny Levin, and J.Donald Walters for Defamation Against

23 (the plaintiff)

1 --o0o--

2 INDEX OF INSTRUCTIONS NOT TO ANSWER

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8 --o0o--

9 BE IT REMEMBERED that on Monday, September 11,

10 1995 commencing at 11:00 a.m., thereof, at Tooker & Antz,

11 131 Steuart Street, Suite 201, San Francisco, California,

12 before me, HOLLY THUMAN, duly authorized to administer oaths

13 pursuant to Section 2093(b) of the California Code of Civil

14 Procedure, personally appeared

15 DONALD WALTERS,

16 called as a witness, who, having been previously duly sworn,

17 was examined and testified as hereinafter set forth.

18 --o0o--

2 APPEARANCES

3 FLYNN, SHERIDAN & TABB, One Boston Place, 26th 4 Floor, Boston,
Massachusetts 02108, represented by MICHAEL 5 J. FLYNN and PHILIP H.
STILLMAN, Attorneys at Law, appeared 6 as counsel on behalf of the Plaintiff.
7 HUB LAW OFFICES, 711 Sir Francis Drake Boulevard,
8 San Anselmo, California 94960, represented by FORD GREENE,
9 Attorney at Law, appeared as counsel on behalf of the
10 Plaintiff.
11 JON R. PARSONS, Attorney at Law, 2501 Park
12 Boulevard, Suite 207, Palo Alto, California 94306-1925,
13 represented by JON R. PARSONS, Attorney at Law, appeared as
14 counsel on behalf of the Defendants.
15 EDWARD W. PLISKA, Judge (Retired), Attorney at
16 Law, Corey, Luzaich, Gemello, Manos & Pliska, 700 El Camino
17 Real, Millbrae, California 94030, was present as the
18 referee. (Afternoon session only.)
19 Also present when indicated were DR. PETER VAN
20 HOUTEN; ASHA PRAVER; JOHN SMALLEN; SHEILA RUSH; and the
21 videographer, KATHRYN FILLEY.

22 --o0o--

1 September 11, 1995 11:00 a.m.

2 --o0o--

3 PROCEEDINGS

4 (The witness is not present in the deposition
5 room.)
6 THE VIDEO OPERATOR: Good morning. This is the
7 beginning of videotape number 4 in the deposition of Donald
8 Walters in the case of (the plaintiff) versus Ananda
9 Church of God.
10 All aspects as on tape number 1 remain the same.
11 Thank you.
12 MR. FLYNN: Now, this is the continuation of the
13 deposition of Donald Walters.
14 Mr. Parsons unilaterally and without seeking a
15 protective order walked out of the deposition last
16 Wednesday.
17 Thereafter, Mr. Parsons contacted Mr. Ford Greene,
18 who is sitting in the deposition here, and told Mr. Greene
19 that the discovery referee, Judge Ed Pliska, would not be
20 available until Tuesday.
21 MR. GREENE: At 1:30 in the afternoon.
22 MR. FLYNN: At 1:30 in the afternoon, of this
23 week, which is tomorrow --
24 MR. GREENE: Or all day Wednesday.

25 MR. FLYNN: -- or all day Wednesday, in order to
1 review the propriety of Mr. Parsons' unilateral action in
2 walking out of the deposition.
3 We had our secretary call Judge Pliska immediately
4 after the deposition. We found out that he in fact was
5 available, even later that afternoon, he was available the
6 entire next day, and was available on Friday,
7 notwithstanding Mr. Parsons' misrepresentation to
8 Mr. Greene.
9 We then endeavored to get Mr. Parsons and
10 Mr. Stillman and myself on a conference call with Judge
11 Pliska, which we succeeded in doing at approximately 10:30
12 a.m. on Friday.
13 At that time, Judge Pliska reprimanded Mr. Parsons
14 for misrepresenting his availability, "his" being Judge
15 Pliska's availability.
16 MR. PARSONS: I contest that. I'll let you speak,
17 but that is incorrect. And I want to state at this point,
18 that's incorrect.
19 MR. FLYNN: Mr. Parsons, please.
20 MR. PARSONS: Continue.
21 MR. FLYNN: He basically reprimanded Mr. Parsons.
22 Mr. Parsons then sought to continue the deposition
23 indefinitely so he could file papers on Thursday of this
24 week with respect to some of his specious reasons for
25 disrupting the deposition in the first place.
1 Over Mr. Parsons' objections, Judge Pliska ordered
2 the deposition to proceed at 10 o'clock this morning, and
3 indicated that he would be available to come in and referee
4 the deposition sometime this afternoon.
5 We were prepared to go at 10 o'clock this
6 morning. Unfortunately, the videographer was not present
7 for some reason unbeknownst to me, and perhaps a mistake on
8 someone's part. And as a result, the deposition was
9 continued until now, while the videographer appeared and
10 prepared her equipment. It's now approximately 11 o'clock.
11 Approximately 1 minute before we went on this
12 tape, notwithstanding that Mr. Parsons has been here for the
13 last hour, notwithstanding the fact that he knew the
14 videographer was rushing through San Francisco to get here,
15 notwithstanding the fact that the court reporter was here
16 the entire time, approximately 1 minute ago, Mr. Parsons
17 indicated that there may be a medical situation concerning
18 his client.
19 We had received information in our investigation
20 that this is a favorite trick of the Swami Kriyananda, to
21 use any excuse possible to avoid being sworn under oath and
22 giving testimony that he is required to give by law.
23 And since the disruption of the deposition didn't
24 work, and since Judge Pliska ordered the deposition to go
25 forward, we now understand from Mr. Parsons that he has a

1 different reason, and an alternative reason, for why
2 Mr. Walters may not be able to be deposed this morning.
3 And for all of those reasons, we are going to seek
4 sanctions and accountability of both Swami Kriyananda and
5 Mr. Parsons.
6 MR. PARSONS: Now, let me correct a few things,
7 first of all.
8 At no point -- and Mr. Greene is sitting here --
9 at no point did I say that Judge Pliska was not available
10 later that day, Friday or Monday. That subject never came
11 up.
12 Rather, I stated I was going to be going in on
13 Tuesday at 1:30, and I checked on that time with Mr. Greene.
14 Mr. Greene at that point, by the way, informed me
15 that he had planned on being out all this week in a
16 deposition out of the county. In his apparent frustration,
17 he never inquired at all about alternative times.
18 I volunteered that if 1:30 Tuesday was not
19 available, that Judge Pliska would be available all day
20 Wednesday.
21 At no point did I state that 1:30 Thursday was the
22 first time; at no time was I asked concerning alternative
23 times. I volunteered the additional time.
24 Now, when we had the conversation with Judge
25 Pliska on the phone on Friday, in the morning, he did not
1 reprimand me. He stated that you had misrepresented that he
2 wasn't available earlier, and he said he didn't want to go
3 into it. There was no reprimand. There was also no --
4 MR. FLYNN: Pardon my chuckling. I'm glad Judge
5 Pliska will read this. The record will speak for itself,
6 Mr. Parsons.
7 MR. PARSONS: Yes, it will.
8 MR. FLYNN: But Judge Pliska knows what he said,
9 sir. And apparently you're telling your client something
10 different than what actually occurs. This is very
11 interesting.
12 MR. PARSONS: Yes, it is interesting. It is very
13 interesting. And Judge Pliska will be here.
14 MR. FLYNN: Yes, I know.
15 MR. PARSONS: And I invite you to raise the issue
16 with him at that time.
17 MR. FLYNN: Rest assured, I will.
18 MR. PARSONS: Very good.
19 Now, there was no discussion also about Thursday,
20 continuing to Thursday. So I don't know where all of this
21 stuff is coming from. But let's get to the matter before us
22 today.
23 I understand, by the way, the reason that the
24 videographer wasn't here is that you dropped the ball and
25 didn't request the presence.
1 MR. FLYNN: That's not correct. My secretary

2 informs me she contacted the videographer's office on
3 Friday, informed the videographer that the deposition would
4 be going forward.

5 And I would remind you, Mr. Parsons, that the
6 court reporter was here, which would seem to suggest that my
7 secretary did make the necessary contacts.

8 MR. FLYNN: And we offered to proceed at 10
9 o'clock, and we were ready to proceed.

10 Now, while we were waiting, the doctor has taken
11 Mr. Walters' blood pressure, and I'd like him to state his
12 findings and his recommendations.

13 And after he has stated his peace, we can call
14 Dr. Callaham or Dr. Mallory to inquire further into the
15 deponent's medical condition.

16 MR. FLYNN: Who is this doctor? I notice that
17 he's got a Kriya Yoga band on his wrist.

18 So is he a member of the Kriyananda community? If
19 so, how long? What kind of a doctor is he?

20 MR. PARSONS: You inquired into that on Wednesday,
21 and you will -- I'll permit you to examine him. So --

22 MR. FLYNN: Doctor, what kind of a doctor are you?

23 MR. PARSONS: First of all, let's state names,
24 things like that.

25 MR. FLYNN: What is your name, sir?

1 DR. VAN HOUTEN: I'm Dr. Peter Van Houten. I'm a
2 family practitioner, and I've worked at my family practice
3 in Nevada City in the last 15 years.

4 MR. FLYNN: And you've been a member of Ananda for
5 the past 15 years?

6 DR. VAN HOUTEN: 18 years total.

7 MR. FLYNN: 18 years. Are you Board certified?

8 DR. VAN HOUTEN: I'm not in family practice.

9 Many rural physicians are not. Roughly 40 percent are not.

10 MR. FLYNN: Do you have any Board certification
11 whatsoever?

12 DR. VAN HOUTEN: I have my medical degree and my
13 certification as a physician, my licensure here in
14 California.

15 MR. FLYNN: So you're an un-Board certified family
16 practitioner who is affiliated with the Ananda church, and
17 has been so affiliated for the last 18 years. Is that
18 true?

19 DR. VAN HOUTEN: That's true. And I would further
20 say that the cardiologists I've worked with I've worked with
21 about 5 years, and 2 years ago they recommended me for
22 Country Doctor of the Year.

23 MR. FLYNN: Have you ever sought certification?

24 DR. VAN HOUTEN: No. There's no point in a rural
25 area. You only do it for financial reasons in big cities,
1 just so you'll know.

2 It's a long process to go through --

3 MR. FLYNN: I appreciate your edification. I
4 happen to represent doctors, and I vigorously and
5 aggressively dispute your representation that it's not
6 necessary in rural areas, particularly given the climate in
7 the family practice of the last 10 years where there has
8 been a movement afoot, Doctor, to aggressively have un-Board
9 certified physicians seek certification all over this
10 country in the family practice area.

11 So I disagree with your representation. I don't
12 believe it to be true.

13 Now, is the Doctor, the cardiologist you've
14 mentioned -- what's his name?

15 DR. VAN HOUTEN: There are two cardiologists that
16 we work with. One is Dr. Peter Callaham, the other is
17 Dr. John Mallory.

18 And they work together as partners. Both have
19 seen this patient; both have worked with me directly. I had
20 a conversation yesterday with Mr. Peter Callaham concerning
21 today's deposition.

22 MR. FLYNN: Now, I've observed Mr. Walters for the
23 last hour walking around laughing, chuckling, joking out in
24 your presence and in the presence of Mr. Parsons.

25 As a matter of fact, his demeanor seems to be even
1 better than it was last Wednesday.

2 So for that reason, I would suggest, Mr. Parsons,
3 that we at least put the video camera on Mr. Walters so that
4 we can get a look at his --

5 DR. VAN HOUTEN: I adamantly refuse. Hypertension
6 is known as the silent killer, as you well know, sir and
7 usually people won't become symptomatic until they often get
8 into the 120, 120 diastolic ranges, and you well know.

9 And so at the ranges at which the cardiologist has
10 said we are to wait, give medication, see if his blood
11 pressure comes down, he's not at a range where I would
12 expect him to be symptomatic, sir.

13 MR. FLYNN: What medication are you giving him?

14 DR. VAN HOUTEN: He's on several medications. The
15 medications he's taking right now -- to review his medical
16 history, currently he is a gentleman in his late 60s who had
17 diabetes type II mellitus, also has hypertension, also has a
18 new St. Jude's valve, which he received in December, and
19 he's on anticoagulation with a drug called Coumadin, as you
20 know, which is a very potent blood-thinning agent.

21 MR. FLYNN: I'm familiar with Coumadin.

22 What other medication is he on? Coumadin is not
23 for hypertension.

24 DR. VAN HOUTEN: It's not, very good.

25 MR. FLYNN: What other medication is he on for the
1 hypertension?

2 DR. VAN HOUTEN: He's taking Accupril, 20
3 milligrams QAM.

4 MR. FLYNN: Accupril?

5 THE WITNESS: Accupril.

6 MR. FLYNN: And that's for the hypertension?

7 THE WITNESS: Yes. It's an ACE inhibitor,
8 excellent for diabetics.

9 And he's also taking Glucophage, which is an
10 antidiabetic agent. He takes sotolol, which is a medication
11 to control heart rhythm.

12 MR. FLYNN: So for the hypertension, he takes the
13 Accupril?

14 DR. VAN HOUTEN: Yes.

15 MR. FLYNN: What's the dosage?

16 DR. VAN HOUTEN: The dosage is 20 milligrams.

17 MR. FLYNN: How often?

18 DR. VAN HOUTEN: Once daily.

19 MR. FLYNN: Who prescribed it?

20 DR. VAN HOUTEN: I did. In consultation with the
21 cardiologist.

22 MR. PARSONS: I'd also like the record to
23 reflect --

24 MR. FLYNN: I'm not finished, Mr. Parsons.

25 MR. PARSONS: Excuse me. I want the record to
1 reflect the blood pressure readings which were taken today,
2 too.

3 DR. VAN HOUTEN: All right. At 10 o'clock, when
4 we arrived, I asked Mr. Walters if I could take his blood
5 pressure to monitor it before the start of the session
6 today. His blood pressure in the both arms was 190 over
7 110.

8 In my discussion with Dr. Peter Callaham
9 yesterday, the patient's cardiologist, we talked about
10 several issues, including his risk for ventricular
11 tachycardia, which in fact was my main concern. But we also
12 discussed blood pressure as a risk as well.

13 The level that we discussed as a reasonable cutoff
14 above which additional medication should be given was
15 diastolic blood pressure of 105. At 105 or above, he should
16 be given additional medication.

17 It was recommended that he be given Procardia or
18 another calcium channel blocker, short-acting form, and at
19 that point to wait until his blood pressure came down to an
20 acceptable level, which we would expect it to do probably
21 within 45 minutes to an hour, would be a reasonable time
22 frame to wait.

23 MR. FLYNN: Are you aware, Doctor, that Judge
24 Pliska indicated he'd probably be able to get here about 1,
25 1:30?

1 DR. VAN HOUTEN: I don't know what time he was
2 planning on being here. I had no --

3 MR. FLYNN: Did you discuss that with
4 Mr. Parsons?

5 DR. VAN HOUTEN: I didn't know what time he was
6 coming for sure. I knew it was going to be this afternoon.

7 MR. FLYNN: Did you bring the Procardia with you?

8 DR. VAN HOUTEN: I brought one capsule -- I didn't
9 bring Procardia. I had one capsule of Cardizem in the
10 office.

11 Frankly, I only brought one because I didn't think
12 we were going to need it. This gentleman's blood pressure
13 has been under excellent control recently.

14 MR. FLYNN: Did you give him the Procardia?

15 DR. VAN HOUTEN: I've given him -- No. As I told
16 you, I gave him Cardizem. I gave him 90 milligrams of
17 short-acting Cardizem. I gave him that dose at 10:10. I
18 repeated his blood pressure at 10:30, which was 190 over 105
19 to 107 in both arms.

20 MR. FLYNN: What does the Cardizem do?

21 DR. VAN HOUTEN: Cardizem is a calcium channel
22 blocker, and it acts as an arteriolar dilator, and, by
23 lowering peripheral resistance, drops blood pressure.

24 MR. FLYNN: So it's the same thing as Procardia?

25 DR. VAN HOUTEN: No, it's not. Procardia is a
1 different calcium channel blocker, and surprisingly has
2 rather different medical characteristics. It's -- the way
3 it affects heart rhythm -- it's actually preferable.

4 In fact, if I give this patient any further
5 medication, I've just obtained further doses of Procardia at
6 a pharmacy, so I have them, and we can work with Procardia.
7 The one thing that's also a consideration here for
8 you to be very aware of is, this is a gentleman on very high
9 doses of Coumadin --

10 MR. FLYNN: What's his Coumadin --

11 DR. VAN HOUTEN: He takes 4 milligrams of day.
12 But of significance is the level to which we have him
13 anticoagulated.

14 His anticoagulation level is to be an INR, INR, of
15 3.0 to 4.5, which is standard for any heart valve
16 prophylaxis so that the patient does not have a stroke.
17 The problem with that is, as you could understand,
18 if the blood is highly anticoagulated and the person has a
19 bleed in their brain from high blood pressure, that it's
20 going to likely be fatal.

21 It's a very worrisome position for me as a
22 physician to have a patient whose blood pressure is this
23 elevated, acutely, who's highly anticoagulated. The
24 possibility of a fatal stroke, lethal stroke, I'd say, is
25 very significant.

1 MR. FLYNN: Doctor, did you take his blood
2 pressure last week?

3 DR. VAN HOUTEN: Did I not. I did not. His
4 blood pressure has been excellent. It's been 130 over 70.

5 MR. FLYNN: So Doctor, at any time during the

6 deposition day last Wednesday, as I understand your
7 testimony, you didn't take his blood pressure?

8 DR. VAN HOUTEN: I did not take his blood
9 pressure. I wasn't concerned at that point. I didn't
10 realize what his deposition was going to be like.

11 MR. FLYNN: And the thing that keyed you in to
12 concern today was his blood pressure level that you took.
13 Is that correct?

14 DR. VAN HOUTEN: Actually, it was from my
15 conversation with the cardiologist last night.
16 The cardiologist brought this up as an additional
17 factor, that even though his blood pressure has enjoyed
18 excellent control recently, had not been a point of concern
19 for me, he encouraged us to monitor that as well as his
20 heart rhythm.

21 Primarily, I'd been concerned about his level of
22 energy, was he having additional symptoms such as shortness
23 of breath, fatigue, dizziness, light-headedness, which would
24 really play more into the risk for ventricular tachycardia,
25 which frankly was my main concern, and the main reason that
1 I was here.

2 The blood pressure reason was actually something
3 the cardiologist brought up. I'm glad he did. Clearly, the
4 man has elevated blood pressure.

5 MR. FLYNN: What drugs has the cardiologist
6 prescribed for Swami Kriyananda?

7 DR. VAN HOUTEN: Sotolol, Coumadin. And
8 currently those are the only two medications he's taking
9 prescribed by the cardiologist.

10 However, I would say that the cardiologist is well
11 aware that he's taking both Accupril and Glucophage, which I
12 prescribed as his primary care physician, which would be
13 expected, and is completely in agreement that that's
14 acceptable.

15 MR. FLYNN: Did you take notes of your examination
16 of Mr. Walters this morning?

17 DR. VAN HOUTEN: I wrote down several blood
18 pressure readings with times.

19 MR. FLYNN: What did you write down?

20 DR. VAN HOUTEN: I wrote down -- is this
21 appropriate, Mr. Parsons, that I do this?

22 MR. PARSONS: I believe that is appropriate. This
23 is without waiver of the medical records generally, but for
24 purposes of his condition today, yes.

25 DR. VAN HOUTEN: Okay. I wrote down 10 o'clock,
1 190/110, both arms.

2 By the way, he had normal sinus rhythm. I did not
3 write that down. But that goes without saying, if I didn't
4 write something down, it was normal.

5 Repeat, 10:10, 190/105-107, both arms. Cardizem,
6 90 milligrams, which meant that's the point at which I asked

7 him to take a single capsule of Cardizem.

8 MR. FLYNN: 10:10.

9 THE WITNESS: At 10:10. Repeat blood pressure,
10 10:30, 195/105-107, both arms.

11 MR. PARSONS: Now, what we're proposing --

12 MR. FLYNN: It's now 11:20. Why don't you go take
13 it?

14 MR. PARSONS: Exactly. We are proposing that he
15 retake the blood pressure right now, and once we have
16 medical permission, we're prepared to proceed.

17 DR. VAN HOUTEN: I think I should talk to the
18 cardiologist again. This is enough of a surprise that it's
19 this elevated -- boy, I'm glad it's not your blood pressure,
20 sir.

21 MR. FLYNN: Doctor --

22 MS. RUSH: Let's go.

23 MR. PARSONS: Off the record now?

24 MR. GREENE: No, not off the record.

25 I'd also like to clarify, last Thursday at about
1 quarter to noon, that being September 7, I received a call
2 from Mr. Parsons.

3 Mr. Parsons advised me that he had spoken with
4 Judge Pliska, and Judge Pliska was not going to be available
5 for any ruling on Mr. Parsons' leaving the deposition of the
6 prior day until Tuesday at 1:30, or all day Wednesday.
7 When I asked Mr. Parsons whether or not Mr. Pliska
8 would be available to rule any sooner than that, Mr. Parsons
9 told me no.

10 I advised Mr. Parsons that that -- that his
11 walking out of the deposition, and that Mr. Pliska's alleged
12 late availability date really messed up my schedule, because
13 I had depositions in another case scheduled for every day
14 this week.

15 MR. PARSONS: Well, I guess we disagree.

16 MR. FLYNN: You've cost us a lot of money,
17 Mr. Parsons. You've cost us a lot of money, sir.

18 MR. PARSONS: Well, I haven't cost you money. It
19 was your silly tactics on the first day that resulted in the
20 deposition being terminated -- or suspended, more
21 technically.

22 And Mr. Greene --

23 MR. FLYNN: Which I'll remind you, you did
24 unilaterally.

25 MR. PARSONS: Excuse me, as we have disagreed many
1 times on your factual representations to the Court, you are
2 incorrect on this one again.

3 MR. GREENE: I don't think so, Mr. Parsons.

4 MR. PARSONS: I know so.

5 MR. GREENE: This is just another example of your
6 ability and penchant for attempting to procedurally in very
7 minute areas manipulate things, because in the bigger areas

8 you're unable to get what you want.

9 MR. FLYNN: Right. And let me add to that by

10 saying the following, sir.

11 At the conclusion of the deposition on Wednesday,

12 I gave -- we had -- we have subpoenaed a whole bunch of

13 records from this organization called Self-Realization

14 Fellowship Church. Primarily, correspondence between your

15 client, Kriyananda and the Self-Realization Church, as well

16 as other correspondence from people such as Asha Praver,

17 Vidura, Smallen, Jyotish, Devi -- this whole battery of the

18 inner core of the Ananda church.

19 We've subpoenaed all that. We've come up with

20 some incredibly interesting things that have been provided

21 to us, including a letter which I gave to you on -- which

22 I'll have to locate now -- I gave it to you on Wednesday

23 afternoon, from Asha Praver to someone called -- to this

24 person Daya Mata.

25 In that letter, contrary to the sealing order,

1 Asha Praver in fact violates the sealing order -- and we're

2 going to be seeking contempt sanctions -- by disclosing the

3 contents of the (the plaintiff) deposition to this

4 person named Daya Mata.

5 In fact, she discloses it in a way which is

6 extremely disparaging to Ms. -- Asha Praver discloses it in

7 a way which is very disparaging to (the plaintiff).

8 So you, sir, and your minions, have already

9 violated the sealing order which you sought to obtain, and

10 we're going to seek sanctions for that.

11 MR. PARSONS: All right. I don't think the -- in

12 fact, I know the sealing order has not been violated, and

13 that letter doesn't support the contention it has been.

14 But I think you've tried to unseal the sealing

15 order two or three times already, and you'll do whatever you

16 do.

17 MR. FLYNN: I said sanctions, Mr. Parsons. I'm

18 going to mark that letter as soon as I find it.

19 And is it your understanding, then, that the

20 sealing order permits anyone to disclose the contents of a

21 deposition to whoever and whenever one sees fit? Is that

22 your understanding of the sealing order?

23 MR. PARSONS: Well, no. I don't feel comfortable

24 discussing with you my understanding of the sealing order.

25 I will state, however, that the sealing order has not been

1 violated in any way.

2 MR. FLYNN: And what is your basis for that

3 position, Mr. Parsons?

4 MR. PARSONS: Hold on one second. The order

5 speaks for --

6 MR. FLYNN: I got it. Let's mark --

7 MR. PARSONS: The order speaks for itself. We'll

8 discuss this further when we see your papers.

9 MR. FLYNN: Let's mark as Exhibit 4 a letter dated
10 July 3, 1995. It bears at the top, "2-95 Dwapara." Per the
11 witness's testimony, that means 1995. It was apparently
12 received by this individual, Daya Mata, on July 5, 1995.
13 It starts off:

14 "I wonder if you are aware of what has been going
15 on recently in (the plaintiff)'s lawsuit against
16 Ananda?

17 "I have been present for seven of her ten days of
18 deposition. Repeatedly throughout her deposition,
19 (the plaintiff) has insulted and mocked Master's teachings,
20 with the apparent encouragement and support of her
21 lawyer. Not Ananda merely, but Master's teachings," et
22 cetera, et cetera.

23 "Eagerly, gleefully she scorns, laughs, and
24 attacks the teachings. It's a party atmosphere for her
25 and her lawyer when she does it."

1 She accuses -- parenthetically now, she accuses
2 (the plaintiff) of blasphemy. She says:

3 "Have you ever been witness to blasphemy? Before
4 this deposition, I never had, so I didn't understand
5 what the Bible meant by the 'sin of blasphemy.' Now I
6 know blasphemy is a terrifying evil," end quote.

7 Quote, "And insofar as you are supporting this
8 lawsuit, you are supporting her blasphemy. How ironic," end
9 quote.

10 Parenthetically, again, the idea that whoever this
11 individual is or this other organization is supporting this
12 lawsuit while (the plaintiff) is allegedly denigrating the
13 teachings of this individual Yogananda is on its face
14 absurd, which apparently is the basis for the counterclaim
15 which we're going to get into today.

16 So therefore, Mr. Parsons, it's clear that your
17 client is taking steps to avoid the spirit and letter of the
18 protective order by disclosing to third parties the contents
19 of (the plaintiff)'s deposition.

20 Would you mark that, please, as Exhibit 4?

21 MR. PARSONS: I disagree with you, and we will
22 argue it --

23 (Exhibit 4 was marked.)

24 MR. FLYNN: One other thing. I'm going to take
25 this up with the master this afternoon, too.

1 MR. PARSONS: I disagree with you, and we will
2 discuss our respective positions when I see your papers.

3 MR. FLYNN: Well, as I just indicated, I'm going
4 to be taking it up with the master again this afternoon.

5 MR. PARSONS: Maybe we'll discuss it then, maybe
6 we won't.

7 MR. FLYNN: So now we wait, find out what happens
8 to the Swami's blood pressure.

9 MR. PARSONS: Off the record, or -- on the record

10 or off the record? I notice you're leaving the room.
11 MR. FLYNN: Let's go off the record. It's now
12 about 11:25.
13 THE VIDEO OPERATOR: Going off the record, 11:21.
14 (Discussion off the record.)
15 (The witness entered the deposition room.)
16 --o0o--
17 EXAMINATION BY MR. FLYNN (Resumed)
18 THE VIDEO OPERATOR: Going back on the record,
19 the time is 11:40.
20 MR. PARSONS: During the break, when we were off
21 the record, Dr. Van Houten took Mr. Walters' blood pressure.
22 What was the reading you got, Dr. Van Houten?
23 DR. VAN HOUTEN: It was 190 over 102 in both arms
24 on repeated blood pressure measurements on both arms.
25 MR. PARSONS: And did you consult with the
1 cardiologist?
2 THE WITNESS: Yes, I did. I called Dr. Peter
3 Callahan, the cardiologist who's been following Mr. Walters,
4 and I spoke to him at 11:30. I discussed the --
5 MR. FLYNN: Wait a minute. Hold on. I object to
6 all this.
7 You've given the green light to Mr. Walters to
8 proceed, Doctor?
9 DR. VAN HOUTEN: Yes. I would like to make some
10 specifications.
11 MR. PARSONS: Yes.
12 MR. FLYNN: You can do it on your own time. It's
13 my deposition, and --
14 DR. VAN HOUTEN: This patient's health is my
15 responsibility, and I'm going to stop this deposition
16 completely, and I'm not going to let him testify if we're
17 not sure that his health is watched.
18 MR. FLYNN: Oh, but you just answered, I believe,
19 sir, that you've given him the green light.
20 So now if you don't get your way, you're going to
21 stop it. Is that what you just said?
22 MR. PARSONS: No, that is not what he just said.
23 He said what he said.
24 Did you give this witness any additional
25 medication, Doctor?
1 DR. VAN HOUTEN: Yes, I did. I gave him a dose
2 the nifedipine, which is Procardia, which is a short-acting
3 calcium channel blocker, 10 milligrams.
4 And I've been instructed by the cardiologist to
5 repeat his blood pressure at least every 2 hours. And if
6 his blood pressure, the lower number of his blood pressure,
7 the diastolic reading, rises above 105, again that would be
8 our cutoff limit.
9 Fortunately, there's no interaction between the
10 patient's Coumadin and his anticoagulation and the blood

11 pressure medication that we've just added.

12 MR. PARSONS: Okay, thank you. Now --

13 MR. FLYNN: Mr. Parsons, please. Your client's
14 got the green light. It's now a quarter of 12:00. We're an
15 hour and 45 minutes beyond the start point. Why don't we
16 get started.

17 MR. PARSONS: Let's start with this. There's two
18 clarifications of his testimony from last Wednesday he'd
19 like to correct.

20 MR. FLYNN: I'm always ready to have a client, or
21 a witness, stand up and say, I said something under oath
22 that's not quite correct. Go ahead.

23 MR. PARSONS: Mr. Walters, you've had occasion to
24 think about your testimony.

25 I believe you were asked on Wednesday a question
1 concerning what you had written priorly --

2 MR. FLYNN: Wait a minute. Mr. Parsons, no, no,
3 no, no, no. I'm not giving you permission to interrupt my
4 interrogation of the witness. I'm giving the witness
5 permission to say whatever the witness would like to say.

6 MR. PARSONS: And so what would you like to --

7 MR. FLYNN: Q. Mr. Walters, would you like to say
8 something?

9 A. Yes. On the subject of Swami, I -- the meaning of
10 Swami is, monk. It also means teacher. Many people in
11 India are called Swami just because they are teachers.

12 MR. PARSONS: And then --

13 THE WITNESS: In my writings, I have stated that
14 it means monk. That's all I've stated.

15 MR. PARSONS: And there was also a point --

16 MR. FLYNN: Hold it. Please, Mr. Parsons.

17 MR. PARSONS: Are you going to examine him on
18 this?

19 MR. FLYNN: No.

20 Q. Do you have any anything else that you want to
21 add? I'm giving you your opportunity to say whatever you'd
22 like to say.

23 MR. PARSONS: Go ahead.

24 THE WITNESS: Yes. The question of (the plaintiff)'s 25 membership I should clarify.

1 We don't at Ananda Village use the term or know
2 much about the status of church members as such, because
3 we're all a community there.

4 So (the plaintiff) was evidently, without my knowing, a
5 church member.

6 Now, the definition of member of Ananda, my
7 definition -- I don't know whether it's the standard
8 definition or not, but to me, as a postulant you're not yet
9 a member. You're a postulant applicant, you might say, to
10 become a member.

11 And it was on that basis that I said, no, she's
12 not a member.

13 MR. FLYNN: Q. Do the rules of conduct that you
14 wrote that are marked as Exhibit 3 apply to postulants?

15 MR. PARSONS: Excuse me. Which -- what rules are
16 you talking about?

17 And before you examine the witness on a document,
18 I'd like him to have that document in front of him.

19 MR. FLYNN: There goes -- there is the problem,
20 Mr. Parsons.

21 You were talking to the individual to your right.

22 You were not listening to the question.

23 Then you asked what the question was when the
24 question speaks for itself. And you have a copy of Exhibit
25 3, which I enunciated in my question. This is the type of
1 obstructionism which is all over this record.

2 Were you not talking to the individual on your
3 right and listening to the question, you wouldn't have just
4 said the things that you just said.

5 Q. Please get out Exhibit 3, which I gave to you on
6 Wednesday.

7 MR. PARSONS: Well, I want the official Exhibit 3,
8 which is part of the record, to be before the witness.

9 THE WITNESS: So what do I do with it?

10 MR. PARSONS: Are we on the record? And what
11 document are you asking him --

12 MR. FLYNN: Q. Exhibit 3, sir. I believe you
13 testified you're the author of Exhibit 3. Is that correct?
14 You might start with Article 1, "Membership
15 Defined."

16 (Discussion between the witness and his counsel.)

17 MR. FLYNN: Q. Article 1, "Membership defined."

18 Did you write that, Mr. Kriyananda?

19 MR. FLYNN: Article 1.

20 THE WITNESS: I did.

21 MR. FLYNN: Q. You did. Now, in that "Membership
22 defined," do you say anything about distinctions between
23 postulants and amount of time people have been in your
24 community?

25 MR. PARSONS: Objection. The document speaks for
1 itself. I'll permit him to respond to that question after
2 he's had an opportunity to read Article 1 before he
3 responds.

4 THE WITNESS: My position in the community is not
5 to follow up on the details. Therefore, I wrote this many
6 years ago. I have never read it since. I've assumed other
7 people are following it and obeying it.

8 I don't remember the details. However, I still
9 believe that we have -- because I think that we've evolved
10 things beyond this rule here, I believe that we have in our
11 monastic trainees thing, program, that we have a procedure
12 where a person takes that as a postulant, and only after
13 that is that person up for membership.

14 MR. FLYNN: Q. So what does one do to become a
15 postulant?

16 A. I have not followed that procedure since the
17 '70s. I don't run things.

18 Q. Does one take a vow of discipleship?

19 A. I don't --

20 MR. PARSONS: Objection. Vague as to time. The
21 witness may answer.

22 THE WITNESS: I don't know.

23 MR. FLYNN: Q. Please find in Article 1 where
24 there is any reference to postulancy, membership defined is
25 taking vows, anything like that.

1 Can you find anything like that for me?

2 MR. PARSONS: Okay. I'm going to object. It's
3 improper to ask a witness to find things, to go through to
4 perform acts during a deposition.

5 You're here to ask him questions. Please do that.

6 MR. FLYNN: He wrote it, Mr. Parsons.

7 Q. Please find in what you wrote in Article 1 where
8 you mention postulancy.

9 MR. PARSONS: I'm going to object. I'm going to
10 instruct the witness not to perform any tests, any searches,
11 any action like that.

12 MR. FLYNN: Q. Mr. Walters, did you write
13 anywhere in Article 1 the word "postulancy"?

14 MR. PARSONS: Objection. The document speaks for
15 itself. The witness may testify as to his memory of what he
16 wrote.

17 THE WITNESS: My memory is not clear on this. I
18 did not write this in order to continue the operation of our
19 plan. I am not involved in the running of things.

20 MR. FLYNN: Q. When did you write the rules of
21 conduct?

22 A. I don't remember. I would assume it was about
23 1987, but I don't know.

24 Q. How long have you been no longer involved in
25 running things?

1 A. Basically, from the beginning, really.

2 Q. And when is the beginning?

3 A. That is to say, 1970, '72. In other words, I have
4 always worked through people. I've tried to train these
5 people. There's been a gradual transfer.

6 But I am not an active administrator. My role has
7 been more one of writing and teaching.

8 Q. You're the one who wrote the conduct rules for
9 members?

10 MR. PARSONS: Objection. Asked and answered.

11 You may answer again.

12 THE WITNESS: Yes.

13 MR. FLYNN: Q. In 1987 or thereabouts?

14 A. Whenever.

15 MR. PARSONS: Objection. Misstates his
16 testimony. He was vague as to the date.
17 MR. FLYNN: Q. Approximately 15 to 18 years after
18 you stopped running things administratively. Is that
19 correct?
20 A. I don't know.
21 Q. We'll be getting into that a little later.
22 I'd like to read you something and ask you if on
23 June 29, 1995, in an All Community Satsang, you said the
24 following:
25 "But now I'm feeling just great. There is no
1 worry about my feeling exhausted or poor Swami, his health,
2 he must have really suffered from this."
3 Do you remember saying that?
4 A. I do.
5 Q. Did you intend to speak the truth at the time you
6 said that?
7 A. It was my perception of the truth.
8 Q. Now, what I'm interested in knowing, aside from
9 feeling just great on June 29, do you recall referring to
10 yourself as the swami?
11 A. I did not.
12 Q. You didn't refer to yourself as the swami?
13 MR. PARSONS: Excuse me. Your question goes to
14 his memory as he sits here today, whether on that date he
15 referred to himself as a swami?
16 MR. FLYNN: Yes.
17 THE WITNESS: I was quoting what other people call
18 me.
19 MR. FLYNN: Q. You were quoting what other people
20 call you. What do you mean by that?
21 A. I was quoting what other people call me.
22 Q. Okay. Let's mark as -- now, it was your testimony
23 last Wednesday, September 6, 1995, that you haven't been a
24 swami since 1981. Is that correct?
25 MR. PARSONS: Excuse me. Are you asking him --
1 again, I don't want questions where you're asking him what
2 he testified. Ask him facts, not what he testified 4 or 5
3 days ago.
4 MR. FLYNN: Q. In 1981, did you stop using the
5 title "Swami"?
6 A. In 1981, I stated that I am no longer a swami.
7 Q. In 1981, did you stop using the title "Swami"?
8 A. I don't think it's relevant.
9 Q. You may not, Mr. Walters. But fortunately, under
10 our law of -- system of jurisprudence, you have to answer
11 the question.
12 A. I don't know.
13 Q. You don't know whether you stopped using the term
14 "Swami." Is that your testimony?
15 MR. PARSONS: In 1981, was the question.

16 MR. FLYNN: Q. In 1981.

17 A. My testimony is that I did stop, but I don't

18 remember clearly if at any time I slipped habitually into --

19 I mean, I slipped into the habit. I don't remember.

20 Q. Did you use the -- did you intend to use the title

21 "Swami" in 1982?

22 A. No.

23 Q. Did you intend to use the title "Swami" in 1983?

24 A. No.

25 Q. Did you use the title "Swami" in 1982?

1 A. This is what I've answered.

2 Q. You don't know whether you did or not? Is that

3 your testimony?

4 A. That's right. I don't know.

5 Q. In 1983, did you use the title "Swami"?

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

7 Q. In 1958 to 1962, did you use the title "Swami"?

8 A. Yes.

9 Q. Did you tell Ms. (woman #10) you were a swami?

10 MR. PARSONS: Excuse me. Vague as to time.

11 MR. FLYNN: Q. Between 1958 and 1962.

12 A. I was a swami. I'm sure she knew it.

13 Q. Do you recall Ms. (woman #10)?

14 A. I certainly do.

15 Q. When did you last speak with her?

16 A. Nineteen seventy something, but I don't remember

17 the date.

18 Q. Was she married or unmarried?

19 A. She was -- no, she was single.

20 Q. And where did you speak to her?

21 A. Well, in America. She came here, then she went

22 back.

23 Q. Went back to where?

24 A. To India.

25 Q. Where in India did she live?

1 A. I don't know. It was in the north somewhere.

2 Q. Well, you corresponded with her for years,

3 Mr. Walters. Is that correct?

4 A. I beg your pardon?

5 Q. You wrote and corresponded with Ms. (woman #10) for 6 years.

7 MR. PARSONS: Objection. Assumes facts not in

8 evidence.

9 MR. FLYNN: Q. Isn't that true?

10 A. Beg your pardon?

11 Q. You corresponded with Ms. (woman #10) for years. Is that

12 not true?

13 MR. PARSONS: Same objection. The witness may

14 answer.

15 THE WITNESS: I wrote some letters. I don't

16 remember more than that.

17 MR. FLYNN: Q. You wrote love letters to (woman #10)

18 . Isn't that true?

19 A. Say that again?

20 MR. PARSONS: Objection --

21 ++ MR. FLYNN: Q. You wrote love letters to (woman #10)

22 ?

23 MR. PARSONS: Objection. That inquires into

24 private matters not relevant to this case. I'm instructing

25 the witness not to answer.

1 MR. FLYNN: Q. Between 1958 and 1962, who was

2 (woman #10)?

3 MR. PARSONS: Objection. Vague, ambiguous.

4 I will permit the witness to answer to the extent

5 he can formulate a response as to who this person was.

6 THE WITNESS: She was a woman who came to my

7 classes, and that's all I really know.

8 MR. FLYNN: Q. Did you travel in India with

9 Ms. woman #10?

10 A. I did not.

11 ++ Q. Did you discuss with Daya Mata or Tara Mata your

12 relationship with (woman #10)?

13 MR. PARSONS: Objection. Vague as to time,

14 assumes facts not in evidence, and now it inquires again

15 unreasonably into the scope of privacy of this witness.

16 Instruct him not to answer.

17 MR. FLYNN: You're obstructing our discovery,

18 Mr. Parsons.

19 Now, where did Ms. woman #10 attend your classes?

20 A. I think she must have come in New Delhi.

21 Q. And for how long of a period did she attend

22 classes?

23 A. She was not really a part of my -- I didn't know

24 much about her. I don't know how long she came.

25 Q. Do you know an individual named (woman #1)?

1 Just "yes" or "no."

2 A. Yes.

3 ++ Q. Do you not know much about her also?

4 MR. PARSONS: Objection. It's argumentative. I'm

5 going to instruct the witness not to answer that question.

6 MR. FLYNN: Okay. You're obstructing.

7 MR. PARSONS: Well, just ask him a straightforward

8 question, what he knows or doesn't know. Don't put it in a

9 form of some sarcastic hypothetical.

10 MR. FLYNN: Q. Now, for how long of a period --

11 strike that.

12 How many times did Ms. woman #10 come to the US to see

13 you?

14 A. Say that again?

15 Q. On how many occasions did Ms. woman #10 come to the

16 United States to see you?

17 MR. PARSONS: Objection. It assumes facts not in

18 evidence as to the reasons for her trip to the US.

19 I will permit the witness to answer as to how many
20 times he's aware that this woman came to the United States.
21 Vague as to time.
22 THE WITNESS: She came once.
23 MR. FLYNN: Q. And that was in the 1970s?
24 A. Yes.
25 Q. What is your best memory of the year?
1 A. Hmm?
2 Q. The year?
3 A. I don't know, but I think it might have been
4 either '73 or '74.
5 ++ Q. Isn't it true that Tara Mata confronted you with
6 your sexual relationship with Ms. (woman #10) as one of the reasons
7 why you were removed from Self-Realization Fellowship?
8 MR. PARSONS: I'm going to object to the extent it
9 inquires into private and personal relationships. I'm going
10 to instruct the witness not to answer.
11 MR. FLYNN: Q. Did you take Ms. (woman #10) with you
12 when you went to meet members of the Indian government?
13 A. No.
14 Q. Did you and Ms. (woman #10) discuss the issue of creating
15 an ashram?
16 MR. PARSONS: Vague as to --
17 THE WITNESS: Say that again?
18 MR. FLYNN: Q. Did you and Ms. (woman #10) discuss the
19 issue of creating an ashram?
20 MR. PARSONS: Objection. Vague as to time.
21 The witness may answer.
22 THE WITNESS: She was one who was interested in
23 joining the ashram.
24 MR. FLYNN: Q. Now, let's go back to the swami
25 questions.
1 In 1984, did you use the term "swami"?
2 A. I did not, except in the terms that I've said. I
3 might have done it as a matter of habit, but not as a matter
4 of intention.
5 Q. Now, let me read something that you wrote in a
6 pamphlet called "Gurus, Spiritual Authority and Celibacy" by
7 Kriyananda, copyright 1994.
8 Now, this was written -- strike that.
9 Did you write this "Gurus, Spiritual Authority and
10 Celibacy" before or after the (the plaintiff) lawsuit was
11 brought?
12 MR. PARSONS: Excuse me. If you're going to ask
13 him concerning a document, I'd like him to examine that
14 document.
15 MR. FLYNN: Q. Okay. Well, let me ask you this
16 -- I've only got one copy Mr. -- no, I don't. I've got my
17 copies. Mark that one.
18 MR. PARSONS: Is this being -- do you want this
19 one marked as 5?

20 MR. FLYNN: Please, would you mark that as 5?

21 (Exhibit 5 was marked.)

22 MR. FLYNN: Q. Did you write what has been marked
23 as Exhibit 5 before or after the (the plaintiff) lawsuit was
24 brought?

25 MR. PARSONS: I'll object. It assumes facts not
1 in evidence. He hasn't established he's written it at all
2 yet, but I will let the witness respond.

3 THE WITNESS: Did I write it? Yes. Did I write
4 it after? Yes.

5 MR. FLYNN: Q. Now, on page 12, you write --

6 MR. PARSONS: Excuse me. Let him catch up to you
7 here. Page 12?

8 MR. FLYNN: Yes.

9 Q. You write, third paragraph, "A swami is a man or a
10 woman vowed to renunciation, including the practice of
11 celibacy," end quote.

12 Did I read that correctly?

13 A. You did.

14 MR. PARSONS: Well, I will object. The document
15 speaks for itself.

16 MR. FLYNN: Q. Now, the swami that you referred
17 to in your definition that I just read is the same as the
18 swami in the monastic order in connection with which you
19 took vows in 1955. Is that correct?

20 MR. PARSONS: Excuse me. Give me a second to make
21 sense out of that question.

22 Could I ask the question be read back?

23 (Record read.)

24 MR. PARSONS: I'll object as confusing. I'll let
25 the witness respond.

1 THE WITNESS: Yes.

2 MR. FLYNN: Q. Now, in 1985, did you use the term
3 "swami"?

4 MR. PARSONS: Is that the end of the question?

5 MR. FLYNN: Yes.

6 MR. PARSONS: At any time in 1985, in any context?

7 MR. FLYNN: Q. Any time in 1985, referring to
8 yourself?

9 A. I can't remember doing so.

10 MR. PARSONS: Oh, referring to yourself.

11 THE WITNESS: I can't remember doing so.

12 MR. FLYNN: Q. In 1985, did you intend to use the
13 term "swami" to refer to yourself?

14 A. I did not.

15 Q. In 1986, did you use the term "swami" referring to
16 yourself at any time?

17 A. No.

18 Q. In 1986, did you intend to use the term "swami" to
19 refer to yourself?

20 A. I think I clarified that quite well. Do you want

21 to keep asking the same question --
22 MR. PARSONS: Well, he's asking a question about
23 another year now.
24 THE WITNESS: Yes. But I've said blanketly that
25 if I used it, it was not being categorical. It's something
1 I -- people call me, it's something that -- but I haven't
2 used it intentionally.
3 In other words, if I were talking ex cathedra, I
4 would not say it.
5 MR. PARSONS: Yes, but his question is one that
6 you should respond to.
7 Could I have that question that was asked --
8 MR. FLYNN: I'll say it again.
9 MR. PARSONS: Okay.
10 MR. FLYNN: Q. In 1986, did you intend to use the
11 term "swami" --
12 A. Mr. Flynn --
13 Q. -- in reference to yourself?
14 A. In the way that I've responded, I respond.
15 Q. So the answer is no, you didn't intend. Is that
16 correct?
17 A. That's a whole year you're talking about.
18 Q. Oh, so a part of the year 1986 you might have
19 intended to use the term "swami"?
20 A. You're absurd. I've talked about my intentions.
21 I don't recollect whether as a slip of the tongue, whether
22 as an unintentional thing, whether as an informal thing.
23 Formally, I would not say so. That's all I can
24 say.
25 Q. In 1987, did you intend to use the term "swami" --
1 A. Same answer.
2 Q. -- in reference to yourself?
3 A. Same answer.
4 Q. And the answer is, for 1987, that you didn't
5 intend to use it in reference to yourself as a formal
6 matter. Is that correct?
7 A. Correct.
8 Q. Meaning that you didn't intend to use it in
9 reference to yourself as a celibate monk of the monastic
10 order. Is that correct?
11 A. Correct.
12 Q. But you allowed members of the Ananda community to
13 refer to yourself as "swami." Is that correct?
14 MR. PARSONS: Objection. Assumes facts not in
15 evidence.
16 MR. FLYNN: Q. In 1987?
17 MR. PARSONS: I'll permit the witness to answer.
18 THE WITNESS: Well, we answered that had one last
19 Wednesday, when we said that it was an honorific.
20 MR. FLYNN: Q. Can you answer my question?
21 A. I did.

22 Q. You did allow people to refer to yourself as
23 "swami" in 1987. Is that correct?

24 MR. PARSONS: Same objection. I'm permit the
25 witness to answer.

1 THE WITNESS: I permitted people to use that
2 honorific. In other words, "swami" means teacher as well as
3 anything else.

4 MR. FLYNN: Q. And we know what you wrote in 1994
5 as to what the term "swami" means. Let's move on to 1988.

6 Did you intend to use the term "swami" in 1988 in
7 reference to yourself?

8 A. No.

9 Q. Did you use the term "swami" in reference to
10 yourself in 1988?

11 A. Not to the best of my recollection.

12 Q. Did -- in 1987, did you tell the members of the
13 Ananda community that you were only allowing them to use the
14 term "swami" in reference to yourself as a horrific?

15 A. Honorific.

16 MR. PARSONS: Excuse me --

17 MR. FLYNN: Q. Honorific. Slip of the tongue.

18 MR. PARSONS: Could I ask that that be read back,
19 because of the slip of the tongue?

20 (Record read.)

21 THE WITNESS: Honorific. I don't remember.

22 MR. FLYNN: Q. At any time, have you ever told
23 the members of the Ananda community that you were allowing
24 them to use the term "swami" in reference to yourself as an
25 honorific?

1 MR. PARSONS: I'll object to the extent that it
2 may call for any disclosure of a penitent-clergyman
3 communication.

4 But with that limitation, I'll permit the witness
5 to answer.

6 THE WITNESS: I don't remember.

7 MR. FLYNN: Q. Let's go to 1989. In 1989, did
8 you intend to use the term "swami" in reference to yourself?

9 A. No.

10 Q. In 1989, did you use the term "swami" in reference
11 to yourself?

12 A. Not in the formal sense. Whether I used it
13 informally, I really have no recollection.

14 Q. So on -- in the satsang you gave on June 29, 1995,
15 when you referred to yourself as a Swami, you were referring
16 to yourself as -- in the informal sense. Is that correct?

17 MR. PARSONS: Excuse me. You're asking him now
18 concerning how he used a term in a satsang?

19 I would like him to see the text of that satsang,
20 unless he can testify concerning when it happened.

21 THE WITNESS: I can. I can.

22 MR. FLYNN: Q. Please do so.

23 MR. PARSONS: Excuse me one second.
24 MR. FLYNN: These interruptions are completely
25 uncalled for. They're against the rules. There's a pending
1 question.
2 Objections are to be stated concisely and
3 succinctly, with legal grounds and nothing more.
4 Do you have an answer for me, Mr. Walters?
5 MR. PARSONS: I object. If you're asking this
6 witness concerning what he said, I want him to be presented
7 with the transcript of that.
8 MR. FLYNN: I have no obligation to --
9 THE WITNESS: Well, the point --
10 MR. FLYNN: Q. What is the point, Mr. Walters?
11 What is the point?
12 A. You make it.
13 Q. When you referred to yourself as a swami on June
14 29, 1995, just a few months ago, did you mean the formal
15 swami or the informal swami?
16 MR. PARSONS: Objection as to the occasion on
17 which he referred to himself a few months ago. What is
18 that?
19 THE WITNESS: I answered that earlier.
20 MR. PARSONS: You may not have. I don't know when
21 he's referring to. So if I don't know, I'm pretty sure you
22 don't know.
23 You may think you know what it is he thinks he's
24 thinking about, but I want the record to be clear the
25 situation he's talking about.
1 So please identify the incident you're referring
2 to.
3 MR. FLYNN: Q. In the last 6 months, have you
4 referred to yourself as a swami?
5 A. The thing was that I was quoting what other people
6 call me. It was in quotation marks. It's not a reference
7 of me to myself.
8 That's what I answered earlier, and that's what
9 the fact was.
10 MR. FLYNN: Could you read that back for me?
11 (Record read.)
12 MR. FLYNN: Q. It's not a reference to me of
13 myself. I'm satisfied with that. I think that's it right
14 there.
15 Now, in 1990, did you intend to use the word
16 "swami"?
17 MR. PARSONS: Excuse me. '90. Have we -- as we
18 creep through the years -- object. It's been asked and
19 answered.
20 MR. FLYNN: Q. When you referred to yourself.
21 MR. PARSONS: Pardon me?
22 MR. FLYNN: Q. Yes. 1990.
23 MR. PARSONS: I guess you've modified the

24 question. Restate it.

25 MR. FLYNN: Q. In 1990, did you intend to use the
1 term "swami" in reference to yourself?

2 MR. PARSONS: I'll object. It's been asked and
3 answered. I'll permit him to answer one more time.

4 THE WITNESS: No.

5 MR. FLYNN: Q. In 1990, did you use the term
6 "swami" in reference to yourself?

7 A. Not to the best of my recollection.

8 Q. In 1991, did you intend to use the term "swami" in
9 reference to yourself?

10 A. No.

11 Q. In 1991, did you use the term "swami" in reference
12 to yourself?

13 A. Not to the best of my recollection.

14 Q. In 1992, did you intend to use the term "swami" in 15 reference to yourself?

16 A. No.

17 Q. In 1992, did you use the term "swami" in reference
18 to yourself?

19 A. Not to the best of my recollection.

20 Q. In 1992, did you meet (the plaintiff)?

21 MR. PARSONS: At any time?

22 MR. FLYNN: At any time.

23 MR. PARSONS: Objection. Vague as to time. I'll
24 permit the witness to answer.

25 THE WITNESS: I don't know.

1 MR. FLYNN: Q. At any time in 1992, did
2 (the plaintiff) refer to you as Swami?

3 MR. PARSONS: Again, objection. Calls for
4 speculation.

5 I will permit the witness to answer to the extent
6 that he has knowledge of what she said.

7 THE WITNESS: What year are we talking about?

8 MR. FLYNN: Mr. Parsons, just for the sake of
9 edification, you don't permit the witness or not permit the
10 witness; the rules do.

11 You simply state an objection, sir, and then the
12 question gets answered. It's that simple. That's the way
13 the game is played. Okay? So can we have that --

14 THE WITNESS: Mr. Flynn, you are not my lawyer. I
15 listen to my lawyer.

16 MR. FLYNN: Q. I understand that, sir.

17 Mr. Walters, you're in a formal deposition proceeding.

18 MR. PARSONS: Exactly. But it's not a game.

19 MR. FLYNN: You're treating it as such,

20 Mr. Parsons, and that's the problem.

21 MR. PARSONS: No, I'm not.

22 DR. VAN HOUTEN: Mr. Walters, are you ready for a
23 lunch break? It's 12:15.

24 THE WITNESS: No, we'll wait till 12:30.

25 DR. VAN HOUTEN: Are you sure you can continue?

1 MR. FLYNN: Q. In 1982 --
2 DR. VAN HOUTEN: Excuse me.
3 MR. FLYNN: Who is this individual at the end of
4 the table?
5 DR. VAN HOUTEN: This is Dr. Van Houten speaking.
6 I'm concerned about the welfare of my patient.
7 MR. FLYNN: This is turning into a circus,
8 Mr. Parsons. Would you control your minions, please?
9 MR. PARSONS: Please, sir.
10 DR. VAN HOUTEN: Mr. Walters, you're not feeling
11 light-headed, dizzy, short of breath, sweaty?
12 MR. PARSONS: If the answer is no, the answer is
13 no.
14 THE WITNESS: The answer is no.
15 DR. VAN HOUTEN: Fine. He can continue --
16 THE WITNESS: For 15 minutes.
17 MR. FLYNN: Give him some instructions, would you?
18 MR. PARSONS: No. I'm not giving him
19 instructions. He's doing his job as a medical professional
20 watching out for his patient.
21 MR. FLYNN: If he was doing his job, he'd be in
22 Nevada City treating the horses and the cows, Mr. Parsons.
23 MR. PARSONS: Please. Oh, man. You really have
24 no sense of decency, do you?
25 MR. FLYNN: You asked for it, because you keep
1 interrupting. Now, let's proceed.
2 DR. VAN HOUTEN: Mr. Walters, would you like to
3 quit, given this situation?
4 THE WITNESS: No, I'm fine. I'm fine.
5 Mr. Flynn, you might as well accept the fact that
6 Mr. Parsons is my lawyer and Dr. Van Houten is my doctor,
7 and you just will have to play it their way.
8 MR. FLYNN: Q. Okay. Well, unfortunately, we
9 play it by the rules, not by their way or your way --
10 A. By their way and my way.
11 Q. We play by the rules under the United States
12 Government as ordained by the Constitution of this
13 country --
14 MR. PARSONS: Well, you haven't yet.
15 MR. FLYNN: And the rules of civil procedure in
16 California.
17 MR. PARSONS: It will be nice if you start.
18 MR. FLYNN: Q. In 1992, did (the plaintiff)
19 refer to you as "Swami"?
20 A. I don't remember whether it was 1992 or 1993, but
21 she would call me whatever everybody else did, which is an
22 honorific.
23 Q. Did you inform (the plaintiff) when she used the
24 honorific "Swami" that it didn't intend to convey that you
25 were celibate?
1 MR. PARSONS: Objection. Vague as to time. On

2 what occasion?

3 MR. FLYNN: On any occasion.

4 MR. PARSONS: Still vague as to time. I'll permit
5 the witness to answer.

6 THE WITNESS: No, I did not.

7 MR. FLYNN: Q. All right. Now, in 1993, did you
8 intend to use the term "swami"?

9 A. Nineteen -- what year was it?

10 MR. PARSONS: '93.

11 MR. FLYNN: '93.

12 THE WITNESS: '93. I did not.

13 MR. FLYNN: Q. In 1993, did you use the term
14 "swami"?

15 A. Not to the best of my recollection.

16 Q. In 1993, did you instruct any of the membership of
17 Ananda that the use of the term "swami" did not mean you
18 were celibate?

19 MR. PARSONS: Objection. I'll object to the
20 extent it calls for any clergyman-penitent communication.
21 I'll permit him to answer otherwise.

22 THE WITNESS: I have no such recollection.

23 MR. FLYNN: Now, let's mark as -- what are we up
24 to, 6?

25 ++ Q. Mr. Walters, do you consider having sex with a
1 parishioner to fall within the scope of the parishioner
2 privilege?

3 MR. PARSONS: Objection. Assumes facts not in
4 evidence, speculation, hypothetical, calls for a legal
5 opinion by this party, and I'm instructing him not to answer 6 that.

7 ++ MR. FLYNN: Q. Do you routinely have sex with
8 parishioners during counseling sessions?

9 MR. PARSONS: Objection. Calls for intrusive
10 inquiry into the privacy sphere. I'm instructing this
11 witness not to answer.

12 MR. FLYNN: We'll see when Judge Pliska gets here.

13 MR. PARSONS: I will also state for the record --
14 and I'm sure you'll disagree, since you disagree with
15 everything else -- that when we had the conference call with
16 Judge Pliska, he stated that he believed reasonable
17 attorneys could wait and --

18 MR. FLYNN: We'll save that.

19 MR. PARSONS: All right. And other questions
20 similar to it.

21 MR. FLYNN: Would you mark this, please, Holly, as
22 next in order?

23 MR. PARSONS: Which I make number 6. Is that
24 correct?

25 (Exhibit 6 was marked.)

1 MR. FLYNN: Q. Now, this is a letterhead, the
2 original of which I have here, with the original letter
3 inside it, that you used on November 29, 1993.

4 Do you recognize that letterhead, Swami Kriyananda?

5 MR. PARSONS: Objection. The prefatory statement
6 is one of facts. You're not to take that into
7 consideration.

8 The question before you is, do you recognize
9 this?

10 THE WITNESS: I do.

11 MR. FLYNN: Q. And is that your letterhead, sir?

12 MR. PARSONS: Well, it's not on a letter. You're
13 asking, is it --

14 MR. FLYNN: Q. Well, I'm not going to let the
15 original out of my possession, but you have a copy of the
16 original which I've placed in front of the witness.

17 And is that the letterhead that you used in 1993,
18 Swami Kriyananda?

19 MR. PARSONS: Well, it's an envelope. I object
20 that -- it looks like an envelope to me.

21 MR. FLYNN: Q. Okay. An envelope. A printed
22 envelope that bears that symbol, which I believe you call
23 the symbol of joy, which we're going to get into shortly.

24 And underneath that is, "Swami Kriyananda, 14618 Tyler Foote
25 Road, Nevada City, California 95959."

1 And this envelope has on it, "(the plaintiff)."

2 MR. PARSONS: And your question is?

3 MR. FLYNN: Q. Now, is that the envelope with
4 that envelope head, if you want, that printed format that
5 I've read into the record, that you used in 1993?

6 A. Probably the explanation is that I couldn't find
7 the current one. This is old stationery, and I just used
8 whatever envelope I could find.

9 Q. Oh, so there exists what we will call current
10 stationery in 1993 that is different than this stationery.

11 Is that correct?

12 A. Yes.

13 Q. And what does that stationery say on it?

14 A. I have Crystal Hermitage, and I have Ananda --
15 probably at that time, Church of God Realization.

16 These are just a few extra envelopes that I
17 haven't finished yet.

18 ++ Q. Oh, so with regard to other people, you use a
19 different envelope; but with regard to (the plaintiff)

20 , you use an envelope that says on it, "Swami
21 Kriyananda." Is that correct?

22 MR. PARSONS: Objection. It assumes facts not in
23 evidence, it's argumentative, and it's compound.

24 If you want to break it down, I'll permit the
25 witness to answer. Otherwise, I'm instructing him not to
1 answer that question as formulated.

2 MR. FLYNN: Q. With regard to (the plaintiff)

3 you used the envelope that says "Swami
4 Kriyananda" on it with your symbol. Is that correct?

5 MR. PARSONS: Vague as to number of times and
6 dates on which this occurred.

7 MR. FLYNN: Q. On or about November 29, 1993.

8 MR. PARSONS: Did he use this envelope that you've
9 got here?

10 MR. FLYNN: Yes.

11 THE WITNESS: Really, Mr. Flynn, it was totally
12 inadvertent, whether I used it or not. I pulled out an
13 envelope. I can't see the point of it.

14 MR. GREENE: He didn't answer.

15 MR. FLYNN: Q. You recall as you sit here today,
16 Mr. Walters, pulling out an envelope that says "Swami
17 Kriyananda" and using that with regard to (the plaintiff)
18 . Is that correct?

19 A. I don't recall that. But I don't argue that I
20 used it.

21 Q. And how many of these envelopes do you have in
22 stock, sir?

23 MR. PARSONS: "These envelopes" referring to what?

24 MR. FLYNN: Q. The Swami Kriyananda envelopes.

25 A. Probably about ten left, I think.

1 Q. And where do you keep them?

2 A. On -- it's so amazing to me that you would try to
3 make an issue of something --

4 Q. Where do you keep them, Mr. Walters?

5 A. They're on my desk. There were no other
6 envelopes. I took the envelope -- see, usually when I send
7 a letter, I'll just give it to my secretary.

8 But in the case of something where it was
9 confidential, I didn't want to betray her -- the
10 confidentiality. I didn't have any envelopes on my desk,
11 but I had some from years ago, and I used that envelope.

12 Q. So it was happenstance?

13 A. Exactly. And that's all it was.

14 Q. Just a coincidence?

15 A. Exactly.

16 Q. So if you had actually thought about it, you
17 wouldn't have used it?

18 MR. PARSONS: Objection. Calls for speculation.

19 I'll permit the witness to answer if he can.

20 THE WITNESS: I thought about trying -- I mean, to
21 think -- I thought about it to this extent, that I looked
22 for another envelope and didn't find one, so I used this.

23 MR. FLYNN: Q. And how commonly in the last 15
24 years since 1981 have you been using this Swami Kriyananda
25 envelope?

1 MR. PARSONS: Objection. It's vague as to time.

2 I'll permit him to answer if he can formulate a
3 response as to frequency over that period of time.

4 THE WITNESS: I really don't know.

5 MR. FLYNN: Q. How many times have you had those

6 envelopes printed since 1981?

7 A. I can't imagine that they were printed -- probably
8 in the '70s. Certainly not since then.

9 Q. Who does your printing?

10 A. I have no idea.

11 Q. Who would know who does your printing?

12 A. I don't even know that.

13 Q. You have no knowledge of who prints any of your
14 letterheads or envelopes. Is that correct, Mr. Walters?

15 A. Correct.

16 Q. And you have no knowledge of who would know that.

17 Is that correct, Mr. Walters?

18 A. That is correct.

19 Q. Between 1990 and the present, who have your
20 secretaries been? Please identify them.

21 A. Alan, A-l-a-n, Heubert, H-e-u-b-e-r-t.

22 Q. H-e-u-b-e-r-t?

23 A. Yes.

24 Q. He's the only one?

25 A. I have another one more recently, and her name is
1 Hridaya, H-r-i-d-a-y-a. I don't remember -- I don't know
2 whether she keeps her married name or has gone back to her
3 maiden name. Her married name is F-r-u-t-o-s.

4 Q. Do they order your stationery for you?

5 A. They don't order it directly. I just ask them to
6 do it, and they go to whoever does it, and I don't know whom
7 they go to.

8 So they just set the wheels in motion.

9 Q. I see. And -- but you're certain that these
10 envelopes have not been printed since sometime in the 1970s?

11 A. Yes. Virtually certain. I -- all I can say is,
12 I'm not absolutely sure, but I think.

13 Q. Now, this address that's on this envelope, is that
14 where you live?

15 A. Yes.

16 Q. So what kind of a building do you live in? Do you
17 live in a single-family residence?

18 A. It's sort of our spiritual community center, you
19 might say. I have an apartment downstairs, and that's it.

20 Q. And how long have you had that apartment
21 downstairs in this 14618 Tyler Foote Road address?

22 A. The apartment downstairs was built in 1985.

23 MR. FLYNN: Now, let me just -- why don't we mark
24 this as -- what is it, 7?

25 (Exhibit 7 was marked.)

1 MR. FLYNN: Q. Now, this is a letter dated
2 November 29, 1993 -- well, what it says is, "November 29,
3 293 Dwapara. Dear (the plaintiff): I am glad you wrote as you
4 did. You needed to say it, and I'm relieved that you did.
5 You know that you have my love and blessings always. I will
6 ever help you as I can, and as Master guides me to do. God

7 bless you. In Master's love, Swami."

8 Did you write the word "Swami" on Exhibit 7?

9 A. Yes.

10 Q. And I don't see any PS or postscript in this

11 letter that says, "By the way, Swami doesn't mean the

12 celibate swami, it means the not-so-celibate swami."

13 MR. PARSONS: Well --

14 MR. FLYNN: Q. There's no such instruction, is

15 there, Mr. Walters?

16 ++ MR. PARSONS: Okay. I object that that's

17 argumentative. The document speaks for itself.

18 I'm going to instruct him not to answer that,

19 because it's obvious the document speaks for itself.

20 MR. FLYNN: Q. So Mr. Walters, it's clear that in

21 November 1993, you yourself hand-wrote to my client,

22 (the plaintiff), the word "Swami" in reference to yourself.

23 Isn't that true, sir?

24 A. This was not as a title, this was as a name. They

25 call me that.

1 Q. Well, I know you've got an answer, but can you

2 just listen to the question, regardless of what your answer

3 might be?

4 A. I've answered it.

5 Q. Is it true that you referred to yourself as

6 "Swami" --

7 MR. PARSONS: And he's answered that question.

8 MR. FLYNN: Q. -- in November 1993?

9 MR. PARSONS: He has answered that question.

10 THE WITNESS: I have answered that question.

11 MR. FLYNN: Q. You did. Is that correct?

12 MR. PARSONS: Objection. It's been asked and

13 answered.

14 MR. FLYNN: Q. Yoo-hoo, Mr. Walters?

15 A. I have answered that question.

16 Q. Yes. But you see, I'm entitled to not your

17 explanation, which you can give after the answer; but I'm

18 entitled, under the rules, to an answer to my question.

19 Isn't it true in 1993 you referred to yourself in

20 a letter to (the plaintiff) as "Swami"?

21 A. That's my name. That's what people call me.

22 You see, there's a difference between that being a

23 name and a title.

24 DR. VAN HOUTEN: This is Dr. Van Houten speaking.

25 It's 12:30. I'm just reminding Mr. Walters that he felt 15

1 minutes felt all right.

2 THE WITNESS: Okay.

3 DR. VAN HOUTEN: And I'm suggesting that it's time

4 to break.

5 MR. FLYNN: Q. So did you want to break now,

6 Mr. Walters?

7 MR. PARSONS: We'll break for lunch now.

8 THE VIDEO OPERATOR: Going off the record, the
9 time is 12:29.

10 (Lunch recess from 12:29 p.m. to 1:39 p.m.)

11 --o0o--

12 AFTERNOON SESSION

13 THE VIDEO OPERATOR: Going back on the record.

14 The time is 1:39.

15 MR. PARSONS: Mr. Walters would like to make an
16 amplification on part of his testimony from this morning.

17 MR. FLYNN: Q. Do you want to say something,
18 Mr. Walters?

19 A. Yes. The question of swami, I need to clarify it.

20 There is a swami, and then Swami used as a
21 nickname.

22 I have not used the title or referred to myself as
23 a; swami, but I have referred to myself as a nickname, as
24 people call me, as Swami.

25 Q. And I take it, then --

1 A. It has no special meaning. It's just a nickname.

2 Q. So notwithstanding your representation for 15
3 years that you were not a celibate swami, you created an
4 envelope that you sent to (the plaintiff) where you say
5 "Swami Kriyananda" on it. Is that correct?

6 MR. PARSONS: Objection. That's argumentative; it
7 misstates his testimony of earlier this morning.

8 The witness may answer.

9 THE WITNESS: Well, I answered it earlier.

10 And the answer is simply that it was something in
11 the community. People knew who I was; I didn't have to
12 clarify anything. It was just an envelope that happened to
13 be there, and I have to get rid of them somehow, so I used
14 them on informal communications with people within the
15 community.

16 MR. FLYNN: Q. Now, over the lunch break, you've
17 had your opportunity to speak with counsel? Just "yes" or
18 "no." Your lawyer, Mr. Parsons?

19 A. Is that a question?

20 Q. Yes. You've spoken to him?

21 A. Yes, of course.

22 Q. And in the letter of November 29, 1993 to
23 (the plaintiff), you referred to yourself as "Swami."
24 Is that correct?

25 A. That was --

1 MR. PARSONS: Objection. It's been asked and
2 answered.

3 You may answer.

4 THE WITNESS: Yes. It's been asked and answered.

5 MR. FLYNN: Q. And when you wrote "Swami" there,
6 you did not intend to mean the celibate swami that you wrote
7 about in Exhibit 5, but Swami as a nickname. Is that
8 correct?

9 MR. PARSONS: Objection. That question is
10 confusing.
11 If you're asking him to compare the use of this
12 with another document, I'd ask the witness to have an
13 opportunity to review that other document.
14 MR. FLYNN: He already did.
15 MR. PARSONS: Well, let's put it in front of him
16 so he can see how he used that term in that document --
17 MR. FLYNN: It's right in front of you there,
18 Mr. Parsons.
19 MR. FLYNN: Which exhibit number is that?
20 MR. GREENE: 5, at page 12.
21 MR. PARSONS: And I believe you were referring to
22 the third paragraph of page 12.
23 Mr. Walters, I'd ask you to read over the first
24 sentence -- few sentences there.
25 MR. FLYNN: I object to all this. The witness
1 didn't indicate any confusion to the question.
2 JUDGE PLISKA: Yes, that's correct, Mr. Parsons.
3 Please let him refer to it, and then answer the question.
4 MR. PARSONS: Could I have that question read
5 back?
6 (Discussion off the record.)
7 MR. FLYNN: Mr. Parsons, I object to you talking
8 to your client during a pending question.
9 MR. PARSONS: Well, on the record, he asked me to
10 tell him -- in fact, I should say this.
11 Mr. Walters apparently didn't hear that -- your
12 instructions, Your Honor. So if you could maybe speak a
13 little louder.
14 THE WITNESS: Or let Mr. Parsons tell me.
15 JUDGE PLISKA: I'll try to speak. Can you hear me
16 now?
17 THE WITNESS: I hear you.
18 So what was the question?
19 MR. FLYNN: Q. When you wrote "Swami" in your
20 letter to (the plaintiff) -- or strike and withdraw
21 it.
22 When you signed this letter dated November 29,
23 1993 "Swami," which was written to (the plaintiff), I
24 take it from your testimony you were referring to yourself
25 by a nickname Swami rather than the definition of swami,
1 which you gave in Exhibit 5 on page 12?
2 MR. PARSONS: Objection. Compound.
3 You can answer.
4 THE WITNESS: This is correct.
5 MR. FLYNN: Q. And so you didn't intend to convey
6 to (the plaintiff) when you signed "Swami" that, quote, "you
7 were a man or a woman vowed to renunciation, including the
8 practice of celibacy," end quote?
9 A. Not at all.

10 Q. And the letterhead that you used that said "Swami
11 Kriyananda," it's your testimony -- which is Exhibit 6 -- is
12 an envelope that you used going back to the 1970s. Is that
13 correct?

14 A. Yes.

15 Q. Now, when did you first tell (the plaintiff), if at
16 all, that you were not a celibate swami, but it was a
17 nickname?

18 A. The issue never arose.

19 Q. And during your years as the spiritual director of
20 the Ananda community, when, if ever, did you tell the
21 community that you were using the name as a nickname and not
22 as a celibate swami?

23 A. It was I think just general knowledge. I can't
24 say when. It was something I always clarified as --
25 whenever the issue came up, I made it very clear, no, I am
1 not a swami.

2 Q. Even though it says that on your letterhead. Is
3 that correct?

4 A. I've answered that one.

5 Q. Now, I believe you testified you went to this
6 person Daya Mata in 1985 to dispense you of your vows as a
7 swami. Is that correct?

8 MR. PARSONS: Objection. It's been asked and
9 answered.

10 THE WITNESS: It's been asked and answered.

11 MR. PARSONS: But you can answer it again.

12 THE WITNESS: Hmm?

13 MR. PARSONS: You can answer it again.

14 THE WITNESS: All right. Yes, correct.

15 MR. FLYNN: Q. In 1985?

16 A. Yes.

17 Q. But you stopped being a celibate swami when,
18 Mr. Walters?

19 A. This was in 1981, when I wrote that letter to the
20 Yoga Journal stating that I had changed my status.

21 Q. Why is it that you waited 4 more years to go and
22 be dispensed of your vows as a celibate swami?

23 A. I cannot say. I don't know.

24 Q. And why is it that you continued to hold yourself
25 out on your envelope printing as a Swami Kriyananda,
1 notwithstanding the fact that you gave up your vows in 1985?

2 MR. PARSONS: Objection. Misstates his testimony.

3 You can answer.

4 THE WITNESS: But I answered that testimony
5 before. I've answered it perhaps by now ten times.

6 MR. FLYNN: Q. Well, why is it that you continued
7 to use the letterhead?

8 A. All right. I'll continue. It was just there,
9 envelopes that hadn't been thrown out yet. To the
10 community, I would use anything, blank or whatever, because

11 there was nothing formal about it.
12 I just didn't happen to have an official --
13 probably after this, I wrote to my secretary and said,
14 please send me another stack of envelopes that say Crystal
15 Hermitage, which is what I do. But this was in fact, more
16 or less, like just another piece of scrap envelope.
17 Q. Now, and the last time these envelopes were
18 printed that say Swami Kriyananda on them you're certain was
19 in the 1970s. Is that correct?
20 MR. PARSONS: Objection. Asked and answered.
21 THE WITNESS: Yes, but I'm not certain. I merely
22 think so.
23 MR. FLYNN: Q. Now, whenever the issue arose that
24 there was a distinction between your nickname Swami and your
25 celibate status as a swami pursuant to your monastic vows,
1 how did you make it clear to your followers that there was a
2 distinction?
3 MR. PARSONS: Objection. That's a compound
4 question. I'd ask to have it read back, please.
5 (Record read.)
6 MR. PARSONS: I object. I think it's ambiguous
7 and confusing.
8 I'll let the witness answer.
9 THE WITNESS: I always made it very clear, if
10 there was any question that arose, that no, I am not a
11 swami. I made that statement.
12 MR. FLYNN: Q. Did you ever issue any writing to
13 that effect?
14 A. Probably. I don't remember. I would have if it
15 had seemed apropos. I had no interest, nor did I ever
16 express interest, or did I ever say or try to give the
17 impression that I was still a swami.
18 Q. So you would say, then, that Exhibit 6 did not
19 intend to convey the impression that you were a Swami. Is
20 that correct?
21 A. In no way.
22 Q. And when you wrote to (the plaintiff) on
23 November 29, 1993, which is marked here as Exhibit 7, and
24 you signed "Swami," you didn't intend to create the
25 impression with (the plaintiff) that you were a
1 Swami. Is that your testimony?
2 MR. PARSONS: Objection. Asked and answered.
3 You can answer.
4 THE WITNESS: In no way.
5 MR. FLYNN: Q. And can you direct me to any
6 writing of any nature or description in which you've first
7 advised (the plaintiff) that you were not a swami?
8 A. At no time did the question come up.
9 Q. So the answer is, there is no writing; is that
10 correct, Mr. Walters? Is that your answer?
11 A. There is nothing that would have required such a

12 writing.

13 Q. And can you identify any writing to your community
14 in which you advise them that you were not a celibate swami,
15 even though you were using the term "swami" on your
16 letterhead?

17 A. I think I made it very clear. I certainly made
18 every effort to make it clear.

19 Q. Well, the question is, can you identify one
20 writing in which you made it clear?

21 A. No, I cannot.

22 Q. Now, you testified on -- strike that.

23 In your deposition on September 6, 1995, which was
24 last Wednesday, on page 95, you were asked about the symbol
25 that appears on Exhibit 6, which is the envelope that you
1 sent to (the plaintiff).

2 And you were asked, "Would you tell me what the
3 symbol is in the upper left-hand corner of Exhibit 1?"

4 Now, Exhibit 1 was another piece of stationery.

5 Do you recall that?

6 A. Yes, of course.

7 Q. And you recall the symbol, of course. Right?

8 A. Yes.

9 Q. And your answer was, "This is our symbol of
10 Ananda."

11 Do you recall that testimony?

12 MR. PARSONS: I'm going to object to the extent it
13 asks the witness to restate what his testimony was in an
14 earlier deposition.

15 MR. FLYNN: I'm just trying to orient him,
16 Mr. Parsons.

17 MR. PARSONS: Well, why don't you just make the
18 statement and then ask a question, please.

19 MR. FLYNN: Q. Well, let me ask you this:

20 Do you recall giving testimony -- and I can show
21 it to you -- where this symbol originated from?

22 And your testimony is, "Question" -- that I asked
23 on page 96 last Wednesday -- "Where did you get that 24 symbol?
25 "Answer: It came to me in meditation.

1 "Question: What meditation? When did it come to
2 you in meditation?

3 "Answer: I would estimate, but I don't know for
4 sure, about 1970, '71."

5 Now, do you want to see that testimony?

6 A. I don't. This is the truth.

7 Q. Now, let me show you what we'll mark as Exhibit 8,
8 which is a flier for something called The Green Door here in
9 San Francisco, which is a massage parlor/house of
10 prostitution.

11 (Exhibit 8 was marked.)

12 MR. PARSONS: Now, are you making a factual -- I
13 don't see anything on here that indicates the nature of it.

14 You're now making factual representations concerning
15 something that's outside the ambit of what's been introduced.

16 MR. FLYNN: Yes, I am. This is discovery,
17 Mr. Parsons. You're free to go discover whatever facts you
18 want relating to The Green Door.

19 Now, you see on what has been marked as Exhibit 8,
20 under the highlighted part, which I'll place in front of you
21 there, what appears to be pretty much the same symbol as
22 that which appears on Exhibit 6 and Exhibit 1.

23 Do you see that, Mr. Walters?

24 A. Yes.

25 Q. Now, in 1970 or '71, did you copy your symbol from
1 the symbol on this massage parlor?

2 MR. PARSONS: Objection. That's been asked and
3 answered.

4 Go ahead.

5 THE WITNESS: The answer is no.

6 MR. FLYNN: Q. If I represent to you that the
7 massage parlor began using this symbol in 1968, accepting
8 that representation, did you have occasion between 1968 and
9 1971 of going to The Green Door and seeing this symbol?

10 A. No.

11 Q. Approximately 4 or 5 months ago, did you or one of
12 your representatives contact The Green Door and accuse them
13 of infringing on your trademark which is the symbol which
14 appears on Exhibit 6 and Exhibit 1?

15 A. I have heard that this is the case.

16 Q. Who did you hear that from?

17 A. I think it was from Asha Prayer's husband David.

18 Q. What did she or he tell you?

19 A. As I recall -- mind you, it's a trivial thing for
20 us -- as I recall, they said, oh, they didn't know. They
21 thought it was a nice symbol; and therefore, they used it.

22 Q. Prior to when you saw it in meditation in 1970 or
23 '71, had you ever seen that symbol before?

24 A. Never.

25 Q. Now, when you just testified, "it's a trivial
1 thing," what were you referring to?

2 A. Their kind of work is so different from our kind
3 of work, but -- it seems trivial. I just don't think they
4 ought to use it, and they seemed willing not to use it, and
5 therefore I think the situation has just gone up in smoke.
6 That's as far as I know.

7 Q. Now --

8 A. It would become serious if they made a big thing
9 of it, but it's not the case.

10 Q. Let me show you what we'll have marked as
11 Exhibit 9.

12 (Exhibit 9 was marked.)

13 MR. FLYNN: Q. Is this something -- namely,
14 Exhibit 9 -- that you have authored, Mr. Walters?

15 A. I've read it.

16 Q. Can you answer my question?

17 MR. PARSONS: Oh, could you --

18 THE WITNESS: Your question was, did I author it?

19 Yes, I did.

20 MR. FLYNN: Q. And did you refer to yourself as

21 "Swamiji" in this publication?

22 A. Somebody asked me the question, and they wrote

23 down my answer, I guess.

24 Q. And --

25 A. In other words, that was not a reference of myself

1 to myself. So somebody's put it in quotes that way. That's

2 all.

3 Q. Well, I don't see any quotation marks on this

4 document.

5 A. I do.

6 MR. PARSONS: Yeah. They're there.

7 MR. FLYNN: Q. Well, strike that. I don't see

8 any quotation marks around "Swamiji" on this document.

9 A. No. It's somebody who wrote the word "Swamiji,"

10 and then they're putting in either what I said or what I

11 wrote, I don't remember.

12 But it's not me calling myself Swamiji.

13 Q. It's the community calling you Swamiji?

14 A. Someone who wrote it.

15 Q. Well, what is this Exhibit 9? Does it appear in

16 some type of a compilation of writings on the history of

17 Ananda?

18 A. I really don't know. It's the first time I'm

19 seeing it.

20 Q. Is there a compilation of writings called "History

21 of Ananda"?

22 A. I assume there might be, but I am not aware of it.

23 MR. PARSONS: I'll ask you not to speculate.

24 Testify as to your knowledge. And if you don't know, state

25 that, please.

1 THE WITNESS: To my knowledge, no.

2 MR. FLYNN: Q. Now, it says next to the symbol on

3 Exhibit 9, "More History of Ananda," then in quotes,

4 "Swamiji tells about," end quote. All right? Do you see

5 that?

6 A. I do.

7 Q. Now, going back to -- this hasn't been marked yet.

8 We'll mark this now. Withdraw that preface to that

9 question. Mark this as 10.

10 (Exhibit 10 was marked.)

11 MR. FLYNN: Q. Now, this is --

12 MR. PARSONS: Excuse me. You can ask a question,

13 but I will ask for him to have an opportunity to read this

14 document prior to responding.

15 MR. FLYNN: I'm just going to refer to a very

16 small part.

17 Q. This is a transcript of a tape which is right
18 here, which you -- of a, quote, "All Community Satsang" that
19 you gave on June 29, 1995. And I'd refer you to page 4 of
20 this document.

21 And you say on page 4, second paragraph, "But now
22 I'm feeling just great. There is no worry about my feeling
23 exhausted or poor Swami, his health, he must have really
24 suffered from this. Fortunately, none of that."

25 Now, when you refer to yourself as "Swami" in that
1 sentence, were you referring to yourself as the celibate
2 swami or the nickname Swami?

3 A. Nickname.

4 Q. And is this the same nickname that -- or strike
5 that.

6 And on Exhibit 9, when the community referred to
7 you as Swamiji, were they referring to you -- if you know,
8 if you have any evidence to support one way or the other --
9 as the celibate swami or the nickname Swami?

10 MR. PARSONS: Again, I'll object. And it calls
11 for speculation, the opinions of third parties.
12 If this witness does have some ground for
13 believing what other people thought, he can certainly
14 testify to that.

15 THE WITNESS: I really have no comment.

16 MR. FLYNN: Q. Now, this document, Exhibit 9,
17 says that you were sitting in meditation -- let me read it.

18 A. Where, please?

19 Q. It would be -- well, let's start at the beginning
20 after "Swamiji," quote:

21 "We had many different symbols that people came up
22 with and I felt that we needed something central.
23 Something very simple, so that it could lend itself to
24 many different functions, but not intrude heavily on
25 anything. I had been wanting to talk to somebody about
1 ideas when one day sitting in meditation, this image
2 suddenly came. It seemed perfect," end quote.

3 Now, first, let me ask you, when did you give that
4 quoted statement?

5 MR. PARSONS: Objection. Assumes facts not in
6 evidence.

7 I'll let the witness testify.

8 THE WITNESS: I don't know.

9 MR. FLYNN: Q. When was Exhibit 9 printed?

10 A. I don't know.

11 Q. Do you have an estimate as to when Exhibit 9 was
12 printed, having in mind that there is at least one reference
13 on the -- in the second paragraph of October of 1985?

14 MR. PARSONS: He's referring to this date here.

15 THE WITNESS: Beyond that, I wouldn't want to
16 guess. Nor is it even necessary that the two were spoken at

17 the same time.

18 MR. FLYNN: Q. When did you first use the symbol?

19 A. Whenever it came to me, which was, as I said, 1970
20 or '71. And I don't insist that it was then. It could have
21 been '72. It's been a long time.

22 Q. And how did you first use it?

23 A. How did I first use it?

24 Q. How did you first use the symbol?

25 MR. PARSONS: I'll object. The question is
1 ambiguous in the question, how did he use it.

2 I'll let the witness testify to the extent he
3 can.

4 THE WITNESS: Well, I introduced it to people. I
5 said, this is one that I think could be very helpful,
6 because it's simple, it gives a message, it's something we
7 can use in many designs.

8 I think people bit by bit -- it takes a while to
9 get used to new ideas. Bit by bit, they picked up on it.
10 I don't suppose I used it myself for a long time,
11 but I really don't remember.

12 MR. FLYNN: Q. Now, did you trademark it, or
13 copyright it in any way?

14 A. I don't even know that.

15 Q. When you spoke to Asha Praver's husband about this
16 symbol some months ago, did you see at that time any
17 correspondence that Asha Praver's husband sent to The Green
18 Door?

19 A. I don't remember.

20 Q. And I take it from your prior testimony that it's
21 your understanding that The Green Door has agreed that this
22 symbol belongs to Ananda, and that they won't use it
23 anymore. Is that correct?

24 A. I believe this is true.

25 Q. Okay. Well, I'll represent for the record that we
1 obtained -- we had an investigator obtain what has been
2 marked -- the original of what has been marked as Exhibit 8
3 on Sunday.

4 And let me ask you, have you retained counsel, if
5 you know, to prevent The Green Door from using this symbol?

6 MR. PARSONS: I'm going to object. That calls for
7 inquiries between attorney, client; disclosure of intentions
8 with respect to litigation --

9 MR. FLYNN: I'll withdraw it. Yeah, I disagree
10 that it's protected, but that's -- rather than take the time
11 to argue it.

12 Q. How did you or your organization first learn that
13 The Green Door was using this symbol?

14 MR. PARSONS: I'll object to the extent it calls
15 for speculation, facts not in evidence.

16 This witness can testify to his knowledge.

17 THE WITNESS: It's what I said, that David Praver

18 told me about it, if it was David. I don't even remember
19 that. I'm not really running things now.

20 MR. FLYNN: Q. When you say, "I'm not really
21 running things now," how long has it been since you ran
22 things?

23 MR. PARSONS: Objection. Asked and answered.

24 You may proceed.

25 THE WITNESS: You see, my role as spiritual
1 director is not a -- an administrative, business type of
2 role.

3 Therefore, I really don't know even such things as
4 when were we incorporated, and lots of things about the
5 community I have never inquired into, because my way of
6 working has been with individuals and their spiritual life,
7 or with the community and its spiritual life, or to protect
8 the rights of an individual.

9 But the specific runnings of things has been a
10 gradually diminishing thing, until last October, I said, I'm
11 formally retiring from all but if you want to ask me for
12 directions about the general directions of things.

13 But this kind of specific running, it's been a
14 long time since I really got into it.

15 Q. Now, would you define your title as spiritual
16 director of the community?

17 MR. PARSONS: Excuse me. Are you asking if he is
18 -- I'm sorry, objection. It's vague and ambiguous.

19 Is he spiritual director, or are you asking for a
20 definition of the term "spiritual director"?

21 MR. FLYNN: Q. Are you currently spiritual
22 director?

23 A. Pretty well retired. I am sort of the -- I am
24 there as a court of last appeal. People still ask me
25 questions on that level.

1 Other than that, no, it's being handled more
2 through the spiritual directorate now.

3 Q. And who comprises the spiritual directorate?

4 A. John Novak and his wife Devi.

5 Q. And what is their function?

6 A. Their function is counseling people, it's running
7 the ministry office, it's writing a lot of letters to
8 people.

9 Issues that come up regarding the spiritual rights
10 and wrongs of something. But even there, if a question
11 arises, then they'd refer it to me. Otherwise not.

12 Q. Now, would you refer to the June 29 All Community
13 Satsang, which I believe is Exhibit 10, on page 6?

14 A. Page 6?

15 Q. Yes. In the -- it would be the -- what starts as
16 the first paragraph on the page, but the second paragraph,
17 about midway down the page.

18 And you say, quote, "I would like to say, first of

19 all, that this lawsuit is an outrageous lie" -- and this, if
20 you want to read back, refers to the (the plaintiff) case.

21 MR. PARSONS: Yes. If you're going to ask him
22 about that, then I would like him to read whatever it is
23 that this is referring back to.

24 MR. FLYNN: Q. Yeah. I'll represent it that I
25 read it, and it appears to me to refer to the (the plaintiff)
1 case. But if you want to go back, go ahead.

2 MR. PARSONS: Could you speed it up by pointing
3 out where the reference to the (the plaintiff) case begins?

4 MR. FLYNN: Q. Well, you say -- let's see here.
5 "I wrote" -- on page 5, you say, "I wrote a paper, a
6 declaration," of which we have two that you've provided to
7 us.

8 MR. PARSONS: Well, that doesn't refer to any date
9 or describe any declarations at all.

10 MR. FLYNN: Let's keep going.

11 Q. Then you refer to papers being twisted and pointed
12 against you.

13 And the next page, you talk about more lies. And
14 then on the next page, you say, on page 8, "I am not going
15 to answer any of the charges, because you know me."

16 MR. PARSONS: Well, rather than making
17 representations and then trying to support, why don't you
18 ask them?

19 MR. FLYNN: Well, I was going to, but you said you
20 wanted him to refer to the document. I have some letters
21 here that I think relate to this document.

22 Q. But when you say the lawsuit is an outrageous
23 lie --

24 A. Yes.

25 Q. -- what lawsuit are you referring to?

1 A. The (the plaintiff) lawsuit.

2 Q. And in what way is it an outrageous lie?

3 A. In probably most of her declarations of fact and
4 of intention, they were misrepresentations. They were a
5 lie.

6 In your paper, which is more recent -- shall I, or
7 shall I not?

8 MR. PARSONS: If it's responsive to the question,
9 you should respond.

10 THE WITNESS: The same thing.

11 MR. FLYNN: Q. Do you have more to offer,
12 Mr. Walters?

13 A. No, Mr. Flynn.

14 Q. In what way is the lawsuit an outrageous lie?

15 A. This is a case for our lawyers to discuss with the
16 judge. It's not for me.

17 Q. Well, you made this statement to -- strike that.

18 How many people did you make this statement to on
19 June 29, 1995; to wit, "I would like to say first of all

20 that this lawsuit is an outrageous lie"?

21 How many people, sir?

22 A. To our membership. It would be at least 200,
23 maybe 400.

24 Q. 200 to 400 people. Is that correct?

25 A. Yes.

1 Q. All right. Now, when you told them that the
2 lawsuit was an outrageous lie, what were you referring to?

3 A. I was referring to her statements.

4 Q. Okay. What statements?

5 A. I think that's in our paper. I don't think I need
6 to go beyond our paper.

7 MR. PARSONS: No, it would be appropriate for you
8 to testify as to what statements you were referring to.

9 THE WITNESS: Well, the statement that -- a lot of
10 statements. There were a lot that were contradicted by our
11 own people who worked with her. Saying that Danny Levin was
12 her direct superior, saying that she was -- gosh, I can't
13 even remember all of them. Almost every statement was a
14 lie.

15 MR. FLYNN: Q. Can you identify one statement?

16 A. That was one.

17 Q. Which one?

18 A. That he was her direct supervisor. That it was
19 not consensual, when she was the one who initiated the
20 relationship, according to my understanding. That I
21 dismissed her from Ananda, when I did not. That -- she said
22 that she -- he was -- that it was a coercive relationship,
23 that he coerced her, when she told me that it was she who
24 was attracted to him. When she talked about working for
25 slave wages, when I earn less than she did.

1 When -- well, if you want to give me time, I'll
2 think about it. Do you want to give me that much time?

3 Q. Yes.

4 A. Okay.

5 THE VIDEO OPERATOR: Maybe I should change tapes.

6 MR. FLYNN: Go ahead. She's going to change
7 tapes. So before you speak, let us know.

8 MR. PARSONS: Don't say anything more until she
9 has come back on the record.

10 THE VIDEO OPERATOR: This is the end of videotape
11 number 4 in the deposition of J. Donald Walters. Going off
12 the record, the time is 2:16.

13 MR. PARSONS: The witness would like to go to the
14 bathroom during this period.

15 (Recess from 2:16 to 2:21 p.m.)

16 THE VIDEO OPERATOR: This is the beginning of
17 videotape number 5 in the deposition of J. Donald Walters.
18 Going on the record at 2:21.

19 MR. FLYNN: Q. Do you have more to add to your
20 answer, Mr. Walters?

21 A. Well, let me think.
22 Her claims of my intentions were a lie.
23 Q. Can I stop you there, or do you want to keep going?
24 A. I have more to say.
25 Q. Okay. Go ahead.
1 A. Her statement of having prejudicial treatment
2 against her is a lie. Her statement of discrimination
3 against women is a lie. Her statement of being demoted, I
4 believe she said, from her position is a lie.
5 Let's think. There were other things, but I don't
6 remember them off the top of my head.
7 Q. Now, during the break, did you speak to anyone
8 about this testimony you've just given?
9 A. I did not.
10 Q. And when you say there are other things but you
11 don't remember them off the top of your head, are you aware
12 that you have brought a lawsuit against (the plaintiff) for
13 defamation?
14 A. I am.
15 Q. And what is it that (the plaintiff) has said that
16 defames you?
17 MR. PARSONS: Objection. It calls for a legal
18 conclusion as to defamation.
19 You can answer.
20 THE WITNESS: Say it again then, please?
21 MR. PARSONS: Yes. Please repeat the question.
22 MR. FLYNN: Q. What is it that you claim in your
23 lawsuit against (the plaintiff) that is the basis for her
24 defaming you?
25 A. Me personally.
1 Q. Right.
2 MR. PARSONS: Do you know what defamation is?
3 THE WITNESS: I hope so.
4 MR. FLYNN: I object to this.
5 MR. PARSONS: Well, if you're asking for a
6 response to defamation, it just occurred to me, I'm not
7 certain this witness is competent by experience or training
8 to respond to that.
9 I would have no objection as to untrue statements
10 made. But once we get into defamation, the characterization
11 of it, that's my concern.
12 MR. FLYNN: I'll withdraw it.
13 Q. Why did you sue (the plaintiff)?
14 MR. PARSONS: I object to the extent that it calls
15 for you to disclose any communication between any attorney
16 and client -- between you and any attorney. Otherwise, you
17 may respond.
18 THE WITNESS: Well, no. Since it does, I won't.
19 MR. FLYNN: Q. On what basis have you sued
20 (the plaintiff)?
21 MR. PARSONS: Same objection. Same instruction.

22 MR. FLYNN: Q. Can you tell me, Mr. Walters, why
23 you have sued (the plaintiff)?
24 MR. PARSONS: Same objection, same instruction.
25 To respond, except to the extent that it would disclose
1 any --
2 THE WITNESS: Yes. Since it does disclose, I
3 won't.
4 MR. FLYNN: Q. Have you read the complaint that
5 you have filed against (the plaintiff)?
6 MR. PARSONS: And technically cross-complaint, of
7 course.
8 THE WITNESS: The cross-complaint. Yes.
9 MR. FLYNN: Q. And what is it in the
10 cross-complaint that you claim defames you?
11 ++ MR. PARSONS: I still have the problem with the
12 use of the term "defamation," because that only makes sense
13 from a legal analysis.
14 Again, I'd have no objection to untrue statements.
15 But I -- with respect to the use of the term "defamation," I
16 instruct the witness not to answer.
17 THE WITNESS: Well, my understanding of the word
18 "defamation" is not what she says in her lawsuit, her
19 complaint, which of course is protected by the court. It's
20 what she said to -- and this, again, I have not heard
21 directly, but I have read their testimony -- of other
22 people.
23 MR. FLYNN: Q. What is it that she said to other
24 people that caused you to sue her?
25 A. This is what I've written in my declaration.
1 Q. Well, what is it, Mr. Walters?
2 A. My declaration?
3 Q. What is it that caused you to sue (the plaintiff)
4 that she said to other people?
5 MR. PARSONS: Okay. Again, I object to the extent
6 that it requires disclosure of attorney-client
7 communications.
8 I believe the question as phrased is ambiguous,
9 but I will permit the witness to answer with that
10 limitation.
11 THE WITNESS: Yes. But you've said that that
12 caused. That isn't what caused the lawsuit.
13 MR. FLYNN: Q. What is it that (the plaintiff)
14 said to other people that you find objectionable, about you?
15 A. Well, it was a --
16 MR. PARSONS: Objection. That's vague,
17 ambiguous. I'll permit the witness to answer.
18 THE WITNESS: Yes, but everything.
19 MR. FLYNN: Q. Identify one thing.
20 A. My declaration.
21 Q. Identify one statement (the plaintiff) has made to
22 a third person.

23 A. Would you like to look over the declaration? It
24 says it there.
25 Q. Mr. Walters, please.
1 May I have an answer, Your Honor?
2 JUDGE PLISKA: Yes, I think you need to answer
3 that question, and not refer to the declaration.
4 THE WITNESS: But we were talking about the
5 declaration, and it's all written there.
6 MR. PARSONS: He's asking for your memory,
7 independent of any declaration at this point.
8 THE WITNESS: My personal memory? I had no
9 contact with her. I'm not -- in other words, I'm not clear
10 about your question.
11 MR. PARSONS: Then I'd ask you to restate it.
12 MR. FLYNN: Q. What is it that (the plaintiff)
13 said to third persons that you have learned about that you
14 find to be untrue or objectionable?
15 A. She claimed that I -- well, one example? One
16 example.
17 Q. Yes.
18 A. That I was sexually involved with (woman #9).
19 Q. And who did she say that to?
20 A. I believe she said it to Peggy Bat -- is that her
21 name? Bat.
22 Q. Who told you that?
23 A. I read it in Peggy Bat's declaration.
24 Q. When did you read it?
25 A. I don't really remember.
1 Q. Can you identify another statement that (the plaintiff)
2 (the plaintiff) allegedly made to a third person about you that
3 you found to be untrue?
4 MR. PARSONS: Wait till his question is done.
5 Wait till his question is done before you start to respond.
6 And give me a chance to object --
7 THE WITNESS: What I need is, I need to look at
8 the declaration.
9 MR. PARSONS: Well, now, see, he's just asking you
10 questions now. And he's entitled to your best memory, good
11 faith best memory as you sit here.
12 THE WITNESS: I see.
13 MR. PARSONS: Could I ask the question be read
14 back so the witness has it fresh in his mind?
15 MR. FLYNN: Q. Yes. I simply want to know -- I
16 want him to identify another statement that (the plaintiff)
17 made to a third person that you find to be untrue or
18 objectionable.
19 A. That I raped (woman #7).
20 Q. Who is (woman #7)?
21 A. I find that highly objectionable. (woman #7).
22 Q. Raped (woman #7)?
23 A. That's what the statement said.

24 Q. And who did (the plaintiff) allegedly make that
25 statement to?

1 A. To Peggy Bat, Peg Bat. I'm not sure of her name.

2 I don't know her.

3 Q. And how did you find out about the statement of
4 (the plaintiff) to Peggy Bat?

5 A. I read it in Peggy's declaration.

6 Q. And on that basis, you filed a complaint against
7 (the plaintiff)?

8 MR. PARSONS: Objection. That's misleading, and
9 it misstates his testimony.

10 Again, I will instruct the witness to not answer
11 to the extent that --

12 MR. FLYNN: I'll withdraw it.

13 Q. Can you identify another statement?

14 A. My mind's gone blank. I don't remember them.

15 Q. Okay. We're going to get into your declaration
16 and your counterclaim.

17 But just for the sake of this series of questions,
18 are you aware that the Peggy Bat declaration is dated
19 sometime in February of 1995, and you brought your
20 cross-complaint in December of 1994?

21 MR. PARSONS: Objection. It's a compound
22 question, it's argumentative. But -- why don't you choose
23 one of those, and I'll let the witness testify.

24 MR. FLYNN: No, I want to know whether he's aware 25 of the two different dates.

1 THE WITNESS: I am not.

2 MR. FLYNN: Q. Now, going back to Exhibit 10 --
3 we're going to be getting into the cross-complaint.

4 But let me ask you this first, Mr. Walters: You
5 said, as we talked about before, that this lawsuit is an
6 outrageous lie.

7 MR. PARSONS: Now you're referring to page --

8 MR. FLYNN: Page 6.

9 Q. Have you exhausted your memory about what
10 outrageous lies are in the (the plaintiff) lawsuit?

11 A. I have spoken of all the ones I remember, and I
12 know that there are more.

13 Q. Can you identify any more?

14 A. No. I said I couldn't.

15 Q. Okay. And have you identified all the outrageous
16 lies (the plaintiff) allegedly made about you to third
17 parties at this time?

18 MR. PARSONS: Wait, I'm sorry. Objection.

19 Misstates his testimony; vague and ambiguous as to time, 20 now.

21 I'll permit him to answer, if he can formulate a
22 response to that.

23 THE WITNESS: No, I don't know the answer to that.

24 MR. FLYNN: Q. And then you say, "I say that
25 unequivocally. There is a desire and attempt to destroy
1 us."

2 Who is "us"?

3 MR. PARSONS: Now again, you're referring to
4 the --

5 MR. FLYNN: Q. Exhibit 10. Who is "us"?

6 A. "Us" is Ananda as a community of people.

7 Q. And who has the desire to destroy Ananda?

8 MR. PARSONS: Objection. Calls for speculation,
9 no foundation.

10 You may answer.

11 THE WITNESS: Are you asking me to make an
12 opinion, or give a statement of fact?

13 MR. FLYNN: Q. I'm asking you who you were
14 referring to when you made the statement.

15 A. (the plaintiff), you, all her lawyers, and
16 Self-Realization Fellowship.

17 Q. What -- identify all facts that you're aware of
18 that me, Michael Flynn, have perpetrated to destroy your
19 organization.

20 A. To --

21 MR. PARSONS: Object. Excuse me, I'm going to
22 object that it calls for a narrative and speculation, but I
23 will permit you to answer.

24 THE WITNESS: It calls for a narrative and
25 speculation. Therefore, I won't answer.

1 MR. FLYNN: Q. Well, I request a ruling.

2 JUDGE PLISKA: Yes, you need to answer it. Your
3 lawyer makes objections for the record, but you should
4 answer, not in the words of your lawyer, but --

5 THE WITNESS: Okay. Say it again then, please.

6 MR. FLYNN: Q. Yes. What have I done, Michael
7 Flynn, the attorney, to attempt to destroy your
8 organization, Mr. Walters?

9 A. Your paper was about 95 percent or more lies. I
10 read it.

11 Q. What paper have you read?

12 A. The paper that was written in answer to our
13 motion, our recent motion.

14 Q. Which motion?

15 A. The motion that is under present consideration.

16 Don't ask me to name it. I can't do it.

17 Q. What lies have I written that attempt to destroy
18 you?

19 A. Sir, I don't think you told a single truth in your
20 entire paper. That was what was amazing to me.

21 Q. Can you identify one lie?

22 A. Yes. Saying that I lied, the big lie. It seemed
23 like your paper was a big lie.

24 Q. Okay. So our paper saying that you lied is one of
25 the lies. Is that correct?

1 A. Yes.

2 Q. Can you identify another?

3 A. I'd have to read it. I'm not going to just give
4 as an opinion. I'd have to read your actual statements.

5 Q. You cannot presently recall any other statements
6 that are in our papers, is that correct, that are a lie
7 according to your testimony?

8 A. I recall a very clear impression, but I do not
9 recall details. I'd have to review it, especially in the
10 course of a deposition.

11 Q. And what statements has Mr. Greene made that are
12 lies that are an attempt to destroy you?

13 A. I'm not really aware of what Mr. Greene has done
14 or said. I'm assuming this was a paper you wrote. If it
15 was a paper he wrote, then I have to address it to him. It
16 was the paper.

17 MR. FLYNN: Just for the sake of the record, I
18 don't believe my name is on any papers in this case so far,
19 Mr. Parsons, that have been filed in court.

20 THE WITNESS: It may not be.

21 MR. FLYNN: Other than the pro hac vice
22 application.

23 Q. Now, what lies has Mr. Stillman made that attempt
24 to destroy you?

25 A. I guess what I have to do is lump you all three
1 together as one sort of corporate personality, because I
2 don't know, despite the signature on the page, who actually
3 wrote the paper.

4 My assumption is that it's you, but I could be
5 wrong.

6 Q. Why did you assume that?

7 A. Do you want the brashest answer?

8 Q. I want the truth.

9 A. Because of the three of you, you're the most
10 intelligent, I think.

11 MR. STILLMAN: Well, I'm going to object to that.

12 MR. FLYNN: I agree with you, Mr. Walters. About
13 the intelligence part.

14 JUDGE PLISKA: I'd like to take that one under
15 submission.

16 MR. FLYNN: Q. Now, you mentioned, I believe, in
17 your answer, about people trying to destroy your
18 organization.

19 SRF. Is that the Self-Realization Fellowship?

20 A. It is.

21 Q. And what have they done in this lawsuit to attempt
22 to destroy you?

23 MR. PARSONS: I'm going to instruct the witness
24 not to testify concerning any communication from attorney to
25 you as client.

1 But otherwise, you may testify.

2 THE WITNESS: The fact that they've supplied you
3 with a lot of information, obviously -- misinformation, but

4 nonetheless, it's their view of it.

5 The fact that they have been involved in a
6 litigation with us which they've been losing consistently,
7 and this is probably their only and last-ditch attempt to
8 rescue that.

9 I think this is really the tail wagging the dog of
10 this particular lawsuit. I think it's their money that's
11 paying for your -- paying your salaries.

12 MR. FLYNN: Q. On what basis -- what knowledge do
13 you have -- strike that.

14 What facts do you have that this organization
15 called Self-Realization Fellowship is paying Mr. Stillman's,
16 Mr. Greene's or Mr. Flynn's salaries?

17 A. I said, I think. I do not know.

18 Q. Do you have any information of any nature or
19 description to support your sworn testimony that you believe
20 that Self-Realization Fellowship is paying our salaries?

21 MR. PARSONS: Again, object to the extent that it
22 would call for the disclosure of any attorney-client
23 communication.

24 Otherwise, you may answer.

25 THE WITNESS: Well, let's see if it does.

1 MR. FLYNN: Well, facts are not protected,
2 Mr. Parsons.

3 THE WITNESS: What's that?

4 MR. STILLMAN: Just because you disclose the
5 fact --

6 MR. FLYNN: Just because you disclose, it doesn't
7 mean the fact is protected.

8 THE WITNESS: I didn't follow that reasoning.

9 MR. PARSONS: If I have told you a fact -- in
10 other words, a third party says something -- the
11 identification of that third party is not protected. But
12 what I say to you is protected.

13 THE WITNESS: Right. And anyway, it didn't come
14 from you.

15 MR. PARSONS: Well, don't even say that.

16 MR. STILLMAN: Good. Let's get to it.

17 MR. FLYNN: Q. What's the rumor?

18 A. Fairly clear. From Peggy Bat and Kelly Coogan --
19 is that yes name? Coogan?

20 Q. Peggy Bat, Bat --

21 A. I don't know the lady. B-a-t, I think. And
22 Kelly. I think her last name is Coogan, but I'm not
23 certain. I don't know her, either.

24 But they testified to us -- "us" means my agents,
25 not me -- that (the plaintiff) told them that she was invited to
1 Mt. Washington, which is the headquarters of
2 Self-Realization Fellowship; that she was given royal
3 treatment; that they did everything they could to show their
4 support for her.

5 We have the testimony of yourself in all the
6 things that you are asking me about, letters and so on, that
7 indicated clearly to me a misinformed, I should add, point
8 of view, and false information that only juniors in
9 Self-Realization Fellowship, but ministers, would have,
10 telling them things about my past of which they have no
11 direct knowledge. But there may be letters that one could
12 infer this or that from, as you tried to do.
13 From all of that, I see their very close
14 involvement, and concern, for this case. The rest is
15 inference.

16 Q. Let me see if I understand your testimony.
17 You have inferred from the questions I have asked
18 you that I am being paid by Self-Realization Fellowship
19 because the questions contained within them information that
20 I -- you believe I received from Self-Realization
21 Fellowship. Is that correct?

22 MR. PARSONS: I object. That misstates his
23 testimony. It wasn't concerning your compensation. It was
24 concerning SRF's involvement that he was testifying.
25 So I object that that completely misstates his
1 testimony.

2 MR. FLYNN: Q. Can you comment on my question,
3 Mr. Walters?

4 MR. PARSONS: Object. It calls for a narrative.
5 I will let him respond.

6 THE WITNESS: Wednesday, you asked me a long
7 series of questions that indicated that you had reason to
8 believe at least in the possibility of certain facts.
9 They in fact were not facts; but it gave me a very
10 clear indication that you were not beating around in the
11 dark, either.

12 MR. FLYNN: Q. Do you recall your testimony on
13 last Wednesday where you thought I was very ignorant about
14 this whole subject and who this Yogananda and Daya Mata and
15 Self-Realization Fellowship are?

16 MR. PARSONS: Objection. Does he recall --

17 MR. FLYNN: Q. Do you recall that testimony?

18 MR. PARSONS: Wait, wait. I'll let him testify to
19 that question.

20 THE WITNESS: You are. That does not mean you're
21 ignorant of letters that you might have talked to -- that I
22 might have -- ministers you might have talked to, letters
23 that you might have had access to.

24 But as far as a basic point, you showed ignorance.

25 MR. PARSONS: Excuse me. I --

1 MR. FLYNN: Q. And you're aware that we have
2 subpoenaed --

3 MR. PARSONS: Excuse me, Mr. Flynn. I'd like to
4 take a break at this time and consult with my client.

5 MR. FLYNN: I'd like two more questions, and then

6 a break.

7 MR. PARSONS: Well, see, I don't want to take a
8 break with what might be an important pending question on
9 the table.

10 I don't think this is an important pending --
11 there's no important pending question at the moment.

12 MR. FLYNN: Well, they've filed a cross-complaint
13 naming SRF as a coconspirator.

14 JUDGE PLISKA: Is that the only reason for your
15 wanting --

16 MR. PARSONS: Yes.

17 JUDGE PLISKA: Let him ask one more question.

18 MR. FLYNN: Q. Are you aware that we have
19 obtained documents from this organization called
20 Self-Realization Fellowship relating to you?

21 A. You're telling me so. That makes me away.

22 Q. Other than my mentioning it, are you aware of that?

23 MR. PARSONS: That's assuming his statement is
24 true, Mr. Walters.

25 THE WITNESS: That's right. That's assuming your
1 statement is true. I'm aware that you've said it.

2 MR. FLYNN: Q. Other than my saying it, do you
3 have any evidence or information that we have done that?

4 A. No.

5 Q. And lastly, and then we'll take a break, do you
6 have any evidence or information that Self-Realization
7 Fellowship is paying Mr. Stillman, Mr. Green or myself?

8 MR. PARSONS: Objection. Asked and answered.

9 You may respond.

10 THE WITNESS: Inferential.

11 MR. FLYNN: Q. Inferential from what?

12 MR. PARSONS: Is this 2.5 questions now?

13 Go ahead. Inferential from what?

14 THE WITNESS: Well, I think I've answered it.

15 Their intense concern for our destruction. They have lost;
16 after 5 1/2 years of litigation, they're still losing. They

17 see this as an opportunity to perhaps win sort of from left
18 field, and it's inferential.

19 But I don't know who else would pay it. I can't
20 imagine (the plaintiff) paying it. I can't imagine
21 your doing it pro bono.

22 So in fact, I can't imagine who else would pay
23 it. I'd be very interested, if you'd tell me.

24 MR. FLYNN: Q. Okay. Other than what you've just
25 testified, do you have any other evidence or information?

1 A. No, no evidence.

2 MR. PARSONS: Okay. Break now?

3 MR. FLYNN: How long, Mr. Parsons?

4 MR. PARSONS: 10, 15 minutes.

5 THE VIDEO OPERATOR: Going off the record, the
6 time is 2:44.

7 (Recess from 2:44 p.m. to 3:02 p.m.)

8 THE VIDEO OPERATOR: Going back on the record, the
9 time is 3:02.

10 MR. FLYNN: Q. Now, Mr. Walters, would you refer
11 to --

12 A. I should say, Mr. Flynn, I'm getting very tired.
13 When I push my energy beyond a certain point, I don't have
14 any reserves, so please be aware of that.

15 Q. Would you refer to Exhibit 10, please, sir?

16 Now, on the top of the -- of page 7 of Exhibit 10,
17 second line, you have stated:

18 "What is Divine Mother trying to make happen?

19 When this much energy comes against us, it has to be for
20 basically one of two reasons as I see it. Either Satan's
21 trying to stop us, and I'm sure he has done his best" --

22 MR. PARSONS: Excuse me, that's --

23 MR. FLYNN: Q. -- "and he sure has done his
24 best, even trying to stop me from writing this book. He has
25 done his best. Or, Divine Mother wants to stop us because
1 we are doing a wrong thing. Now if we are doing a wrong
2 thing, I don't at all exclude that possibility because I
3 want to be honest. But I don't see it for a moment."

4 Now, when --

5 MR. PARSONS: End of quote.

6 MR. FLYNN: Q. End of quote.

7 When you say in this statement, "What is Divine
8 Mother trying to make happen?" what are you referring to?

9 A. Divine Mother is how I address God.

10 Q. So are you saying, what is God trying to do in
11 connection with this (the plaintiff) lawsuit?

12 A. No. I don't think that had anything to do with it.

13 Q. Well, what are you referring to?

14 A. Well --

15 MR. PARSONS: Well, excuse me. I would request
16 that you read the context --

17 THE WITNESS: I did.

18 MR. PARSONS: Oh, you have? Okay.

19 THE WITNESS: Oh, the whole paragraph? I mean, I
20 read what he said.

21 MR. FLYNN: Q. Read whatever you like.

22 MR. PARSONS: Right. In other words, if you are
23 referring to something prior in this same statement, in this
24 letter, whatever this is, then you should read that.

25 THE WITNESS: No.

1 MR. PARSONS: Okay.

2 THE WITNESS: It follows.

3 MR. PARSONS: Okay, very good.

4 MR. FLYNN: Q. What are you referring to when you
5 say, "What is Divine Mother trying to make happen?"

6 A. Well, I'm just trying to be as conscientious as I
7 am capable of being.

8 Is this a good work, which I and many thousands of
9 other people believe it to be; or is there in some way that
10 we're deluded into thinking something is good that is not
11 good?

12 That kind -- it's sort of self-examination, that's
13 what it's about.

14 Q. So when you say -- well, let me ask you this:
15 In light of the declaration that we went into last
16 Wednesday and all of the philosophy that you put in your
17 declaration, do you see this lawsuit as being part of your
18 karma?

19 MR. PARSONS: Okay. I'm going to object, for a
20 couple grounds on this.

21 One, when you say "in light of the declaration,"
22 then I'd like you to specify what portions of that
23 declaration.

24 MR. FLYNN: All right.

25 MR. PARSONS: Second of all -- but even more,
1 because I'm going to instruct him not to answer in a second,
2 when you start talking about this witness's karma, which has
3 been identified as a spiritual concept, I believe inquiring
4 into his karma, his spiritual beliefs and opinions, is way
5 too private and privileged a matter to be the subject matter
6 of any discovery in litigation.

7 ++ So I'm going to instruct this witness not to
8 answer with respect to his karma.

9 And in addition, it's vague, ambiguous, it assumes
10 facts not in evidence, calls for speculation.

11 MR. FLYNN: Q. Let me refer you to pages 15 to
12 17, sir, of your declaration, which you filed in court --
13 A. The declaration.

14 MR. PARSONS: Which declaration?

15 MR. FLYNN: Q. That's been marked as Exhibit 2.

16 A. Page 16?

17 Q. 15, through 17.

18 First of all, you recognize Exhibit 2 as a
19 declaration that you filed in court in support of your
20 motion for summary adjudication. Is that correct?

21 A. Yes.

22 Q. And on -- in paragraph 38 on page 15, you talk
23 about discriminating between the real in God and the unreal.
24 And you say, "The law of karma is a fundamental part of this
25 process," and you refer to various exhibits.

1 Do you see that?

2 A. Yes.

3 Q. All right. And you say in paragraph 40, "Karma
4 may be described as a system by which the ego learns
5 ultimately to manifest its innate divine nature. Suffering
6 is the karmic result of action that is in some way out of
7 tune with that true nature."

8 Did you read that correctly?

9 MR. PARSONS: Objection. The document speaks for
10 itself.

11 MR. FLYNN: I want the witness to follow along
12 here.

13 THE WITNESS: I am doing it.

14 MR. FLYNN: Q. All right. And then in paragraph
15 41, you say, "The karmic law is quite impersonal. We can
16 learn from our karma if we have a will to. But it is quite
17 possible not to will to."

18 And then you give a quote from your book.

19 And in your quote, you say, "An unwise reaction,
20 for example, to a stolen inheritance would be to try to get
21 even with the world by cheating others. One who takes this
22 course will only reinforce the tendency which attracted his
23 misfortune so in the first place. Thus he will sow the
24 seeds of still greater suffering in the future."

25 Now, is this lawsuit a blessing from Divine Mother
1 to relieve you of your karmic burden, Mr. Walters?

2 ++ MR. PARSONS: I'm going to object again that --
3 obviously, there's no relevancy to this lawsuit, the subject
4 matter of the litigation. It inquires into this witness's
5 private spiritual matters.

6 I'm going to instruct him not to answer on privacy
7 grounds. And in addition it's vague, ambiguous, assumes
8 facts not in evidence.

9 MR. FLYNN: Well, I mean, there's no privacy
10 privilege, per se.

11 MR. PARSONS: Well, there is.

12 MR. FLYNN: That one just goes out.

13 JUDGE PLISKA: What legal authority do you have
14 for him not to answer that, when he puts all of this in a
15 declaration and speaks about it?

16 MR. PARSONS: Well, surely. This is, if you will,
17 a third-party description of karma and the role of karma,
18 the philosophical religious doctrine of karma.

19 This question, however, that's before the witness,
20 goes into his karma.

21 In other words, one can write, for example, about
22 salvation, or finding Christ. But then to ask a particular
23 party where they -- whether they have found Christ, or more
24 in line with this, whether this lawsuit is some divine -- do
25 you believe this lawsuit is some divine retribution for some
1 sin you've gone -- you've experienced or something, or
2 whatever would be the equivalent, that intrudes into some of
3 the most sacrosanct of personal beliefs.

4 JUDGE PLISKA: I'm going to overrule your
5 objection.

6 Would you please answer the question, Mr. Walters?

7 MR. PARSONS: Could I have it read back?

8 (Record read.)

9 THE WITNESS: How do I know what Divine Mother

10 wants?

11 MR. FLYNN: Q. Now, when you signed this
12 declaration under the pains and penalties of perjury, did
13 you make this declaration based on your personal knowledge?

14 A. To the best of my ability.

15 Q. Would you turn to page 8, please?

16 MR. GREENE: Of Exhibit 10.

17 MR. FLYNN: Q. Of Exhibit 10.

18 MR. PARSONS: Oh, Exhibit 10.

19 THE WITNESS: Yes, okay.

20 MR. PARSONS: What page is this?

21 MR. FLYNN: Page 8.

22 Q. About -- let's see. One, two, three, four, five,
23 six, seven lines down, you write, "One is that nobody could
24 have done the kind of work I have done if he were a," and
25 then it's apparently un --

1 THE WITNESS: Do you see where we are?

2 MR. PARSONS: Yes.

3 THE WITNESS: Okay.

4 MR. FLYNN: Q. "It just wouldn't work. The kind
5 of energy that I have put out not one of you in this room
6 and probably no one you have ever met could put out."
7 Now, what were you referring to when you made that
8 statement?

9 A. I've --

10 MR. PARSONS: Excuse me. It's vague and ambiguous
11 as to what he was referring to.

12 He may answer. Go ahead.

13 THE WITNESS: In other words, you mean, what I was
14 referring to?

15 I was referring to the work that I have done in my
16 life. The founding of perhaps the only, and certainly the
17 most successful, spiritual community of its kind in the
18 world. Writing over 60 books, most of which would have
19 taken people months to write; I wrote quickly. 300 pieces
20 of music.

21 An output that's been by any normal standards
22 extraordinary.

23 MR. FLYNN: Q. Is it your belief that no one else
24 could have done what you have done?

25 A. Well, in a more general way, that's true for every
1 one of us. Each one of us is the only person in the
2 universe who could do what he does.

3 But that's not how I meant it. I meant that I
4 have a particular blending of qualities that made it
5 possible for me to do this particular work.

6 Q. Okay. Now, going down a few lines, you say, "You
7 know me. I am not going to answer any of the charges
8 because you know me."

9 What were you referring to when you made that
10 statement?

11 MR. PARSONS: Objection. Vague, ambiguous.
12 You may answer.
13 THE WITNESS: They've -- many of the people there
14 have been with me 20, 25, even 30 years.
15 MR. FLYNN: Q. Now, you're aware that numerous
16 women have filed sworn declarations in this case relating to
17 your sexual conduct with them.
18 Are you aware of that fact?
19 MR. PARSONS: Objection, the term "numerous."
20 Vague, ambiguous.
21 You may answer.
22 THE WITNESS: Exactly, I object for the same
23 reason.
24 MR. FLYNN: Q. Well, what are you aware of with
25 regard to declarations having been filed in this case by
1 women who --
2 A. I'm aware --
3 MR. PARSONS: Wait, excuse me. Let him finish his
4 question.
5 Were you done with the question?
6 MR. FLYNN: Q. What are you aware of with regard
7 to declarations having been filed in this case by women who
8 claim to have had -- to have been sexually abused by you?
9 A. I'm aware that a handful of women at a certain
10 particular period -- and that's about it.
11 Q. You're aware that (the plaintiff) is claiming that
12 she has been sexually abused by you. Is that correct?
13 A. That's one of the lies.
14 Q. Well, we're going to get into that.
15 Let me show you -- strike that.
16 How are you aware -- strike that.
17 Have you read any of the declarations of any of
18 the women that have been filed in this case?
19 A. Against me?
20 Q. Yes.
21 A. No.
22 Q. Have you read (the plaintiff)'s declaration?
23 A. I am not sure whether I've read her declaration,
24 or her paper through her lawyer.
25 Q. Have you read the lawsuit --
1 A. Yeah.
2 Q. -- the complaint?
3 A. Yes.
4 Q. You've read that?
5 Have you read any of the deposition transcript of
6 (the plaintiff)?
7 A. No.
8 MR. FLYNN: Okay. Would you mark this as 11?
9 (Exhibit 11 was marked.)
10 MR. FLYNN: Q. Is Exhibit 11 -- and after you've
11 had the chance to read it -- something that you authored on

12 or about April 18, 1995?

13 MR. PARSONS: Take a moment, look it over, and
14 then answer his question.

15 THE WITNESS: Well, in general, I'll just say, so
16 as not to read the whole thing, I'm aware that I wrote it.

17 MR. PARSONS: If he asks you a question about it,
18 I would like you to read it before you respond.

19 THE WITNESS: Okay. Okay.

20 MR. FLYNN: Q. Let me know when you're ready.

21 A. (Examining document.) I've read it.

22 Q. Okay. Now, on or about April 18 -- strike that.

23 To whom did you send Exhibit 11?

24 MR. PARSONS: Objection. Assumes facts not in
25 evidence.

1 You may testify as to your knowledge.

2 THE WITNESS: To the people living at Ananda.

3 MR. FLYNN: Q. And on or about --

4 A. Probably in our different communities, also.

5 Q. How many people would you estimate that you sent
6 this to?

7 A. 5- to 600, maybe.

8 Q. Now, is it a fair characterization of Exhibit 11
9 that you refused to defend yourself and respond to the
10 (the plaintiff) declarations?

11 Is that a fair characterization, in this document?

12 MR. PARSONS: I'm going to object. That's
13 compound. The document speaks for itself. I believe your
14 characterization misstates the -- misstates the document.
15 But I'll let the witness answer.

16 MR. FLYNN: Q. That's fine. Did I make a fair
17 characterization of this document?

18 MR. PARSONS: And do you have his characterization
19 in mind?

20 THE WITNESS: I was referring specifically to what
21 I'd heard about the declarations of those women.
22 The other would be a part of the lawsuit, so I
23 would have to defend that.

24 MR. FLYNN: Q. Okay. Is it a fair
25 characterization to say that in this document, you refuse to
1 defend the declaration -- the allegations against you as set
2 forth in the declarations of these other women?

3 MR. PARSONS: Same objection, same instruction.
4 You may answer.

5 THE WITNESS: That's correct.

6 MR. FLYNN: Q. And are you aware that you have
7 filed a declaration under oath in this case in which you
8 claim that those declarations are lies?

9 MR. PARSONS: I object. That mischaracterizes the
10 declaration.

11 If you're going to make a representation that he's
12 made such a declaration, then he should be presented with

13 it, because there was no such declaration filed.

14 MR. FLYNN: I'll do it this way, Mr. Parsons.

15 I'll withdraw that.

16 Q. As you sit here today, have you read the
17 declarations of other women that have been filed in this
18 case?

19 A. No.

20 MR. PARSONS: Well, excuse me. That's a different
21 question than you were asked before.

22 You're asking for any declarations by any women
23 filed in this case, including the ones referred to in this
24 document?

25 MR. FLYNN: Please, Mr. Parsons, I'm the one who
1 does the examination. The question was answered.

2 Q. But in fairness, are you confused, Mr. Walters?

3 Have you read any declaration of any woman filed
4 in this case relating to your conduct with her by the
5 plaintiff in this case, (the plaintiff)?

6 A. I don't think so.

7 Q. Now, have you made any effort since the filing of
8 any of the declarations by any of these women to defend
9 yourself against any of the allegations in those
10 declarations?

11 A. No.

12 Q. You say in this letter marked Exhibit 11, "I know
13 generally what those declarations contain."

14 When you made that statement, what declarations
15 were you referring to?

16 A. The ones mentioned in the lawsuit.

17 Q. Can you identify any of them?

18 A. There was (woman #7), (woman #2), (woman #1)
19 , (woman #3) -- no, she's got another name
20 now. I forget it.

21 Q. Is it now (woman #3)?

22 A. (woman #3) who?

23 Q. (woman #3).

24 A. That's right, (woman #3). That's all I remember.

25 Q. Was there a (woman #4)?

1 A. I don't know her.

2 Q. Was there a -- we'll get into them in a minute.

3 Let me ask you this: When you make the statement
4 you make in your letter, you're referring to the
5 declarations of the women you just enumerated. Is that
6 correct?

7 A. Yes.

8 Q. And then you say, "Though I have chosen not to
9 read them."

10 Is that still true?

11 A. Yes.

12 Q. "I have read your many declarations on my behalf
13 and many deeply grateful for your support. Were I to

14 consider those other letters useful to me -- perhaps as
15 aids to self-understanding -- I would read them. But
16 from what I know of them, they are merely dirt intended
17 to harm and if possible to destroy me. As such, I am
18 not interested in them."
19 Now, let me ask you --
20 MR. PARSONS: End of quote.
21 MR. FLYNN: Q. End of quote.
22 Now, let me ask you, if those declarations that
23 you haven't read about your sexual conduct with these women
24 which they claim to be harassive, abusive and perverted --
25 if those allegations were true, would they be aids to your
1 self-understanding?
2 MR. PARSONS: I object. The question is compound,
3 argumentative, assumes facts not in evidence, misstates the
4 testimony in those declarations.
5 MR. FLYNN: We're going to get into them,
6 Mr. Parsons.
7 ++ MR. PARSONS: Well, but I've objected to the form
8 of this question.
9 I instruct this witness not to answer, because it
10 also asks, then, for his spiritual response to these things.
11 The question is fatally vague and ambiguous as
12 well.
13 JUDGE PLISKA: No, I would instruct the witness to
14 answer that.
15 Would you answer that, please, Mr. Walters?
16 MR. PARSONS: He's told you to go ahead and answer
17 that question.
18 THE WITNESS: Would you ask it again?
19 MR. PARSONS: Or have it read back?
20 MR. FLYNN: I'll ask it again.
21 Q. If the allegations by these women in these
22 declarations were true about your conduct being harassive
23 and abusive, et cetera, would you consider that to be an aid
24 to your self-understanding?
25 MR. PARSONS: Same objection, but you can answer.
1 THE WITNESS: Yes. The point is, if they were.
2 They are not true; therefore, I don't know. That's a
3 hypothetical question.
4 MR. FLYNN: Q. Now, you've never read the
5 declarations. Is that correct?
6 A. Correct.
7 Q. So how is it that you know that the declarations
8 are not true if you've never read them?
9 A. Because they've been told to me.
10 Q. Who has told you what the content of the
11 declarations is?
12 MR. PARSONS: Don't disclose any communication
13 between attorney and client.
14 Otherwise, you may respond.

15 THE WITNESS: I can't disclose it.

16 MR. FLYNN: Q. Excluding your attorney, did any
17 person read to you or divulge to you the contents of any of
18 the declarations of these women?

19 A. Not that I recall.

20 Q. Did Asha Praver disclose to you the contents of
21 the declarations?

22 A. Not that I recall.

23 Q. Did Sheila Rush reveal to you the contents of the
24 declarations?

25 A. Yes.

1 Q. Did Vidura Smallen reveal to you the contents of
2 the declarations?

3 A. Not that I recall.

4 Q. And Sheila Rush is one of the members of your
5 community?

6 A. Yes.

7 Q. What is her title?

8 A. She is a part of the legal team. She works with
9 Jon Parsons as one of my two lawyers, our lawyers.

10 Q. Is she licensed to practice in the State of
11 California?

12 A. That's not within my competence to answer.

13 Q. Does she perform any function at Ananda other than
14 that of being a lawyer?

15 A. Not at present.

16 Q. At any time in the past has she?

17 A. She's done other works. I don't know exactly what.

18 Q. Can you identify any fact in any of the
19 declarations which you consider to be false?

20 A. I've already told you two. That's enough for
21 now. No, one. The (woman #7).

22 Q. Okay. What fact in the (woman #7)

23 declaration, as you understand it, do you understand to be 24 false?

25 A. There was absolutely no coercion; there was no
1 imposition on her will --

2 MR. PARSONS: Excuse me. I was flipping through
3 my notes here.

4 MR. FLYNN: You interrupted the witness in the
5 middle of an answer, Mr. Parsons.

6 MR. PARSONS: But I wanted to object to it, and
7 I'm objecting as soon as I can.

8 THE WITNESS: I'm sorry, I didn't wait. I should
9 have.

10 MR. PARSONS: The matters which pass -- the
11 personal matters between this witness and (woman #7),
12 which date from 1983 at the latest, are a matter of
13 privacy --

14 THE WITNESS: 1981.

15 MR. PARSONS: '81? '82 I think, too.

16 THE WITNESS: '81.

17 ++ MR. PARSONS: -- are matter of extreme privacy.
18 They were in a marital-like relationship, and I'm asserting
19 privacy on his behalf, as well as that of (woman #7),
20 and I'm instructing him not to answer.
21 MR. FLYNN: There is no such privilege.
22 JUDGE PLISKA: What's the legal basis for this,
23 Mr. Parsons?
24 You have cited general privacy, but what
25 particular -- you say "marital-like." If it's not a legal
1 marriage, I don't know of any privilege that exists.
2 MR. PARSONS: Yes, Your Honor. There's a
3 well-recognized privilege for sexual privacy; for
4 associations as well, associational privacy. The Nevada
5 Bank case. There are several cases. It's actually
6 well-documented and worked up significantly in the law.
7 I'd be happy to present a little brief something
8 to you on it, because the law is very clear: You can
9 inquire into matters of privacy like this, particularly
10 sexual privacy, only in the most extreme of cases.
11 Otherwise, there is no right to inquire into what
12 passed privately between two people, especially of a sexual
13 nature.
14 JUDGE PLISKA: I'm going to overrule your
15 objection. Please answer the question.
16 MR. PARSONS: Excuse me one second, Your Honor.
17 What I'd like to do at this point is confer with
18 my client, because we might have to take a position on this,
19 and I don't want to do it lightly.
20 So could I have about 2 minutes to confer with my
21 client?
22 MR. STILLMAN: He was in the middle of the answer.
23 JUDGE PLISKA: Well, no, I'll give him -- go
24 ahead.
25 MR. PARSONS: Thank you.
1 MR. FLYNN: Leave the video on. Stay on the
2 record.
3 (Discussion off the written record.)
4 MR. PARSONS: Your Honor, I've consulted with my
5 client on this. These are matters of extreme privacy. The
6 law on the issue is I think very telling and clear.
7 I understand that you have overruled my objection,
8 and I'm in kind of in a quandary, in a way.
9 If we proceed at this point and I let the witness
10 testify, we will, of course -- the toothpaste will be out of
11 the tube.
12 Therefore, what I would request is that we reserve
13 these issues so that I can brief them to you. I believe
14 that the legal authorities will be persuasive on this
15 issue.
16 And I would request that we move forward with
17 other matters, reserving these, marking them so that we can

18 present the issue more fully, as well as making an
19 appropriate record where the arguments have been fully
20 briefed and argued, Your Honor.
21 MR. FLYNN: Yes. I disagree. But in order to
22 alleviate the problem, I intend to set a fuller record where
23 it would become plain that even were there to be some
24 legally cognizable privilege --
25 MR. STILLMAN: Which there isn't.
1 MR. FLYNN: -- which there is not for these
2 questions and these series of questions, I will now set a
3 record with regard to Mr. Walters' own declaration dated
4 February 22, 1995, where he himself addresses, beginning at
5 page 11 --
6 MR. PARSONS: Which exhibit is this?
7 MS. RUSH: It's the cross-complaint.
8 MR. FLYNN: Here, I'll give you a copy,
9 Mr. Parsons. We'll have the court reporter mark it, after I
10 finish my little soliloquy here.
11 Beginning at page 8, Mr. Walters addresses these
12 issues, goes on for page after page, and specifically claims
13 that these allegations are not true.
14 So even if there was a legally recognizable
15 privilege, which there is not, then Mr. Walters himself has
16 addressed this in filing, in this court, a declaration in
17 support of an opposition -- or, strike that -- a declaration
18 in opposition to a motion to strike.
19 That motion to strike was denied. The cross-claim
20 has remained in the case. The cross-claim claims that
21 Mr. Walters and his organization have been defamed as a
22 result of the claims that he has engaged in inappropriate
23 sexual conduct with all these women. So therefore, it is a
24 direct issue in the case anyway.
25 He saw fit to try to convince a Superior Court
1 judge that the allegations were untrue; and therefore, even
2 if some type of protection, which we deny exists, did exist,
3 Mr. Parsons, your client and you have waived it.
4 MR. PARSONS: Well, I do -- I would like to have
5 this fully presented so that you can --
6 JUDGE PLISKA: What do you have to say to his -- I
7 mean, he -- I don't know of any such privilege, either.
8 And even if I were to allow you to brief it, what
9 Mr. Flynn says is persuasive: That your client has denied
10 these things, and he's entitled to inquire about that.
11 MR. PARSONS: Well, Your Honor, the line of cases
12 goes from -- privilege is recognized. I think it's the
13 Nevada -- Nevada Valley Bank case which is the leading
14 California Supreme Court case. There have been numerous
15 cases which have discussed the privacy right in light of the
16 sexual privacy.
17 Even when -- in the case -- and this is why I'd
18 like an opportunity, Your Honor. The cases have discussed

19 it.

20 In the context of even when statements have been
21 made, the privilege is still in place and protected, except
22 for those express statements which were made.

23 JUDGE PLISKA: Well, he's inquiring about these
24 express statements. It says that everything they say is
25 untrue. He's entitled to question him about that.

1 He makes a declaration under oath in saying all of
2 these sexual allegations that are made are untrue. It seems
3 to me he's eminently entitled to question the witness about
4 those things.

5 MR. PARSONS: Well, he can ask about the specific
6 statements made here. So in other words, quote -- one of
7 them, quote, "had sex with numerous women since the early
8 days of Ananda," end quote.

9 But we submit, Your Honor, that that still doesn't
10 open a door to all of his private relationships with people,
11 sexual or otherwise, as long as they're of a confidential,
12 private nature.

13 JUDGE PLISKA: I think you're taking too strict of
14 a view of this. I don't think there's any need to reap
15 anything further. I think it's clear to me that he must
16 answer those questions.

17 MR. PARSONS: Okay. Well, Your Honor, I do
18 request that we be given an opportunity to at least preserve
19 our position for the record.

20 JUDGE PLISKA: Well, you have. I think the record
21 is clear.

22 MR. GREENE: I'd also just further add that with
23 respect to each one of the women concerning whom Mr. Walters
24 has made specific denials of any sexual impropriety, to a
25 woman, each one of those individuals have filed detailed
1 declarations in this lawsuit.

2 So any kind of third-party privilege, were it
3 applicable, under the circumstances in this case, are not.

4 MR. STILLMAN: Let's get going.

5 THE WITNESS: I would like to make a statement, if
6 I may.

7 MR. PARSONS: Well, yeah.

8 THE WITNESS: I'm not feeling well, and I think I
9 need to take a break now. I need to quit.

10 MR. FLYNN: Okay. That's fine. There's a pending
11 question. After we have that question answered --

12 THE WITNESS: Yes, I'm sorry, but this is the
13 fact.

14 MR. FLYNN: Your Honor, I'd like an answer to the
15 pending question.

16 DR. VAN HOUTEN: Mr. Walters, would you like to
17 quit for health reasons?

18 THE WITNESS: Exactly.

19 DR. VAN HOUTEN: This is Dr. Houten speaking for

20 the record.

21 JUDGE PLISKA: Wait a minute. Wait a minute.

22 You're -- is this something that was discussed out there,
23 that all you need to say is, is there something wrong with
24 your health? I mean --

25 DR. VAN HOUTEN: No, sir.

1 JUDGE PLISKA: Well, why did you have to say
2 something like that? That appears to me like you're
3 coaching him to say something in a particular way so that he
4 can get this continuance until tomorrow.

5 And I see no reason why he can't answer the one
6 question that has already been asked.

7 MR. PARSONS: In fact, I would suggest that we get
8 at least a resolution of what is the current situation on
9 the table, if you will.

10 So bear with us for a moment here.

11 MR. FLYNN: I'd ask the court reporter to reread
12 the question.

13 (Record read.)

14 MR. FLYNN: Q. Did you have a sexual
15 relationship with (woman #7)?

16 MR. PARSONS: Okay. Now, at this point, I'm going
17 to object on the privacy grounds.

18 I understand Judge Pliska's intended ruling. This
19 is a matter --

20 JUDGE PLISKA: Not intended ruling. Ruling.

21 MR. PARSONS: I'm sorry, your ruling, yes. I
22 didn't mean to misstate it. I'm clear that was a ruling.

23 Because the matter is so significant, because it
24 intrudes so deeply, because I believe the case law is so
25 clear on this, and because I haven't had an opportunity to
1 fully articulate and cite the cases, I'm going to instruct
2 the witness not to answer, with all due respect, Your Honor,
3 notwithstanding the order.

4 JUDGE PLISKA: Okay. I am instructing you to
5 answer, Mr. Walters. Please answer the question.

6 MR. PARSONS: Your Honor, what we'd like to do
7 here is preserve it for judicial review and go up on a writ
8 on this, Your Honor.

9 JUDGE PLISKA: I don't think there's any basis to
10 do that in the middle of a deposition.

11 I'm instructing the witness to answer the
12 question. And you know, I am appointed by the court, and I
13 have to make rulings, and I have to give orders.

14 And I'm ordering you to answer this question,
15 please.

16 THE WITNESS: Your Honor, I'm ruled by my lawyer.
17 You tell me.

18 JUDGE PLISKA: Well, if you don't answer the
19 question, you bear certain -- I mean, I -- I'm the arm of
20 the court at this point. And we're talking about contempt

21 of court, because I have been instructed by the judge of the
22 Superior Court to make rulings at this deposition, and I am
23 making an order that you answer the question.

24 And your disobedience to that order can be a
25 finding of contempt of court.

1 MR. PARSONS: Your Honor, if I may, because of the
2 way you've posed it to the witness -- he is tired. It is
3 quarter till 4:00 in the afternoon.

4 I would request to break at this time so we can
5 consider it and come back tomorrow morning.

6 JUDGE PLISKA: I'll have to deny that.

7 Please answer the question.

8 THE WITNESS: The answer is yes.

9 MR. FLYNN: Q. Okay. Now, you're not feeling
10 well; you wanted to take break.

11 I'd just like to do one more thing. I'd like to
12 mark the -- just so this part of the record will have in it
13 the cross-complaint of Ananda Church of Self Realization,
14 Danny Levin and J. Donald Walters for defamation against
15 (the plaintiff), would you mark that as the next
16 exhibit in order?

17 I have a copy for you, Mr. Parsons, a copy for the
18 judge.

19 MR. FLYNN: Is the declaration of Donald Walters
20 an exhibit yet?

21 (Exhibits 12 and 13 were marked.)

22 (Discussion off the record.)

23 MR. FLYNN: Back on the record. I may have
24 referred to the cross-complaint as Exhibit 12. We've
25 remarked them.

1 The cross-complaint of Mr. Walters is Exhibit 13,
2 and the declaration of Mr. Walters is Exhibit 12.

3 Now, it's apparently the wish of your client to
4 break for the day because he doesn't feel well. I'll leave
5 that up to the referee.

6 JUDGE PLISKA: Yes. No, that's fine.

7 MR. PARSONS: 10 o'clock tomorrow?

8 MR. FLYNN: 10 o'clock tomorrow.

9 THE VIDEO OPERATOR: This is the end of videotape
10 number 5 in the deposition of J. Donald Walters. Going off
11 the record, the time is 3:48.

12 (Time noted, 3:48 p.m.)

13 --o0o--

14

15

16 _____
Signature of the Witness

Chapter 3) Part 3 of 7 September 12, 1995

1 I N D E X

2 EXAMINATION BY: PAGE

3 MR. FLYNN (Resumed): 355

4 --o0o--

5 EXHIBITS

6 PLAINTIFF'S FOR IDENTIFICATION PAGE

7.

8 Declaration of (woman #7) 401

9 Declaration of (woman #2) 464

10 Declaration of (woman #1) 494

11 MARKED PORTIONS

12 OF TRANSCRIPT

13 Page 416; Line 12

1 --o0o--

2 BE IT REMEMBERED that on Tuesday, September 12,
3 1995 commencing at 10:12 a.m., thereof, at Tooker & Antz,
4 131 Steuart Street, Suite 201, San Francisco, California,
5 before me, HOLLY THUMAN, duly authorized to administer oaths
6 pursuant to Section 2093(b) of the California Code of Civil
7 Procedure, personally appeared
8 DONALD WALTERS,
9 called as a witness, who, having been previously duly sworn,
10 was examined and testified as hereinafter set forth.

11 --o0o--

12 APPEARANCES

13 FLYNN, SHERIDAN & TABB, P.O. Box 690, 6125 El
14 Tordo, Rancho Santa Fe, California 92067, represented by
15 MICHAEL J. FLYNN and PHILIP H. STILLMAN, Attorneys at Law,
16 appeared as counsel on behalf of the Plaintiff.

17 HUB LAW OFFICES, 711 Sir Francis Drake Boulevard,
18 San Anselmo, California 94960, represented by FORD GREENE,
19 Attorney at Law, appeared as counsel on behalf of the
20 Plaintiff. (Present afternoon session only.)

21 JON R. PARSONS, Attorney at Law, 2501 Park
22 Boulevard, Suite 207, Palo Alto, California 94306-1925,
23 represented by JON R. PARSONS, Attorney at Law, appeared as
24 counsel on behalf of the Defendants.

25 EDWARD W. PLISKA, Judge (Retired), Attorney at
1 Law, COREY, LUZAICH, GEMELLO, MANOS & PLISKA, 700 El Camino
2 Real, Millbrae, California 94030, was present as the
3 Referee.

4 Also present were (the plaintiff) (when
5 indicated); DR. PETER VAN HOUTEN; ASHA PRAVER; JOHN SMALLEN;

6 and SHEILA RUSH.

7 VIDEOGRAPHER: ROBERT BARBAGELATA, Dan Mottaz
8 Video Productions, One Lansdale Avenue, San Francisco,
9 California 94127. Phone: (415) 731-1300.

10 --o0o--

1 September 12, 1995 10:12 a.m.

2 --o0o--

3 EXAMINATION BY MR. FLYNN (Resumed)

4 THE VIDEO OPERATOR: This is the beginning of
5 videotape number 6 in the deposition of Donald Walters.

6 Today's date is September 12, 1995, and the time is 10:12
7 a.m. The video operator is Robert Barbagelata. We're back
8 on the record.

9 MR. FLYNN: Thank you.

10 Q. You understand you're still under oath,

11 Mr. Walters?

12 A. I do.

13 MR. PARSONS: I believe the witness wanted to
14 expand on something he said yesterday.

15 THE WITNESS: What was it?

16 MR. PARSONS: Well, what it was, was about the --

17 MR. FLYNN: Well, please. We don't need testimony
18 from you, Mr. Parsons.

19 MR. PARSONS: I'm going to remind him --

20 THE WITNESS: We talked about that, and I don't
21 remember.

22 MR. FLYNN: Q. Mr. Walters, is there something
23 you'd like to say, sir?

24 MR. PARSONS: If you don't remember now, then if
25 -- I'm sure it'll come up, and you can say it at the time.

1 THE WITNESS: I don't remember.

2 MR. FLYNN: Q. Okay. Do you know a fellow named
3 Thomas Oesterle?

4 A. Yes.

5 Q. Where is Mr. Oesterle living now?

6 A. He lives at Ananda Village.

7 Q. Is he still a member of the community?

8 A. Yes.

9 Q. And what is his position?

10 A. He doesn't have one right now.

11 Q. For how long has he not had a position?

12 A. I don't know. He felt like resting for a while,
13 and right now he's in England with his wife.

14 Q. And how long has he been in England with his wife?

15 A. Oh, probably 3 weeks. I don't know. I just got a
16 card from them yesterday.

17 Q. What was his position before he left for England?

18 A. He was -- no, he didn't have a position for some
19 time. But before that, he was in the accounting department.

20 Q. And what was his function in the accounting
21 department?

22 A. I don't know.

23 Q. Did he have a title?

24 A. He is a CPA, so it had to do with that ability.

25 Q. Has he ever had a title at Ananda?

1 A. Not that I know of.

2 Q. Was he ever the treasurer of the Ananda Church of
3 Self Realization?

4 A. He may have been. He may be still. I don't
5 really know.

6 Q. We'll get into the issue of foreign bank accounts
7 a little bit later. We're going to shift gears now.

8 Would you put in front of you Exhibit 13, please,
9 which is the cross-complaint of Ananda Church of Self
10 Realization?

11 MR. PARSONS: It's probably at the bottom of that
12 pile.

13 THE WITNESS: Yes.

14 MR. FLYNN: Q. Now, you understand that you're a
15 cross-complainant against Ms. (the plaintiff)?

16 A. Yes.

17 Q. And did you read this complaint before it was
18 filed?

19 A. I did.

20 Q. And as far as you know, or knew at the time that
21 you read it, was it accurate in all respects?

22 A. As far as I know, yes.

23 Q. Would you turn to page 2, paragraph 6, please?

24 A. Yes.

25 Q. Did you read that --

1 A. I did.

2 Q. -- paragraph before it was filed?

3 And in that paragraph, it is stated, "(the plaintiff)
4 filed the (the plaintiff) Litigation, a sham lawsuit against
5 cross-complainants --

6 A. I'm sorry, I was on the wrong paragraph.

7 MR. PARSONS: 6, and onto the next page.

8 THE WITNESS: Yes.

9 MR. FLYNN: Q. -- "falsely alleging sexual
10 harassment concerning (the plaintiff)'s brief consensual
11 adulterous relationship with Levin, whom she unsuccessfully
12 attempted to lure away from his wife and child."

13 A. That's correct.

14 Q. Now, what information or evidence do you have
15 relating to the allegations in that paragraph?

16 A. The fact that --

17 MR. PARSONS: I want to object to the extent --

18 THE WITNESS: I'm sorry, I forgot.

19 MR. PARSONS: To the extent that it calls for a
20 communication between attorney and client, or the disclosure
21 to you of work product.

22 But you are permitted to testify concerning
23 anything you didn't learn from an attorney or facts which
24 you know of.

25 THE WITNESS: (the plaintiff) told me that she would
1 make a good mother to Danny's child and was determined to
2 marry him.

3 MR. FLYNN: Q. Is there anything else she said to
4 you?

5 A. Well, I think that's enough. She may have said
6 more, but that was to me the last straw. I would --

7 MR. PARSONS: If --

8 MR. FLYNN: Please, Mr. Parsons, he's in the
9 middle of an answer.

10 MR. PARSONS: I'm going to actually tell him to
11 respond more fully, if you'll let me.

12 MR. FLYNN: But you interrupted him.

13 MR. PARSONS: I'm sorry, go ahead.

14 MR. FLYNN: Q. Is there any other statement
15 Ms. (the plaintiff) made to you?

16 A. Mr. Flynn, I have a lawyer here to counsel me. I
17 don't appreciate your interrupting him.

18 MR. FLYNN: Your Honor, could I have an answer,
19 please?

20 JUDGE PLISKA: Yes, could you please answer?

21 You're here to answer --

22 THE WITNESS: I'm planning to answer. But I
23 merely stated, I don't appreciate your trying to obstruct
24 his advice.

25 JUDGE PLISKA: Mr. Walters, when you're in the
1 middle of an answer, your attorney is not to interrupt you,
2 and I will so instruct Mr. Parsons. Okay?

3 So you need to answer the question. And it was
4 proper for Mr. Flynn to interrupt him, because it was not
5 the time for him to consult with you in the middle of a
6 question. He can make objections but -- okay?

7 THE WITNESS: Thank you. I've not accustomed to
8 this process.

9 MR. PARSONS: I agree. I apologize. I thought he
10 was done with the answer, and I was going to instruct him to
11 answer any additional facts. So I apologize for that.

12 JUDGE PLISKA: Okay.

13 THE WITNESS: I'm a outsider to this system. So I
14 don't know --

15 JUDGE PLISKA: Sure. That's why I'm telling you.

16 THE WITNESS: What was the question again?

17 MR. FLYNN: Q. Sure. What other statements did
18 Ms. (the plaintiff) make to you that you believe support the
19 allegations in this paragraph 6?

20 A. She was -- she was adamant in her determination to
21 marry Danny Levin.
22 The words she used, the only actual words I
23 remember, were, I would make a good mother to (child's name), Danny's
24 child.
25 Q. Have you exhausted your memory with regard to any
1 statements Ms. (the plaintiff) made to you that support the
2 allegations in paragraph 6?
3 A. That she was trying to take him away from his
4 wife. Is that what you mean? Or do you mean some other
5 part of the thing here?
6 Q. With regard to paragraph 6, Mr. Walters, I'd like
7 you to testify fully as to all statements made by
8 Ms. (the plaintiff) to you which you believe support this
9 allegation.
10 A. Well, the only thing that I see to relate to is
11 that last clause, "whom she unsuccessfully attempted to lure
12 away from his wife and child."
13 And she told me she wanted to. She had just come
14 back from India, where I had encouraged her to go hoping it
15 would break that attachment.
16 She came back stronger than ever in that
17 attachment, and was very determined. This is all I can say,
18 because I -- before that, the question of her attraction to
19 Levin and his to her, I was trying to discourage it, but I
20 knew it existed.
21 Obviously, luring away -- I don't know that that
22 would be the right word, then, because both of them felt
23 that way.
24 At the end, he had told me that he did not want to
25 marry her, and she told me she was determined to. So it's
1 only in that particular last conversation that we had
2 together at Ananda Village where the intention became, to my
3 perception, a one-sided thing.
4 Q. When did that conversation take place?
5 A. I think it was in September or November. November
6 it would have to be, I guess, after the return from India.
7 Q. November of what year?
8 A. I don't even know the year. Was it '93? I think
9 it was '93.
10 Q. And is it your testimony that at that time
11 Ms. (the plaintiff) told you that even though Mr. -- Minister
12 Levin did not want to participate in the relationship,
13 Ms. (the plaintiff) was insisting that she marry Minister Levin?
14 Is that your testimony?
15 A. No. That is not my testimony.
16 My testimony is that she was insisting. I'm not
17 talking about his feelings in the matter. I had -- I think
18 I had yet to discover those.
19 But I was determined -- whether he was interested
20 or not, I was determined not to be a party to her breaking

21 up that marriage.

22 Q. When did you first discuss this matter of

23 Ms. (the plaintiff)'s involvement with Mr. -- Minister Levin with
24 him?

25 A. The first discussion I had with Ms. (the plaintiff)?

1 Q. No, with Minister Levin.

2 A. I think it was after I talked to her, whenever
3 that was, in June I think of -- it must have been '93.

4 Q. And what did he tell you?

5 A. He told me it was a tough one for him. His
6 marriage was not happy, and that he wanted my counseling.

7 I didn't want to impose my will on him, so I said,
8 well, how do you feel?

9 He said, well, I want to do the right thing.

10 And I said, well, the right thing obviously is not
11 just you and your wife. You also have a backward daughter.
12 You can't, it's just not in the cards. It's wrong for you
13 to get into a relationship with someone that could harm your
14 marriage.

15 So I said, do your best to stay away from him --
16 from her.

17 Q. Did Minister Levin describe to you at that point
18 in time, June '93, what the nature of the relationship was
19 between he and Ms. (the plaintiff)?

20 A. No.

21 Q. Now, you knew at that time that Minister Levin was
22 Ms. (the plaintiff)'s superior at Crystal Clarity, did you not?

23 A. I did not, and he was not.

24 Q. And how do you know that he was not her superior?

25 MR. PARSONS: Always be sure to give me an
1 opportunity to object.

2 You may answer that question.

3 THE WITNESS: Because there was one superior, and
4 that was Padma McGilloway.

5 MR. FLYNN: Q. What was your understanding as to
6 what Minister Levin's position was at Crystal Clarity?

7 A. He was a salesman, and that was it.

8 Q. Now, he was a senior minister at Ananda at that
9 time. Is that correct?

10 A. Yes.

11 Q. What you call lightbearer?

12 A. Yes.

13 Q. And how long had he been at Ananda Village as of
14 June 1993?

15 A. I don't know. Probably 15 years, maybe more.

16 Q. Can you describe to me the full extent of the
17 conversation that you had with Minister Levin about
18 Ms. (the plaintiff) in June '93?

19 A. I have done so already.

20 Q. Okay. You have exhausted your memory on that
21 conversation. Is that correct?

22 A. Yes.

23 Q. When was the next time you spoke to Minister Levin
24 about the (the plaintiff) matter?

25 A. Well, I don't remember whether it was the next
1 time. But the next time I remember was when he felt -- he
2 expressed a need to go into seclusion, and asked if I could
3 use my -- if he could use my house at the seclusion
4 retreat. I said no, because she's living there.

5 Q. Ms. (the plaintiff) was living in your house?

6 A. No, at the seclusion retreat.

7 Then I said to him, it's out of the question that
8 you be there.

9 He said, there's no other place to go. I've
10 looked for other places.

11 I said, I'm sorry, but you can't go there, unless
12 she were willing to be somewhere else during that time.

13 And he -- we worked it out that she could be away
14 during that time.

15 Now, at this time I was to go into the hospital
16 for major surgery. I really could not put my mind to
17 anything else, so I didn't know what was going on. Later, I
18 discovered that she had come back, against my wishes. He
19 had not left, against my wishes.

20 I just was not -- I was recuperating from, as I
21 say, major surgery and just didn't know more about that.

22 Q. Now, you said, we worked it out. What did you
23 work out?

24 A. We worked it out that she would be somewhere else,
25 I think it was in Nevada City somewhere, because we had an
1 ashram there, I believe -- I'm not sure.

2 Anyway, in Nevada City, and he would stay in my
3 dome.

4 Q. Who's the "we"?

5 A. "We" is me, Danny, Vidura. I didn't talk directly
6 with (the plaintiff). I was in -- as I say, getting ready for
7 the hospital.

8 Q. Did you talk directly with Levin?

9 A. Yes.

10 Q. And what did Levin say to you?

11 A. Levin was agreeable to that proposal.

12 Q. What did you say to Levin?

13 A. I said, on the condition that she is not there,
14 you can be there.

15 Q. Now, was this before or after you put her head in
16 your lap while watching a R-rated movie?

17 MR. PARSONS: Objection. That assumes facts not
18 in evidence as to the rating of the movie. It also
19 misstates the testimony concerning putting the head in the
20 lap while watching the movie.

21 With those objections, I'll let the witness answer.

22 MR. FLYNN: Q. When did you put Ms. (the plaintiff)'s

23 head in your lap, minister -- Mr. Kriyananda?

24 A. The alleged incident took place in I think early
25 June.

1 Q. So was it before or after you sent Minister Levin
2 to another place to live?

3 A. You've misstated that, Mr. Flynn. I didn't send
4 him --

5 MR. PARSONS: Then I object for misstating
6 testimony.

7 He can answer.

8 MR. FLYNN: Q. Well, maybe I'm confused.

9 At some point, you worked it out so that

10 Ms. (the plaintiff) went into Nevada City? Is that what you said?

11 A. She or somebody -- this I don't know how it was
12 worked out -- was -- it was understood that she would be in
13 Nevada City while he was at the seclusion retreat.

14 Q. Okay. And you worked that out?

15 A. I asked others to work it out.

16 MR. PARSONS: Objection.

17 THE WITNESS: I asked others to work it out.

18 MR. FLYNN: Q. When you worked it out, did the
19 incident where you put Ms. (the plaintiff)'s head in your lap
20 occur before or after that?

21 MR. PARSONS: Objection. Misstates testimony.

22 You can respond.

23 THE WITNESS: I've already answered that.

24 MR. PARSONS: Well, he's entitled --

25 MR. FLYNN: Q. Well, I don't know what your
1 answer is, sir.

2 A. My answer is, that alleged incident took place
3 before Danny going to my house.

4 Q. Now, you say the alleged incident.

5 Did you put Ms. (the plaintiff)'s head in your lap?

6 A. I asked her if she would like to have her head --
7 she had a headache. I asked her if she would like me to
8 massage her neck and adjust her neck.

9 Q. And she was laying down prone on a couch, and you
10 took her head and put it in your lap. Is that correct?

11 A. She put her head in my lap.

12 Q. Did you have your hands on her head?

13 A. On her neck.

14 Q. And while you had your hands on her neck, you laid
15 her down with her head in your lap. Is that correct?

16 A. I really don't remember the mechanics.

17 Q. Which way was her face facing --

18 MR. PARSONS: Objection.

19 MR. FLYNN: Q. -- when her head was in your lap?

20 MR. PARSONS: Objection. Asked and answered.

21 Go ahead.

22 THE WITNESS: I did answer it. I said, up.

23 MR. FLYNN: Q. So your hands were underneath her

24 neck, with her head facing up while you were massaging her
25 neck. Is that your testimony?

1 A. Yes.

2 Q. And at some point, did you turn her head in your
3 lap so that her face was facing your crotch?

4 A. No.

5 Q. Now, you're aware that Ms. (the plaintiff) has given
6 sworn testimony in this case that you did that while you had
7 an erection.

8 Is that correct? You're aware of that testimony?

9 MR. PARSONS: I'll object it misstates her
10 testimony.

11 The witness can respond.

12 THE WITNESS: It misstates the truth.

13 MR. FLYNN: Q. Did you turn her face toward your
14 crotch while having an erection?

15 A. Neither.

16 Q. Did you watch a movie with Ms. (the plaintiff) at
17 approximately the same time that you had her head in your
18 lap?

19 A. Only in the sense that it was the same evening.

20 Q. Did you watch the movie before or after you had
21 her head in your lap?

22 A. It was --

23 MR. PARSONS: Objection. Objection to the
24 characterization of "had her head," but the witness may
25 respond.

1 THE WITNESS: The movie came after.

2 MR. FLYNN: Q. Now, is it true, Mr. Walters, that
3 in the movie there is a scene in which a woman is performing
4 oral sex on a man?

5 MR. PARSONS: Objection. Asked and answered.

6 You may respond.

7 THE WITNESS: No, it's not true.

8 MR. FLYNN: Q. Do you recall the movie?

9 A. I do not.

10 Q. Is there -- strike that.

11 Was there anything in the movie that suggested
12 that a female was giving oral sex to a male in that movie?

13 MR. PARSONS: Objection. That calls for
14 speculation.

15 You can respond.

16 THE WITNESS: No.

17 MR. FLYNN: Q. Have you ever seen a movie with
18 Ms. (the plaintiff) in which there was a scene of that nature in
19 the movie?

20 MR. PARSONS: And I'm sorry, "that nature"
21 being --

22 MR. FLYNN: Q. A suggestion of oral sex being
23 performed by a female on a male.

24 A. The answer is no.

25 Q. Have you seen a movie called "Outrageous Fortune"?

1 A. I know the name. I don't remember the movie, if I
2 saw it.

3 Q. So you don't remember whether in the movie
4 "Outrageous Fortune" -- or strike that.

5 Do you remember whether you saw the movie

6 "Outrageous Fortune" with Ms. (the plaintiff)?

7 A. No.

8 Q. And do you remember whether in the movie

9 "Outrageous Fortune" there is a scene in which there is a

10 clear suggestion of a female performing oral sex on a male?

11 A. I've never seen such a scene anywhere.

12 Q. Now, was there any medical reason in June of 1993

13 to provide a basis for you not being able to have an

14 erection?

15 MR. PARSONS: Objection. Calls for medical

16 opinion. Excuse me one second.

17 The witness may answer, though.

18 THE WITNESS: No.

19 MR. FLYNN: Q. Now, in June of 1993, were you

20 having a sexual relationship with (woman #8)?

21 MR. PARSONS: I'm going to object. In fact, let

22 me take this opportunity to lay a foundation for my

23 objection as to what I anticipate will be a line of

24 questions concerning the --

25 MR. FLYNN: I'll withdraw it at this point until I

1 get into the more foundational material, Mr. Parsons, even

2 though we already have a ruling of Judge Pliska.

3 Q. Let me ask you to turn to paragraph 7, please,

4 Mr. Walters.

5 The complaint alleges, "Cross-complainants are

6 informed and believe and thereon allege that (the plaintiff)

7 conspired together with members of Self-Realization

8 Fellowship, a rival religious organization hostile to

9 Walters and Ananda."

10 What information or facts do you have, sir, that

11 Ms. (the plaintiff) conspired with that organization?

12 MR. PARSONS: Again, I'll instruct the witness not

13 to answer with respect to any communications between

14 attorney and client.

15 You may testify concerning any communications

16 other than with an attorney and as to any facts.

17 THE WITNESS: This was actually with the attorney,

18 so I won't speak.

19 MR. PARSONS: Okay.

20 MR. FLYNN: Q. Is it your testimony that the only

21 facts you know of you learned from your attorney, in

22 connection with the allegation that I just read?

23 MR. PARSONS: I object that that misstates his

24 testimony, but you may answer.

25 THE WITNESS: To the best of my knowledge, this is

1 correct.

2 MR. FLYNN: I'm going to ask for a ruling. I
3 don't think the knowledge of facts to support an allegation
4 is privileged, even though the communication is privileged,
5 if he has current knowledge of facts that support this
6 allegation, regardless of his -- of where he learned them.
7 I'm not asking for any communication from
8 counsel. I'm asking for what he knows of to support this
9 allegation.

10 MR. PARSONS: And indeed, Your Honor, the
11 instruction not to answer was limited to communications
12 other than facts.

13 I agree that if this witness has obtained facts,
14 third-party facts, if you will, but simply through the
15 conduit of counsel, those facts are still discoverable.

16 JUDGE PLISKA: Well, let me ask you, Mr. Walters,
17 is that your understanding? Do you understand --

18 THE WITNESS: Yes, it's facts.

19 MR. PARSONS: Wait a minute.

20 JUDGE PLISKA: If it's facts, you're to testify
21 about those facts.

22 THE WITNESS: Yes, okay. Facts.

23 MR. PARSONS: In other words, if I may clarify,
24 what I tell you, the words I use to tell you, let's say,
25 those are a private communication.

1 But if I've told you facts, Bob Smith said that on
2 Tuesday he saw whatever, then the fact that Bob Smith saw
3 something on Tuesday is something that you can communicate.

4 THE WITNESS: I understand. Yes.

5 MR. FLYNN: Q. What facts are you aware of?

6 A. The facts were, as quoted to me, that two friends
7 of (the plaintiff), Peggy Bat and Kelly Cooper, that
8 (the plaintiff) told her these things --

9 Q. Is that Kelly Coogan?

10 A. Coogan, sorry. I don't know the two women.

11 Q. Yes, please continue.

12 A. That's how I got it from the attorneys. That she
13 told them these things.

14 Q. What did Ms. (the plaintiff) allegedly tell Ms. Bat and
15 Ms. Coogan?

16 A. Between the two of them --

17 MR. PARSONS: Again, same objection. Same
18 instruction.

19 You may answer.

20 THE WITNESS: Between the two of them, the story
21 was that she was welcomed at Mt. Washington, had lunch with
22 a number of them, was allowed to meditate in Yogananda's
23 room, spent the entire day at Mt. Washington, met with Daya
24 Mata. If I'm not mistaken, had lunch with Daya Mata had
25 interviews with Sister Savitri and several others.

1 MR. FLYNN: Q. Is that the extent of your

2 testimony?

3 A. That's -- yeah.

4 Q. Now --

5 MR. PARSONS: Excuse me. Be sure to wait until
6 his entire question is out.

7 MR. FLYNN: Q. Did you acquire any facts or
8 information as to anything that these people at
9 Mt. Washington may have said to Ms. (the plaintiff)?

10 MR. PARSONS: Same objection as to
11 attorney-client. Same instruction.

12 THE WITNESS: I don't remember those statements.

13 MR. FLYNN: Q. Did you acquire any facts or
14 information as to anything that Ms. (the plaintiff) allegedly
15 said to these people?

16 MR. PARSONS: Same objection, same instruction.

17 THE WITNESS: And same response.

18 MR. FLYNN: Q. You don't know of anything?

19 A. Right.

20 Q. Now, then the complaint reads as follows: "in
21 filing the (the plaintiff) litigation against Ananda, Walters and
22 Ananda member Levin with the object of defaming and injuring
23 Ananda, Walters and Levin in the spiritual work carried on
24 by Ananda and to gain a collateral advantage in other
25 litigation initiated by SRF against Ananda."

1 Do you see that -- those allegations?

2 A. I do.

3 Q. What information or facts do you have that
4 Ms. (the plaintiff) has conspired to obtain a collateral
5 advantage, or SRF to obtain a collateral advantage in other 6 litigation?

7 MR. PARSONS: Same objection. Don't disclose
8 attorney-client communications except for facts which have
9 been relayed to you through counsel.

10 THE WITNESS: These are points that would have to
11 be brought out in trial.

12 MR. FLYNN: Q. Do you know of any facts or
13 evidence?

14 A. I will not specify those.

15 Q. Do you know of any?

16 A. I talked about the inferential appearance of the
17 entire lawsuit of SRF against us. I think we can make a
18 fairly good case, but it would be inferential at this point
19 on this point.

20 Q. Do you have any information of any nature or
21 description to support the allegation that I just read?

22 MR. PARSONS: Same --

23 MR. FLYNN: Q. Other than what you've just
24 testified about?

25 MR. PARSONS: And same objection, same
1 instruction.

2 THE WITNESS: The ongoing hostility of that
3 organization to us, their determination to win in their

4 lawsuit against every loss that they've sustained so far.

5 I feel it's a fairly clear inference that they

6 would seize on the opportunity of finding, through this

7 lawsuit, an opportunity to win in other ways.

8 MR. FLYNN: Q. You're speculating, or do you have

9 any facts or information?

10 A. Speculating.

11 Q. You're speculating. Thank you.

12 Now, when you filed this complaint, did you read

13 this paragraph number 7?

14 A. Yes.

15 Q. Would you turn to Exhibit 4, please, sir?

16 Who is Asha Prayer?

17 A. She's sitting at the end of the table there.

18 Q. What is her title in the Ananda community?

19 A. She is a minister and is in charge with her

20 husband, the senior minister, you might say, at our

21 community and church in Palo Alto and Mountain View.

22 Q. Were you aware that the court in this case entered

23 a sealing order in connection with all of the depositions in

24 this matter, at your counsel's request?

25 A. She was present at all of those.

1 Q. Can you answer my question?

2 A. I don't regard that --

3 Q. Will you answer my question, Mr. Walters? Were

4 you aware --

5 A. Yes, I am.

6 Q. -- that you through your counsel have requested a

7 sealing order in connection with all the depositions in this

8 matter?

9 A. Yes.

10 Q. You are. Now, were you aware on or about July

11 3rd, 1995 that Asha Prayer sent this letter, Exhibit 4, to

12 this person named Daya Mata, revealing the contents of the

13 10 days of deposition of (the plaintiff) in this case?

14 MR. PARSONS: Objection. It's vague as to time,

15 when he knew or became aware of it.

16 I also object to the characterization of what the

17 letter says or discloses or contains, also on the grounds

18 that the document speaks for itself.

19 The question is also compund.

20 MR. FLYNN: I'll withdraw it.

21 Q. Were you aware that this letter was sent to Daya

22 Mata by Asha Prayer on or about the time it was sent?

23 A. Yes.

24 Q. Now, and on or about July 3, 1995, were you aware

25 that there was a sealing order in this case?

1 A. Yes.

2 Q. And this letter reads:

3 "Dear Daya Mata. I wonder if you are aware of

4 what has been going on recently in

5 (the plaintiff)'s lawsuit against Ananda. I have been
6 present for seven of her ten days of deposition.

7 Repeatedly throughout her deposition, (the plaintiff) has
8 insulted and mocked Master's teachings, with the
9 apparent encouragement and support of her lawyer."

10 Were you aware that during Ms. (the plaintiff)'s
11 deposition --

12 MR. PARSONS: End of quote.

13 MR. FLYNN: Q. -- that (the plaintiff) was insulting
14 and mocking Yogananda's teachings?

15 A. I was informed so. I wasn't present.

16 Q. Who informed you of that?

17 A. Asha Prayer.

18 Q. Now, this individual, Daya Mata, as I understand
19 it, is dedicated to teaching the works of Yogananda. Is
20 that correct?

21 MR. PARSONS: Objection. Assumes facts not in
22 evidence, calls for speculation on this witness's part.
23 Your question as stated asks for his understanding of your
24 understanding.

25 I will, however, permit the witness to answer the
1 question before him.

2 THE WITNESS: Teaching, I'm not sure. As the
3 president, she oversees the teaching. How much she teaches,
4 that's another matter.

5 MR. FLYNN: Q. She's a disciple of Yogananda. Is
6 that correct?

7 A. Yes.

8 Q. As a matter of fact, she is the successor to
9 Yogananda in the Self-Realization Fellowship hierarchy. Is
10 that correct?

11 A. Yes.

12 Q. And she has devoted her life since the age of 17,
13 as I understand it -- and she's now in her 80s -- to
14 spreading the works of Yogananda. Is that basically true?

15 MR. PARSONS: I'll object to the extent that it's
16 asked for his opinion of your opinion, calls for
17 speculation, facts not in evidence.

18 You may respond.

19 THE WITNESS: I would have to say she's dedicated
20 to serving his memory.

21 MR. FLYNN: Q. Now, to your knowledge, Paramhansa
22 Yogananda is Daya Mata's guru. Is that correct?

23 A. Yes.

24 Q. And I believe you've testified that Paramhansa
25 Yogananda is your guru.

1 A. This is correct.

2 Q. And on or about 1962, when you were removed from
3 the SRF organization, she continued to be the head of the
4 SRF organization.

5 MR. PARSONS: Objection --

6 MR. FLYNN: Q. Is that correct?
7 MR. PARSONS: Object. That misstates his
8 testimony.
9 Go ahead.
10 THE WITNESS: Yes.
11 MR. FLYNN: Q. And you were removed from the
12 organization after being informed by Daya Mata and someone
13 named Tara Mata. Is that correct?
14 MR. PARSONS: You can go ahead.
15 THE WITNESS: Yeah.
16 MR. FLYNN: Q. And at that time, did you have a
17 discussion in 1962 with Daya Mata and Tara Mata about
18 Ms. Vidya Lall and your relationship with Ms. Vidya Lall?
19 MR. PARSONS: Objection. That's been asked and
20 answered.
21 You may respond.
22 THE WITNESS: Did she -- did we have a -- no. The
23 name never came up.
24 MR. FLYNN: Q. Did it come up in correspondence
25 between the two of you?
1 MR. PARSONS: Objection. Asked and answered.
2 Go ahead.
3 THE WITNESS: No.
4 MR. FLYNN: Q. Did you write a letter in 1964
5 containing the name of Ms. Vidya Lall and explaining your
6 relationship with her?
7 MR. PARSONS: Objection. Letter to whom, before I
8 can determine whether this raises privacy issues?
9 MR. FLYNN: To Daya Mata or Tara Mata.
10 THE WITNESS: If you knew Ms. Vidya Lall, you'd
11 know how absurd that question is. However --
12 MR. PARSONS: Excuse me, do you have the question
13 in mind?
14 THE WITNESS: I don't have a question in mind.
15 MR. PARSONS: Could I ask it be --
16 MR. FLYNN: Q. Did you write a letter to Daya
17 Mata or Tara Mata concerning your relationship with Vidya
18 Lall on or about 1964?
19 A. I don't remember clearly. I remember that
20 somewhere, and somehow, the name came up, and I protested
21 that this was not and could not be true.
22 Q. Now, at that point, you had taken final vows of
23 celibacy as an SRF member of the Swami monastic order. Is
24 that correct?
25 A. At that point, I was no longer in SRF, so the
1 final vows no longer really applied.
2 Q. When did they stop being applicable, the final
3 vows?
4 A. When I was separated from SRF. That was in '62.
5 Q. Then why did you go to Daya Mata in 1985 to be
6 dispensed from those vows?

7 MR. PARSONS: Objection. Argumentative.

8 Go ahead. It's also asked and answered, I

9 believe. Go ahead, though.

10 THE WITNESS: Yes. Yes, to make it absolutely

11 sure that it was right.

12 MR. FLYNN: Q. Now, in this letter of Asha Praver

13 to Daya Mata, when you saw it, did you believe that

14 (the plaintiff) was still in a conspiracy with SRF as

15 you have alleged in paragraph 7?

16 MR. PARSONS: Excuse me, when he saw this letter, 17 did he still believe?

18 MR. FLYNN: Yes.

19 THE WITNESS: Yes.

20 MR. FLYNN: Q. And as you sit here today, is it

21 still your belief, notwithstanding Exhibit 4, that

22 Ms. (the plaintiff) is in a conspiracy with SRF?

23 A. Yes.

24 Q. And the letter goes on and says, "Have you ever

25 been witness to blasphemy? Before this deposition I never

1 had, so I didn't understand what the Bible meant by the sin

2 of blasphemy. Now I know, blasphemy is a terrifying evil."

3 Did I read that correctly?

4 MR. PARSONS: Objection. The document speaks for

5 itself.

6 MR. FLYNN: Well, I want the witness to see it.

7 He's on the camera.

8 THE WITNESS: Yes.

9 MR. FLYNN: Q. And did you read Ms. (the plaintiff)'s

10 deposition at all, any part of?

11 A. Yes.

12 Q. And is it your --

13 A. Well, the -- excuse me. I take that back.

14 Deposition, no.

15 Q. Is it your belief that Ms. (the plaintiff) committed

16 blasphemy in that deposition?

17 MR. PARSONS: Objection. Lacks foundation. The

18 witness has testified he didn't read the transcript.

19 But you may answer to the extent you can.

20 THE WITNESS: When I am assured by people whom I

21 trust that she did, and they talk about it in a way that I

22 would not talk outside the close group that was a part of

23 that deposition, I accept it.

24 MR. FLYNN: Q. Did you consent to have the

25 contents of Ms. (the plaintiff)'s deposition transcript disclosed

1 to a third party, notwithstanding the sealing order?

2 MR. PARSONS: Objection. If you're referring to

3 this letter, it mischaracterizes the content of the letter.

4 I also object to the word "consent," but you

5 may --

6 THE WITNESS: To the deposition, no.

7 MR. FLYNN: Q. You did not consent to the sending

8 of the letter?

9 MR. PARSONS: This particular letter here?
10 MR. FLYNN: Q. This particular letter.
11 A. This letter we checked with our lawyers. That
12 means Jon and Sheila --
13 MR. PARSONS: Don't disclose any communication
14 between attorney and client.
15 THE WITNESS: Oh, okay. I consented under
16 advisement.
17 MR. FLYNN: Q. Is it your desire to have this
18 deposition continued to be sealed, Mr. Walters, along with
19 the videotape?
20 A. Continued to?
21 Q. Be sealed.
22 A. Sealed.
23 Q. So that third parties will not know the contents
24 of the deposition or see the deposition transcript?
25 MR. PARSONS: I'll object to the extent that it
1 would call for a position on this case.
2 THE WITNESS: Inasmuch as the question was
3 regarding my position on this case, I can't answer.
4 MR. FLYNN: Q. Do you have any objection to this
5 deposition transcript being unsealed?
6 MR. PARSONS: Okay. I'll object to that. The
7 sealing of this transcript is a matter of more than just
8 this party.
9 MR. FLYNN: I want to know if he has any personal
10 objection.
11 MR. PARSONS: Hold on.
12 MR. FLYNN: Aside from all your other legal --
13 JUDGE PLISKA: Let him finish, please, Mr. Flynn.
14 He's making an argument.
15 MR. PARSONS: So regardless of what this party
16 would state, it is still the position of the defendants and
17 the cross-complainants for the sealing.
18 I will, however, permit this witness to respond to
19 your question.
20 THE WITNESS: In other words, do I approve of the
21 ruling that it be sealed? I do.
22 MR. PARSONS: No.
23 MR. FLYNN: Q. No. Do you have any personal
24 objection to having your deposition transcript unsealed?
25 A. I do.
1 Q. What is your objection?
2 A. That the motive behind your wishing to unseal it
3 is defamation.
4 MR. PARSONS: I'll also object it calls for a
5 legal position, legal contention, legal opinion.
6 MR. FLYNN: Q. Now, you've sued Ms. (the plaintiff)
7 for defamation. You understand that, sir, do you not?
8 A. Of course.
9 Q. Is it your intention in your suit for defamation

10 to have the truth decided in this case as to whether or not
11 the facts she has alleged against you are true or false?

12 MR. PARSONS: Objection. Vague, ambiguous as to
13 truth.

14 I'll permit the witness to respond.

15 THE WITNESS: Yes, of course. What I don't want
16 to see it doing is being argued in the newspapers and by
17 gossips. That's not a court matter -- a court decision.

18 MR. FLYNN: Q. So you want the matter to be
19 decided in court, and have the truth decided by a court. Is
20 that correct?

21 A. Yes.

22 Q. Okay. Now, would you go to the last sentence of
23 paragraph 7 --

24 A. Of?

25 MR. PARSONS: Of the cross-complaint?

1 MR. FLYNN: Q. Yes. "Cross-complainants are
2 informed" --

3 MR. PARSONS: Excuse me one second. It is not out
4 there yet.

5 MR. FLYNN: Q. -- "and believe that (the plaintiff)
6 expanded the scope of her sexual harassment complaint
7 to include false and baseless allegations against
8 Walters to lay a foundation for filing the complaint
9 with additional false, malicious and scandalous
10 allegations about Walters and Ananda."

11 Now, first, what false and scandalous allegations
12 has Ms. (the plaintiff) made in her complaint against you?

13 MR. PARSONS: Objection that the use of
14 "scandalous" and "malicious" require legal opinions, but the
15 witness may respond.

16 THE WITNESS: Her mis -- mis -- what's the word --
17 -representation of her relationship with me; her suggestion
18 that I watched an erotic movie, which I did not; her
19 suggestion of improper conduct, which I do not feel was
20 true, was not true; her attempt to show Ananda to be
21 discriminatory against women; to be giving her slave labor
22 -- slave wages; to have deprived her of employment in a
23 religious organization where it was a matter of discipline,
24 and similar things which I could not without studying it go
25 into in detail. But there were others.

1 MR. FLYNN: Q. Okay. Now, you mentioned improper
2 conduct.

3 Are you aware that Ms. (the plaintiff)'s complaint
4 alleges that there is a long pattern in history of improper
5 conduct by you against other women?

6 A. She said that.

7 Q. Do you deny it?

8 A. Well, I deny it, and I don't deny it. It depends
9 on which angle we're looking at.

10 Q. In what way do you deny it, and in what way do you

11 not deny it?

12 MR. PARSONS: It's a compound question. I'd
13 request you to break down into which one.

14 MR. FLYNN: I'm just following up on the witness's
15 answer.

16 MR. PARSONS: Well, it's a compound question.
17 You can go ahead and respond to it, but try to
18 make sure that your answer is clear as to which parts of
19 those questions you're responding to.

20 THE WITNESS: The long pattern was prior to my
21 marriage, and "pattern" I refuse to accept as the right
22 word.

23 MR. FLYNN: Q. What marriage are you talking
24 about?

25 A. Rosanna.

1 Q. When were you married to Rosanna?

2 A. 1985.

3 Q. Did you have any other marriage before Rosanna?

4 A. It was not a legal marriage. It was a spiritual
5 marriage.

6 Q. And the spiritual marriage, was that (woman #7)
7 ?

8 A. Yes.

9 Q. And did you have a spiritual marriage with
10 (woman #7) while she was married to her other husband?

11 MR. PARSONS: Objection. Assumes facts not in
12 evidence, calls for speculation.

13 You may respond.

14 THE WITNESS: She had left her husband.

15 MR. FLYNN: Q. Was she married to him, to your
16 knowledge, Mr. Walters?

17 A. Legally, she was married to him.

18 Q. And then you spiritually married her at the Ananda
19 community. Is that correct?

20 A. No.

21 Q. Did you have a spiritual marriage to (woman #7)
22 while she was legally married to someone else?

23 A. Yes.

24 Q. Now, I believe you mentioned that the long pattern
25 was prior to marriage, but you disagreed with the word
1 "pattern."

2 MR. PARSONS: Wait. Objection. It's compound,
3 misstates his testimony. But you may respond to the extent
4 you can.

5 In fact, I'd ask the question be read back.

6 MR. FLYNN: All right. I'll withdraw it.

7 Q. You gave some testimony about the -- denying and
8 not denying Ms. (the plaintiff)'s allegation of your long pattern
9 of sexual abuse of women.

10 And in your testimony, you said, in part, you
11 didn't deny it.

12 Do you recall that testimony?

13 A. I said I did and I didn't.

14 Q. Right.

15 MR. PARSONS: Right.

16 MR. FLYNN: Q. Now, with regard to the part where
17 you said you didn't deny Ms. (the plaintiff)'s allegations of a
18 long pattern of sexual abuse of women, in what way do you
19 not deny her allegation?

20 MR. PARSONS: I object to the extent that it calls
21 for the disclosure of private communications and
22 relationships between parties, particularly this party,
23 third parties.

24 I believe there is a privacy concern here. The
25 privacy issue has been raised before.

1 What I would like to do is at this point lay a
2 foundation for the objection. I'll ask for a clarification,
3 and I will permit the witness to testify to a certain extent.

4 What I would like to do is, I've brought a case
5 with me today which I believe will be determinative on some
6 of the issues which will be raised in the testimony today.

7 It's a case of Boler, B-o-l-e-r, versus Superior
8 Court. The cite is 201 Cal.App.3d, 467.

9 What I have is a copy of the complaint that I'd
10 like to give -- the case, rather, that I'd like to give to
11 the judge, and here's a copy for Mr. Flynn. I'll discuss
12 this further when it's appropriate.

13 In addition, I'd like to point out that --

14 MR. STILLMAN: I know the case.

15 MR. PARSONS: -- that there are -- matters which
16 were testified to on Wednesday's deposition session have
17 already been circulated, and we have declarations to that
18 effect, which I think this is probably a good time to give
19 those declarations, too, just so they've been out there.

20 THE WITNESS: May I go to the bathroom?

21 MS. RUSH: We could take a break now.

22 MR. FLYNN: We're in the middle of a question,
23 Your Honor, and I'd like an answer. He says he has no
24 objection to his answering this question.

25 MR. PARSONS: I didn't say that. I said I will be
1 instructing the witness to respond.

2 JUDGE PLISKA: Well, let him respond to this, and
3 then we'll take a break.

4 MR. PARSONS: We'll handle those in a moment.
5 I've laid the foundation. We have these declarations. I'll
6 give them to you in a moment, Your Honor.

7 I've stated the objection. Privacy grounds,
8 remoteness, relevancy, the similarity to any acts alleged in
9 the complaint.

10 What I will do is, instruct you to respond to the
11 extent that it refers to any person who is named in the
12 cross-complaint who is a party to the lawsuit, other than

13 yourself and women who -- any women or men who are not
14 parties to the lawsuit, and to any facts stated in your
15 declaration.

16 MR. FLYNN: I object to all that, Your Honor.

17 They filed a complaint for defamation. This -- and a
18 declaration, which we've gone into.

19 MR. PARSONS: And I'm instructing the witness to
20 respond with respect to all matters in the cross-complaint
21 and to all matters in any declaration.

22 JUDGE PLISKA: That is appropriate.

23 THE WITNESS: I don't know if it's appropriate at
24 this moment, because I know that it doesn't change the need
25 to answer these questions. But I do want to say, at some --
1 when that's legally appropriate, I will withdraw the
2 cross-complaint, because I have no wish to injure the
3 defendant.

4 MR. FLYNN: Q. You're still under oath in your
5 declaration, Mr. --

6 A. I agree. I'm not using that as a way out of your
7 question.

8 Q. We'd like to know in what way you don't deny
9 Ms. (the plaintiff)'s allegations that you have a long history of
10 abusing women sexually.

11 A. It's the word "pattern" I'm objecting to. But
12 that there have been complaints that you have submitted with
13 your lawsuit, and some of the statements there are true.

14 Q. Which ones are true?

15 A. That's one we'd have to go into at length.

16 Q. Well, I am going to go into all those
17 declarations. I've got them right here. And as a matter of
18 fact, we have evidence that the history of abuse goes from
19 1968 right up to the present time. And we have evidence
20 right up to the present time.

21 MR. PARSONS: Well, if you're going to make
22 factual representations, I'd like to see the basis of those.
23 And you can certainly examine him on any declarations that
24 you have.

25 MR. FLYNN: We're going to.

1 Q. Have you exhausted your memory of --

2 MR. PARSONS: Excuse me. Is this a wrap-up
3 question?

4 MR. FLYNN: Yes.

5 MR. PARSONS: Because he's asked for a break, and
6 I don't want to set him here --

7 JUDGE PLISKA: This seems to be a follow-up
8 question.

9 MR. PARSONS: That's fine, then.

10 MR. FLYNN: Q. Do you know of any other reason
11 why you do not deny Ms. (the plaintiff)'s allegations relating to
12 your long history of abuse of women?

13 MR. PARSONS: Any other reasons -- I object, it

14 calls for speculation. It might call for medical
15 testimony. He's certainly not competent to testify as to
16 that, I don't believe.
17 But I'll permit you to respond.
18 THE WITNESS: No.
19 MR. PARSONS: Is a break now appropriate?
20 JUDGE PLISKA: Sure.
21 MR. PARSONS: By the way, before --
22 THE VIDEO OPERATOR: Off the record?
23 MR. PARSONS: No, still on the record.
24 What I have is a declaration of Helen Strang
25 consisting of 4 pages dated September --
1 THE WITNESS: May I leave?
2 MR. PARSONS: You may, yes -- dated September 9,
3 1995. I'm going to hand the original of the declaration of
4 Helen Strang to the judge, and a copy to Mr. Flynn.
5 And in addition, a declaration of Douglas Rice, 2
6 pages, dated September 10, 1995.
7 Again, I'm handing the original to the judge and a
8 copy to Mr. Flynn. Thank you.
9 Now off the record, as far as I'm concerned.
10 THE VIDEO OPERATOR: We're going off the record at
11 11:03 a.m.
12 (Recess from 11:03 a.m. to 11:14 a.m.)
13 (Ms. (the plaintiff) left the deposition room.)
14 THE VIDEO OPERATOR: We're back on the record at 15 11:14 a.m.
16 MR. FLYNN: Q. Now, you gave some testimony that
17 you deny Ms. (the plaintiff)'s allegations relating to your long
18 history of sexual abuse of women.
19 In what way do you deny those allegations?
20 MR. PARSONS: Okay. I object in that it calls for
21 a narrative.
22 I will ask the witness to -- oh, excuse me one
23 second.
24 THE WITNESS: I deny that I sexually abused
25 anybody.
1 MR. FLYNN: Q. Now, this is a little repetitive,
2 but in light of your testimony you've just given, you
3 testified yesterday that you had not read any of the
4 declarations of any of these women that have filed
5 declarations in this case. Is that correct?
6 MR. PARSONS: Well, I'm going to object to that.
7 That was his testimony yesterday.
8 MR. FLYNN: Well, I'm going to -- we'll set the
9 record straight right now. Maybe he read some last night.
10 Is that --
11 THE WITNESS: I read --
12 MR. FLYNN: Q. Is that still true?
13 A. I've read them now.
14 Q. Okay. You've read them. Whose declarations have 15 you read?
16 A. All of the ones submitted.

17 Q. Okay. Can you give me the names please, sir?
18 A. (woman #7), (woman #2), (woman #1),
19 (woman #5), (woman #4) something or other and (woman #6)
20 something or other and (woman #3).
21 Q. All right. Let me just run through these.
22 (woman #7), (woman #2), (woman #5) -- is that (woman #5) ?
23
24 A. Yes, I think so.
25 MR. PARSONS: I'll ask the witness not to guess.
1 If you know, you can certainly respond.
2 THE WITNESS: I feel safe in saying, I think it
3 is.
4 MR. FLYNN: Q. And (woman #6) who?
5 A. I don't know.
6 Q. And that -- was that (woman #3)?
7 A. Yes.
8 Q. Okay. Have I missed someone? (woman #4)?
9 A. I don't know.
10 Q. (woman #4)?
11 A. Is that it?
12 Q. Did you read hers?
13 A. Yes.
14 Q. Have you read (woman #8)'s?
15 MR. PARSONS: Objection. It assumes facts not in
16 evidence.
17 MR. FLYNN: I've got it right here.
18 MR. PARSONS: Let's see it.
19 MR. FLYNN: It was filed by you.
20 MR. PARSONS: Oh, okay.
21 THE WITNESS: Okay, that I have read, yes.
22 MR. FLYNN: Q. You've read (woman #8)'s?
23 A. Yes.
24 Q. Let me just go through some names.
25 Did you read (woman #6)? That was the (woman #6)
1 you read? Do you believe that is correct?
2 A. I believe that's -- I mean, you tell me, and I
3 accept that it is.
4 Q. Did you read David Kimmel's relating to his wife's
5 association with you?
6 A. Yes.
7 Q. You did read that?
8 A. Yes.
9 Q. Did you read --
10 A. Oh, yes. Eric Estep and Naomi Estep.
11 Q. And they relate to the relationships of Kalyani,
12 Seva Wiberg, Asha Praver -- did you read their -- you read
13 their declarations?
14 MR. PARSONS: Wait. I think we have a confusing
15 question here now. Are you asking --
16 MR. FLYNN: I'll withdraw it.
17 Q. (Woman # 14) . Did you have a sexual

18 relationship with her?

19 MR. PARSONS: Wait. Objection. There is no --

20 here is one of the privacy objections.

21 There is no allegation in the complaint, the

22 cross-complaint and any declaration concerning this woman.

23 I have seen no declaration which discloses anything --

24 MR. FLYNN: I'll withdraw it.

25 Q. Have you read any statement of Petrea Van Der
1 Voort regarding your relationship with her?

2 A. No.

3 Q. Have you received any correspondence from her
4 relating to her relationship with you?

5 A. No.

6 Q. Have you received correspondence from Victoria
7 Kelly relating to her relationship with you?

8 A. Who?

9 Q. Victoria Kelly?

10 A. No.

11 Q. What was that, Mr. Walters?

12 A. I said no.

13 Q. Have you received correspondence from (woman #11)
14 regarding her relationship with you?

15 A. No.

16 Q. Now, having read their -- the declarations that

17 you've enumerated, which are (woman #7), (woman #2),

18 (woman #5), (woman #6), (woman #3),

19 (woman #4), David Kimmel, (woman #8), Eric

20 Estep, Naomi Estep, is it your testimony that you have not

21 abused any of the women who are disclosed in these

22 declarations and who claim that you've abused them?

23 MR. PARSONS: I'm going to object to the form of

24 the question. It's obviously compound. It refers to their

25 declarations in a way which makes unclear what the question
1 goes to.

2 MR. FLYNN: We'll go one by one. I withdraw it.

3 We'll start with (woman #7).

4 Would you mark this as the next exhibit in order,
5 please?

6 (Exhibit 14 was marked.)

7 MR. FLYNN: I have a copy for you. If you've got

8 your own copy, Mr. Parsons, that would be easier, because I

9 have to give one to Ms. (the plaintiff).

10 MR. PARSONS: I don't have extra copies of these

11 we've just run through.

12 MR. FLYNN: Q. Now, would you take a look at this

13 declaration please, sir, which is dated February 6, 1995?

14 A. What page?

15 MR. PARSONS: No, he hasn't said a page yet.

16 MR. FLYNN: Q. I'm just asking you confirm for me

17 that this is the declaration that you read last night.

18 A. This morning.

19 Q. Oh, this morning, okay.

20 MR. PARSONS: One second.

21 When he asks a question concerning the document, I
22 would ask you to make sure you've looked at the document
23 carefully, so that -- make sure this is, for example, the
24 document that you read this morning.

25 THE WITNESS: I think I can identify it, yes.

1 MR. FLYNN: Q. Okay. Now, and just so we have a
2 clear record, this is the -- your having read it this
3 morning is the first time you've ever read this
4 declaration. Is that correct?

5 A. Yes.

6 Q. Now, let's go through this declaration.

7 Paragraph 2, Ms. -- Mrs. (woman #7) says she was living
8 with her husband on Kauai, then 25 years old in 1981, when
9 she met you. Is that true?

10 A. I beg your pardon?

11 MR. PARSONS: Wait. Wait. I'm going to object to
12 a compound question like that. It involves many elements.
13 I'll object to the compound nature, it assumes
14 facts not in evidence, calls for speculation, no
15 foundation. If --

16 MR. FLYNN: Q. Let's try it this way.

17 Read paragraphs 2 and 3 to yourself, and tell me
18 if there's anything you dispute in paragraphs 2 and 3.

19 Q. That's a fair question. No, I don't dispute it.

20 MR. PARSONS: Have you read paragraphs 2 and 3
21 right now?

22 THE WITNESS: Oh, and 3.

23 MR. PARSONS: And 3. You've got to listen
24 carefully to his questions.

25 THE WITNESS: I didn't hear that.

1 I dispute, because it isn't true, "he had other
2 women with him." I was alone.

3 I also believe she's wrong -- by my memory, she
4 had read Autobiography of a Yogi and was reading my book in
5 the process.

6 MR. FLYNN: Q. Let me see if I understand that
7 testimony.

8 When you first met (woman #7), is it your
9 testimony that she was in the process of reading your book?

10 A. That is my recollection, yes.

11 Q. Okay. Did she tell you when you first met her
12 that she was having difficulty in her marriage?

13 A. No.

14 Q. Okay. Did you present a slide show as set forth
15 in paragraph 4?

16 MR. PARSONS: Well, hold on. Let me see what's
17 set forth in paragraph 4. Excuse me one second.

18 Okay. I'd ask you to read paragraph 4.

19 THE WITNESS: Oh, 4.

20 MR. PARSONS: 4 now. Listen.

21 THE WITNESS: I certainly object to "adoringly
22 reverent" toward me. They didn't know me; I didn't know
23 them.

24 I also pointed out in paragraph 3, I had nobody
25 else with me.

1 MR. FLYNN: Q. Okay.

2 A. I did not talk to her husband about any projects
3 he could work on for me, or anything else. Her husband -- I
4 don't know whether he was affronted at anything that I
5 said. He didn't show it. He seemed very cordial. He did
6 not ask me to leave their home.

7 So there are several statements there that I have
8 to object to.

9 Q. Read paragraph 5, please.

10 A. I never said I was going to spend the night at
11 their home. Her husband never told me to leave them alone.
12 There's no question of sitting on the beach 50 feet from
13 them. I know nothing about that.

14 There was no truth to the statement that her
15 husband said that he wanted to get away -- he wanted to get
16 away from me. I -- no, that's not true.

17 Q. Did you arrive on their doorstep with a toothbrush?

18 A. No.

19 Q. Did you ever say you were going to spend the night 20 at their house?

21 A. Well, I've already answered that question, and the
22 answer is no.

23 Did her husband tell me to leave them alone? No.

24 Q. Did you have lunch --

25 A. Did I see them on the beach? No. And therefore,
1 nothing else there that happened -- didn't happen, that she
2 said.

3 Q. And let's keep going on to paragraph 6.

4 A. Okay.

5 MR. PARSONS: Now, I'd ask you to read paragraph 6
6 before responding. I mean, read it completely before
7 responding, instead of line by line.

8 And I'm sorry, what was the question?

9 MR. FLYNN: Q. Is there anything that you dispute
10 in paragraph 6?

11 A. Most of it.

12 Q. Did Ms. (woman #7) see you again at the Yoga Teachers
13 Training Course?

14 MR. PARSONS: Objection. Calls for information
15 which may not be in his knowledge; it misstates what the
16 document says.

17 But you may respond.

18 THE WITNESS: "Despite my husband's protests." I
19 know nothing about that. She went to see me again about the
20 Yoga Teachers Training Course. No, that was not true.

21 MR. FLYNN: Q. "We had lunch and subsequently

22 S.K. heard all my lamentations about how my husband didn't
23 like my yoga/meditation and how much I longed to to school,"
24 et cetera.

25 Did you have lunch?

1 A. We -- I don't know about the lunch. But her
2 lamentations about her husband not liking it and her wanting
3 to go to school and the Yoga Teachers Training Course, none
4 of that came up.

5 Q. And what about this --

6 A. Recognizing her as --

7 Q. Yes. What about this recognizing her as someone
8 you'd known in a prior lifetime?

9 MR. PARSONS: Okay. Be sure to let him ask a
10 question before you respond.

11 MR. FLYNN: Q. Did you say that to her?

12 A. I did not.

13 Q. Did you tell her that there was a kinetic energy
14 between you?

15 A. No, I did not.

16 Q. Did you tell her that you suspected you were soul
17 mates?

18 A. I did not.

19 Q. Did you give her a lot of praise and make her feel
20 special?

21 MR. PARSONS: Well, objection to the extent of her
22 feelings, which would clearly be beyond his knowledge. But
23 you may respond.

24 THE WITNESS: Yes, I don't -- you see --

25 MR. FLYNN: Q. Can you just answer my question?

1 MR. PARSONS: Well, he is answering it.

2 MR. FLYNN: Q. Did you give her a lot of praise
3 and make her feel special?

4 A. No.

5 Q. Okay. Did you have an entourage with you in
6 Kauai?

7 MR. PARSONS: Objection to the phrase
8 "entourage."

9 THE WITNESS: I've answered it. I had no one, not
10 to speak of entourage.

11 MR. FLYNN: Q. There was no one with you;
12 correct?

13 A. I was alone.

14 Q. Did you meet other people affiliated with the
15 Ananda community over in Kauai?

16 A. I beg your pardon?

17 Q. When you got to Kauai, did you meet other people
18 affiliated with the Ananda community?

19 A. No.

20 Q. When you went to -- left for Ananda, did Ms. (woman #7)
21 go with you?

22 MR. PARSONS: You mean, left Hawaii now for

23 Ananda?

24 MR. FLYNN: Q. Yes.

25 A. There was no entourage. I have made that point
1 clear. She did not come with me. That point also is clear.

2 MR. PARSONS: But --

3 THE WITNESS: I've denied that, in other words.

4 She did not come with me.

5 MR. PARSONS: Excuse me. For the record, you have
6 moved on to paragraph 7 in your questioning.

7 MR. FLYNN: Yes.

8 MR. PARSONS: And I see the witness --

9 MR. FLYNN: The witness is following along,

10 Mr. Parsons.

11 MR. PARSONS: I'm not, though. I need to follow
12 this, too, so I can object.

13 MR. FLYNN: Listen to your client.

14 MR. PARSONS: It's too late, then.

15 MR. FLYNN: Q. "We arrived in San Francisco and
16 stayed at Ananda House." Is that true?

17 A. I arrived. She did not come with me.

18 Q. Did she stay at Ananda House with you?

19 MR. PARSONS: Objection. Assumes facts not in
20 evidence, speculation of this witness.

21 You may respond.

22 A. When she came, you mean, in other words, because
23 I've said she didn't come with me. She came later.

24 MR. FLYNN: Q. How much later?

25 A. Oh, I don't know. A couple of weeks, maybe, maybe
1 a week. Not long, anyway.

2 Q. Did she stay at the Ananda House with you?

3 MR. PARSONS: Compound. You may answer whether
4 she stayed at the Ananda House with you.

5 THE WITNESS: I don't remember.

6 MR. FLYNN: Q. Okay. "The couple who kept it
7 organized and who performed the church services were named
8 Jyotish and Devi." Is that true?

9 A. This is correct.

10 MR. PARSONS: Objection. Compound, but you may
11 respond, as you have.

12 MR. FLYNN: Q. Now, going down to paragraph 8 --
13 I will bypass 8. Going to 9 --

14 MR. PARSONS: And again, I'd ask that you read
15 paragraph 9 before answering any questions concerning it.

16 MR. FLYNN: Q. In connection with paragraph 9,
17 did you offer to have Ms. (woman #7) stay in a room at your
18 house?

19 A. The first question that I will answer is the
20 second part of that. She did not come for any Yoga Teachers
21 Training Course.

22 Q. What I would like to know -- that's fine.

23 Did you offer to have her stay in a room at your

24 house?

25 A. She --

1 MR. PARSONS: Vague as to time.

2 You may respond.

3 THE WITNESS: I should explain more fully here, I

4 think, Jon, if you'll allow me to.

5 MR. PARSONS: Well, you certainly may respond to

6 the question, yes.

7 MR. FLYNN: Q. Why don't you give me an answer,

8 and then you can say whatever you want. How is that?

9 MR. PARSONS: But you give the answer that you

10 feel is truthful and responsive to his question.

11 MR. FLYNN: Q. Did you offer to have her stay at

12 your house?

13 A. Excuse me. The question was first, the first

14 sentence here, "I was told there was no room at the retreat

15 for me." That wasn't the issue.

16 Q. What was the issue?

17 A. She had come to be with me.

18 Q. Oh, when did you find out that she had come to be 19 with you?

20 A. You see, I was in love with her. I still am in

21 love with her. This is extremely painful to me, because I

22 don't have the feeling of hatred for her that she's

23 evidently harbored against me that I didn't dream of.

24 Q. Mr. Walters, can you answer my question?

25 A. I am answering it.

1 Q. When? When, sir, did you decide that she was

2 going to come and stay with you?

3 MR. PARSONS: Okay. That misstates his testimony

4 that he decided she was going to come and stay. He

5 testified she came.

6 You may respond, if you can, to that question.

7 THE WITNESS: She came to Ananda with the

8 understanding that we were going to travel to Europe.

9 MR. FLYNN: Q. When was that understanding

10 reached?

11 A. Back in Hawaii.

12 Q. Was her husband going to travel with you?

13 MR. PARSONS: Objection. Calls for speculation.

14 You may respond.

15 THE WITNESS: No.

16 MR. FLYNN: Q. Did you talk to her about the fact

17 that she was married?

18 A. She was the one who urged and volunteered

19 enthusiastically to come with me to Europe.

20 Q. And how did she find out you were going to Europe?

21 A. I believe my trip to Europe was entirely to go

22 with her.

23 Q. Did you tell her, let's go to Europe together?

24 A. I think it came enthusiastically from both of us.

25 Q. What was the status of your relationship with her

1 when the two of you talked about going to Europe together?

2 MR. PARSONS: Vague as to use of the term

3 "status," but you may respond.

4 THE WITNESS: Very close friendship. To me, very

5 romantic. But not in an emotional way.

6 It was something I cannot explain even to myself.

7 I think that it's something too sacred for me to get into in

8 the course of a deposition.

9 But let us just accept that whether to you it's

10 sacred or not or has any meaning or not, it did exist.

11 MR. FLYNN: Q. Who proposed that -- who proposed

12 first that you go to Europe together; you or her?

13 A. This I don't remember.

14 Q. And did you tell her you were a monk?

15 MR. PARSONS: Vague as to time. When did he tell

16 her?

17 MR. FLYNN: Q. At the beginning of the

18 relationship.

19 A. Or at any time, you might ask.

20 Q. Sure.

21 A. Yeah. No.

22 Q. You did not?

23 A. No.

24 Q. Did she ask you why people called you "Swami"?

25 MR. PARSONS: Objection. Assumes facts not in

1 evidence.

2 You may respond.

3 THE WITNESS: No.

4 MR. FLYNN: Q. Did you explain to her you were a

5 swami?

6 A. I don't remember.

7 Q. Did you explain to her you had taken vows of

8 celibacy?

9 A. No.

10 Q. Now, the statement of Ms. (woman #7) says:

11 "Since S.K. was considered a monk, this made

12 ripples throughout the community -- especially with the

13 other male monastics which S.K. attempted to assuage by

14 explaining to the community at a public meeting, called

15 satsang, that he was feeling that he and I were friends

16 in many past lives."

17 Is that true?

18 MR. PARSONS: Objection. Compound. Let me also

19 read this over again, here.

20 Calls for speculation, no foundation concerning

21 ripples throughout the community, other male monastics.

22 And with those objections, I'll permit the witness

23 to answer the question, but being specific as to what is

24 true or untrue per your testimony.

25 THE WITNESS: You see, again, this is something so

1 sacred for me personally, that to get into it in this

2 process is to me like blasphemy.

3 MR. FLYNN: Q. Mr. Walters, please. Let me
4 interrupt. I'd like an answer to my question.

5 MR. PARSONS: He's making a statement. He's not
6 saying he's not going to answer. You'll get it.

7 MR. FLYNN: Q. Did the fact that you were a monk
8 and she was coming to live in your home make ripples in the 9 community?

10 MR. PARSONS: Now, keep in mind, this is a
11 separate question. He's just asked a new question.
12 Do you have that question in mind, or should the
13 court reporter read it back?

14 THE WITNESS: Most certainly it must have made
15 ripples in the community. I had no expectation that it
16 would not.

17 MR. FLYNN: Q. Now, sir, when was this?

18 MR. PARSONS: "This" referring to the ripples in
19 the community?

20 MR. FLYNN: Q. When did she come to live in your
21 home, which made ripples in the community?

22 A. This was in May, I suppose, of 1981.

23 Q. All right. And did you attempt to assuage --

24 A. To a which?

25 Q. -- assuage the community by saying you were
1 connected to her in some way in a past life?

2 A. No, I did not.

3 Q. Well, all right. Let's be clear about this.

4 Do you remember appearing before a public meeting
5 with the community present in which you -- it's called a
6 satsang -- in which you explained the relationship you had
7 with Ms. (woman #7)?

8 Did you ever do that?

9 MR. PARSONS: Objection. Compound. Go ahead.

10 THE WITNESS: I couldn't really explain it,
11 because I didn't understand it. I explained it to the
12 extent that I was able to understand it, which is that I
13 felt that this superseded everything as regards my vows;
14 that this was something that God had directed me into; that
15 every time I prayed for an answer, I felt -- and it still
16 looks to me in the past, and I'm still confused on this
17 issue.

18 But no, I didn't talk about past lives. I don't

19 know my past lives. I can't talk about that.

20 I can say that I do feel there is a deep bond, and
21 some woman who is believed to be psychic gave her and me a
22 reading and said we were soul mates, after which (woman #7)
23 said, I believe every word she said.

24 Now, I didn't know. So it was not my certainty in
25 that; it was a feeling that there was certainly a very deep
1 soul bond.

2 I used to say to her, nothing that you do or don't

3 do, say or don't say, can affect or change what I have

4 received from you, and it is not you as an individual. It
5 is something that I feel in myself, so that even if you were
6 to do -- I didn't contemplate this -- but to betray me and
7 my love for her and turn against me, it would not in any way
8 change the depth of my feeling for her which I feel has
9 given me something permanent in my life, my interior life,
10 that is true even today.

11 Q. Thank you for that adjunct to your answer. We're
12 going to be getting into the depth of your feeling for some
13 of these women.

14 Now, what I'd like to ask you, sir, is whether or
15 not people in the community expressed to you that they were
16 confused by the fact that you had Ms. (woman #7) move in with you.

17 MR. PARSONS: Excuse me. That's vague as to time.

18 You're referring about at or about this time?

19 MR. FLYNN: Q. Yes. At or about this time.

20 A. No one did, but I'm sure they were.

21 Q. And at that time did you explain to the community
22 that you were no longer going to be a swami?

23 A. I hadn't really wrestled that point through yet.

24 But I did by the fall, when I wrote that letter to the Yoga
25 Journal.

1 It took -- after all, it took some time to process
2 this thing for myself.

3 Q. Can you answer my question?

4 A. I did.

5 Q. Did you explain to the community that you were no
6 longer a swami?

7 MR. PARSONS: And he has answered that question.
8 Object. Asked and answered.

9 You may respond again.

10 THE WITNESS: No.

11 MR. FLYNN: Q. Okay. Would you read paragraph
12 10? And specifically, the sentence that says:

13 "S.K. proceeded to tell me that my family didn't
14 really know me and my spirituality therefore they
15 couldn't really love me. He said my husband was stuck
16 in delusion of maya, and that he could never really
17 love me either."

18 A. I recall no --

19 MR. PARSONS: Wait. He's simply asked you to --

20 THE WITNESS: Read it.

21 MR. PARSONS: -- read it, and then he'll ask you a
22 question.

23 MR. FLYNN: Q. Is there anything that I've read
24 that is accurate or not accurate?

25 MR. PARSONS: Compound, accurate or not accurate.

1 Which should he answer first?

2 MR. FLYNN: Q. Is there anything that I read that
3 is inaccurate?

4 A. I don't remember anything about that.

5 Q. Were you aware that when Ms. (the plaintiff) came to
6 your community, she also was married and having trouble in
7 her marriage?

8 MR. PARSONS: Objection. Vague as to time, and
9 "community."

10 You may respond.

11 THE WITNESS: I don't remember. I was having a
12 lot of physical trouble, and I don't think that she was -- I
13 was really very knowledgable about anything regarding her.

14 MR. FLYNN: Q. Well, you've written an article on
15 spiritual counseling for marriage.

16 MR. PARSONS: Is that a question?

17 MR. FLYNN: Q. Yes. Is that true?

18 A. I don't remember doing so.

19 Q. Have you written an article on spiritual
20 counseling?

21 A. I don't remember doing so.

22 Q. Have you written a book on spiritual counseling?

23 A. No.

24 Q. Have you written any books on marriage?

25 A. Yes.

1 Q. Now, did you ever have any conversation with
2 Ms. (woman #7) about her husband being stuck in delusion?

3 MR. PARSONS: Vague as to time.

4 MR. FLYNN: Q. Ever.

5 A. I don't remember.

6 Q. Did you ever have any conversation with Ms. (woman #7)
7 with regard to the issue of her husband not being able to
8 love her?

9 A. I don't remember.

10 Q. Let's go to paragraph 11.

11 MR. PARSONS: Please, take a moment and read
12 paragraph 11.

13 MR. FLYNN: Q. Is there anything inaccurate in
14 paragraph 11?

15 MR. PARSONS: Again, I object. It calls for a
16 narrative.

17 I guess to speed things up, I have no problem with
18 the witness going through sentence by sentence. Is that
19 what you'd like?

20 MR. FLYNN: Q. I just want to know whether there
21 -- read paragraph 11, sir, and tell me whether there's
22 anything accurate or inaccurate -- or strike that, just
23 inaccurate.

24 A. First sentence --

25 Q. Is inaccurate?

1 A. Said he could help me -- I don't remember.

2 Q. Okay.

3 A. I don't remember her asking why I wasn't at
4 Self-Realization Fellowship anymore.

5 My statement that there was a personality clash

6 and he had to leave is possible, but I don't remember.

7 MR. PARSONS: If you don't remember, then that
8 should be your testimony.

9 THE WITNESS: Okay. I don't remember. Yes, I
10 don't remember.

11 MR. FLYNN: Q. All right. Let's go to paragraph
12 12.

13 "I was told S.K. needed to visit the Ananda
14 centers in Europe. S.K. asked me if I wanted to go."
15 Is that true?

16 A. No.

17 Q. In what way is it not true?

18 A. There was no question of my visiting the Ananda
19 centers in Europe. A, because we didn't have any; B,
20 because it was a trip for her and me.

21 Q. So do you know whether or not she felt that you
22 lied to her about whether you had Ananda centers in Europe?

23 MR. PARSONS: Does he know whether or not she felt
24 -- well, I'd object, obviously. I mean, you're asking for
25 speculation.

1 MR. FLYNN: Q. Did she ever express to you that
2 you had lied to her?

3 A. No.

4 Q. Okay. Let's go to 13.

5 Is there anything that's not true in paragraph 13?

6 MR. PARSONS: Again, objection. It calls for a
7 narrative.

8 THE WITNESS: There were no members traveling
9 within the group. There was one, Annie McFarlane, a person
10 called Uma, who wanted to go to England to visit her family
11 and came on that basis, and we traveled through England
12 together, the three of us.

13 MR. FLYNN: Q. Okay. Paragraph 14. Were you
14 aware that her husband came to see her and the two of them
15 stayed at the Portofino Inn one night?

16 MR. PARSONS: Okay. Excuse me, I would like you
17 to read paragraph 14 before responding.

18 THE WITNESS: That's not quite accurate. She came
19 back to San Francisco, as I recall, and from there flew down
20 to see her mother.

21 Whether her husband came to see her, I have no
22 idea. Where they stayed, I have no idea.

23 So those are the facts as I know them.

24 MR. FLYNN: Q. Okay. And let's go down to
25 paragraph 17.

1 Do you remember her coming back to Ananda?

2 MR. PARSONS: Again, I'd ask you to read paragraph
3 17 before responding. And I'll object that it's vague as to
4 time, when she came back to Ananda.

5 THE WITNESS: The --

6 MR. PARSONS: And you actually have a question

7 before you, and I'd ask that question be read back.
8 THE WITNESS: I'd like to hear the question.
9 MR. FLYNN: Q. Do you remember when she came back
10 to Ananda, as expressed in paragraph 17?
11 A. I believe it was the beginning or early part of
12 September.
13 Q. Of 1981?
14 A. 1981, yes.
15 Q. Do you remember going to Egypt with Ms. (woman #7)?
16 A. I do.
17 MR. PARSONS: Are you going to ask him about an
18 allegation in the declaration?
19 THE WITNESS: Well --
20 MR. FLYNN: Q. Now, let's go down to paragraph
21 22, line 20.
22 "Later he claimed that we recited holy vows of
23 marriage."
24 MR. PARSONS: Okay. I'd ask you to read paragraph
25 22 now.
1 Okay. You don't have a question yet.
2 MR. FLYNN: Q. Now, is it true that you claim
3 that you and Ms. (woman #7) had recited holy vows of marriage?
4 MR. PARSONS: Objection. That's a vague and
5 confusing. I'll let the witness answer, though.
6 THE WITNESS: Say it again?
7 MR. FLYNN: Q. Did you claim that you and
8 Ms. (woman #7) had recited holy vows of marriage?
9 A. I do claim.
10 Q. Did she claim that there -- that that was not
11 true? That you hadn't recited holy vows of marriage?
12 A. May I begin at the beginning of this one?
13 MR. PARSONS: He is entitled to have a response to
14 a specific question.
15 THE WITNESS: But there are misstatements in the
16 first part of the paragraph.
17 MR. PARSONS: Well, he hasn't --
18 MR. FLYNN: Q. Okay. What are the misstatements?
19 A. There was not a group of members. She and I were
20 alone there.
21 It was understood that we were going to perform a
22 spiritual, not a legal or civil marriage.
23 She and I had two -- I don't think they were
24 rings. I think they were lockets of aquamarine that she
25 particularly liked and I liked, that they would be a symbol
1 of a spiritual marriage. It had nothing to do with civil.
2 We recited this thing on the beach in a very holy
3 ceremony with God alone as our witness, which was not -- it
4 had nothing to do with her physical marriage to her husband.
5 So she's right in saying no legal papers, no blood
6 test, et cetera. There was nothing of that sort of marriage
7 involved.

8 Afterwards, her statement to me in the car with
9 great enthusiasm was, "I've waited so long for this."
10 Q. Who paid for the trip to Egypt?
11 A. That was paid for because I was being taken there
12 as a -- one of the -- whatever, the guides, or whatever the
13 word would be.
14 Q. Who paid for it?
15 A. Well, William Staninger was the editor of the Yoga
16 Journal, and I think it was a tour got up by them.
17 Q. Who paid for it, Mr. Walters?
18 A. Well, I don't know. The money came from them.
19 Q. From Yoga Journal? Is that your testimony?
20 A. No. I don't know whether it was. It was this
21 group.
22 Q. What group? Was it Ananda?
23 A. Excuse me?
24 Q. Did Ananda pay for the trip?
25 A. No.
1 Q. Did you pay for the trip?
2 A. No.
3 Q. Who paid for the trip to Europe with Ms. (woman #7)?
4 MR. PARSONS: Objection. Asked and answered.
5 You can answer again.
6 THE WITNESS: I paid for that.
7 MR. FLYNN: Q. And where did you get the money?
8 A. Well, I don't remember. But it was probably
9 through gifts from people. My own income wouldn't have
10 equaled it.
11 Q. Okay. We're going to get into that. Now --
12 A. Excuse me, I do need to go to the bathroom.
13 Please hold it.
14 THE VIDEO OPERATOR: Should we go off the record
15 at this time?
16 MR. FLYNN: Yes.
17 THE VIDEO OPERATOR: We're going off the record at
18 11:52 a.m.
19 (Recess from 11:52 a.m. to 11:55 a.m.)
20 THE VIDEO OPERATOR: We're back on the record at
21 11:56 a.m.
22 MR. FLYNN: Q. In paragraph 22, Mr. Walters,
23 Ms. (woman #7) recites --
24 A. Which one are we on?
25 Q. Paragraph 22. Starting at line 20, Ms. (woman #7) says
1 the following:
2 "Later he claimed that we recited holy vows of
3 marriage. He said this to the community at a community
4 meeting. I was shocked. I never agreed to marry him.
5 I wasn't legally divorced from my husband, there was no
6 wedding, no witnesses, no legal papers signed, no blood
7 test, no invitation, no reception, nothing. This was
8 said without my consent. This man was 30 years

9 older than me. He was old enough to be my grandfather,
10 and I did not want him to be a stepfather to my child.
11 He thought children were a nuisance anyway," end quote.
12 My question to you, sir, is it true that you
13 announced your marriage to (woman #7) to the community
14 without Ms. (woman #7)'s consent?
15 A. No. Not at all. Her involvement was already
16 explicit to me beforehand.
17 Q. Did you tell her that you had married her?
18 MR. PARSONS: Vague as to time.
19 You may respond.
20 THE WITNESS: No. It was understood that we had
21 married. That's what the marriage was all about.
22 MR. FLYNN: Q. Whose understanding was it that
23 you had married?
24 A. Both. Explicit.
25 Q. Where is Half Moon Bay?
1 A. Oh, you're from Boston. You go down Highway 101
2 to Highway 92, and you go west to the ocean from there, and
3 it's I think about a half an hour drive.
4 Q. Did you take her and a group of members to Half
5 Moon Bay as she recites in paragraph 22?
6 A. I did answer that, and the answer is no.
7 MR. PARSONS: Well --
8 THE WITNESS: We were alone.
9 MR. PARSONS: Okay.
10 MR. FLYNN: Q. Now, would you read paragraph 24,
11 please?
12 A. I've read it.
13 Q. Is that true?
14 MR. PARSONS: Excuse me.
15 MR. FLYNN: Q. That she was upset and told you to
16 retract the marriage statement?
17 MR. PARSONS: Okay. You -- I don't have an
18 objection to that question. The witness may answer it.
19 THE WITNESS: I have an objection to the
20 statement. She not only did not retract this -- ask me to
21 retract this statement, she wrote, of her own accord, a very
22 supportive letter to the community. And when I asked her to
23 retract it because it seemed uncertain to me whether this
24 could really -- she didn't seem to have her heart in it as
25 much as I thought.
1 I asked her to retract it, but she did not retract
2 -- ask me to retract the statement. She said, no, I think
3 we should do it.
4 And I knew it would be a great humiliation for me
5 if I made a public statement after she had endorsed this and
6 written this letter, and then if she decided it wasn't for
7 her.
8 And so I was the one who pleaded for the
9 retraction; she was the one who insisted on it -- not the

10 retraction; the public statement.
11 Q. Was this satsang to the community recorded in any
12 way?
13 MR. PARSONS: Excuse me. What satsang are you
14 talking about now? There's no --
15 MR. FLYNN: Q. Strike that. Call it the
16 community meeting. Strike "satsang."
17 This community meeting at which your marriage was
18 announced, was it recorded by stenographic record, by tape,
19 in any way, if you know?
20 A. Just a minute. Are we talking of paragraph
21 something or other?
22 Q. 23.
23 A. Twenty which?
24 Q. Paragraph 23.
25 A. 22?
1 Q. 23.
2 A. 23.
3 MR. PARSONS: Why don't you read 23 that he's now
4 referring to.
5 THE WITNESS: Yes. Well, there are factual
6 statements that can be challenged. Her subjective view of
7 it --
8 MR. FLYNN: Q. No, what I'd like to know, sir, is
9 whether --
10 A. -- I can't comment on --
11 Q. -- is whether it was recorded. Was it recorded by
12 a stenographer or by a tape machine?
13 A. I have no idea.
14 Q. Now, let's go down to paragraph 26. Would you
15 read that, please?
16 A. The whole statement is a fallacy.
17 MR. PARSONS: No, wait for a question before you
18 say anything.
19 Have you read 26?
20 THE WITNESS: I have --
21 MR. PARSONS: It goes on to the next page.
22 THE WITNESS: Okay. I've read it.
23 MR. FLYNN: Q. The statement reads:
24 "One night after I had meditated and gone to bed,
25 S.K. came up to my room, switched on the light and sat on
1 the side of my bed."
2 Do you remember doing that?
3 A. I do not.
4 Q. "He said he was lonesome and hadn't felt the arms
5 of a woman around him in so long."
6 A. I could not have said that.
7 MR. PARSONS: Be sure to wait for the question.
8 MR. FLYNN: Q. Why could you not have said that?
9 A. I know I didn't.
10 Q. Why do you know you didn't?

11 A. The whole thing, "the arms of a woman" -- what is
12 this?
13 To me, she was a soul, there wasn't a woman
14 involved. It was a person. Nor was I pleading for
15 anything, nor did I say I was -- I can't imagine saying I
16 was lonesome.
17 It's just doesn't -- her imagination has taken
18 over.
19 Q. "I imagined 30 years of celibacy as a monk" -- I
20 won't ask you to commend on that.
21 "Now that he was considering giving up his title
22 of Swami as a householder as he had a desire to be married
23 and all. I felt sorry for him, so I held him. (Little did
24 I know that he had been with many women before me while
25 calling himself a Swami monk)" exclamation point. "Then he
1 wanted to kiss me."
2 Do you recall that?
3 MR. PARSONS: Excuse me. Recall what?
4 MR. FLYNN: Q. "Then he wanted to kiss me"?
5 A. No.
6 Q. "I resisted and kept turning my face away from
7 him."
8 A. No.
9 Q. Do you recall that?
10 A. No.
11 Q. Do you recall your testimony yesterday where you
12 said that (the plaintiff) was lying when she told
13 Peggy Bat and Kelly Coogan that you had raped (woman #7) ?
14 Do you recall that testimony?
15 A. I recall the testimony.
16 Q. "I resisted and kept turning my face away from
17 him. Soon my blankets were thrown aside and my undies
18 pulled off, and he's holding me down while having
19 intercourse with me."
20 Is that true?
21 A. Absolutely false.
22 Q. What did happen?
23 A. I don't remember the incident, but I know that I
24 never did such a thing.
25 Q. Did you ever have intercourse with Ms. (woman #7)?
1 A. Yes.
2 Q. On how many occasions?
3 A. Three or four.
4 Q. When?
5 A. Do you want all the specifics?
6 Q. Yes.
7 A. Let's see. One was --
8 MR. PARSONS: Well, he's asked for dates.
9 THE WITNESS: Dates.
10 MR. PARSONS: So give him the specifics of the
11 dates.

12 THE WITNESS: Probably in April in Hawaii --

13 MR. FLYNN: Q. April of 1981?

14 A. Yes.

15 Q. In Hawaii?

16 A. Yes.

17 Q. Is that when you first met her?

18 MR. PARSONS: Well, objection.

19 MR. FLYNN: Q. Right around the time you first

20 met her?

21 A. During that period.

22 Q. When she have was still living with her husband?

23 A. Yes. But she had made it clear to me that they
24 had an arrangement where they were not going to be
25 necessarily faithful to each other that way.

1 Once in Rome.

2 Q. When was that?

3 MR. PARSONS: Just a minute. I have an objection
4 here, because we are creating a record. And I understand
5 that when you make whispers like, "I'd like to say something
6 like that, but I won't," that that is being recorded on the
7 transcript.

8 MR. FLYNN: I apologize. I'll have it stricken or
9 whatever. I forgot that I had the microphone on.

10 Q. Once in Rome when Mr. Walters --

11 A. During our trip to Europe. So when it was, I
12 don't know. I'd assume early June.

13 Q. Of 1981?

14 A. Yeah. Once at Ananda House in San Francisco.

15 Q. Is that when she first came over from Hawaii?

16 A. Pardon?

17 Q. Is that when she first came over from Hawaii?

18 A. No.

19 Q. When was that?

20 A. At least, I don't think so. I think it must have
21 been in September. And once in Egypt.

22 Q. Okay. "I was totally disgusted and in shock. I
23 felt totally violated and sickened. Here was a man who
24 had full trust and admiration as the leader of the
25 community, a minister and a monk, revered by all and
1 looked up to, having sex with me. He was physically a
2 turnoff, he was overweight, balding, gray and 30 years
3 older. Yuck," end quote.

4 Did she express to you her shock and disgust, as I
5 just read from her declaration?

6 MR. PARSONS: Objection. Assumes facts not in
7 evidence, vague as to time, but you may respond.

8 THE WITNESS: In no way.

9 MR. FLYNN: Q. Paragraph 27: "The next day, I
10 sought out my best friend, but she wasn't at the community."

11 MR. PARSONS: Excuse me, I would like the witness
12 to have an opportunity to read the paragraph before

13 responding to any questions.

14 MR. FLYNN: Fine. I'll read it in the record, and
15 he can read along.

16 "I went to speak to Asha Praver instead. After I
17 told her what happened and I didn't feel good about it,
18 she told me that I was supposed to take care of his
19 needs. In other words, what Swami wants, he gets. I
20 felt totally invalidated by her response. I felt used,
21 betrayed and set up."

22 My question, sir, is, did Asha Praver come to you
23 and discuss with you that (woman #7) was upset over your
24 sexual advances toward her?

25 A. At no time. Had she done so, I would have
1 certainly tried to correct the matter by saying, no, we're
2 not together.

3 Q. Would you read paragraph 28, please?

4 "I decided to plan how to leave gracefully. I
5 refused to sleep near him or have sex with him after
6 that. He attempted to lure me again, though. He asked
7 me to rub his back (I often rubbed his shoulders and
8 feet) then he rolled over with a hard-on and he put my
9 hand on his penis. He tried to put his finger in my
10 vagina. I said no, I can't do this. I got up and left
11 the room."

12 Is there anything that is not true in paragraph 28?

13 MR. PARSONS: Okay. I object to that form of
14 question, because the witness might inadvertently omit
15 something. It really calls for a narrative.

16 Given the large number of statements in there, I
17 would request that you handle it either sentence by
18 sentence, fact by fact, whatever.

19 MR. FLYNN: Q. Well, is there anything -- read it
20 to yourself, sir.

21 A. I've read it.

22 Q. We'll be here for a month of Sundays if --

23 MR. PARSONS: Well, but your question is
24 fundamentally unfair.

25 MR. FLYNN: Well, you're free to comment on
1 anything you think is inaccurate in paragraph 28.

2 THE WITNESS: My comment is that the entire
3 paragraph is inaccurate and untrue.

4 MR. FLYNN: Q. Okay. That saves a little time.

5 Paragraph 29: "(woman #2) came to me and said S.K.
6 was seeking her out for sexual favors and that she was
7 confused and upset about it. I told her that I was leaving
8 Ananda, and that she should, too."

9 Who is (woman #2) in that paragraph, if you know?

10 A. (woman #2), who has got a declaration there.

11 Q. Were you seeking out (woman #2) for sexual
12 favors at this time?

13 MR. PARSONS: Wait. Objection. It's compound, it

14 assumes facts not in evidence. Seeking out for sexual
15 favors is vague and ambiguous.
16 I'm going to instruct the witness not to answer
17 that question as posed.
18 MR. FLYNN: Q. Did you approach (woman #2)
19 during this period of time and try to have sex with her?
20 A. No.
21 Q. At any time did you have sex with (woman #2)?
22 MR. PARSONS: I object to the use of the phrase
23 "have sex with." I think that's vague and confusing.
24 I'll let the witness testify based on his
25 understanding of what the phrase "have sex with" means.
1 THE WITNESS: Not during this period.
2 MR. FLYNN: Q. When did you have sex with (woman #2)
3 ?
4 MR. PARSONS: And it also asks for a definition of
5 what "have sex with" means.
6 THE WITNESS: Yes. Would you define that?
7 MR. FLYNN: Q. Well, when did you first have any
8 sexual contact with (woman #2)?
9 MR. PARSONS: Objection as to "sexual contact."
10 The witness may respond.
11 I would like, however, the witness to state what
12 he means by "sexual contact" in that context.
13 THE WITNESS: To me, that would mean sexual
14 intercourse.
15 After (woman #7) left, (woman #2) and her friend (woman #1)
16 forced themselves upon me when I pleaded to be left
17 alone. I was in extreme anguish over (woman #7)'s leaving,
18 and they laughed at me and continued to come.
19 It was really her forcing, not my seeking her
20 out. And if she felt confused and upset, I felt extremely
21 upset by it.
22 That's all I can say at the moment.
23 Q. How long did your sexual relationship with (woman #2)
24 take place?
25 MR. PARSONS: Again, vague as to "sexual
1 relationship." And -- excuse me one second.
2 Vague as to the phrase "sexual relationship." You
3 may respond, however.
4 THE WITNESS: Probably a month or two, not more.
5 MR. FLYNN: Q. What was the nature of the sexual
6 relationship you had with (woman #2)?
7 A. Well, there was one night when she and (woman #1),
8 laughing uproariously, insisted on getting into bed with
9 me. I was trying to protest, and they only laughed.
10 I didn't want to be rude, and I didn't know how to
11 handle that situation. What specifically happened, I don't
12 remember.
13 She imposed herself on me in a number of ways,
14 more or less pretending to be a part of the household, which

15 I resisted.
16 Beyond that, I don't recall very well. But did it
17 have to do with massages? Yes. Did it have to do with the
18 other things stated? Yes.
19 MR. PARSONS: Wait, excuse me. Other things
20 stated where? What?
21 THE WITNESS: In her -- in (woman #2)'s declaration.
22 MR. PARSONS: Okay. Well, I'll ask you not to
23 refer to her declaration unless --
24 THE WITNESS: Until we get to it.
25 MR. PARSONS: -- unless it's in front of you.
1 THE WITNESS: But he asked me -- I see.
2 MR. FLYNN: Q. Did you try to notify Yoga
3 Journal --
4 A. Pardon me?
5 Q. -- that you had married (woman #7)?
6 A. What's that?
7 Q. Did you attempt to notify Yoga Journal that you
8 had married (woman #7)?
9 A. Why do you say "attempt"?
10 Q. Strike "attempt."
11 Did you notify Yoga Journal that you had married
12 (woman #7)?
13 A. She and I both did.
14 Q. So the answer is yes, you both did?
15 A. Yes.
16 Q. Do you remember Ms. (woman #7) calling her brother to
17 come get her out of Ananda Village?
18 A. I do not.
19 Q. How did you notify Yoga Journal about your
20 marriage to (woman #7)?
21 A. By letter.
22 Q. Was she still married to her husband at the time
23 you notified Yoga Journal?
24 MR. PARSONS: Objection. Assumes -- perhaps
25 speculation.
1 You can answer, though.
2 THE WITNESS: I've answered it.
3 MR. FLYNN: Q. Well, I'd like to know -- all
4 right. When did you notify Yoga Journal?
5 A. Well, it would have to be after September 19,
6 which was the date of our spiritual wedding ceremony. She
7 left me at the end of November.
8 It would have to be, presumably, in October, at
9 which time I had begun to feel that she was not that
10 satisfied with -- I had the feeling that she wouldn't stay,
11 and I had doubts.
12 Therefore, I pleaded with her, let's not
13 do it. She insisted that we do it.
14 Q. She insisted that you notify the Yoga Journal?
15 A. Yes.

16 Q. Paragraph 31, "S.K. accused me of carrying his
17 child."

18 Did you do that?

19 MR. PARSONS: Excuse me. Hold on one second.

20 Okay, you can answer.

21 THE WITNESS: No.

22 MR. FLYNN: Q. Paragraph 32:

23 "I was a blithering idiot when I left Ananda. I
24 didn't know who I was anymore. I convalesced at my
25 mother's and had Thanksgiving at my brother's house. I
1 slowly rebuilt by identity, my ego. I felt so
2 betrayed. I was pregnant and frightened and depressed.
3 After Christmas I went to Arizona to be with my
4 husband. I was agoraphobic and had panic attacks. He
5 promised to help me recover. My daughter was born in 6 March 1982."
7 To your knowledge, was Ms. (woman #7) a blithering
8 idiot when she left Ananda?

9 MR. PARSONS: Well, I guess you can ask us to --

10 MR. FLYNN: His observations.

11 MR. PARSONS: His observations. Sure, go ahead.

12 THE WITNESS: Huh?

13 MR. PARSONS: You may respond.

14 THE WITNESS: I hadn't the slightest idea that she
15 was upset even.

16 MR. FLYNN: Q. Paragraph 33, "I had to provide
17 S.K. with a blood test to prove to him that my child was not 18 his."
19 Is that true?

20 MR. PARSONS: Wait a minute.

21 MR. FLYNN: Q. Paragraph 33. I may have
22 misstated that on the record. Paragraph 33, sir, lines 13
23 and 14 of page 9.

24 MR. PARSONS: Have you read that? Did you follow
25 along with him?

1 THE WITNESS: There's no question of compulsion
2 there. I certainly would have wanted to know, did want to
3 know. But there was no question of compulsion or anything
4 of that nature.

5 MR. FLYNN: Q. Now, would you go to paragraph 36,
6 please? Or no, paragraph 34, I'm sorry.

7 "S.K. systematically stripped me of my ego, gave
8 me an alter-ego and controlled me by guilt and my desire to
9 do the right thing."

10 Did she ever express those ideas to you that are
11 expressed in paragraph 23?

12 MR. PARSONS: Objection. It's compound. Did she
13 express all of those?

14 MR. FLYNN: Any or all.

15 THE WITNESS: I never tried to control her. I
16 never tried to strip her of her ego.

17 MR. PARSONS: No, the question, though, is whether
18 she expressed those to you.

19 THE WITNESS: Well, she was helping to lead the
20 group in Egypt, and wasn't coming to the meditations. And I
21 urged her to come. I did not command her to come.
22 She said, you're laying a guilt trip on me, so I
23 stopped asking her.

24 MR. FLYNN: Q. Have you ever read anything about
25 the narcissistic personality, Mr. Walters?

1 A. I beg your pardon?

2 Q. Have you ever read any treatises on the
3 narcissistic personality?

4 A. I suppose so. I don't -- I mean, nothing legal,
5 but of course the term is familiar to me.

6 Q. Paragraph 36, "I believe that Ananda is a cult.
7 Its core members and ministers do much to keep the
8 fraudulent image of S.K. alive."

9 Paragraph 37: "S.K. is a con-man who preys on
10 innocent people urging them to seek God at Ananda.
11 S.K. and Ananda uses true teachings of Yogananda to
12 claim their integrity. There is no integrity -- none
13 at Ananda. Their blissful community is only a paper
14 thin image. I am a lot wiser now after therapy and
15 life experiences, and I am 14 years older on the
16 spiritual path. I have a much deeper understanding of
17 what went on," end quote.

18 My question to you, sir, were you contacted in the
19 last month by an individual named Jane Tayloff, who claims
20 that you are a con man and took \$2,000 from her for yoga
21 teacher training?

22 MR. PARSONS: Okay. Object, it's compound. Was
23 he contacted, and then the substance of any contact.
24 I'll permit the witness to answer, keeping in mind
25 that there are different parts to the question.

1 THE WITNESS: The name is unfamiliar to me.

2 MR. FLYNN: Q. Then Ms. (woman #7) says:

3 "I have not at any time conspired with
4 (the plaintiff) to file false allegations in any lawsuit
5 against Donald Walters, Danny Levin or the Ananda
6 Church and have never participated in any meeting with
7 anyone toward any such end," end quote.

8 My question to you, sir, is, do you have any facts
9 or information of any nature or description that Ms. (woman #7)
10 is conspiring with Ms. (the plaintiff) against you?

11 MR. PARSONS: I object to the extent that it calls
12 for any communication between attorney and client.
13 But you may answer concerning facts that you're
14 aware of or communications from anyone not an attorney.

15 THE WITNESS: The fact that (woman #7) came to
16 the deposition, the first deposition, with (the plaintiff)
17 indicates to me fairly clearly that there is collusion
18 between them.

19 MR. PARSONS: Are you done with your response?

20 THE WITNESS: Yes.

21 MR. PARSONS: Okay. It's 12 -- I make 17 --

22 12:20.

23 MS. RUSH: We have a reservation for 12:30.

24 MR. PARSONS: Do we?

25 MR. FLYNN: Q. Other than the fact --

1 MR. PARSONS: Excuse me. I'm just not done.

2 I'd like to break. Have you got maybe another

3 question or two?

4 MR. FLYNN: Q. Another question or two.

5 Other than the fact that Ms. (woman #7) came to the

6 first day of deposition with Ms. (the plaintiff), do you have any

7 other facts or information that would lead you to believe

8 that Ms. (woman #7) has conspired with Ms. (the plaintiff) against

9 you, sir?

10 MR. PARSONS: Same objection, same instruction.

11 THE WITNESS: Yes.

12 MR. FLYNN: Q. Do you have any other information

13 or facts?

14 A. Well, the fact that she would submit a declaration

15 in conjunction with something she otherwise would not have

16 heard anything about indicates to me fairly clearly that

17 there was a contact.

18 The nature of the contact, I have no idea. But it

19 has produced these fruits. Therefore, I think it's a safe

20 inference.

21 Q. And you're aware that (woman #2), (woman #4)

22 , (woman #1), have all produced, among others,

23 declarations.

24 Is it your allegation that they are also in a

25 conspiracy with Ms. (the plaintiff)?

1 MR. PARSONS: Okay. That's a compound question,

2 and it's argumentative. Is the question --

3 MR. FLYNN: Q. All right. Let's just take (woman #2)

4 .

5 A. (woman #2).

6 Q. (woman #2). Is it your contention, sir -- or

7 strike that.

8 Do you have any facts or information that (woman #2)

9 is in a conspiracy with Ms. (the plaintiff) against you?

10 MR. PARSONS: Same objection. Attorney-client

11 communications. Same instruction.

12 THE WITNESS: Yes. Same thing, that -- the

13 contact obviously to submit declarations in a case that

14 otherwise they would know nothing about.

15 MR. FLYNN: Q. And the same would be true of

16 (woman #1)?

17 MR. PARSONS: Same objection, same instructions.

18 THE WITNESS: Same response.

19 MR. FLYNN: Q. And you've read (woman #1)'s

20 and (woman #2)'s declarations?

21 A. I have.

22 THE VIDEO OPERATOR: This is the end of videotape
23 number 6 in the deposition of Donald Walters. We're going
24 off the record at 12:22 p.m.

25 (Lunch recess from 12:22 p.m. to 1:36 p.m.)

1---o0o--

2 AFTERNOON SESSION

3 THE VIDEO OPERATOR: This is the beginning of
4 videotape number 7 in the deposition of Donald Walters.
5 We're back on the record at 1:36 p.m.

6 MR. FLYNN: Q. Mr. Walters, you understand you're
7 still under oath to tell the truth, sir?

8 A. I do.

9 MR. PARSONS: Excuse me one moment. Are you
10 having a problem with your hearing aid there?

11 THE WITNESS: No. I find I can do better without
12 them. I can concentrate better. As long as I can hear
13 Mr. Flynn -- I find it a little bit more difficult to hear
14 the judge, but I think I can manage.

15 MR. FLYNN: Q. Would you look at Exhibit 13
16 please, sir, which is your cross-complaint against
17 Ms. (the plaintiff)?

18 Now, in your cross-complaint on paragraph 6,
19 particularly paragraph 6 at the top of page 3 --

20 MR. PARSONS: Have you found that?

21 MR. FLYNN: Q. -- you accuse Ms. (the plaintiff) of
22 having an adulterous relationship with Levin.

23 Do you see that?

24 A. Yes.

25 Q. What do you mean by "adulterous"?

1 A. Well, he was married; and as far as I know, she
2 was married.

3 Q. Was your relationship -- strike that.

4 Do the rules of conduct at Ananda Village which
5 you wrote prohibit adulterous relationships?

6 A. They don't specifically, but they certainly would
7 not endorse such a thing.

8 Q. Have you ever counseled -- strike that.

9 Have you been involved in an adulterous
10 relationship with Ms. (woman #7)?

11 A. I have answered that.

12 Q. What is your answer?

13 A. Well, I'll answer it more completely.

14 I did not think of it as adulterous because, first
15 of all, she volunteered that she and her husband had an
16 agreement that they could have other contacts outside of it
17 -- outside of it.

18 I didn't because I considered my relationship with
19 her essentially not sexual, but spiritual.

20 Beyond that, you'd have to say before the law, it
21 was.

22 Q. Now, would you look to Exhibit 1, Mr. Walters?

23 Let me see if I've got a copy for the judge. I

24 don't have a copy. I gave you my extra copy to Mr. -- could

25 you share with Mr. Walters the exhibits so that the judge

1 could use --

2 JUDGE PLISKA: That's okay. You can go ahead. If

3 I need to refer to it, I'll get them.

4 MR. FLYNN: Q. In Exhibit 1, which is a letter

5 authored by you on August 31, 1995 --

6 A. Yes.

7 Q. -- you say in your letter -- which, by the way,

8 was sent to the community of Ananda, some 200 to 500 people?

9 MR. PARSONS: Objection. Asked and answered,

10 compound.

11 You may respond.

12 THE WITNESS: It was sent to the monastic -- the

13 monastic members, which would be a smaller group. How many,

14 maybe 200 at the most. I don't know for sure, though.

15 MR. FLYNN: Q. All right. You say in your

16 letter, "It isn't that I'm worried about their questions,"

17 talking about this --

18 A. Where are we? Okay.

19 Q. -- this deposition.

20 "What does concern me a little is the almost

21 insane hatred they've evinced for cults, among which

22 they see Ananda as a leading and vicious example. To

23 date, they've been almost unbelievably rude and

24 insulting in their legal papers, have submitted an

25 exhibit supporting their comparison of Ananda to

1 Jonestown and to the Branch Davidians of Waco, Texas,

2 have ridiculed Master's teachings, and have submitted

3 declarations against the teachings by so-called cult

4 experts (quacks, in fact). All this they have done

5 with (the plaintiff's full knowledge and approval," end 6 quote.

7 Now, the Master's teachings referred to in that

8 sentence relate to whose teachings?

9 A. Paramhansa Yogananda.

10 Q. Now, those are the same teachings that are

11 followed by this organization Self-Realization Fellowship.

12 Is that correct?

13 MR. PARSONS: Objection. Asked and answered.

14 You may respond.

15 THE WITNESS: Correct.

16 MR. FLYNN: Q. And your organization follows

17 these same teachings. Is that correct?

18 MR. PARSONS: Objection. Asked and answered

19 several times.

20 You may respond.

21 THE WITNESS: Yes.

22 MR. FLYNN: Q. What declarations are you

23 referring to when you say "declarations against the

24 teachings by so-called cult experts"?

25 A. This is information I have not read but was told
1 by my lawyers, explained by my lawyers, and that was the
2 interpretation they placed upon it.

3 MR. FLYNN: That's a waiver.

4 MR. PARSONS: No, that's definitely not a waiver.

5 MR. FLYNN: Q. What did your lawyers say with
6 regard to your interpretation of these waivers which you've
7 included in this letter?

8 MR. PARSONS: Okay. Objection. That clearly
9 calls for an attorney-client communication. I'm instructing
10 him not to answer that question.

11 MR. FLYNN: He says in the letter that someone has
12 evinced an insane hatred, has ridiculed Master's teaching
13 and has submitted declarations against the teachings by
14 so-called experts.

15 So he's divulging what his lawyer has told him is
16 in the declarations; namely, that they've ridiculed Master's
17 teachings and have submitted declarations against the
18 teachings by so-called cult experts.

19 JUDGE PLISKA: Do you want to respond to that?

20 MR. PARSONS: Yes. This statement is simply a
21 statement of this witness's beliefs and opinions.
22 Just because you make a statement with derives
23 from what your attorney told you doesn't open up the
24 attorney-client privacy -- I mean, that's got the highest
25 level of protection.

1 He was asked a question about what declarations,
2 was the actual question he was asked. If he will demur to
3 answering that saying it came from his attorney, this
4 information came from his attorney, he can still answer the
5 question concerning what declarations.

6 If he doesn't know, he doesn't know. But that
7 doesn't open up everything that he's talked about to his
8 attorney on this subject matter.

9 JUDGE PLISKA: Yes, I think that's correct. The
10 witness does not have to answer what his lawyer told him.

11 MR. FLYNN: Q. Okay. What -- which of the
12 Master's teachings referred to in this letter have been
13 ridiculed?

14 A. I have not read the declaration, so I have to give
15 you my report of what I was told. Is this all right to do?

16 MR. PARSONS: Well, you can give him what
17 teachings -- he's asked for the teachings, and it is proper
18 for you to respond and identify or enumerate those teachings
19 you were referring to -- for whatever reason, those
20 teachings you were referring to here.

21 THE WITNESS: The only thing clear in my mind at
22 this point, and that I can therefore share with you, is the
23 teaching that we would hypnotize -- it's against his
24 teachings. He said that hypnosis is a spiritual crime; and

25 therefore, he taught against hypnosis, except possibly --
1 and this is just uncertain -- possibly in cases of medical
2 necessity, where, for example, maybe a patient couldn't
3 tolerate an anesthesia.

4 However, it was -- it's very much against our
5 teachings, and something that we would not practice.
6 However, these declarations, as they were quoted
7 to me, made the statement that we hypnotize people. Never.
8 That we try to brainwash people. Never.
9 That we are trying to proselytize and draw people
10 into our work, when in fact I always tell people in my
11 lectures -- that doesn't mean when you hear the word
12 "always" that every second sentence is this -- it's a
13 consistent policy of mine which I usually in any public
14 lecture will bring in at one point or another, say, I don't
15 want to convert you to anything except your own higher
16 self. If you feel that what we are doing can help to you do
17 that, fine.

18 But I do not and Yogananda did not teach that we
19 try to subject people's will, subject their freedom of will,
20 their freedom of choice, to anything that we do or say.
21 This is so basic a policy of our organization that
22 I cannot believe that anyone in good faith could say that
23 either about Yogananda or about the way I teach, or about
24 the way our ministers react with the public.

25 Q. But I take it from your letter that it's your
1 position that Ms. (the plaintiff), in bad faith, has done what
2 you've said in your letter; namely, ridiculed Master's
3 teachings and submitted declarations against the teachings.
4 Is that correct?

5 MR. PARSONS: Excuse me. You're asking for --

6 MR. FLYNN: Please, if the witness doesn't
7 understand the question, he can so state.

8 MR. PARSONS: Here's the problem. I don't
9 understand the question.

10 MR. FLYNN: Then object.

11 MR. PARSONS: That's what I'm trying to do.

12 MR. FLYNN: We don't need speeches, Mr. Parsons.

13 MR. PARSONS: I object. It's unclear --

14 MR. FLYNN: Concisely, succinctly, with a legal
15 basis, and then you don't say any more. That's the rule.

16 MR. PARSONS: I'm sorry.

17 JUDGE PLISKA: Well, he is correct, Mr. Parsons.

18 MR. PARSONS: That is correct. I'm trying to do
19 that.

20 I don't understand what the question is. It's
21 vague and ambiguous.

22 I'll permit the witness to answer if he can
23 formulate a response.

24 THE WITNESS: I confess to a more or less equal
25 confusion, perhaps less because I'm not a lawyer.

1 MR. FLYNN: Q. Mr. Walters, is it your belief
2 according to your letters that Ms. (the plaintiff) has ridiculed
3 Yogananda's teachings?

4 A. Oh, yes.

5 Q. Is it your belief that she is in a conspiracy with
6 SRF, who supports Yogananda's teachings?

7 MR. PARSONS: Objection. Compound.

8 You may answer.

9 THE WITNESS: If it's compound, I should have it
10 simplified.

11 MR. PARSONS: Well, you can answer it to the
12 extent you can. You can break it into two parts.

13 THE WITNESS: Well, it is compound. Yeah, break
14 it up into two parts. Maybe I can --

15 MR. FLYNN: Q. Is it your belief that

16 Ms. (the plaintiff) is in a conspiracy with SRF?

17 A. I answered that before lunch.

18 MR. PARSONS: You --

19 THE WITNESS: In the affirmative, I should add.

20 MR. FLYNN: Q. And you've charged in a complaint
21 you've brought against her that this organization, SRF, is a
22 coconspirator, but you don't sue SRF. Is that correct?

23 A. That's --

24 MR. PARSONS: Objection. Compound; it misstates
25 the documents. But you may respond, sir.

1 THE WITNESS: Well, both statements, yes, that's
2 correct.

3 MR. FLYNN: Q. Now, as you're aware, SRF supports
4 what you call "Master's teachings." Is that correct?

5 MR. PARSONS: Objection. Asked and answered. Go
6 ahead.

7 THE WITNESS: Yes.

8 MR. FLYNN: Q. And it's your belief that
9 Ms. (the plaintiff) does not support Master's teachings; in fact,
10 ridicules them. Is that correct?

11 MR. PARSONS: Objection. Compound. Go ahead.

12 THE WITNESS: That is still correct.

13 MR. FLYNN: Q. Now, on the second page of this
14 letter, you write:

15 "This has been an instructive year for me in many
16 ways. It has helped me to understand more deeply the
17 supreme virtue of loyalty. Not as a dogmatic commitment to
18 an abstract concept, but as a simple commitment of the heart
19 in a spirit of divine friendship. Somebody this year told
20 me a scurrilous story about Master. I replied, 'I don't
21 believe it for a moment.'"

22 All right. Who is the one who told you a
23 scurrilous story about master?

24 A. My secretary mentioned that somebody during a
25 phone call had mentioned it. He only mentioned it to me; he
1 didn't ask me if it was true.

2 My comment was, I don't believe it for a moment.

3 Q. What was the scurrilous story?

4 A. I don't think I should tell it.

5 MR. PARSONS: Excuse me. Can you tell me why?

6 No, no, just whisper to me.

7 THE WITNESS: Because it's defaming a name that I

8 revere.

9 MR. PARSONS: That was a pretty loud whisper.

10 THE WITNESS: It's an untrue story. I'm supposed

11 to talk facts here. Granted, it was a fact he told me, but

12 it was a scurrilous story about a man I revere. I don't

13 want to talk about it.

14 MR. PARSONS: I will assert then -- based on what

15 the witness says, I will assert a privacy, religious belief 16 objection.

17 JUDGE PLISKA: You're instructed to answer the

18 question.

19 THE WITNESS: Well, the story was that somebody

20 claimed to have been his son.

21 MR. FLYNN: Q. And when were you first told this?

22 A. I was only told it once.

23 Q. When?

24 A. Earlier this year. I don't remember.

25 Q. And what is the name of the person who told you

1 this story?

2 A. My secretary.

3 MR. PARSONS: Objection. Asked and answered.

4 THE WITNESS: Alan.

5 MR. FLYNN: Q. Alan what?

6 A. Heubert.

7 Q. Had you ever heard this scurrilous story before

8 Alan Heubert told it to you?

9 A. Never.

10 Q. Now --

11 MR. PARSONS: Excuse me. I have an objection.

12 There is whispering -- I don't know if you can

13 hear it, Your Honor, but there's whisperings going back and 14 forth.

15 MR. FLYNN: I was talking to my co-counsel.

16 JUDGE PLISKA: The problem, Mr. Flynn, is that

17 we're being recorded, and this will be part of this

18 deposition record.

19 Make sure you cover your microphone or do

20 something so that these asides are not -- or slip a note to 21 him.

22 MR. FLYNN: Fine, Your Honor. I will.

23 Q. Mr. Walters, in the last 6 months, have you said

24 to anyone in an effort to defend your own sexual misconduct,

25 quote, "Even master had his shakti," end quote?

1 MR. PARSONS: Objection. Compound. Instruct the

2 witness not to answer, if that was a communication he made

3 to an attorney, his attorney.

4 Otherwise, you may respond.

5 THE WITNESS: Absolutely not.

6 MR. FLYNN: Q. In the last 6 months, have you
7 participated in any organized effort to discredit Yogananda
8 in order to defend your own sexual misconduct?

9 A. Impossible, and no.

10 Q. Do you know the name of the individual who is
11 allegedly Yogananda's son?

12 A. I do not.

13 Q. Have you ever spoken to that individual?

14 A. I have not.

15 Q. Have you ever spoken to his wife?

16 A. I don't even know if he has a wife --

17 MR. PARSONS: Objection -- okay.

18 MR. FLYNN: Q. Have you ever gone to his home
19 with another individual?

20 MR. PARSONS: Obviously, if he doesn't know who it
21 is -- so the question is confusing and misleading. But he
22 may answer.

23 THE WITNESS: No.

24 MR. FLYNN: Q. Do you know a fellow who wrote a
25 book called How To Get Sick Well?

1 A. You'll have to tell me the name, because I don't
2 otherwise.

3 Q. Do you know a fellow whose name I don't know, but
4 he's a doctor, and his first name is Jeff, who wrote a book
5 called How To Get Sick Well?

6 A. I don't know the book, I don't know the name, I
7 don't know the person.

8 Q. Now, approximately 4 years ago, did you meet with
9 the alleged son of Yogananda?

10 MR. PARSONS: That obviously misstates his
11 testimony, since he's already said he didn't know who it
12 was.

13 You may answer.

14 THE WITNESS: No.

15 MR. FLYNN: Q. In the early 1970s, did you
16 frequent The Green Door?

17 A. No.

18 MR. PARSONS: Objection. First of all, you're
19 referring to The Green Door which is a -- it's vague as to
20 what The Green Door is.

21 THE WITNESS: But no.

22 MR. FLYNN: Q. Now, you say in your letter,
23 "Obviously, the enmity that I've had leveled against me has
24 not" -- "has been not only inherent in the situation from
25 the beginning -- to live by one's belief is to invite
1 persecution."

2 What do you mean by that statement?

3 A. I mean that --

4 MR. PARSONS: Objection -- excuse me. Objection.

5 It's compound.

6 You may respond. Keep in mind there's more than

7 one phrase there.

8 THE WITNESS: Anyone who tries to believe by a --
9 to live by a sincere belief, it's in the nature of things
10 for him to be persecuted.

11 MR. FLYNN: Q. Then you say, "but is also a
12 reflection of my own karma."

13 What does that mean?

14 A. That means --

15 MR. PARSONS: Objection. This goes to the
16 privacy, the religious belief.

17 I believe we've already got a ruling on this from
18 yesterday, but I'm still preserving the objection, although
19 in the face of the earlier ruling I'll let the witness
20 respond.

21 JUDGE PLISKA: Yes.

22 THE WITNESS: You'll have to reword it again,
23 please.

24 MR. FLYNN: Q. Your letter says, "but is also a
25 reflection of my own karma."

1 A. That's right.

2 Q. What does that mean?

3 A. It means that persecution is bound to come in
4 general to anybody who seriously commits himself to beliefs
5 and actions. But the particular line of persecution will be
6 something he, by his particular karma, would attract.

7 Q. Then you go down and you say, "What we judge
8 in" -- strike that.

9 Quote, "For we project ourselves onto others.

10 What we judge in them, whether kindly or unkindly, is always
11 a self-judgment," end quote.

12 Now, is it your belief, in line with the second
13 paragraph, that Ms. (the plaintiff) has an insane hatred for your
14 organization?

15 A. Yes. May I answer that more completely?

16 Q. Your lawyer will have an opportunity to examine
17 you.

18 A. Pardon?

19 JUDGE PLISKA: You're entitled to explain your
20 answer. Go ahead.

21 THE WITNESS: I am. To me, judgment means to
22 hate, not to discriminate or to observe.

23 I have no hatred for you, nor for Mr. -- excuse
24 me, Stillman, nor for Ford Greene, nor for (the plaintiff).
25 I do observe, and this is my opinion. But I don't
1 have any ill will toward you.

2 MR. FLYNN: Q. What is it --

3 A. Ill will is judgment -- or I should say, judgment
4 is ill will.

5 Q. And what is it that you observe sir?

6 A. What I have stated here.

7 Q. What?

8 A. Because your declaration -- I mean, your brief,
9 your paper, was so outrageous in its allegations that it
10 could not be motivated by normal motives. It would have to
11 be something extreme.

12 If I have misstated it, if I am wrong, then I very
13 sincerely apologize. But so far, I have no reason to think
14 other than I observe.

15 Q. Now, if our papers related to extremely perverse
16 and abusive and harassive conduct on your part, assuming
17 that conduct was true, and our papers were then true, then
18 our papers would not evidence extreme hatred. Is that
19 correct?

20 MR. PARSONS: Wait a minute. It's compound, it
21 assumes facts not in evidence, it's argumentative.
22 Your Honor, I'd instruct him not even to answer
23 that question.

24 And obviously, it has no relevancy to anything.

25 MR. FLYNN: He's the one who wanted to give the
1 explanation, judge.

2 MR. PARSONS: Yes, but the question is still so
3 far afield from anything here.

4 JUDGE PLISKA: It seems to -- what's the point of
5 it?

6 MR. FLYNN: All right. I'll ask it again.

7 Q. If the facts were true in our papers about you,
8 would you still believe that our papers evince insane
9 hatred?

10 A. May I restate your question? You've used a
11 subjunctive, "were"; that means that they weren't.
12 Two, if they were true, it would have to be
13 proved. As far as I'm concerned, they are not true.
14 (Exhibit 15 was marked.)

15 MR. FLYNN: Q. This is the declaration of (woman #2)
16 ?

17 A. (woman #2).

18 Q. Do you recall (woman #2)?

19 MR. STILLMAN: Which is 15.

20 MR. FLYNN: Q. Which has been marked as Exhibit
21 15.

22 Now, do you remember meeting (woman #2) in 1979?

23 A. Probably that was the year.

24 Q. Do you remember where you met (woman #2)?

25 A. I do not.

1 Q. Did you meet her at the Unitarian Church in San
2 Francisco?

3 A. I couldn't say.

4 Q. In 1979, did you refer to yourself as Swami
5 Kriyananda?

6 A. How would I know? It's possible. I don't know.

7 Q. Do you remember meeting (woman #2) in the
8 summer of 1979 at the Ananda meditation retreat?

9 MR. PARSONS: Are you asking the question with
10 respect to the declaration, which I notice you are reading,
11 or are these just --
12 MR. FLYNN: I'm just asking him. I'm using it as
13 a reference. The witness if he wants can use it as a
14 reference also.
15 THE WITNESS: I don't know when I met her.
16 MR. FLYNN: Q. Do you remember (woman #2)
17 coming to study at the Ananda Center?
18 MR. PARSONS: Objection. Assumes facts not in
19 evidence.
20 You may answer.
21 THE WITNESS: I just don't know. But I think it's
22 safer to say, do you remember seeing her around. Yes, I 23 did.
24 MR. FLYNN: Q. What is your memory as to when
25 you first saw her?
1 A. I have no idea.
2 Q. When is your memory as to the first time you
3 became friendly with her?
4 MR. PARSONS: Objection. Vague as to "friendly."
5 You may answer.
6 THE WITNESS: I think it was in the fall of 1981.
7 MR. FLYNN: Q. And can you describe the
8 circumstances by which you came to know her?
9 MR. PARSONS: Objection. Vague as to
10 "circumstances." Go ahead.
11 A. Hmm?
12 MR. PARSONS: You may answer.
13 THE WITNESS: She wanted to be -- we were talking
14 then of the baby that was due for (woman #7). She wanted to 15 be a nurse to the
baby.
16 MR. FLYNN: Q. Is that what she said to you?
17 A. Yes.
18 Q. How did she know that (woman #7) was having a baby?
19 MR. PARSONS: Objection. Calls for speculation.
20 No foundation.
21 Go ahead.
22 THE WITNESS: It was something that was known.
23 MR. FLYNN: Q. Did you talk to her about the fact
24 that (woman #7) was having a baby?
25 A. I think to several people.
1 Q. So the answer is yes, Mr. Walters?
2 A. The answer is yes, within the context of a larger
3 thing rather than a private confidence.
4 Q. There were a number of people present when you
5 told her that. Is that your testimony?
6 A. I do not know when and where, but I know that we
7 discussed it, and I want to make it clear that it was not a
8 private or confidential statement. It was a statement that
9 -- a fact, rather, that a number of people knew.
10 Q. Do you recall the jobs that she had at Ananda?

11 A. No.

12 MR. PARSONS: Objection. Vague as to time as
13 well.

14 Go ahead.

15 MR. FLYNN: Q. Do you recall any of the jobs?

16 MR. PARSONS: He's not asking you concerning the
17 declaration yet. But if you want to use that to refresh
18 your memory, you can.

19 THE WITNESS: No. Well, she said that she was my
20 housekeeper. She was not. My secretary tells me that she
21 did clean while I was away, but I didn't hire anybody. And
22 the plain fact is, I couldn't have hired anybody.

23 And so did she do any other work? I don't know.

24 Did she clean for me? Possibly so. I don't know.

25 MR. FLYNN: Q. Do you recall where she lives?

1 A. No.

2 Q. Do you recall whether she lived in a 5 foot 6 by
3 12 foot long wooden trailer which was blessed with running
4 water, a small sink and a propane heater?

5 A. Well, a number of people lived in primitive
6 conditions until we could improve them.

7 Q. Do you know whether she lived in such a trailer?

8 A. I do not.

9 Q. Did you see her frequently?

10 MR. PARSONS: Objection. Vague as to

11 "frequently." Also vague as to time.

12 MR. FLYNN: Q. At any time in 1980, did you see
13 (woman #2) frequently?

14 A. Eighty what?

15 Q. Any time in 1980 or '81, did you see her
16 frequently?

17 MR. PARSONS: Still vague as to "frequently." Go
18 ahead.

19 THE WITNESS: '82.

20 MR. FLYNN: Q. You saw her frequently in '82. Is
21 that your testimony?

22 A. Much to my displeasure. She was like an
23 uncontrollable force of nature, and she imposed herself upon
24 me.

25 Q. Did you invite her to cook dinners and breakfasts
1 for you?

2 A. Not that I remember.

3 Q. Did she ever confide in you that she saw you as
4 her father?

5 A. No.

6 Q. One day in 1981, did you offer her a ride from the
7 farm to Ayodhya?

8 MR. PARSONS: Do you want to take a moment and
9 read the declaration that Mr. Flynn is apparently reading 10 from?

11 THE WITNESS: What paragraph is that?

12 MR. FLYNN: Q. 12?

13 A. Pardon?

14 Q. 12, on page 4.

15 A. 12. Well, I believe she lived at Ayodhya, yes. I

16 believe it's quite possible. I would naturally give people

17 rides if they were wanting to go there.

18 Q. During --

19 MR. PARSONS: Excuse me. Mr. Walters, I don't

20 want you to speculate as to what might have happened, or

21 quite possible, because he's asking you whether you did it

22 or not.

23 THE WITNESS: I don't know that. But I have --

24 oh, okay, I won't say anymore.

25 MR. PARSONS: And have you read paragraph 11 and

1 12? Because I think 11 provides introduction to 12.

2 MR. FLYNN: Q. During a ride, did you ask (woman #2)

3 to come to your house?

4 A. I cannot remember.

5 Q. Do you recall (woman #2) feeling shy and uneasy

6 about being physically close to you in your house?

7 MR. PARSONS: Objection. It clearly calls for

8 only a third party's mental state. There's no foundation

9 for this witness --

10 MR. FLYNN: I'll withdraw it.

11 Q. Let me refer to you paragraph 12, line 5.

12 She states, quote, "I went, he asked me to give

13 him a back rub, in his upper room in the dome part of his

14 house," period, end quote.

15 Did you do that? Did you ask her for her to give

16 you a back rub in your house?

17 MR. PARSONS: Vague as to time. What time are you

18 referring to in the question?

19 MR. FLYNN: Q. At any time.

20 A. No.

21 Q. Did she volunteer to give you a back rub?

22 MR. PARSONS: Again, any time?

23 MR. FLYNN: Q. At any time.

24 A. I don't remember.

25 Q. She states, quote, "I did gladly although I felt

1 very shy and uneasy, never having been so physically close

2 to him before."

3 MR. PARSONS: Okay. Now you're quoting from --

4 MR. FLYNN: Q. "He asked me to straddle his back

5 in order to access his shoulders properly," period, end

6 quote, which is paragraph 12.

7 Do you read that, Mr. Walters?

8 MR. PARSONS: Paragraph 12, what lines?

9 THE WITNESS: 7 is it? 7, right?

10 MS. RUSH: 8, 9.

11 MR. FLYNN: Q. Do you see what I just read into

12 the record, Mr. Walters, lines 6 to 9?

13 A. 6 to 9.

14 Q. Of paragraph 12.

15 A. I don't remember the sequence, but I do remember
16 that she did give me a back rub. So let's say yes.

17 Q. Did you ask her to straddle your back in order to
18 access your shoulders?

19 A. This I don't remember.

20 Q. Quoting further --

21 A. Pardon?

22 Q. Quoting further on line 9 --

23 THE VIDEO OPERATOR: Counsel, I don't want to
24 interrupt, and I don't want to instruct the witness, but
25 it's blocking the camera.

1 MR. FLYNN: Thank you.

2 Q. "In a few moments, he asked me to take off my
3 clothes, as they were irritating his skin while I gave him
4 the back rub," period, end quote.

5 THE WITNESS: Well, I don't --

6 MR. PARSONS: You don't have a question yet.

7 MR. FLYNN: Q. Did you ask (woman #2) to take
8 off her clothes to give you a back rub?

9 A. I believe I did not.

10 (Mr. Greene entered the deposition room.)

11 MR. FLYNN: Q. When you say "I believe I did
12 not" --

13 A. Because I don't remember.

14 Q. So you may have, but you have no present memory.
15 Is that your testimony?

16 A. That's correct.

17 Q. "I was extremely surprised, but he said some
18 things which assured me, making me feel that he was a pure
19 channel of God, and that I had no cause for uneasiness."

20 Do you recall telling her, (woman #2), that you
21 were a pure channel of God?

22 A. The answer to that is, certainly no. But I also
23 don't remember ever seeing her unclothed.

24 Q. "I took off my clothes and he then had me resume
25 the back rub."

1 A. This I --

2 MR. PARSONS: You've got to wait for a question.

3 MR. FLYNN: Q. Do you recall her taking off your
4 clothes -- her clothes?

5 A. Her clothes. I don't recall seeing her without
6 clothes, so I have to say no.

7 Q. It's because you don't remember?

8 A. No, because I -- well, yes, you could say that. I
9 don't think that she ever took her clothes off.

10 Q. Do you deny that she has stated truthfully that
11 she took her clothes off?

12 MR. PARSONS: Wait, wait.

13 THE WITNESS: I am not --

14 MR. PARSONS: Wait. I'll state that it

15 mischaracterizes the witness's testimony, but you may
16 respond.

17 THE WITNESS: I'm not in a position to deny that.

18 MR. FLYNN: Q. She states in paragraph 13, quote,
19 "I was feeling very confused by the actions of my beloved
20 father figure, when he turned over on his back exposing
21 himself and rubbed himself against me until he ejaculated
22 all over himself," period, end quote.

23 Did that occur, Mr. Walters?

24 MR. PARSONS: Excuse me. To the extent that it
25 goes to her mental state and why she felt any mental state
1 she felt, I object. Obviously, it calls for speculation,
2 lack of foundation.

3 Otherwise, I'll let the witness testify.

4 THE WITNESS: The only thing I can relate to there
5 is rubbing myself against her. I would say no.

6 MR. FLYNN: Q. Did you expose yourself?

7 A. Then -- yes.

8 Q. Did you rub yourself against her until you
9 ejaculated?

10 A. That's what I said, no.

11 Q. Do you deny -- is it that you don't have any
12 present memory of that occurring, or do you deny that it 13 ever occurred?

14 A. I deny that that occurred.

15 Q. Quote, "I was numb with sickening deadness that I
16 cannot explain. He told me to get a napkin to clean off the
17 ejaculate. I said no, put my clothes on and went and stood
18 by the large window overlooking the mountains."

19 A. I deny it.

20 MR. PARSONS: Wait. He hasn't asked you a
21 question yet.

22 MR. FLYNN: Q. You deny what I just said?

23 MR. PARSONS: Excuse me. It's compound. To a
24 certain extent, it calls for the -- speculation, no
25 foundation, third party's mental state.

1 MR. FLYNN: Q. Now --

2 MR. PARSONS: But I'll permit him to respond to
3 the remainder of those several sentences.

4 THE WITNESS: Which I did.

5 MR. FLYNN: Q. Now, as I understand your
6 testimony, you admit that you rubbed yourself against her.

7 MR. PARSONS: No. No, that misstates his
8 testimony.

9 MR. FLYNN: Q. Do you admit that you rubbed
10 yourself against her?

11 A. No.

12 Q. Did you ever at any time rub yourself against
13 (woman #2)?

14 MR. PARSONS: Any part of his body, including his
15 hands, against any part of her body?

16 MR. FLYNN: Yes.

17 MR. PARSONS: Including her shoulders?

18 THE WITNESS: No.

19 MR. FLYNN: Q. The answer was what?

20 A. No.

21 Q. "A summer" -- well, let me -- I'll read that into
22 the record.

23 "A summer thunderstorm was in progress, there was
24 lightning and lashing rains. I stood and stared at the
25 outside feeling numb, and terribly confused inside. He
1 got up, fixed himself something to eat, I declined
2 food, then we drove to the new temple at the farm where
3 he gave an hour long talk on truth, following the path,
4 devotion to the guru, and the importance of loyalty."
5 Do you recall after being with (woman #2) for
6 whatever reason going and giving an hour long talk on those 7 subjects?

8 MR. PARSONS: Okay. Objection. It's vague as to
9 time being with her, then doing that. I'll permit him to
10 answer if that ever happened. And "those subjects," vague.
11 You may respond.

12 THE WITNESS: Well, you've said, if that ever
13 happened. We're talking of an event I do not recall.

14 MR. FLYNN: Q. Paragraph 15, quote:

15 "I remember sitting and trying so hard to
16 understand what he was saying in light of my experience
17 with him. My head felt like it was bursting. I felt I
18 could not understand the English language. He drove me
19 back to Ayodhya and dropped me off. For many days I
20 felt dazed. I didn't know where I was or if I had
21 eaten."

22 Paragraph 16:

23 "Finally with his increasingly public and private
24 attentiveness to me and the verbal encouragement from
25 Kalyani and others to accept his advances, in that I
1 was extremely blessed to be able to provide energy to
2 him, I began to feel that he was a divine lover,"
3 period, end quote.

4 Who is Kalyani?

5 MR. PARSONS: I also want to object at this point
6 of reading large sections like paragraph 15 into the record
7 when there's not even a question about them. I believe
8 you're doing that for purposes of creating an artificial
9 record, wasting time, and harassing this witness.

10 I will, however, permit him to answer the question
11 before him of, does he know who Kalyani is.

12 THE WITNESS: Kalyani is a member -- excuse me, a
13 member of Ananda, and that's enough.

14 MR. FLYNN: Q. Did you ever have a conversation
15 with Kalyani in which you encouraged Kalyani to encourage
16 (woman #2) to accept your sexual advances?

17 A. Absolutely not.

18 Q. Paragraph 17:

19 "After this there were many more encounters. I
20 once asked him how his behavior fitted into the
21 universal plan of things, and he said, 'It's just
22 energy going from one part of the universe to
23 another.' With his instructions, I gradually came to
24 accept his as being a way of playing with physical
25 energy. At first, as far as I knew, it was just with
1 me."

2 Paragraph 18: "Later" --

3 MR. PARSONS: Excuse me. Did you even have a
4 question on paragraph 17?

5 MR. FLYNN: Yes. I'm going to merge it with
6 paragraph 18.

7 "Later, from statements made from older nuns and
8 community members, I found out that many others had had
9 relationships with him as well. His close older
10 disciples, Seva, Kalyani, Asha Praver, Parvati, Ann
11 McFarlane, Shivani, seemed to understand what was
12 happening and treated me with great leniency and
13 indulgence," period, end quote.

14 Now, did you tell her that encounters, sexual
15 encounters, between the two of you was just energy going
16 from one part of the universe to another?

17 A. I can only say I would not have. I can't remember
18 doing it, but I can't imagine doing it.

19 Q. Do you deny having done it?

20 A. I have to.

21 Q. Now, did you have sexual relationships with the
22 other women mentioned, any one of the other women mentioned
23 in paragraph 18?

24 MR. PARSONS: Okay. I'm going to object to that
25 on privacy grounds. There -- Seva, Kalyani, Asha Praver,
1 Parvati, Ann McFarlane and Shivani, these people named in
2 paragraph 18 have not submitted any declarations, there's no
3 allegation in the cross-complaint concerning them.

4 These people are third parties, uninvolved with
5 this litigation.

6 I'm instructing the witness not to answer
7 concerning any personal relationship with these uninvolved
8 third parties on the privacy grounds, and I instruct him not
9 to answer.

10 MR. FLYNN: They have submitted declarations, as I
11 understand it, on your behalf, Mr. Parsons, denying any
12 sexual relationships.

13 MR. PARSONS: That's not the case.

14 You may examine him on any declarations you have,
15 however.

16 JUDGE PLISKA: At this point, I'll instruct that
17 the witness does not have to answer that until you produce
18 these declarations and question him about them. Okay?

19 MR. FLYNN: Okay. We'll get those.

20 Q. Okay. Now, she states, line 24: "In none of
21 these encounters did I participate as a full sexual
22 partner. The sexual the contacts were" --
23 A. Just a moment. What is that?
24 MR. PARSONS: Section 14.
25 MR. FLYNN: Q. "In none of these encounters did I
1 participate as a full sexual partner. The sexual
2 contacts were for his pleasure only and as soon as he
3 had ejaculated, I left. He taught me to use my mouth
4 and hands to stimulate him," end quote.
5 Now, did you teach (woman #2) to use her mouth
6 to stimulate you?
7 MR. PARSONS: Objection. Vague.
8 You may answer, however.
9 THE WITNESS: No.
10 MR. FLYNN: Q. Did she ever stimulate you with
11 her mouth?
12 MR. PARSONS: Objection. That's a very broad
13 question. To the extent the witness can answer, he may, 14 however.
15 THE WITNESS: No.
16 MR. FLYNN: Q. Did she ever stimulate you with
17 her hands?
18 MR. PARSONS: Same objection as to broadness of
19 the term "stimulate." You may respond.
20 THE WITNESS: Yes.
21 MR. FLYNN: Q. On how many occasions?
22 MR. PARSONS: Same objection.
23 You may respond.
24 THE WITNESS: Possibly eight.
25 MR. FLYNN: Q. And would you describe in what way
1 she stimulated you with her hands?
2 A. How would one simulate with one's hands?
3 MR. PARSONS: No, it's --
4 MR. FLYNN: Q. I'm asking you how she did it.
5 A. You better offer me alternatives. I don't know
6 much about it.
7 MR. PARSONS: Well, you've --
8 MR. FLYNN: Q. In what way did she stimulate you
9 with her hands, Mr. Walters?
10 A. You mean, holding my penis?
11 Q. Yes.
12 A. Yes.
13 Q. In what way did she do that? Were you clothed or
14 not clothed?
15 A. I was not clothed.
16 Q. Were you lying down or sitting up?
17 MR. PARSONS: This is vague as to what happened on
18 what apparently are eight occasions the witness has
19 testified to.
20 MR. FLYNN: I'll withdraw it.
21 Q. Can you remember any one of the occasions the

22 circumstances under which she stimulated you?
23 A. Yes. None of them were sitting. All of them were
24 lying. I was lying.
25 Q. And what was she doing?
1 A. Massaging me.
2 Q. And did you talk to her?
3 A. Yes.
4 Q. What did you --
5 MR. PARSONS: Again, on each occasion?
6 MR. FLYNN: Q. On any of the occasions, did you
7 talk to her?
8 A. Yes.
9 Q. What did you tell her?
10 MR. PARSONS: Again, vague as to which of these
11 occasions.
12 You may respond, though.
13 THE WITNESS: I don't have any recollection.
14 MR. FLYNN: Q. Did you tell her to stimulate you?
15 A. No.
16 MR. PARSONS: Again, vagueness as to which
17 occasion.
18 MR. FLYNN: Q. Did you ask her to stimulate you?
19 MR. PARSONS: Again, vague as to which occasions.
20 You may respond.
21 THE WITNESS: No.
22 MR. FLYNN: Q. Did she stimulate you to
23 ejaculation on eight occasions?
24 A. Yes.
25 Q. Were there any words spoken between the two of you?
1 MR. PARSONS: Same objection on vagueness. Go
2 ahead.
3 THE WITNESS: Mostly, it was very light. But I
4 don't remember the words.
5 MR. FLYNN: Q. Was there any affection expressed
6 by you to her?
7 MR. PARSONS: Again, vague as to occasions. You
8 may respond.
9 THE WITNESS: In the sense of kindness,
10 friendship. Nothing more.
11 MR. FLYNN: Q. Can you tell me in any form of
12 words what affection you expressed?
13 A. No.
14 Q. Can -- did you ever have intercourse with her?
15 MR. PARSONS: Vague as to time.
16 THE WITNESS: No.
17 MR. FLYNN: Q. Did you ever stimulate her in any
18 way?
19 MR. PARSONS: Vague as to time. Go ahead.
20 THE WITNESS: No.
21 MR. FLYNN: Q. Did you ask her to give you
22 massages when she stimulated you?

23 MR. PARSONS: Objection. Vague as to time.

24 You may respond.

25 THE WITNESS: Yes.

1 MR. FLYNN: Q. During what period of time --
2 strike that.

3 What was the -- what is your best recollection as

4 to when these eight occurrences took place?

5 A. January, February of '82.

6 Q. Did you ever talk to her during the process of
7 these incidents about energies flowing between the two of
8 you?

9 A. Well, because I can't remember the conversations,
10 I have to say again, it would not be something I would say.

11 Q. Is it a fair characterization to say that you just
12 lay down prone and allowed her to masturbate you to
13 ejaculation?

14 MR. PARSONS: Vague as to time. I object.

15 You may respond.

16 THE WITNESS: Okay. Yes.

17 MR. FLYNN: Q. And is it a fair characterization
18 that while she was doing that, you never demonstrated any
19 affection for her?

20 MR. PARSONS: Objection.

21 MR. FLYNN: Q. Physical affection?

22 MR. PARSONS: Never demonstrated any physical
23 affection? That's vague, ambiguous, misstates his earlier
24 testimony.

25 You may respond.

1 THE WITNESS: No.

2 MR. FLYNN: Q. All right. What physical
3 affection while she was masturbating you did you express to
4 her?

5 MR. PARSONS: Vague as to time.

6 THE WITNESS: None that I remember.

7 MR. FLYNN: Q. Now, could you turn to paragraph
8 19? She states:

9 "Psychologically, at the time I thought I was
10 going crazy, and confided in one of the older nuns, Ann
11 McFarlane, who simply put it down to," quote, "I don't
12 understand the ways of gurus," period, end quote. "I
13 was being used sexually but never acknowledged as a
14 feeling person in the encounters," period, end quote.

15 Did you ever talk to Ann McFarlane about your
16 sexual use --

17 A. I did not.

18 Q. -- of (woman #2)?

19 A. I did not, and I doubt that Ann McFarlane did.

20 Q. Did you ever talk to any other person about your
21 sexual use of (woman #2)?

22 MR. PARSONS: Okay. Objection. I'm instructing
23 you not to answer anything that you said to any attorney of

24 yours concerning this.

25 Otherwise, you may testify.

1 THE WITNESS: Let me repeat that it was not a
2 romantic or passionate feeling, but it was a friendly
3 feeling. I was not using her. I did not feel that I was
4 using her.

5 Her statements many years after the fact are not
6 corroborated by my memory of her action then, which was in
7 fact to thrust herself upon me, against my pleas to the
8 contrary.

9 MR. FLYNN: Q. In what way did she thrust herself
10 upon you?

11 A. I was trying to be in seclusion. She and (woman #1)
12 came down repeatedly to my house. And I said,
13 please, leave me be. I want to be quiet, and I want to
14 meditate and understand this confusion that I'm going
15 through with (woman #7)'s departure.

16 I was in a state of emotional shock, confusion and
17 trauma, but I did not in any way notice at the time that she
18 was being upset, hostile, resistant. Rather, quite the
19 contrary, she was thrusting herself on me.

20 Q. Now, did you ever invite her to come give you
21 massages?

22 A. No.

23 Q. One moment.

24 Is it your testimony that the only reason you
25 received massages from (woman #2) is that she offered
1 them to you?

2 MR. PARSONS: Objection. Misstates his testimony,
3 but you may answer that question.

4 THE WITNESS: Not the only, but a basic.

5 MR. FLYNN: Q. Now, did she offer to masturbate
6 you to ejaculation?

7 MR. PARSONS: Go ahead. You can answer that.

8 It is vague as to time, but go ahead.

9 THE WITNESS: The statement "offer" suggests a
10 verbal encounter, a verbal proposal.

11 Rather, she demonstrated it not by words, but by
12 insisting on being there.

13 MR. FLYNN: Q. Were there any massages that she
14 gave to you where she did not masturbate you to ejaculation?

15 A. I would say absolutely, yes.

16 Q. On how many occasions?

17 A. I do not know.

18 Q. More than ten?

19 A. I wouldn't guess.

20 Q. More than 20?

21 A. I wouldn't guess.

22 Q. More than 50?

23 A. I wouldn't guess.

24 Q. More than a hundred?

25 A. I wouldn't guess.

1 Q. Is there any way you can give me a best estimate
2 of the number of times (woman #2) massaged you?

3 A. There is not.

4 Q. Now, would you turn to paragraph 22, please?

5 "Later, upon (woman #7)'s abrupt departure
6 from Ananda, he began to invite a fellow nun of the same age
7 as myself to be present in the encounters, and often the two
8 of us would sexually service him."

9 Did you -- who was the fellow nun that is referred
10 to here, if you know?

11 MR. PARSONS: Okay. Again, objection. No
12 foundation, assumes facts not in evidence.

13 But I will let the witness testify if he knows who
14 this fellow nun is.

15 THE WITNESS: Yes. She -- I have said it
16 already. (woman #1) and she came down. It was not by
17 my invitation. It was an imposition.

18 And there was only one time -- they did not
19 sexually service me, but they piled into the bed with me,
20 and I said, please leave me alone. And they were having
21 great fun, laughing.

22 That's all I can say. It was not a sexual thing.

23 They were sort of playing.

24 MR. FLYNN: Q. Now, so there was no sexual
25 contact between you and (woman #1) and (woman #2) at
1 the same time together at any time. Is that your testimony?

2 MR. PARSONS: Okay. I object, it misstates his
3 testimony. There was no sexual contact, but you may
4 respond.

5 THE WITNESS: No sexually servicing.

6 MR. FLYNN: Q. Was there any sexual contact
7 between the three of you?

8 A. No.

9 Q. Paragraph 23, quote:

10 "While I was there, there was no penile-vaginal
11 intercourse. He began to become increasingly enamored
12 and my friend, and I slowly dropped out of the sexual
13 picture, still taking care of his housekeeping, cooking
14 and laundry," period, end quote.

15 Did (woman #2) slowly drop out of the sexual
16 picture with you?

17 MR. PARSONS: Objection. It's vague as to "slowly
18 drop out of sexual picture." It also assumes there was a
19 sexual picture. Go ahead.

20 THE WITNESS: The only thing I remember is (woman #2)
21 asking me what I thought of her going to study and

22 Chantinetwan (phonetic). It's a place in India.

23 I nearly cheered, but I had to try to think

24 sincerely what was good for her, and fortunately I could

25 say, sincerely for her welfare, that I thought it was a good

1 idea, so she went to India.

2 Q. Did she take care of your housekeeping, cooking
3 and laundry for a period of time after she dropped out of
4 the sexual picture?

5 A. I do not remember that she did.

6 Q. You don't deny it?

7 A. No, I don't -- I just don't know. But this thing
8 of slowly dropping out of the sexual picture, I protest that
9 as being a statement I can't relate to.

10 Q. Paragraph 27:

11 "By 1982, I increasingly felt like Donald was
12 deceiving people mightily with innocent people,
13 ignorant of what a lecherous leader they had, following
14 him blindly. I began to get more and more vocal about
15 what I saw happening. The power dynamics around him
16 which close, in-tune devotees (Seva, Asha Praver, David
17 Praver, Kalyani, Shivani, Ann M., Parvati, Anandi,
18 Haridas, Bharat, Jyotish, Devi, Prahlad, Lakshmi,
19 Padma, Durga and others) shielded and protected him, as
20 well as their power positions in the community,
21 exploiting the emotional and psychological
22 vulnerabilities of community members," period, end
23 quote.

24 Now, were those people that are listed there in
25 the parenthetical statement close to you?

1 MR. PARSONS: Objection as to -- are all of them
2 close, I guess is your question; and also, the term
3 "close."

4 You may answer.

5 THE WITNESS: I think this entire thing is an
6 invention.

7 MR. FLYNN: Q. In 1982, was Seva close to you?

8 A. All of them were close to me. That was your
9 question.

10 I was addressing the further fact that this
11 statement that they gave her any advice, I cannot imagine
12 any of them saying such a thing.

13 Q. In paragraph 28, line 28:

14 "I felt I could no longer be a quiet part of the
15 huge deceit, especially now that I understood this man
16 was in no way my father figure, and that he was using
17 me in the worst ways possible for his own sexual
18 gratification as his sexual and physical slave without
19 the slightest regard for me as a human being," period,
20 end quote.

21 As the spiritual director of the Ananda community,
22 did you ever state to (woman #2) that her masturbating
23 you to ejaculation was bad for her emotional health?

24 MR. PARSONS: Okay. I'm going to object on the
25 grounds I've stated before, which is a consistent pattern.

1 The portion that you've now read into the record has nothing

2 to do with your question.

3 But I will then permit the witness to answer that
4 question.

5 THE WITNESS: No, I made no such statement.

6 MR. FLYNN: Q. Did you ever give spiritual
7 counseling to (woman #2)?

8 A. I tried to. It was not much of a possibility.

9 Q. Now, you were the spiritual director of the Ananda
10 community in 1982 when (woman #2) was masturbating you to
11 ejaculation. Is that correct?

12 MR. PARSONS: It's compound, it's argumentative.

13 I will, however, permit the witness to answer.

14 THE WITNESS: Yes.

15 MR. FLYNN: Q. And as such, in 1982, you had the
16 power to transfer one person from one job to another, did
17 you not?

18 MR. PARSONS: Assumes facts not in evidence.

19 The witness may respond.

20 THE WITNESS: Yes.

21 MR. FLYNN: Q. Do you have any memory of (woman #2)
22 serving as your housekeeper in 1981 or 1982?

23 MR. PARSONS: Objection. Asked and answered.

24 You may respond.

25 THE WITNESS: I do not.

1 MR. FLYNN: Q. On the last -- well, strike that.

2 On page 10, line 5, paragraph 31, (woman #2) --

3 A. Page 10 --

4 MR. PARSONS: I'm sorry.

5 MR. FLYNN: Q. Excuse me, Page 9, paragraph 31,
6 like 5, last sentence:

7 "At one point, Swami told me that he was greater
8 than Gandhi and Sai Baba, that no one had the spiritual
9 power he had."

10 MR. PARSONS: Okay, wait.

11 MR. FLYNN: Q. Period, end quote.

12 Did you make that statement to (woman #2)?

13 MR. PARSONS: Objection. It's vague as to time.

14 I'll permit the witness to respond.

15 THE WITNESS: No, and it's an example of the kind
16 of lying she's doing to make her case look better.

17 MR. FLYNN: Q. Oh, is it your understanding that
18 (woman #2) has a case against you?

19 A. The fact that she wrote this declaration makes it
20 seem fairly self-evident.

21 Q. Let's go to (woman #1).

22 MS. RUSH: Let's have a break. It's been over an
23 hour since we started.

24 MR. PARSONS: While we're passing this out, I'd
25 like to take a brief break. I've got a message that the
1 doctor would like to take his blood pressure. I think it'll
2 only take a couple moments.

3 MR. FLYNN: Can we have this -- a couple of
4 minutes is fine. Can we have this marked as Exhibit 16?
5 (Exhibit 16 was marked.)
6 MR. PARSONS: You want to take a regular break?
7 MS. RUSH: 5, 10 Minutes?
8 MR. PARSONS: 5, 10 minutes?
9 MS. RUSH: It's been an hour.
10 JUDGE PLISKA: Fine.
11 THE VIDEO OPERATOR: We're going off the record at 12 2:36 p.m.
13 (Recess from 2:36 p.m. to 2:51 p.m.)
14 THE VIDEO OPERATOR: We're back on the record at 15 2:51 p.m.
16 MR. FLYNN: Q. You understand you're still under
17 oath, Mr. Walters?
18 A. I do.
19 MR. PARSONS: I will state, during the break we've
20 just had, Mr. Walters has told me that he is getting
21 fatigued and tired. He does want to proceed now, but I did
22 want you to note that he is experiencing fatigue and
23 tiredness in response to this line of questioning and this
24 whole deposition process.
25 MR. FLYNN: Q. Mr. Walters, do you recall how old
1 (woman #1) was when she came to the Ananda community?
2 MR. PARSONS: Objection. No foundation. You may
3 respond. Also, vague as to "Ananda community."
4 Go ahead.
5 THE WITNESS: I would imagine 26, but I don't know.
6 MR. FLYNN: Q. Would you look at paragraph 2 of
7 Exhibit 16, where she states, "I first came into contact
8 with members of the Ananda spiritual community in May,
9 1980. I was 22 years old."
10 A. Then you know more than I.
11 MR. PARSONS: Excuse me. You don't have a
12 question yet.
13 MR. FLYNN: Q. Do you recall whether she was 22
14 years old when you first met her?
15 MR. PARSONS: Same objection. Lack of foundation.
16 You may respond.
17 THE WITNESS: I don't know her age. If she states
18 it was that, I accept that it was that.
19 MR. FLYNN: Q. Now, do you recall when you first
20 met (woman #1)?
21 A. I think it was when (woman #2) brought her down, I
22 think.
23 Q. And when was that?
24 A. 1982, January, is my guess. I don't know for
25 sure.
1 MR. PARSONS: I'm going to ask you not to guess.
2 They are entitled to any memory you have, or an estimate if
3 it's based upon some reasonable basis. But please don't
4 guess.
5 THE WITNESS: I stand corrected. I don't know.

6 MR. FLYNN: Q. At the time that you met her, did
7 you refer to yourself as Swami Kriyananda?

8 A. I don't remember meeting her, but I don't --

9 MR. PARSONS: Well --

10 THE WITNESS: -- remember referring to myself that
11 way.

12 MR. PARSONS: In that case, I object. It lacks
13 foundation.

14 MR. FLYNN: Q. In 1981 -- strike that.

15 Between 1980 and 1982, did you ever refer to
16 yourself as Swami Kriyananda in the presence of (woman #1)
17 ?

18 A. I don't remember.

19 Q. Between 1980 and 1982, did the male members of
20 the Ananda community take vows of chastity, poverty and
21 cooperation?

22 MR. PARSONS: Objection. You're asking I guess
23 whether all the members took vows. I'll permit --
24 therefore, ambiguous, confusing, compound.
25 You may respond.

1 THE WITNESS: I remember no such incident.

2 MR. FLYNN: Q. Now, would you return -- would you
3 refer to paragraph 4 of Exhibit 16?

4 She states, quote:

5 "The term 'swami' is a term which describes a
6 member priest of an Indian monastic order, attained
7 after a series of steps within the religious order over
8 a period of years. One who has become the member of
9 the 'swami' order has renounced worldly desires,
10 including sexual," period, end quote.

11 Does that understanding conform to your definition
12 of "Swami" as you wrote it in Exhibit 5, "Gurus, Spiritual
13 Authority and Celibacy"?

14 MR. PARSONS: I object that now you're asking for
15 comparison between the two. The document which has been
16 marked as Exhibit -- what is that? Exhibit 5, that document
17 speaks for itself.

18 THE WITNESS: In other words, I was not a swami,
19 actually, after I met (woman #7). That was before this.

20 MR. FLYNN: Q. My question to you, Mr. Walters,
21 is whether this definition that Ms. (woman #1) has used is
22 pretty much the same as your own definition that you used in
23 Exhibit 5.

24 A. Yes.

25 MR. PARSONS: Same objection. Also, it's pretty
1 much the same -- vague. But you may respond.

2 THE WITNESS: Yes. I have said that this was not
3 my -- so it's an impersonal thing.

4 MR. FLYNN: Q. But the definitions are pretty
5 much the same?

6 MR. PARSONS: Same objection. You may respond.

7 THE WITNESS: Well, I'll look at it again.

8 MR. PARSONS: And you may also review Exhibit 5 to
9 clarify and refresh your memory as to what is stated in that
10 exhibit.

11 MR. FLYNN: Q. I'll read it to you.

12 MR. PARSONS: Well, I want the witness to be able
13 to read it himself as well. You may read it, but I want him
14 to be able to read it so he can put it in context.

15 MR. FLYNN: Page 12, "A swami is a man or woman
16 vowed to renunciation, including the practice of celibacy."

17 MR. PARSONS: I'm sorry, is that page 12?

18 MR. FLYNN: Yes.

19 MR. PARSONS: And where on page 12 that?

20 MR. FLYNN: Q. I'll read it again. In the middle
21 of the page: "A swami is a man or a woman vowed to
22 renunciation, including the practice of celibacy."

23 A. Yes, those are pretty parallel definitions.

24 Q. That's what you wrote, Mr. Walters. Is that
25 correct?

1 A. Yes.

2 Q. Paragraph 5 of the (woman #1) declaration:

3 "Swami Kriyananda held himself out in the Ananda
4 spiritual community as having successfully obtained a higher
5 state of being through living by these vows merely by using
6 the title 'Swami' within the community," period, end quote.
7 Did you hold yourself out as having attained a
8 higher state of being by living according to the vows you
9 took?

10 MR. PARSONS: Okay. Now, your question is
11 different from the thing you just read, so I don't know why
12 you read that into the record.
13 This witness may respond to the question of
14 whether he held himself out, although that is ambiguous, and
15 I object on that grounds.

16 And I would ask the question be read back, and
17 then I will permit the witness to respond.

18 MR. FLYNN: I'll restate it.

19 Q. Mr. Walters, did you hold yourself out as being a
20 swami who had attained a higher state of being by living
21 according to your vows?

22 MR. PARSONS: Objection. Compound. Go ahead.

23 THE WITNESS: I held myself out as being a very
24 normal human being, no better than the first novice who
25 came. And I held no claims for myself spiritually in any
1 way, nor do I now.

2 MR. FLYNN: Q. Do you make any claim now that as
3 spiritual director of the Ananda community, you are entitled
4 to vows -- you are entitled to obedience from members of the
5 community?

6 MR. PARSONS: You may respond.

7 THE WITNESS: I've never asked obedience from

8 anyone.

9 MR. FLYNN: Q. Have you asked for cooperation and
10 loyalty from the members of the community?

11 MR. PARSONS: Objection. Vague as to time.

12 THE WITNESS: I believe the head of any
13 organization should expect that.

14 MR. FLYNN: Q. And what entitles you to be head
15 of the organization?

16 A. The fact that I founded it.

17 Q. And when you founded it, you were a swami. Is
18 that correct?

19 MR. PARSONS: Objection. Misstates his testimony,
20 argumentative.

21 Go ahead.

22 THE WITNESS: The question you're really asking
23 is, did I found it as a swami. That is to say, in my
24 capacity as swami. No.

25 I founded it as a human being who thought he was
1 doing a good thing.

2 MR. FLYNN: Q. When you founded the community,
3 were you a swami?

4 MR. PARSONS: Same objection.

5 THE WITNESS: Yes.

6 MR. FLYNN: Q. Going to paragraph 6:

7 "I personally discovered later on, however, that
8 Swami repeatedly abused his position of power within
9 the church to convince young women within the church to
10 satisfy his sexual desires while simultaneously
11 convincing them it was to their spiritual benefit,"
12 period, end -- well, I'll keep going.

13 "I was not aware of his sexual interaction with
14 young female church members until it happened to me,"
15 period, end quote.

16 Did you convince young women in your church to
17 satisfy your sexual desires while trying to convince them it
18 was for their spiritual benefit?

19 MR. PARSONS: Objection. It's vague as to time.

20 Also, it's ambiguous and confusing. It's also a compound
21 question.

22 You may answer that question, Mr. Walters. I'd
23 ask you, however, to answer it section or part by part.

24 THE WITNESS: Well, the answer, generally,
25 globally, whatever you want to say, is, certainly not.

1 The more particular and specific answer is, I
2 never tried to convince anybody of anything as to what they
3 would gain from me. It was unthinkable. She was not aware
4 -- well, I don't know about that.

5 But that is I think a complete answer.

6 MR. FLYNN: Q. Would you go down to paragraph 9,
7 please? Quote:

8 "Members of the community were also taught to be

9 in tune with Swami Kriyananda, to move in his direction and
10 to look to his life as an example of a devotee leading life
11 in the right way," period, end quote.

12 Is that true? Is that what took place at Ananda
13 between 1980 and 1982?

14 MR. PARSONS: Objection. There's no basis --
15 lacks foundation.

16 Vague as to "taught," "in tune with," "move in
17 his direction." It calls for speculation on the perceptions
18 of third parties.

19 You may answer.

20 THE WITNESS: I always said, I am no one. The
21 only thing I have going for me is that I met a great master
22 at and a great saint, Paramhansa Yogananda, and so I could
23 not have had -- I could not have encouraged if anyone said
24 it, nor did I know about their saying it.

25 MR. FLYNN: Q. Is it true then, sir, that you've
1 never encouraged anyone to be in tune with you?

2 MR. PARSONS: Objection. That misstates his
3 testimony. I don't know what being -- objection. Ambiguous
4 as to "in tune with."

5 You may respond.

6 THE WITNESS: Nor do I.

7 MR. FLYNN: Q. You've written in your books in
8 numerous places what it means to be in tune with the guru,
9 have you not?

10 MR. PARSONS: Objection. Assumes facts not in
11 evidence.

12 Go ahead.

13 THE WITNESS: To be in tune with the guru means to
14 try to feel his presence and guidance within your own mind,
15 rather than by outward behavior.

16 I have never stated nor tried to give the
17 impression that I have that kind of spiritual power. I do
18 not.

19 MR. FLYNN: Q. Have you ever encouraged members
20 of the community to be in tune with you?

21 MR. PARSONS: Same objection.

22 THE WITNESS: I've asked you to define "in tune,"
23 and since you ask me to define it, if I recall correctly, I
24 defined it in a way that I understand it. And according to
25 that understanding, no.

1 MR. FLYNN: Q. Have you ever encouraged members
2 of the community to be in tune with you in any way?

3 MR. PARSONS: Same objection.

4 Go ahead.

5 THE WITNESS: In the way that any leader of an
6 enterprise would expect people to work with him who endorse
7 and support that enterprise, I may have said it, but I did
8 not mean it in the spiritual sense.

9 MR. FLYNN: Q. In what way did you mean it?

10 A. That sense.
11 Q. Which sense?
12 A. I just said it.
13 MR. PARSONS: Object -- and also, he said --
14 excuse me, I'm objecting.
15 He said, if he said it. Therefore, it assumes
16 facts not in evidence.
17 Go ahead.
18 THE WITNESS: Correct.
19 MR. FLYNN: Q. Have you ever encouraged any
20 members of the community to be in tune with you in any way?
21 MR. PARSONS: Same objection as to the meaning of
22 "in tune."
23 Go ahead.
24 THE WITNESS: I gave you the way that I said it,
25 if I said it, and I'm not even sure that I did.
1 It's understood that you will gather people
2 together to do something, and those who don't feel like
3 doing it, you won't ask them.
4 I've never, in other words, tried to force people
5 to do anything.
6 MR. FLYNN: Q. Have you ever encouraged any
7 members of the community to be in tune with you in any
8 spiritual sense?
9 MR. PARSONS: Same objection as to "in tune."
10 Vague. Go ahead.
11 THE WITNESS: But no.
12 MR. FLYNN: Q. Now, have you ever stated to
13 anyone while you were spiritual director of the Ananda
14 community that to be in tune with you, the swami, was to be
15 in tune with the guru?
16 A. Never. In other words --
17 Q. Would you turn now, sir, to --
18 MR. PARSONS: Excuse me. Did you want to clarify
19 your response, or complete it?
20 THE WITNESS: I wanted to complete it.
21 MR. PARSONS: Okay. Then I'd ask him to complete
22 that response.
23 THE WITNESS: If you will allow me.
24 MR. FLYNN: Q. Sure.
25 A. I hold myself out as an aspirant, I hope a
1 sincere one. And I would not want people to follow me in
2 any mistake, conscious or unconscious on my part.
3 Therefore, I would not ask them to be in tune with me as a
4 person.
5 To be in tune with guidance that they feel is
6 right, why not? But to me, personally.
7 Q. Now, did you testify earlier that you have founded
8 the most successful spiritual community in the world?
9 MR. PARSONS: I'm going to object to you asking
10 this witness to testify now as to what he testified to

11 later -- earlier.

12 MR. FLYNN: I will withdraw it.

13 Q. In your opinion, have you founded the most

14 successful spiritual community in the world?

15 A. New community.

16 Q. And on what basis do you believe that it is the

17 most successful new spiritual community in the world?

18 A. People who have gone to many other communities,

19 which I have not, have made that statement to me. I'm sort

20 of compiling it, making a composite of it, and making a

21 statement that I cannot state as a fact, but it's my

22 observation from hearsay, and my belief.

23 I could be wrong.

24 Q. Would you turn to paragraph 11 in the (woman #1)

25 declaration, please?

1 Do you recall meeting Ms. (woman #1) in May or June

2 1981, at lunch?

3 MR. PARSONS: Excuse me. Is this question

4 responsive to the paragraph 11 you've just directed him to,

5 or is this just an out-of-the-blue question?

6 MR. FLYNN: Q. Do you recall meeting Ms. (woman #1)

7 in May or June 1981 at a lunch?

8 MR. PARSONS: Go ahead and read paragraph 11, and

9 then answer his question.

10 THE WITNESS: I've read it. I've read that first

11 sentence. No, I do not.

12 MR. FLYNN: Q. Okay. Do you deny that you met

13 her in May or June 1981 at lunch?

14 A. I do not. I say I don't remember.

15 Q. Paragraph 12, quote, "After a month or so, the

16 swami requested that he not use a towel to cover himself

17 during the massage," end quote.

18 Is that true, Mr. Walters?

19 MR. PARSONS: Excuse me. I'm going to object that

20 it assumes facts not in evidence, as -- in other words, the

21 existence of the massage.

22 You may go ahead, though. And it's also vague as

23 to time. Go ahead.

24 THE WITNESS: I don't remember the time at all.

25 My memory is that it didn't happen until January or

1 February, and she was using oil, which I didn't want to get

2 on clothing. That may have been just an excuse.

3 So I don't remember, but that would be the answer.

4 MR. FLYNN: Q. Did you ever request Ms. (woman #1)

5 not to use a towel while giving you a massage?

6 A. I don't remember.

7 Q. Do you deny the accuracy of her statement, quote,

8 "After a month or so the swami requested that he not use a

9 towel to cover himself during the massage," period, end

10 quote?

11 A. I simply don't remember. That's not a denial,

12 it's not an affirmation.

13 Q. Quote: "Although his request was a little unusual,
14 I didn't suspect any ulterior motive for his request
15 and agreed. Notably, when I mentioned this to Seva,
16 the head nun at the monastery, during a conversation,
17 she told me you should keep him covered with a towel.
18 In hindsight, I believe she was warning me about the
19 swami's repeated sexual exploitation of young female
20 community members. At the time, I believed I was safe
21 as the swami purportedly lived under a vow of
22 chastity," period, end quote.

23 When Ms. (woman #1) was massaging you, did you ever
24 have any conversation with her about your position as a
25 swami?

1 MR. PARSONS: You know, I am -- again, I'm going
2 to object to reading large segments of the declaration into
3 the record which are totally unrelated to your question.
4 You may go ahead and respond, though.

5 THE WITNESS: Would you please repeat it? My
6 brain is a little foggy by now.

7 MR. FLYNN: Q. When Ms. (woman #1) was massaging
8 you, did you ever have a conversation with her about your
9 status as a swami?

10 MR. PARSONS: Vague as to time.
11 Go ahead.

12 THE WITNESS: I don't believe so.

13 (Ms. (the plaintiff) entered the deposition room.)

14 MR. FLYNN: Q. When Ms. (woman #1) was massaging
15 you, did you ever tell her that you were not a Swami who was
16 practicing celibacy?

17 MR. PARSONS: Vague as to time. Go ahead.

18 THE WITNESS: I was not. Whether I told her that,
19 I don't know.

20 MR. FLYNN: Q. When you were -- when Ms. (woman #1)
21 was massaging you, did she refer to you as "Swami"?

22 MR. PARSONS: Vague as to time. Go ahead.

23 THE WITNESS: In the same way that everybody used
24 that as a name, not as a title.

25 MR. FLYNN: Q. A nickname. Is that correct,
1 Mr. Walters?

2 A. Yes.

3 Q. How many other people at the spiritual community
4 of Ananda Village used the title "Swami" besides yourself?

5 MR. PARSONS: Objection. Lack of foundation.
6 Go ahead.

7 THE WITNESS: I don't use it myself, except
8 quoting them. It's almost universal, perhaps it is
9 universal.

10 MR. FLYNN: Q. How many other people used the
11 term "Swami" to refer to themselves at the Ananda community?

12 MR. PARSONS: Okay. Well, he's just testified he

13 did not use it to refer to himself, so it misstates his
14 testimony.

15 You may respond.

16 MR. FLYNN: Q. When you --

17 A. No, would you ask the question --

18 Q. I'll withdraw it.

19 When you wrote to Ms. (the plaintiff) on November 29,
20 1993, you did refer to yourself as "Swami" in the letter.

21 Is that correct?

22 A. I signed myself "Swami." That's not referring to
23 myself as a swami. It's the name that everybody used, and I
24 use it because of that.

25 Q. Now, did you ever discuss your vow of chastity
1 with Ms. (woman #1)?

2 A. Not that I recall. Besides which, I had already
3 married (woman #7), in my way. And she had left.

4 Q. In your way? Is that what you said?

5 A. That's what I said. A spiritual, rather than a
6 civil or legal.

7 Q. And "in your way" included having sex with her
8 when she was legally married to someone else. Is that
9 correct?

10 MR. PARSONS: Objection. That's argumentative.
11 It also misstates his testimony.

12 THE WITNESS: It's also, we've gone through it
13 several times. I think that's quite enough.

14 MR. FLYNN: Q. But what I want to make clear,
15 Mr. Walters, is that "in your way" means the same thing.

16 A. I meant what I said before.

17 MR. PARSONS: Same thing as what?

18 MR. FLYNN: Q. That "your way" meant having sex
19 with a married person.

20 A. No. That was not what I meant.

21 My way was that I had a spiritual marriage with
22 her that was not contractual in a legal sense.

23 Q. And for that reason, you did not consider it to be
24 adultery. Is that correct?

25 MR. PARSONS: Objection. Argumentative. Go
1 ahead.

2 Also misstates his earlier testimony.

3 THE WITNESS: Well, it does.

4 MR. FLYNN: Q. Did you consider your relationship
5 with (woman #7) to be adulterous?

6 MR. PARSONS: Objection. Asked and answered.

7 You may respond again.

8 THE WITNESS: I felt she had -- in fact, she had
9 left her husband.

10 Now, she was legally married; and therefore, from
11 that point of view, you can argue it. I was aware that she
12 was still legally married, and I also was aware that she was
13 not with her husband.

14 MR. FLYNN: Q. Paragraph 13: "After several
15 months of giving Swami massages, including full body
16 massages, he requested that both I and (woman #2) give him a
17 massage at the same time," period, end quote.

18 Did you do that; namely, request both (woman #2) and
19 (woman #1) to massage you at the same time?

20 MR. PARSONS: Objection. Vague as to time.

21 Go ahead.

22 THE WITNESS: My recollection of it was one
23 occasion, and I already talk about it, when they both
24 imposed themselves on me.

25 MR. FLYNN: Q. So then you deny what Ms. (woman #1)
1 has written here. Is that correct?

2 A. I don't deny that they gave me a massage, because
3 I don't remember. But I deny requesting that, because my
4 request was quite the opposite. And whether they gave a
5 massage or not, I don't remember.

6 Was it sexual? No.

7 Q. Quote, "Until this point, I had given him ordinary
8 massages with no sexual nuances whatsoever. This time,
9 however, it changed. The swami was downstairs in the
10 bedroom on the floor. As I massaged the swami's neck,
11 to my great surprise, (woman #2) began to sexually
12 stimulate his penis from erection to ejaculation,"
13 period, end quote.

14 Is it true that you were downstairs on the floor
15 when (woman #2), in the presence of (woman #1), stimulated your
16 penis from ejection to ejaculation?

17 MR. PARSONS: Okay. It's compound, vague as to
18 time. I'll let the witness --

19 MR. FLYNN: Q. From erection to ejaculation.

20 A. No, it's not true.

21 Q. It's not true, okay. You weren't in the floor of
22 your bedroom when this scene took place?

23 MR. PARSONS: Well, again, that assumes facts that
24 he's denied happening. So it didn't happen, so he's not on
25 the floor when it happened per his testimony.

1 MR. FLYNN: Q. Did (woman #2) stimulate you from
2 erection to ejaculation with (woman #1) present?

3 A. No. But she was very forceful with her sexual
4 aggression. She was calling me absurd names, words like
5 "hunk" and other things that teenagers might address to
6 their boyfriends or talk about them.

7 At my age, to call me a hunk seems pretty absurd,
8 but that was the word she used, and with great enthusiasm.
9 And I was trying to say, come on, cut it out.

10 Q. Now, let's be clear about this, Mr. Walters.

11 A. Let me finish that.

12 Q. Please do. Please do.

13 A. That would be the first time, probably --

14 MR. PARSONS: Again, please, no stage whispers

15 among yourselves that show up on the record.
16 MR. FLYNN: Q. Please, Mr. Walters, continue.
17 A. That would probably be the first time that (woman #1)
18 saw me in a position with (woman #2) of (woman #2) trying
19 to be personal in her attentions.
20 Q. Meaning stimulate you from erection to
21 ejaculation?
22 A. No, I don't mean that.
23 Q. Was (woman #1) ever present when (woman #2)
24 stimulated you from erection to ejaculation?
25 A. No.
1 Q. Now, was it (woman #2) or (woman #1) who
2 called you a hunk?
3 A. (woman #2)
4 Q. Did (woman #1) at that time -- strike that.
5 Did (woman #2) at that time inform (woman #1)
6 that you had a deformity in your penis?
7 MR. PARSONS: Objection. Calls for speculation,
8 no foundation as to what a third party said to another third
9 party.
10 If the witness can formulate a response, he may.
11 THE WITNESS: No, she did not.
12 MR. FLYNN: Q. Have you ever had a conversation
13 with (woman #1) about a deformity in your penis?
14 A. Not that I recall.
15 Q. Have you ever mentioned to (woman #1) that
16 you have a deformity in your penis?
17 A. Not that I recall.
18 Q. You do in fact have a deformity in your penis. Is
19 that correct, Mr. --
20 A. I do.
21 Q. Is it your testimony that you never discussed this
22 deformity with either (woman #1) or (woman #2)?
23 MR. PARSONS: Now, that misstates his testimony,
24 but you may answer that.
25 THE WITNESS: Would you read my testimony back?
1 MR. FLYNN: I'll withdraw it. I'll ask another
2 question.
3 Q. Is it your testimony, sir, that you have never
4 discussed the deformity in your penis with (woman #2)?
5 A. Not that I remember.
6 Q. Is it your testimony, sir, that you never
7 discussed the deformity in your penis with (woman #1)?
8 A. Not that I remember.
9 Q. Is it still your testimony, sir, that
10 notwithstanding this deformity in your penis, that (woman #1)
11 and (woman #2) imposed themselves on you?
12 ++ A. (woman #1) did not; (woman #2) did.
13 (woman #1) was there sort of doing whatever (woman #2) did.
14 MR. FLYNN: (Directed to the reporter.) Would you
15 make a note of that part of the testimony, please?

16 Q. Now, did (woman #1) ever refer to you as a
17 hunk?

18 A. No. The word was (woman #2)'s. (woman #1) was laughing.

19 Q. How was (woman #1) laughing?

20 A. Oh, they were just having a good time.

21 Q. In what way were they having a good time?

22 A. In other words, they were not laughing at me.

23 They were being exuberant. I think that's probably the best 24 word.

25 Q. In what way were they being exuberant?

1 A. I have given my best word. I can't come up with
2 another.

3 Q. Did you ever discuss the deformity in your penis
4 with (woman #7)?

5 A. I don't think so.

6 Q. Now, according to your testimony, (woman #1)
7 and (woman #2) forced themselves upon you at the same
8 time. Is that correct?

9 MR. PARSONS: That does misstate his testimony. I
10 have a problem with these questions as to what his testimony
11 is, but I guess I'll let him answer this one, too.

12 THE WITNESS: I'll have to correct it and say they
13 forced their company on me. That's quite different from the
14 usual understanding of forced themselves on me.

15 MR. FLYNN: Q. So is it now your testimony, sir,
16 that (woman #2) and (woman #1) did not force
17 themselves on you in the sense of having sexual contact with
18 you at the same time?

19 A. That's right.

20 Q. Now, just so this area is clear, is it your
21 testimony, sir, that at no time did (woman #1) and
22 (woman #2) and you all at the same time have sexual
23 contact together?

24 A. I don't remember. There was only that one
25 occasion, so I have to remember that one. And whereas the
1 overtones were sexual, I don't remember there being anything
2 explicit about it, the overtones being sexual being just the
3 exuberance and playfulness, whatever they were trying to
4 express.

5 But I don't remember at that only occasion that
6 there was anything like that.

7 Q. So you don't remember any occasion where (woman #2)
8 and (woman #1) sexually stimulated you to
9 ejaculation together?

10 A. No. That was the only occasion I remember that we
11 were together as three.

12 Q. On one occasion?

13 A. Yes.

14 Q. Paragraph 14:

15 "Although I was shocked, I accepted the sexual
16 stimulation during the massage as part of my," quote,
17 "'service,'" end quote, "as a disciple for the church"

18 quote "Swami," end quotes, "I had been taught by
19 Ananda. Service to the," quote, "guru," end quote,
20 "without thought for oneself was highly emphasized in
21 the Ananda spiritual community. Many community members
22 talked about Swami being their 'guru' and 'salvation.'
23 Swami often told a story about Krishna's chief
24 disciple, Radha, which taught the ideal of selfless
25 service even where such selflessness appeared to be
1 detrimental to the disciple's personal salvation,"
2 period, end quote.

3 Now sir, did you ever hear other community members
4 talk about you as being their guru and their salvation?

5 MR. PARSONS: Objection. Compound, vague as to
6 time.

7 You may respond. Keep in mind, there's two things
8 here: Guru and salvation.

9 THE WITNESS: I always have said, and tried to
10 make it a very strong point, I am not their guru.

11 And as for their salvation, that's just not my
12 job. I am there to help them in any way that I can, but I
13 don't have that gift to offer.

14 MR. FLYNN: Q. I'd like an answer to my
15 question: Did you ever hear community members in your
16 presence talk about you as their guru and salvation?

17 A. No.

18 Q. Paragraph 15: Quote:

19 "Soon thereafter, the swami again wanted a
20 massage. (woman #2) removed her clothing to massage the
21 swami. I also removed my clothes at the swami's
22 request; I had become very passive to the swami's
23 instructions. (woman #2) again sexually stimulated him to
24 ejaculation. When the swami began to take my hand and
25 place it on his genitals, I understood that he wanted
1 me to provide," quote, "service," end quote, "to him
2 in that manner as well," period, end quote.

3 Do you remember a second occasion when (woman #1)
4 and (woman #2) removed their clothing and (woman #2)
5 stimulated you to ejaculation?

6 MR. PARSONS: Objection. The form of the question
7 is, does he remember a second occasion. That assumes facts
8 not in evidence and is contradictory to his earlier
9 testimony where there was no second one, so he couldn't
10 remember it.

11 He may answer the question.

12 THE WITNESS: I have to say I have no such
13 recollection.

14 MR. FLYNN: Q. Do you deny that that took place?

15 MR. PARSONS: "That" being --

16 MR. FLYNN: Q. A second occasion where (woman #2)
17 sexually stimulated you to ejaculation where she was
18 disrobed and (woman #1) was disrobed?

19 A. I have no such recollection.

20 Q. Do you deny that it took place?

21 A. I really can't say. I don't remember.

22 Q. And did you place (woman #1)'s hand on your

23 genitals when (woman #2) was present?

24 MR. PARSONS: Objection. Compound; vague as to

25 time.

1 Go ahead.

2 THE WITNESS: I have no such recollection.

3 MR. FLYNN: Q. Do you deny doing that?

4 A. Of something I don't remember, I can't deny.

5 Q. How many young women at Ananda Village have you 6 sexual abused?

7 MR. PARSONS: Objection. Objection.

8 MR. FLYNN: I'll withdraw it.

9 Q. Is your memory affected in this area of your

10 testimony by the number of women that you have been sexually

11 with at Ananda Village?

12 MR. PARSONS: Objection -- has your memory been

13 affected by the number of women -- I'm objecting to it.

14 It's an improper question, it's argumentative; it also is a

15 title, I believe, to try to open up into additional areas of

16 inquiry which are prohibited.

17 I'm instructing the witness not to answer that

18 question as posed.

19 JUDGE PLISKA: Do you want to argue that?

20 MR. FLYNN: Yes. I think I'm entitled to know the

21 basis for his lack of memory. I'm not probing into at this

22 point who these other individuals may be or what occurred.

23 I simply want to know if the number of circumstances may

24 have -- may be affecting his memory.

25 MR. STILLMAN: As to why he can't distinguish

1 between --

2 MR. FLYNN: One and the other.

3 MR. STILLMAN: -- one instance and another

4 instance.

5 JUDGE PLISKA: All right. Do you want to respond

6 to that? He's indicated he's not going into the identities

7 of people.

8 MR. PARSONS: Well, it's a question which has no

9 significance other than to lead into the existence and

10 number of other people.

11 JUDGE PLISKA: No, he's just given a reason why it

12 does have some other significance.

13 MR. PARSONS: So the question is, have there been

14 so many that he can't remember the details of this one

15 occasion, or this --

16 JUDGE PLISKA: That appears to be the question.

17 MR. FLYNN: That's basically it.

18 THE WITNESS: The answer is no.

19 MR. FLYNN: Q. Okay. Now, let's go on to

20 paragraph 16.

21 "My massage routine with the Swami thus became a
22 regular massage followed by sexual stimulation. At
23 some point during the massage, the swami would take my
24 hand and put it on his genitals and fondle him until he
25 ejaculated. I came to accept that as part of my
1 service to him. The swami repeatedly had me massage
2 him, sometimes instructing me to remove my clothing,"
3 period, end quote.

4 Is it true that (woman #1) routinely
5 massaging you to ejaculation became part of her service to 6 you?

7 MR. PARSONS: Objection. Vague as to time. Also
8 vague as to "routinely."

9 I will permit the witness to answer to the extent
10 he can.

11 THE WITNESS: I would say yes.

12 MR. FLYNN: Q. "After about 6 months of massaging
13 the swami whenever he wanted in or about spring 1982, I ran
14 out of money to pay my rent," period, end quote.

15 Was (woman #1) paying you rent to live at
16 Ananda Village?

17 A. Nothing to me.

18 Q. Who did she pay it to?

19 A. I have no idea.

20 MR. PARSONS: That's assuming she paid rent. It
21 assumes facts not in evidence.

22 Go ahead.

23 THE WITNESS: This I don't know.

24 MR. FLYNN: Q. So during the 6 months that she
25 was massaging you to ejaculation, you don't know who she was
1 paying rent to. Is that correct?

2 A. That's right. I mean, whoever collected the rents
3 of members, which is what everybody paid.

4 Q. Did you pay her for her services as a masseuse?

5 A. No.

6 Q. Did you consider that, her services as a masseuse,
7 to be service to you?

8 A. I considered it an act of friendship.

9 Q. Did you consider it to be service to you?

10 A. No.

11 Q. Who collects the -- who collected the rent at
12 Ananda Village during that period of time?

13 MR. PARSONS: Objection. Asked and answered.
14 Go ahead.

15 THE WITNESS: I've answered it. I don't know.

16 MR. FLYNN: Q. Is it a routine practice for
17 residents of Ananda to pay rent?

18 MR. PARSONS: Objection, "routine."

19 Go ahead.

20 THE WITNESS: Yes.

21 MR. FLYNN: Q. Quote, "After about 6 months" --

22 A. In other words, those are maintenance fees. We

23 all pitch together and help to maintain the place.

24 Q. But you keep your royalties from all your books in
25 a separate account.

1 A. That money is kept in a separate account. I don't
2 keep it.

3 Q. Quote: "I returned to Los Angeles for a couple of
4 months to earn and save money as a masseuse. While I
5 was working in Los Angeles, Swami Kriyananda came down
6 at times to give seminars. Whenever he was in Los
7 Angeles, he would ask me to meet him and," quote,
8 "massage," end quote, him. A" quote "massage," end
9 quote, "almost always included sexual stimulation until
10 the," quote, "Swami," end quote, "ejaculated,"
11 period, end quote.

12 Is that true?

13 MR. PARSONS: Okay. Object. It's compound.

14 There's no evidence of foundation as to what she did in Los
15 Angeles, the length of time she was --

16 MR. FLYNN: I withdraw that question.

17 Q. Is it true that when you came to LA, you contacted
18 (woman #1) to have her sexually stimulate you to
19 ejaculation?

20 MR. PARSONS: Objection. Compound. You may
21 answer.

22 THE WITNESS: That happened twice, and I believe
23 she contacted me.

24 I say twice. I only remember once, but I believe
25 there was a second.

1 MR. FLYNN: Q. Now, when she contacted you in LA,
2 who requested her to give you a massage?

3 A. I did.

4 Q. And when she contacted you in LA, who requested
5 her to massage you to ejaculation?

6 A. There was no request in that.

7 Q. Oh, it was understood at that point?

8 MR. PARSONS: Objection. That's argumentative,
9 assumes facts not in evidence. Also calls for speculation
10 on this witness's part.

11 But you may answer.

12 THE WITNESS: I don't know the answer to that.

13 MR. FLYNN: Q. Was it understood when you came to
14 LA that when she contacted you, that a massage included
15 masturbating you to ejaculation?

16 MR. PARSONS: Again, I object. When you say was
17 it understood, you're asking for this witness's opinion on a
18 third party's mental state. There's no foundation for this
19 witness to opine on that.

20 You may go ahead --

21 THE WITNESS: You mean, I understand it, is
22 probably what you mean. No, I didn't understand that.

23 MR. FLYNN: Q. Now --

24 A. In other words, I had great pain in my hips to the
25 point where when I finally had my hip operated on, the
1 doctor, the surgeon, said that he couldn't understand how I
2 was able to walk.

3 In fact, it took all my willpower to put one foot
4 in front of the other.

5 So what I was asking for was not a sexual
6 encounter. What I was asking for was some means of reducing
7 that intense pain.

8 Q. Did you ever have sexual intercourse with (woman #1)
9 ?

10 A. I think once.

11 Q. Where?

12 A. No, I don't remember.

13 MR. PARSONS: I want to take a break, but I don't
14 want to interfere with a line of questions.

15 So if you want to finish up some line, I'd like to
16 take a break.

17 MR. FLYNN: Just one more question.

18 Q. Tell me what you do recall about the incident
19 where you had sexual intercourse with (woman #1).

20 MR. PARSONS: Objection. Calls for a narrative.

21 Go ahead.

22 THE WITNESS: Yes. What do you mean by, what do I
23 recall? Do you want a narrative?

24 MR. FLYNN: Q. Yes.

25 MR. PARSONS: I object that it calls for a
1 narrative. This witness is entitled to have specific
2 questions to respond to.

3 If you feel like there are things you can
4 remember, go ahead.

5 THE WITNESS: My recollection of the -- I should
6 -- not my recollection. I recollect the incident.

7 My understanding of that incident was that it was
8 an act of friendship. I made it very clear that I did not
9 feel romantically involved. I -- my involvement with
10 (woman #7) was something I was trying to cure. But that it
11 was an act of friendship, not just using somebody. That was
12 clear.

13 I tried to get her to express her feelings,
14 because I didn't want to hurt her. I wanted to know whether
15 this was something that was all right with her. But I --
16 she would look at me and not answer, and I began to feel
17 that, I'm helpless here. I don't know what her attitude is.
18 I wanted it to be mutual in a sense at least of
19 friendship. And I think I had the right to feel that it was
20 friendship, given our relationship. But I couldn't go
21 beyond that.

22 And because repeatedly I'd ask her and she
23 wouldn't answer, I began to feel, well, then this is wrong.
24 So I backed away from it at that point.

25 I was extremely dismayed when, soon after that,
1 she left Ananda to go east, and I thought then, I've
2 misunderstood.

3 MS. RUSH: Let's take a break now.

4 MR. FLYNN: Just one more question.

5 MR. PARSONS: One more question?

6 MR. FLYNN: Q. Did you ever tell her when you
7 were having these sexual encounters with her while she was
8 masturbating you that as the spiritual director of Ananda,
9 you felt compelled to advise her that it might be damaging
10 for her to have this relationship with you?

11 MR. PARSONS: Did he ever make that statement?

12 MR. FLYNN: Yes.

13 THE WITNESS: I think when I saw her
14 unwillingness, or inability, whichever it was, to respond
15 verbally to what I was trying to ask her, was this okay,
16 then I said, well, I wouldn't want to hurt you. And if
17 that's the case, I want to know.

18 And so to that extent, I may have said that. But
19 as the spiritual director, no, I didn't put it in those
20 terms, because I never push my position at anyone.
21 But ask her as a friend, which is the way I saw
22 it -- I have to talk of my view of it -- to ask her as a
23 friend, I felt that I had to ask her that.

24 MR. FLYNN: One more question.

25 MR. PARSONS: Wait, wait.

1 MR. FLYNN: One more question.

2 Q. During this period, you were the spiritual
3 director.

4 JUDGE PLISKA: You said one more question, okay?

5 You can pick this up after a break.

6 THE WITNESS: And you asked two.

7 THE VIDEO OPERATOR: It's the end of videotape
8 number 7 in the deposition of Donald Walters. We're going
9 off the record at 3:36 p.m.

10 (Recess from 3:36 p.m. to 3:48 p.m.)

11 THE VIDEO OPERATOR: This is the beginning of
12 videotape number 8 in the deposition of Donald Walters.

13 We're back on the record at 3:49 p.m.

14 THE WITNESS: Now, Mr. Flynn, I have to make a
15 statement about my health.

16 I know I don't show my fatigue. I am fatigued, to
17 the point of feeling I could drop over. And I want you to
18 know that. I am extremely stressed mentally, and I find
19 that my brain is just not willing to function clearly.

20 Now, I think I can go on a little bit longer, but
21 I want you who know that circumstance, which is a fact.

22 And I would like to invite Dr. Houten to make a
23 statement about my health that would be more from a medical
24 point of view.

25 MR. FLYNN: I'm conducting the deposition. I

1 I don't need Dr. Houten's statement at this point in time, and
2 I disagree with it, and I'm now going to ask you a question,
3 sir.

4 MR. PARSONS: We've made an offer of proof in that
5 regard, and we'll wait on it, then.

6 MR. FLYNN: Q. Now, Mr. Walters, in the last 60
7 days, have you written a letter to the senior ministers at
8 Ananda in which you have claimed that while being the
9 spiritual director of the community, you have only been with
10 two women who were disciples in the community?

11 A. No.

12 MR. PARSONS: Objection. Compound. Go ahead.

13 MR. FLYNN: Q. The answer is what, sir?

14 A. Is no.

15 Q. Now, because that wouldn't be a true statement,
16 would it?

17 MR. PARSONS: Objection.

18 MR. FLYNN: Q. That you had only been with two
19 disciples?

20 MR. PARSONS: Objection. Argumentative, it's
21 vague, it's ambiguous. I'm going to instruct the witness 22 not to answer.

23 MR. FLYNN: Q. Well, so far we have (woman #7)

24 , (woman #1), (woman #2), and we've got about
25 six or seven or eight more declarations to go.

1 And in addition to that, you married someone named
2 Rosanna in 1985. Is that correct?

3 A. Yes.

4 Q. And was she a disciple?

5 A. She was not a resident disciple until she married
6 me, but she was a disciple of Yogananda. She'd taken Kriya.

7 Q. Was she a disciple of Ananda?

8 A. No.

9 MR. PARSONS: No -- okay.

10 MR. FLYNN: Q. And how old was she when you
11 married her?

12 A. 32. 32 or -3. 33 maybe.

13 Q. How long did that marriage last?

14 A. In 1990, which is 5 years later, she returned to
15 Italy. We hadn't yet resolved whether we were going to
16 remain together or not.

17 The divorce, when it took place, was probably in
18 '94. In fact, yes, it was in '94, because it was concluded
19 -- in other words, whatever they do to make it a final,
20 official thing, was in -- on December 13th of '94.

21 Q. Now, when you were with (woman #1), at any
22 time did she ever tell you that she had been sexually abused
23 by her father?

24 A. No.

25 MR. PARSONS: And again, it assumes facts not in
1 evidence.

2 MR. FLYNN: Q. Would you turn to paragraph 18,

3 please?

4 MR. PARSONS: Of the declaration of (woman #1)

5 ?

6 MR. FLYNN: Q. Yes.

7 Now, would you read paragraph 18? And I'd

8 specifically point you to that section where she says, lines

9 23 and 24, "While I was in San Francisco, Swami Kriyananda

10 visited me fairly frequently and asked to," quote,

11 "massage" end quote, "him."

12 Is that true?

13 MR. PARSONS: Objection. Compound. Vague as to

14 time, but go ahead.

15 THE WITNESS: It's certainly possible.

16 MR. FLYNN: Q. Do you deny it?

17 A. No.

18 Q. Did she masturbate you to ejaculation in San

19 Francisco?

20 MR. PARSONS: Objection. Vague as to time. Go

21 ahead.

22 THE WITNESS: I think more I'm referring to the

23 "fairly frequently." I don't think that's true.

24 But did she massage me, as you say, to

25 ejaculation, I won't deny it.

1 MR. FLYNN: Q. In San Francisco?

2 A. That's what I can't say. But I won't deny it.

3 Q. So notwithstanding your testimony that (woman #1)

4 originally forced herself on you, on at least

5 several occasions, per your testimony, you traveled to Los

6 Angeles where she was, and she masturbated you. Is that

7 correct?

8 A. Excuse me, you've misstated my first testimony.

9 It was (woman #2) who forced her -- (woman #1) was with (woman #2).

10 Q. Did (woman #1) ever force herself on you?

11 A. Never.

12 Q. And when you had (woman #1) masturbate you to

13 ejaculation, on several occasions you went to San Francisco,

14 on some occasions you went to Los Angeles, and on many

15 occasions it took place at Ananda Village, when she was your

16 disciple. Is that correct?

17 MR. PARSONS: Okay. Object. It's compound, it

18 misstates his testimony as to the frequency or number of

19 these events.

20 Also, use of "disciple" I believe was not in his

21 testimony. So I object on all those grounds.

22 But you may answer that question to the extent you

23 can, correcting any errors in it.

24 THE WITNESS: Well, you have made it perfectly

25 clear, and you are quite right in what you say. I have

1 never called her or anyone else my disciple.

2 The implication in your question is that I went to

3 these places to meet her; I did not.

4 The other implication is that it was frequent. I
5 would not classify it as frequent. It was occasional.
6 Whether she was in San Francisco at that time, I
7 don't recall. Whether she was in Los Angeles, I do recall.
8 And so that would be certainly something I would endorse.
9 MR. FLYNN: Q. When she was masturbating you to
10 ejaculation at the Ananda Village, was she in spiritual
11 training at the Ananda Village while you were the spiritual
12 director?

13 A. I would say we, plural, are all in spiritual
14 training. We're still trying to learn our lessons. I have
15 a lot to learn.

16 Q. Yes, that's fine, Mr. Walters. But can you answer
17 my question?

18 A. I answered it.

19 Q. Was (woman #1) in spiritual training at the
20 Ananda Village under you as spiritual director when she was
21 masturbating you to ejaculation?

22 A. She was not under me as spiritual director being
23 trained by me, no.

24 I've answered the other one, that she was in
25 training, as I am in training, as all of us are in training.

1 Q. So she was in spiritual training when you were the
2 spiritual director of the community. Is that correct?

3 A. Oh, yes. I've always been the spiritual director,
4 so that has to be global.

5 Q. And she was in spiritual training while you were
6 spiritual director. Is that correct?

7 A. In the same sense that we are all.

8 Q. Well, how many people were at the Ananda community
9 in -- between 1980 and 1982?

10 A. I don't know.

11 Q. Was your best estimate?

12 A. 2- or 300, including children.

13 Q. Now, of those 2- or 300 people, were they in
14 spiritual training under the rules of conduct of the Ananda 15 community?

16 MR. PARSONS: Objection. It's a compound
17 question.

18 The witness can testify to the extent he can as to
19 how many of those were in spiritual training.

20 I also object to the phrase -- the term "spiritual
21 training" as ambiguous.

22 THE WITNESS: Nor do I understand your question,
23 because the way I've answered it, we all are.

24 Other than that, I don't really know whether she
25 was or not.

1 MR. FLYNN: Q. Do you use the term "postulants"
2 at the Ananda -- strike that.

3 Between 1980 and 1982, did you use the term
4 "postulant"?

5 A. I don't know. I don't think we did yet.

6 Q. And how did you describe new members of the
7 community between 1980 and 1982?

8 MR. PARSONS: Objection. Assumes they did. Go
9 ahead.

10 Also, a lack of foundation for this witness. You
11 may testify.

12 THE WITNESS: I'm not thinking, I'm trying to
13 reduce the stress in my brain.

14 I believe we had an apprentice program at that
15 time. But again, the mechanics of these things were not my 16 domain.

17 MR. FLYNN: Q. The mechanics of what things were 18 not your domain?

19 A. The way the community operated, the mechanics of
20 the way it operated.

21 Q. Was the classification of membership within your
22 domain between 1980 and 1982?

23 A. No. I had made suggestions. They worked them out.

24 I worked more on a level of attitude, spirit. I

25 didn't -- these things I wasn't -- to put it in perspective,

1 technically I was always the chairman of the Village

2 Council. But the last meeting I attended was about 1972.

3 I didn't administrate from normal administrative

4 level. I tried to see whether the attitude was right,

5 whether people -- if I saw somebody's understanding from a

6 philosophical and spiritual point of view was right, I

7 didn't pay too much attention to how it was being done.

8 Q. When (woman #1) was masturbating you to

9 ejaculation at the Ananda Village, what was your

10 understanding as to her status there?

11 MR. PARSONS: Objection. Assumes facts not in
12 evidence.

13 You may answer.

14 THE WITNESS: She was a friend. That's how I

15 thought of her.

16 MR. FLYNN: Q. Now, was she a friend who was

17 performing services as a masseuse for which she was being

18 compensated?

19 A. No.

20 Q. Was she a friend who you requested to have her

21 give you a massage?

22 A. I believed, at least, that it was mutual.

23 Q. Was she a friend who was on the same spiritual

24 path as you?

25 A. Yes.

1 Q. Was she a friend who took a vow of cooperation to

2 cooperate with you as spiritual director?

3 MR. PARSONS: Objection. Assumes facts not in

4 evidence, misstates his earlier testimony, but you may

5 respond.

6 THE WITNESS: I don't think we had vows then.

7 MR. FLYNN: Q. Was she a friend who was working

8 at Ananda in any capacity?

9 A. I don't remember what her job was.
10 Q. Do you know whether she was getting paid while
11 being there at Ananda?
12 A. I do not.
13 Q. Let me read to you from the rules of conduct.
14 MR. PARSONS: Okay, excuse me. What exhibit is
15 this? I want the witness to follow along.
16 MR. STILLMAN: Exhibit 3. Exhibit 3.
17 MR. PARSONS: Okay. Give me a moment --
18 THE WITNESS: No, it's on top here.
19 MR. PARSONS: Exhibit 3. That's 13 -- or 15.
20 There we go. Okay. And what page?
21 MR. FLYNN: Page 24, "Acceptance of New Members,"
22 Article 12. Beginning with the paragraph, "All
23 applicants."
24 "All applicants, including if they are old enough
25 the children of applicants, must be given training in
1 Ananda's ideals and way of life, in the teachings of
2 Paramhansa Yogananda, in the writings of Sri
3 Kriyananda, and in the proper attitudes for persons
4 embracing Ananda community life," period, end quote.
5 Did you write that, Mr. Walters?
6 A. Copyright 1987, long after (woman #1) left.
7 Q. Did you write that?
8 A. Yes.
9 Q. Was that one of the precepts in practice between
10 1980 and 1982?
11 A. No, I don't believe we were organized yet enough
12 for that.
13 Q. So is it your testimony then that there was no
14 practice in place to give new applicants training in Ananda
15 ideals and way of life between 1980 and 1982?
16 MR. PARSONS: Well, that misstates his testimony,
17 but you can answer that.
18 THE WITNESS: It was makeshift, as far as I know.
19 MR. FLYNN: Q. What training was given between
20 1980 and 1982 with regard to Ananda's ideals and way of
21 life?
22 A. I think it was our apprentice program. I think it
23 was more -- I don't know what classes they had. I'm not the
24 one to tell you. But they I think participated in community
25 life, and learned that way.
1 No, I can't say. I can say by guesswork, but I
2 can't say specifically.
3 MR. PARSONS: Well, again, I don't want you to
4 guess --
5 THE WITNESS: Therefore, I can't say.
6 MR. FLYNN: Q. Reading further down, it states:
7 "No one should be accepted into the community
8 until he has lived at Ananda or one of its branch
9 communities as a postulant for several months. A

10 normal postulance has been fixed more by tradition than
11 design as a year. New members may be accepted into the
12 novitiate of the Ananda monastic order."

13 Now, how long had the tradition been in place for
14 a normal postulance to be fixed as a year?

15 MR. PARSONS: As of the time of the writing of
16 this document, then?

17 MR. FLYNN: Q. Yes.

18 A. It would have -- we didn't to my certain knowledge
19 use "postulant" as a term. But I think the tradition of
20 being there a year predated 1980, I think.

21 Q. And being there for a year in what context?

22 A. Living there, getting us -- helping us to get to
23 know them, helping them to get to know us to see if this is
24 the place they would like to live, if we felt that it was a
25 good thing for them to be there. Those sorts of things.

1 Q. And after the one year, then what classification
2 did people have in the 1980 to 1982 period as fixed by
3 tradition?

4 MR. PARSONS: Assuming it was fixed by tradition
5 at that time. I'll -- I object on that ground.

6 You may answer.

7 THE WITNESS: No, I think it was fixed by
8 tradition.

9 I don't recall whether we had the rule of life
10 membership fixed at 5 years yet. I think we did.

11 The other way I could fix it is that I wrote in
12 our bylaws that people could not vote for the officers of
13 the community until they had been there 1 year. And I think
14 that 1-year period is pretty well right.

15 The other, I must say, is not a fixed rule. It's
16 not as -- once people have been there 6 months, a year,
17 whatever, they have a right.

18 Rather, we want to be sure that this is what they
19 want, that they're -- that it's going to be good for them,
20 that they are going to be good for the community.

21 That certainty can take several years, even. That
22 depends on the individual.

23 MR. FLYNN: Q. Did you initiate (woman #1)
24 into Kriya Yoga?

25 A. I think I must have, because I don't think I'd
1 given Jyotish permission.

2 MR. PARSONS: Again, I don't want you to speculate
3 or guess. If you remember or you don't or you have some
4 reasonable ground.

5 THE WITNESS: I have reasonable ground to think
6 that it was I.

7 MR. FLYNN: Q. And is Kriya Yoga the highest
8 spiritual technique of your community?

9 A. Yes, it is.

10 Q. And was (woman #1) under training for some

11 period of time before she was allowed to receive Kriya Yoga?

12 A. The way we worked it out was that they first had
13 to learn other techniques -- Hung Saw, AUM, meditate -- for
14 a period of time. We didn't have a strict rule as to that
15 period, but normally it would be a year.

16 Some people for other reasons -- for example, if
17 they came from a foreign country and could not return for
18 financial reasons or whatever for a long period of time, we
19 might relax it, depending on whether we felt that they were
20 doing their meditation.

21 But it was not so much a training period as
22 whether they meditated an adequate time every year to show
23 that they were able to fit another technique of meditation
24 into their schedule.

25 We also wanted to see whether they really felt
1 that this was their path, because this was initiation rather
2 than just teaching a technique. So on all of that, we're
3 not eager to draw people in, and therefore waited to see
4 whether we felt they were sincere and adequate in their
5 practice.

6 Q. Would you characterize the teaching of those
7 techniques to be spiritual training?

8 A. Yes, but it's -- those are techniques that we
9 don't teach people only who live at Ananda.

10 Q. So Ms. (woman #1) went through those -- that
11 training in order to obtain those spiritual techniques and
12 ultimately reached Kriya. Is that correct?

13 A. She must have.

14 Q. And this is while you were the spiritual
15 director. Is that correct?

16 A. I've always been the spiritual director.

17 Q. Would you turn to paragraph 20 on page 5 of her
18 declaration, please? Quote:

19 "He never looked at me or touched me in a sexual
20 way except for one incident. Although the swami didn't
21 react at the time to my comment that my service was for
22 his pleasure, very soon thereafter he massaged my
23 breasts to arousal. When I responded to the
24 stimulation, he then said, 'I thought you didn't get
25 any pleasure.' This was the only time he ever touched
1 beyond manipulating me for his own pleasure. During
2 the entire time that we had sexual intercourse, I never
3 once had an orgasm. For me it was not a sexual
4 experience but one of surrender of my preferences
5 and 'service' to the 'swami.' At one point the 'Swami'
6 even asked me if I thought he was using me," period,
7 end quote.

8 Is it true, Mr. Walters, that you asked

9 Ms. (woman #1) whether she thought you were using her?

10 A. I am now for the first time getting her point of
11 view in all of this. I tried to elicit it and would never

12 -- she would never give it to me.
13 I wanted to be sure that she didn't think I was
14 using her, and I asked her for that reason.
15 I was trying to get from her a statement of
16 mutuality, because if it wasn't that, then I just didn't
17 want that. I didn't want to hurt her in any way.
18 Q. You didn't want to hurt her in any way.
19 A. Exactly.
20 Q. Is that what you just said?
21 A. So you see, when she wouldn't answer, then I said,
22 well, is this possible, or do you think that I'm using you?
23 And she didn't answer that.
24 I just didn't know where to take it from there.
25 But I -- that's why I would ask that question.
1 Q. Now, do you remember this fellow named Haridas?
2 A. Who?
3 MR. PARSONS: Excuse me.
4 THE WITNESS: Oh, Haridas.
5 MR. PARSONS: When you say "this fellow," are you
6 referring to a statement now?
7 MR. FLYNN: Q. Do you remember a fellow named
8 H?
9 A. Yes.
10 Q. Did you encourage (woman #1) to develop a
11 relationship with H?
12 A. When she expressed interest in him, I didn't want
13 to impose any kind of personal obstruction to that. And so
14 because of her interest, I encouraged it.
15 Q. Would you turn to paragraph 23, please?
16 Quote, "While I was at the Ananda community
17 shortly before I became involved with H-, R-, a
18 friend of mine, said that he had talked to (woman #2), who had
19 told him about" --
20 THE WITNESS: Where are we at? I don't see this
21 on 22.
22 MR. PARSONS: 23.
23 THE WITNESS: Oh, okay.
24 MR. FLYNN: Q. -- "who had told him about 'many
25 things.' I understood the language 'many things' to
1 refer to (woman #2)'s and my sexual stimulation of the
2 Swami as part of our service to him. R- asked me if
3 it was true and said to me that if it was true the
4 Ananda community would be," quote, "'blown apart,'" end
5 quote. "I didn't respond to him, but later wrote
6 a letter admitting that probably what (woman #2) had told
7 him was true; e-g, that Swami Kriyananda had used us
8 for sexual gratification," period, end quote.
9 My question is, Mr. Walters, did you notify the
10 Ananda community that you were having sexual relationships
11 with two of the devotees when they were occurring?
12 MR. PARSONS: Again, I've got to object to the

13 repeated reading into the record of things which are not
14 related to the question you ask.

15 I'll get -- Your Honor, in fact, I'm going to ask
16 for some guidance on this. And I object, and I request an
17 instruction -- I guess what I'm doing is requesting an
18 instruction that the portions of the declaration which are
19 read into the record be relevant and directly related to the
20 questions which are then asked.

21 JUDGE PLISKA: Well, I think this one does, in the
22 terms of the Ananda community would be blown apart if they
23 knew this.

24 But I do think you are going pretty far,
25 Mr. Flynn. You read a whole paragraph, and then your
1 question really only attaches to one sentence in that
2 paragraph.

3 So could you confine your --

4 MR. FLYNN: Judge, you are quite right. It's the
5 "blown apart."

6 JUDGE PLISKA: Why not just read that one before
7 you ask this question?

8 MR. FLYNN: Well, I wanted to put it in some
9 context for --

10 JUDGE PLISKA: Well, he can read that to himself,
11 but you don't need to read it into the record.

12 MR. FLYNN: Q. Did you conceal your relationships
13 with these women from the Ananda community when they were 14 taking place?

15 MR. PARSONS: Okay. Objection.

16 I'm going to withdraw the objection. You can go
17 ahead and answer.

18 THE WITNESS: I did not reveal. That's different
19 from -- I did not conceal.

20 MR. FLYNN: Q. When you didn't reveal, did you
21 have any kind of a belief that if the Ananda community knew
22 what their spiritual director was doing, it would be, quote,
23 "blown apart," end quote?

24 MR. PARSONS: Objection as to "blown apart." You
25 may answer that question.

1 THE WITNESS: No, didn't. Moreover, I must remind
2 you that I was not a swami at that time.

3 MR. FLYNN: Q. You were not a Swami according to
4 the way you saw things. Is that right, Mr. Walters?

5 A. Well, I expressed publicly the way I saw things.

6 Q. Well, see, Ms. (woman #1) thought you were a swami.
7 Isn't that true? That's what she says in here.

8 MR. PARSONS: Wait. I don't read that in here.

9 That misstates it. It's argumentative, as well.

10 MR. FLYNN: I'll withdraw it. It does say it, but
11 I'll withdraw it.

12 MR. PARSONS: I don't think so.

13 MR. FLYNN: Q. Did any of the members of the
14 community express to you between 1980 and '82 that they

15 thought you were a Swami?

16 A. They could not have, because I had made a very
17 public statement about my marriage to (woman #7).

18 Q. Now, how often did new people come and go in the
19 community between 1980 and 1982?

20 A. I don't --

21 MR. PARSONS: Objection. Foundation. You may
22 answer.

23 THE WITNESS: I don't know the figures, but I can
24 say that our rate of attrition has been very low.

25 MR. FLYNN: Q. Did you ever inform (woman #1)
1 (woman #1) that she shouldn't reveal to anyone her sexual
2 contact with you?

3 A. No.

4 Q. Did you ever inform (woman #2) that she
5 shouldn't divulge her sexual contact with you?

6 A. Never.

7 Q. Okay. Would you read paragraph 24 to yourself,
8 and then I'll try to restrict it?

9 I'm going to have to read the parts that are
10 relevant here.

11 Quote: "Before I gave the letter to Rick,
12 however, I naively (in hindsight) showed the letter to
13 Swami Kriyananda. To my surprise, the swami
14 immediately became agitated with a shaking hand,
15 spilled coffee on my letter and began talking to me in
16 a very intense, loud voice. I was very shook up by his
17 behavior. Because there were other people in the room,
18 I had a hard time concentrating on our conversation.
19 He suggested that we go to another room where there was
20 some privacy and continue our talk. Once in private,
21 his voice calmed and as we continued to talk, he very
22 calculatingly said, 'You seduced me.'"

23 Now, did you make that statement to Ms. (woman #1),
24 blaming her for your sexual conduct on the grounds that she
25 seduced you, Mr. Walters?

1 MR. PARSONS: Okay. Again, I'm going to let the
2 witness answer, but I do want to object.

3 You could have just read the statement where she
4 alleged the statement and asked about it. You didn't need
5 all the prefatory stuff.

6 JUDGE PLISKA: Right, Mr. Flynn. It's prolonging
7 the deposition. You don't -- you could have just read that
8 statement. He's quite correct.

9 MR. FLYNN: But Your Honor, if we follow the next
10 few questions you'll see why I read it, because if you read
11 the next few lines to the statement --

12 JUDGE PLISKA: Do this. Take this statement, ask
13 the question, and then read the next statement that you want
14 to ask a question about.

15 But to read a lot of this stuff, you've been doing

16 all day, and now that he's objecting to it, I'm ruling that
17 you shouldn't do that. Okay? So please --

18 MR. FLYNN: Fine.

19 Q. Did you make that statement to Ms. (woman #1), "you
20 seduced me"?

21 A. First of all, the question is, "calculatingly
22 said." Certainly not. I wasn't being calculating in what I
23 said.

24 I was reminding her, however, of that evening when
25 (woman #2) and she came down and forced themselves upon me.

1 But I would not and did not blame her for our
2 relationship. I take that blame on myself.

3 Q. You then say, "I now understood that he didn't
4 want the truth about his sexual interaction with me and the
5 other young women in the community to be made public,"
6 period, end quote.

7 Did you say to her in any form of words that you
8 didn't want her sexual contact with you to be made public?

9 MR. PARSONS: Objection. Asked and answered.

10 You may respond.

11 THE WITNESS: The way I would answer a question
12 like that is, if you feel hurt by me, and if you're willing
13 to hurt me, say it. I won't stop you.

14 If you feel that there is something between us
15 that is ours that is not public, then I would certainly
16 prefer that you not, but I didn't command her to do it.
17 I would certainly, and I don't think any human
18 being would want such things talked about. A person is
19 trying to keep his vows as well as he can, he's trying to
20 improve himself. Nobody's perfect. The very effort to
21 become perfect indicates a recognition that he is not.

22 But in all sincerity, I did not and have not said
23 to anyone, don't talk about it. I have even, under those
24 circumstances, said, you have to decide. It will hurt me.
25 But I'm willing to take that hurt if you feel like talking
1 about it.

2 And so it's up to you.

3 Q. Did you say that to her?

4 MR. PARSONS: Excuse me. What? Everything he's
5 just said?

6 MR. FLYNN: Q. If you want to disclose to the
7 community our sexual involvement, it will hurt me, but it's
8 up to you.

9 Did you say this to Ms. (woman #1)?

10 A. I believe I did, but I cannot categorically say
11 that I did.

12 Q. When did you say that to her, sir?

13 MR. PARSONS: Please allow him to complete his
14 response, too.

15 THE WITNESS: I have no idea. She's trying to say
16 -- she hasn't given a time to it, I can't.

17 MR. FLYNN: Q. Then she says, quote, "I also
18 understood that if I told the truth, he would lie and accuse
19 me of being the aggressor," period, end quote.
20 MR. PARSONS: Wait. He hasn't asked a question.
21 MR. FLYNN: Q. Now, Mr. Walters, in this
22 deposition, isn't it true that you've accused Ms. (woman #1)
23 of being the aggressor?
24 MR. PARSONS: I object. That's your
25 characterization of his testimony. He's not -- I don't
1 believe he's ever used words to that effect. Misstates his
2 testimony.
3 You may, however, answer that question.
4 THE WITNESS: Yes, I did answer it, as well as I
5 possibly could. And mind you, it's not easy. But I did not
6 -- I've never -- you know, my brain is getting foggy now.
7 Please state that question again.
8 MR. FLYNN: Q. In this deposition, have you ever
9 accused Ms. (woman #1) of being the aggressor?
10 A. At that time, when she and (woman #2) came down -- and
11 that was not a sexual aggression, so much as just a -- well,
12 an amused and exuberant teenage kind of attitude. But it
13 was not sexual. And so no, I didn't and don't.
14 MR. PARSONS: You know, it is 4:20. The witness
15 has stated he's getting groggy. He's stated that to me,
16 too, as well.
17 I would ask that we wrap it up for today. I've
18 already indicated I would prefer that this witness have a
19 break of some period before continuing, but that has been I
20 think rejected at this point, so we will be back tomorrow.
21 MR. FLYNN: Just a couple more questions, judge.
22 MR. PARSONS: Well --
23 JUDGE PLISKA: Well, when you say a couple more,
24 we're going to end at 4:30, okay? 4:30 is it. I've got
25 4:22 now, I think.
1 THE WITNESS: 4:23, by the radio.
2 JUDGE PLISKA: Okay.
3 MR. FLYNN: Q. Now, Mr. Walters, when you wrote
4 Exhibit 11 --
5 A. Let me find that. This is Exhibit 1. Can you
6 find it? What is it?
7 Q. It's your letter to the community, April 18, 1995.
8 A. Okay, got it.
9 Q. Did you reveal anywhere in the letter that the
10 allegations of (woman #2) and (woman #1) were true?
11 MR. PARSONS: Now, here it's at the end of the
12 day. Obviously, the letter speaks for itself. The question
13 is argumentative.
14 You've got the letter, it's already admitted or
15 attached to the deposition. This is a waste of time to now
16 ask the witness whether this letter says anything.
17 I'd instruct the witness not to answer that

18 question, Your Honor.

19 JUDGE PLISKA: No, go ahead, would you please

20 answer that?

21 MR. PARSONS: So the question -- could you read it

22 back, please?

23 MR. FLYNN: I'll restate it.

24 THE WITNESS: You've instructed me not to answer.

25 MR. PARSONS: No, but he's indicated --

1 JUDGE PLISKA: I've instructed you to answer it.

2 THE WITNESS: I see.

3 MR. FLYNN: Q. Where in the letter, Mr. Walters,

4 did you divulge to the community that the allegations of

5 (woman #1) and (woman #2) were true?

6 A. I didn't. I neither said they are true, nor did I

7 say they are false.

8 Q. Now, one last point, and then we'll adjourn to the

9 day.

10 Would you turn to Exhibit 13, please?

11 MR. PARSONS: Which is --

12 MR. FLYNN: The cross-complaint

13 THE WITNESS: And that is which one?

14 MR. PARSONS: 13. Okay.

15 MR. FLYNN: Q. Paragraph 28.

16 A. Which page?

17 Q. Page 11.

18 The part that I'm interested in is the part where

19 it says:

20 "Cross-complainant Walters is informed and

21 believes and thereon alleges that beginning in or about

22 October 1994, and continuing to the present, cross-defendant

23 (the plaintiff) has published oral statements to third parties

24 stating that, (a), Walters sexually harassed (the plaintiff);

25 (b), Walters retaliated against (the plaintiff) because of her

1 complaint of sexual harassment by Levin; (c), Walters has

2 engaged in an ongoing systematic pattern of sexual

3 exploitation, harassment and coercion of women."

4 Now sir, would you testify as to whether you admit

5 or deny whether you have engaged in an ongoing systematic

6 pattern of sexual exploitation, harassment and coercion of

7 women?

8 A. I deny it vigorously.

9 Q. Did you earlier in your testimony today say that

10 you admitted in part the allegations of Ms. (the plaintiff)

11 against you --

12 MR. PARSONS: Again, the records --

13 MR. FLYNN: Q. -- with regard to your pattern of

14 abuse of women?

15 A. Sir, you're playing -- this is game-playing.

16 MR. PARSONS: Well, let me state a formal

17 objection, though, for the record.

18 You consistently ask this witness to testify

19 concerning his prior testimony. That's fundamentally
20 unfair, uncalled for, it's not relevant, in fact. It is
21 game-playing.

22 MR. FLYNN: Mr. Parsons, it's getting late, I
23 withdraw it. I'll ask you this question, Mr. Walters.

24 MR. PARSONS: This the last question?

25 THE WITNESS: We've had three so far.

1 MR. FLYNN: The judge says 4:30, Mr. Parsons.

2 JUDGE PLISKA: You've got 3 more minutes.

3 MR. FLYNN: Q. Sir, do you deny that the
4 statements of Ms. (the plaintiff) that you have engaged in an
5 ongoing, systematic pattern of sexual exploitation,
6 harassment and coercion of women are true statements by her?

7 A. I deny that -- my brain isn't quite clear enough
8 with these double negatives. However, let me state that I
9 deny that that is the truth.

10 Q. Now, you've read the declaration of (woman #2)

11 where she said you sexually abused her.

12 A. Oh, yes, I've read it.

13 Q. And you deny that?

14 A. Yes.

15 MR. PARSONS: Wait. Deny that he's read it, or
16 deny each and every allegation in that declaration?

17 MR. FLYNN: Q. You deny the allegation of (woman #2)
18 that you sexually abused her. Is that correct?

19 A. I think we'd better go into that at length.

20 Q. Do you deny the allegation of (woman #1) that
21 you sexually abused her?

22 A. I deny both allegations.

23 Q. Do you deny the allegation of (woman #7) that
24 you forced yourself upon (woman #7) and raped her?

25 A. Absolutely, I deny it.

1 Q. So all these women are lying, and you're telling
2 the truth. Is that right, Mr. Walters?

3 MR. PARSONS: Object.

4 THE WITNESS: I think that sarcastic comment is
5 not necessary to be answered.

6 JUDGE PLISKA: It's argumentative. I think we'll
7 end now.

8 THE VIDEO OPERATOR: This is the end of videotape 9 in the deposition of Donald
Walters. We're going off the 10 record at 4:29 p.m.

11 (Time noted, 4:29 p.m.)

12 --o0o--

13

14

15 _____
Signature of the Witness

Chapter 4) Part 4 of 7 September 13, 1995

1 I N D E X

2 EXAMINATION BY: PAGE

3 MR. FLYNN (Resumed): 564

4 --o0o--

5 EXHIBITS

6 PLAINTIFF'S FOR IDENTIFICATION PAGE

8 Flier announcing Ananda World Brotherhood 570 Village Seventh Annual Open House

9 Photocopy of cover and page 182 of 574

10 The Path

11 17-page letter dated November 25, 292 579 Dwapara, from Kriyananda to Dear Friends

12 Photocopy of cover of Yoga Journal, 650

13 table of contents, and article entitled "A New Direction"

14 Photocopy of article entitled "Practical 676

15 Spirituality from a Western Swami"

16 Declaration of C.D.L.S. in Support of 681 Cross-Defendants' Special Motion to

17 Strike Cross-Complaint

18 Pledge of Membership for Kriya Students, 698 1-31-55

19 Declaration of (woman #6) in Support of 701

20 Cross-Defendants' Special Motion to Strike Cross-Complaint

1 --o0o--

2 BE IT REMEMBERED that on Wednesday, September 13,

3 1995 commencing at 10:11 a.m., thereof, at Tooker & Antz,

4 131 Steuart Street, Suite 201, San Francisco, California,

5 before me, HOLLY THUMAN, duly authorized to administer oaths

6 pursuant to Section 2093(b) of the California Code of Civil

7 Procedure, personally appeared

8 DONALD WALTERS,

9 called as a witness, who, having been previously duly sworn,

10 was examined and testified as hereinafter set forth.

11 --o0o--

12 APPEARANCES

13 FLYNN, SHERIDAN & TABB, P.O. Box 690, 6125 El

14 Tordo, Rancho Santa Fe, California 92067, represented by

15 MICHAEL J. FLYNN and PHILIP H. STILLMAN, Attorneys at Law,

16 appeared as counsel on behalf of the Plaintiff.

17 HUB LAW OFFICES, 711 Sir Francis Drake Boulevard,

18 San Anselmo, California 94960, represented by FORD GREENE,

19 Attorney at Law, appeared as counsel on behalf of the

20 Plaintiff.

21 JON R. PARSONS, Attorney at Law, 2501 Park

22 Boulevard, Suite 207, Palo Alto, California 94306-1925,

23 represented by JON R. PARSONS, Attorney at Law, appeared as
24 counsel on behalf of the Defendants.

25 (Cont'd)

1 (Appearances, cont'd)

2 EDWARD W. PLISKA, Judge (Retired), Attorney at
3 Law, Corey, Luzaich, Gemello, Manos & Pliska, 700 El Camino
4 Real, Millbrae, California 94030, appeared as the Referee.

5 Also present when indicated were DR. PETER VAN

6 HOUTEN; ASHA PRAVER; JOHN SMALLEN; and SHEILA RUSH.

7 --o0o--

1 September 13, 1995 10:11 a.m.

2 --o0o--

3 EXAMINATION BY MR. FLYNN (Resumed)

4 THE VIDEO OPERATOR: This is the beginning of
5 videotape number 9 in the deposition of Donald Walters.

6 We're back on the record September 13, 1995 at 10:11 a.m.

7 MR. FLYNN: Q. Mr. Walters, you understand, sir,
8 you're still under oath?

9 A. I do.

10 Q. What is Yoga Journal?

11 A. This is a magazine dedicated to spreading the
12 teachings, philosophy, practices of yoga and related
13 subjects.

14 Q. What is yoga?

15 A. Yoga is misunderstood normally as physical
16 postures. The meaning of it really is union with the higher
17 self and with God.

18 Q. Union with the higher self, or union with God?

19 A. Both.

20 Q. Depending on which school of yoga, or depending on
21 personal philosophy?

22 A. No. The understanding is that our higher self is
23 God. God created us. So union with him as our higher self.

24 Q. Is the word "yoga" from Sanskrit?

25 A. Yes.

1 Q. Do you know what the derivatives are?

2 A. Yoga is to unite. The derivative is a yuj, y-u-g
3 -- -j, I mean, which means "to unite."

4 Q. Do you know what the number of people on the
5 subscription or mailing list of Yoga Journal is?

6 A. I do not.

7 Q. In other words, what its -- okay. Strike that.

8 MR. PARSONS: He said --

9 MR. FLYNN: Q. You've appeared in Yoga Journal on
10 many occasions as a --

11 A. Off and on.

12 MR. PARSONS: Wait for a question.

13 MR. FLYNN: Q. How many times would you estimate
14 that you have appeared in Yoga Journal?

15 A. You mean in advertisements, or in articles, or
16 both?

17 Q. Fair enough. Let's break it up.

18 In your advertisements, how often have you
19 appeared?

20 A. I don't know.

21 Q. Is it a monthly publication?

22 A. I'm not quite sure. Monthly, bimonthly, one of
23 the two.

24 Q. Now, you indicated that there is a common
25 misperception of the meaning of the word "yoga."

1 I take it that you mean that most people think of
2 yoga as Hatha yoga?

3 A. Yes.

4 Q. And with regard to subscribers to Yoga Journal, do
5 you believe that most subscribers to Yoga Journal, if you
6 know, think of yoga as Hatha yoga?

7 MR. PARSONS: Objection. Lack of foundation.

8 You may answer.

9 THE WITNESS: You've asked if I believe. I cannot
10 state it as a fact. I believe, yes.

11 MR. FLYNN: Q. That actual subscribers who read
12 it on a monthly basis still misperceive yoga to be Hatha
13 yoga. Is that your testimony?

14 MR. PARSONS: I am going to object, because we've
15 been talking about the timing and the length of time of this
16 deposition. These questions are totally irrelevant.

17 MR. FLYNN: No, they're all geared to whether he
18 holds himself out as a swami to the public.

19 THE WITNESS: As to what?

20 MR. FLYNN: Q. To the public, sir.

21 Let me ask you -- I'll withdraw the last question
22 and ask you this:

23 In your advertisements, do you hold yourself out
24 as Swami Kriyananda?

25 MR. PARSONS: Objection. The witness has
1 testified he doesn't know the frequency. There's no
2 foundation that he knows as to the content of his
3 advertisements.

4 Also, holding oneself out is I think a legal
5 phrase, calls for speculation.

6 With those objections, I'll permit the witness to
7 respond.

8 THE WITNESS: I've never placed an ad there.

9 MR. FLYNN: Q. Your organization places an ad.
10 Is that correct?

11 A. Correct.

12 Q. Do they hold yourself out as Swami Kriyananda?

13 MR. PARSONS: Again, objection. There's no

14 foundation for this witness's testimony. Calls for
15 speculation.
16 You may respond.
17 THE WITNESS: I don't know.
18 MR. FLYNN: Q. In your book *The Path*, do you
19 define what a swami is?
20 MR. PARSONS: Objection. You're asking this
21 witness to testify concerning a document. The document
22 speaks for itself.
23 If you're going to ask the witness concerning
24 what's in a publication or a document, I'd ask you to show
25 the witness that document before he testifies concerning the
1 document.
2 MR. FLYNN: That's not necessary.
3 Q. Do you -- you wrote the book *The Path*, sir?
4 A. I did.
5 Q. Do you define the term "swami" in *The Path*?
6 MR. PARSONS: Same objection. You may answer to
7 the extent that you can.
8 THE WITNESS: I believe I do. It's been 20 years
9 nearly since it was published. I'd have to look at it.
10 MR. FLYNN: Q. In the book *The Path*, do you hold
11 yourself out as Swami Kriyananda?
12 MR. PARSONS: Now, I object. He has just said he
13 would have to look at the document. To ask him questions
14 when a witness is asked to look at the document is
15 misleading and unfair. I'd instruct him not to answer that
16 question.
17 MR. STILLMAN: He's entitled to probe the
18 witness's recollection.
19 JUDGE PLISKA: Yes, I think so. Do you want to
20 answer the question, please?
21 MR. PARSONS: You can go ahead.
22 THE WITNESS: Yes, I do.
23 MR. FLYNN: Q. How many reprints has *The Path*
24 gone through?
25 MR. PARSONS: Objection. Lack of foundation.
1 You may respond.
2 THE WITNESS: One, I think.
3 MR. FLYNN: Q. When was it first published?
4 A. 1978 -- '77. '77.
5 Q. And since 1977, is it your testimony that it has
6 never been reprinted?
7 A. It was reprinted in paperback form in probably '79
8 or '80.
9 Q. And since then, it has not been reprinted. Is
10 that your testimony?
11 A. Right.
12 Q. And does it --
13 A. There is a version called *The Shortened Path*,
14 which came out I don't know when.

15 Q. And is it your testimony -- strike that.
16 Since publication of The Path, have you made any
17 effort to correct any statements in there with regard to
18 your position as a swami?
19 MR. PARSONS: Objection. Assumes facts not in
20 evidence: That they need correction.
21 You're asking -- again, I object that you're
22 asking this witness concerning a document without presenting
23 the document to him.
24 I'll permit him to answer, though.
25 THE WITNESS: I've made my public statements.
1 We're going to be coming out with a reprint, in which case I
2 will have to correct it.
3 MR. FLYNN: Q. What public statements have you
4 made, and when?
5 A. In the Yoga Journal was one. I don't know of
6 others, but there probably were others.
7 Q. As of June 4 -- as of June 4, 1994, were you
8 holding yourself out to the public as Swami Kriyananda?
9 MR. PARSONS: Objection. Vague, ambiguous as to
10 "holding yourself out."
11 THE WITNESS: I've answered that question so many
12 times in this deposition.
13 MR. PARSONS: This question has a specific date on
14 it. And you should answer that question.
15 THE WITNESS: Before June 4th, 1994?
16 MR. PARSONS: I'd ask the question be read back.
17 MR. FLYNN: I'll ask it again, sir.
18 Q. As of June 4, 1994, were you holding yourself out
19 to the public -- i.e., representing yourself to the public
20 -- as Swami Kriyananda?
21 A. I was not.
22 MR. FLYNN: Would you mark this, please?
23 (Exhibit 17 was marked.)
24 MR. FLYNN: Apparently we don't have copies.
25 Q. Would you look at what has been marked as Exhibit
1 17, sir?
2 A. Well, that was an error. I didn't make it.
3 MR. PARSONS: Hold on. He hasn't asked you a
4 question yet.
5 THE WITNESS: What is the question?
6 MR. PARSONS: That's right. There is none yet.
7 THE WITNESS: What?
8 MR. PARSONS: There's no question yet.
9 THE WITNESS: Oh.
10 MR. FLYNN: Q. I need that back in order to ask
11 you questions, sir. We'll have to share, because we don't
12 have copies.
13 This document marked Exhibit 17 appears to be a
14 flier that says, "Ananda World Brotherhood Village invites
15 you to our Seventh Annual Open House, Saturday, June 4th

16 from 4 to 7 p.m.

17 "Join us for guided tours of our homes, businesses
18 and gardens. The day will end with a short greeting by
19 Swami Kriyananda and songs by the Ananda World Brotherhood
20 Choir.

21 "For further information call 292-4100," and then
22 there's an address and a little map on the flier.

23 Now sir, do you know who printed this flier?

24 A. No, I don't. But it's somebody at our community.

25 MR. PARSONS: Well, if you -- I don't want you to
1 guess or speculate.

2 THE WITNESS: I don't know.

3 MR. FLYNN: Q. And is it your testimony, sir,
4 that whoever did it, did it as a -- mistakenly?

5 MR. PARSONS: Well, no, that's not his testimony
6 at all. He hasn't testified at all as to that. I object it
7 mischaracterizes his lack of testimony.

8 You may respond to that question.

9 THE WITNESS: And the question was?

10 MR. FLYNN: Q. Is that a mistake?

11 A. Yes.

12 Q. Do you know who made the mistake?

13 A. No.

14 Q. Do you remember giving a greeting to the public on
15 or about the date set forth in the flier?

16 MR. PARSONS: Which is June 4th of some
17 unspecified year.

18 THE WITNESS: No -- it doesn't specify the year?

19 MR. PARSONS: There's no year on this at all that
20 I see.

21 THE WITNESS: Well, some years I did, some years I
22 didn't. I don't know.

23 MR. FLYNN: Q. We have a calendar that June 4 is
24 -- we understand that to be 1994.

25 Let me ask you this. Perhaps we can identify it
1 through the internal language on the document itself.

2 How many annual open houses has Ananda had?

3 A. Well, that's a point. Again, I don't know.

4 MR. PARSONS: That's his answer. You've got his
5 answer.

6 MR. FLYNN: Q. You don't know how many open
7 houses you've had?

8 A. It's not been something I've arranged. I don't
9 really know. It says seventh, so ...

10 MR. PARSONS: Well, it says "seventh annual." I
11 don't want you speculating on things.

12 MR. FLYNN: Q. What is your best memory, sir?

13 THE WITNESS: But on the other hand, I have some
14 general knowledge.

15 MR. PARSONS: Okay.

16 THE WITNESS: My general knowledge is that this

17 year was the eighth.

18 That's not speculation, nor is it necessarily

19 fact. It's belief.

20 MR. FLYNN: Q. Now, in any of the open houses --

21 strike that.

22 On how many occasions have fliers been distributed

23 in connection with the open houses held by Ananda Village?

24 A. This I don't know.

25 Q. Now, let me show you an excerpt from your book *The*
1 Path.

2 (Exhibit 18 was marked.)

3 MR. FLYNN: Q. Now, on the second page of your

4 book, you give a definition of "swami." Do you see that on
5 what we've Xeroxed, Mr. Walters?

6 A. Yes.

7 Q. And I'll read that:

8 "Swami. Literally, lord. That is to say, one who

9 has achieved mastery of himself. Swami is a title

10 commonly given to sannyasis (renunciates), in

11 affirmation of the truth that he alone is a true ruler

12 in this world who is the ruler of himself. Renunciates

13 for the same reason are often called Maharaj (Great

14 King)."

15 Did I read that correctly?

16 A. You did.

17 Q. And in the book, on the title page of the book,

18 you refer to yourself as Swami Kriyananda. Is that correct?

19 A. That is correct.

20 Q. And in the book, you have a little section "About

21 the Author," which says, and I'll show this to you: "Swami

22 Kriyananda is a spiritual leader of international renoun,"

23 then it goes on.

24 It says, "Swami Kriyananda is an American," then

25 it goes on.

1 It says, "Swami Kriyananda is the author of

2 numerous books on yoga and related subjects," and then it

3 goes on and says, "at the present time Swami Kriyananda

4 resides at Ananda Cooperative Village."

5 Now, do you want to confirm that what I've read is

6 accurate?

7 A. Inasmuch as --

8 MR. PARSONS: Well, hold on. He'd read a whole

9 bunch of stuff without us having it in front of us. I'll

10 also object the document speaks for itself.

11 MR. FLYNN: Q. Now, at the present time, do you

12 continue to sell the book *The Path* holding yourself out as

13 Swami Kriyananda?

14 MR. PARSONS: Objection. It's a compound

15 question. One, whether he continues to sell the book; and

16 then the second question you've asked is whether he holds

17 himself out.

18 So I object from the compound nature. I also
19 object as to lack of foundation.
20 But you may respond to that question.
21 THE WITNESS: Well, the essence of the answer, to
22 cut it short, is that no, we have not reprinted the book;
23 therefore, it has not changed. Although my status has
24 changed, the book continues to be sold.
25 MR. FLYNN: Q. And the book continues to be hold
1 in which you are held out to the present day as Swami
2 Kriyananda. Is that correct?
3 MR. PARSONS: I'm going to object. That
4 mischaracterizes it, that's argumentative.
5 With those objections, you may answer.
6 THE WITNESS: The book continues to be sold. That
7 speaks for itself.
8 MR. FLYNN: Q. Yes, but I'd like an answer to my
9 question.
10 The book continues to be sold to the present day
11 in which you are holding yourself out as Swami Kriyananda.
12 Is that correct?
13 MR. PARSONS: I object. That's a characterization
14 of it. That's argumentative.
15 The document speaks for itself. You've got
16 testimony on that.
17 I'm going to instruct the witness not to answer
18 because of the argumentative nature of holding himself out.
19 JUDGE PLISKA: Do you want to --
20 MR. FLYNN: Yes. I think I'm entitled to an
21 answer, Judge, as to whether or not in a definitive form
22 he's selling his book while the book is holding himself out
23 as Swami Kriyananda.
24 JUDGE PLISKA: Well, that's a little different
25 now. It's the book holding itself out, rather than him.
1 MR. FLYNN: I'll withdraw it, and I'll ask that.
2 Q. Who currently owns the copyright to the book The
3 Path?
4 A. I do.
5 Q. And you are still the current owner of the book,
6 therefore?
7 A. Yes.
8 Q. And as the current owner of the book --
9 MR. PARSONS: Wait, excuse me one second.
10 THE WITNESS: Okay, got it.
11 MR. FLYNN: Q. As the current owner of the book,
12 Mr. Walters, you continue to receive royalties for sales of
13 the book?
14 A. Inasmuch as the royalties don't come to me, the
15 answer is no.
16 Q. Well, the royalties go to an account of which you
17 are a signatory. Is that correct?
18 A. I --

19 MR. PARSONS: Objection. That misstates his
20 testimony.

21 THE WITNESS: I don't know that I'm a signator.
22 I've never signed any checks. But yes, it goes into an
23 account that I control.

24 MR. FLYNN: Q. And how do you control the
25 account?

1 A. By telling whoever signs it, I think in this case
2 it's my housekeeper, where I want that money to be used. I
3 never use it for myself.

4 Q. In whose name is the account?

5 A. It's in the name of our church.

6 Q. What is the name of the specific name of the
7 account?

8 A. I don't know.

9 Q. What church is it in the name of?

10 A. Ananda Church of Self-Realization.

11 Q. Is that a corporation?

12 A. Yes.

13 Q. Is it a shareholder corporation?

14 A. No.

15 Q. What type of a corporation is it?

16 MR. PARSONS: Objection. Calls for a legal
17 conclusion.

18 You may answer, to the extent that you do know.

19 If you don't know, then that's your response.

20 THE WITNESS: It's a nonprofit religious
21 organization.

22 MR. FLYNN: Q. Who are the signatories to the
23 account that you referred to that the royalties go into?

24 MR. PARSONS: Objection. Asked and answered, I
25 think four times now.

1 I'll let the witness answer one more time.

2 THE WITNESS: I have no other answer.

3 MR. FLYNN: Q. You don't know?

4 A. Right.

5 Q. Now --

6 A. In other words, I've never seen a check from the
7 account, the checkbook for the account, the -- I get reports
8 on how much is in the account. But I don't know beyond
9 that.

10 Q. All right. As the legal owner of the book *The*
11 *Path*, is it true that to this day, the book is still sold,
12 and in the book you are held out as Swami Kriyananda?

13 MR. PARSONS: And I object to the characterization
14 of "held out."

15 I will permit the witness to answer that
16 question. Oh, it's also compound.

17 THE WITNESS: Yes.

18 MR. FLYNN: Q. Okay. Now --

19 MR. PARSONS: Excuse me one second. I want to

20 have just a word with him.
21 (Discussion between the witness and his counsel.)
22 MR. PARSONS: Okay, thank you.
23 (Exhibit 19 was marked.)
24 MR. FLYNN: Mr. Parsons, we've only got -- did you
25 give one to the judge?
1 MR. GREENE: Yeah, I gave one to the judge.
2 MR. FLYNN: Okay. I've got one for you.
3 Q. Would you look over what has been marked as
4 Exhibit 19?
5 A. The whole letter?
6 Q. Well, just -- what I want you to do is identify it
7 as something that you authored.
8 But whatever you feel is necessary to answer a
9 question with regard to whether you authored this document,
10 feel free to look over whatever you'd like.
11 THE WITNESS: I will go to the restroom. I'll be
12 right back.
13 THE VIDEO OPERATOR: Shall we stay on the record
14 or off the record?
15 MR. FLYNN: Let's stay on. We'll stay on the
16 videotape record, and off the transcript.
17 MR. PARSONS: If we do stay on the record, then
18 I'd like comments of counsel not to show up on the record.
19 So in other words, you can stay on the record, but
20 I don't want these gratuitous comments.
21 MR. FLYNN: I'll hide my mike underneath these
22 papers here, Mr. Parsons.
23 MR. PARSONS: All right. Thank you.
24 (Discussion off the written record.)
25 MR. FLYNN: Q. Now, in connection with Exhibit
1 19, is this a document that you have authored, Mr. Walters?
2 A. I am still reading it.
3 Q. Oh, fine.
4 A. (Examining document.)
5 It's a long letter, Mr. Flynn.
6 Q. Yes, I understand, Mr. Walters. But as the
7 author, I would expect you to be able to identify it with a
8 little more swiftness.
9 MR. STILLMAN: Alacrity?
10 MR. PARSONS: I've instructed him to read
11 documents before he answers questions concerning them.
12 MR. FLYNN: This approach, Mr. Parsons, will
13 prolong the deposition.
14 MR. PARSONS: Well --
15 MR. FLYNN: Because the question pending is
16 whether he can identify it.
17 Now, I understand everyone's entitled to read --
18 JUDGE PLISKA: I agree. All he asked him now is
19 whether he can identify it. I mean, if he asks him specific
20 questions, he can refer him to --

21 THE WITNESS: Okay. Well, I have the general
22 picture here. I haven't read it all yet.

23 MR. PARSONS: Can you answer that question, then,
24 and then --

25 THE WITNESS: What was the question?

1 MR. PARSONS: Whether you're the author -- or
2 words to the effect --

3 THE WITNESS: I am the author, yes.

4 MR. FLYNN: Q. Now, is this, what has been marked
5 as Exhibit 19, a transcript of a speech that you gave which
6 then became a publication?

7 A. I wrote it.

8 Q. And to whom with it disseminated?

9 MR. PARSONS: Objection. Lack of foundation for
10 this witness to testify as to that, but go ahead.

11 THE WITNESS: To the residents of our communities.

12 MR. FLYNN: Q. Communities. You mean the
13 communities that you have in different parts of the US and
14 several places in the world; is that correct?

15 A. Correct.

16 Q. And I believe your earlier testimony was that the
17 number of individuals in those communities would number in
18 the 5- to 600 range?

19 MR. PARSONS: Objection. Misstates his testimony.
20 Go ahead and respond.

21 THE WITNESS: I actually said 800, but that
22 includes children.

23 MR. FLYNN: Q. Okay. So adults would be how
24 many, roughly?

25 A. Oh, 600, something. I don't really know exactly.

1 Q. And at any time did you address the community at
2 Ananda by way of a speech in which you basically expressed
3 the sentiments set forth in Exhibit 19?

4 MR. PARSONS: Objection. Vague and ambiguous.
5 Go ahead and respond.

6 THE WITNESS: I didn't have the opportunity.

7 MR. FLYNN: Q. Have you ever given a speech to
8 members of the Ananda community regarding the (the plaintiff)
9 lawsuit?

10 A. It seems to me what I addressed was in June of
11 this year, after I finished writing that book for Warner.
12 That was the one you showed yesterday.

13 Q. Okay. So when you say June of this year, you're
14 talking about the June 29, 1995 All Community Satsang which
15 has been marked as Exhibit 10. Is that correct?

16 A. Correct.

17 Q. On or about December 5, 1995 -- strike that --
18 1994, did you give a speech to the Ananda community about
19 the (the plaintiff) lawsuit?

20 A. I don't remember doing so. That's when I was
21 about to go into the hospital for surgery.

22 Q. You have no present recollection, but you may
23 have; is that your testimony?

24 MR. PARSONS: Well, that misstates his testimony.
25 Go ahead and respond.

1 THE WITNESS: I think that's the case.

2 MR. FLYNN: Q. You think you may have, but you
3 don't have a specific recollection?

4 A. No. I think I didn't, but it's possible that I
5 did.

6 Q. Okay. Now, on or about December 5, 1994, did you
7 give a speech to the Ananda community and also distribute
8 during the speech what has been marked as Exhibit 19?

9 MR. PARSONS: Objection. Compound. Part of
10 that's already been asked and answered.

11 You may respond.

12 THE WITNESS: I think I did not. I believe this
13 was distributed just in the normal channels.

14 MR. FLYNN: Q. What are the normal channels of
15 distribution?

16 A. Well, normally when I write a letter like this, I
17 check it with a few people who are ministers, and then
18 either the ministry office or Alan, my secretary, prints it
19 up, and it gets distributed through channels -- I don't
20 know, just whatever is established.

21 MR. FLYNN: Q. And it's your testimony today as
22 you sit here, you don't know what is established to do the
23 distribution?

24 MR. PARSONS: I'm --

25 MR. FLYNN: I'll withdraw it.

1 Q. As you sit here today, you don't know how that's
2 done?

3 A. I don't know the --

4 MR. PARSONS: Objection. He's already answered
5 that. Go ahead and respond.

6 THE WITNESS: Yes. I don't know the actual
7 mechanics.

8 MR. FLYNN: Q. What is the purpose of
9 distribution?

10 A. The purpose of distribution is to reach whomever
11 we decide that we have to send something to.

12 Q. With your statements?

13 A. Yes.

14 Q. Now, first paragraph, quote: "To tell the truth,
15 while we must treat this matter seriously, it is rather a
16 souffle: mostly air," period, end quote.

17 What did you mean by that?

18 A. That it was full of lies and misstatements.

19 Q. Okay. And then in the second paragraph, you talk
20 about the twin forces of light and darkness, the divine and
21 the satanic. And rather than quote, I'm just
22 characterizing. And you talk about evil existing.

23 Is it your point in that paragraph to claim that
24 you represent the forces of light, and the (the plaintiff)
25 lawsuit represents the forces of the satanic?

1 MR. PARSONS: I object. It's argumentative, but I
2 will let the witness respond to that question.

3 And do you have the question in mind?

4 THE WITNESS: I do.

5 When a person is doing his best to serve God, when
6 a group is doing its best to serve God, it naturally assumes
7 it's serving the forces of light, because God represents the
8 forces of light, or vice versa.

9 Anything that attacks that with lies and with
10 hatred and with a desire to undermine, by that definition,
11 would represent forces of darkness.

12 MR. FLYNN: Q. Okay. Now, in connection with
13 your last response, you said, "anyone who attacks that."
14 What is "that" in that response?

15 A. That means a work dedicated to serving God.

16 Q. Do you view an attack on you as an attack on the
17 work of people around you dedicated to serving God?

18 MR. PARSONS: Object as vague. By "you," are you
19 referring to --

20 MR. FLYNN: Him personally.

21 THE WITNESS: No.

22 MR. FLYNN: Q. Now, so --

23 A. I should explain further, if it's an attack on the
24 principles that I consider true principles, but not on me
25 personally.

1 Q. Now, I'm not sure you really answered the question
2 I asked. I'll ask it again. I understand you gave an
3 explanation.

4 But the question again is, do you view -- you view
5 -- the (the plaintiff) lawsuit as representing the forces of
6 satan, and your organization and you representing the forces
7 of light?

8 MR. PARSONS: I object. It's compound; it's
9 clearly argumentative.

10 I'll permit the witness to respond.

11 THE WITNESS: No.

12 MR. FLYNN: Q. In this paragraph, is there any
13 effort made by you as the author to compare the (the plaintiff)
14 lawsuit to be on the side of satan, and your organization to
15 be on the side of light?

16 MR. PARSONS: I object that the document speaks
17 for itself. I will permit, however, the witness to read
18 through this paragraph and attempt to respond to your
19 question.

20 I'd actually also like it read back so he has it
21 clearly in mind.

22 (Record read.)

23 THE WITNESS: There is.

24 MR. FLYNN: Q. That was your intent, Mr. Walters?

25 A. It was.

1 Q. Now, what is maya?

2 A. Maya means the illusion that makes us think that
3 we are separate from God.

4 Q. Does your definition of maya include a situation
5 where someone thinks they may be serving God, but in fact be
6 doing things detrimental to God because they're deluded?

7 MR. PARSONS: Objection. Compound -- obviously,
8 no relevance.

9 I will permit the witness to respond to the
10 question.

11 THE WITNESS: I don't understand the question.

12 MR. FLYNN: Q. Let's go down to the third
13 paragraph.

14 "We have strong evidence of SRF involvement in the
15 present attack on Ananda. We of course view it, therefore,
16 as an extension of their lawsuit against us. Let me place
17 this little 'vignette,'" quote unquote, "in a larger frame,"
18 period, end quote.

19 The "strong evidence" is what I'm specifically
20 interested in, Mr. Walters, particularly in light of your
21 deposition testimony these last three days.

22 What strong evidence of SRF involvement do you
23 have?

24 MR. PARSONS: Okay. Now, let me object.

25 You've asked that question at least twice, and
1 you've got full and complete responses to it. You know, I
2 understand that asked and answered isn't a -- I can't
3 instruct the witness not to respond, but I do want to
4 strongly state my objection to these repetitive questions.

5 JUDGE PLISKA: Yes, it appears to me, Mr. Flynn, I
6 sat here when this question has been asked and answered many
7 times, and it will go faster if you don't --

8 MR. FLYNN: I did ask it in connection with
9 something else he wrote. But there he said all he had was
10 some inferences. And that was his response.

11 Here he says he has strong evidence. And so just
12 to make sure I haven't missed any -- maybe we can expedite
13 it.

14 Q. Do you have any other evidence of SRF involvement
15 in the -- what you consider to be the (the plaintiff) attack on
16 Ananda other than what you've already testified to?

17 A. That was my evidence.

18 Q. So when you said "strong evidence" in this Exhibit
19 19, you were referring to the evidence that you've already
20 testified about; is that correct?

21 A. Yes.

22 Q. And just to tie this area up, and the evidence
23 you've already testified about is the inferences that you
24 say you can draw. Is that correct?

25 MR. PARSONS: Well, again, I think we've got a
1 clear record on what in fact he said in direct response.
2 JUDGE PLISKA: I think so too, Mr. Flynn.
3 MR. FLYNN: All right. I'll withdraw it.
4 Q. Now, let's go over to page 3, third paragraph.
5 "The attack mentioned at the outset of this letter
6 is a typical example of such persecution: not a direct
7 attack, but one wouldn't expect that at first. We have, as
8 I said, abundant evidence of SRF complicity," period, end
9 quote.
10 Now, when you say the attack is a "typical example
11 of such persecution," what does that mean?
12 A. We're talking of SRF's persecution and attempt to
13 -- well, to persecute, in another case that has nothing to
14 do with what we're talking about here.
15 Q. Oh, so perhaps I misunderstood what you wrote.
16 When you wrote this sentence, you didn't mean that
17 the attack that is the subject of the sentence is the
18 (the plaintiff) attack; but rather, the SRF attack?
19 A. That's correct.
20 Q. Is that correct?
21 A. You know, I hate to have to do this, but I do have
22 to go to the bathroom again. I'll be right back.
23 THE VIDEO OPERATOR: Should we stay on or off the
24 record?
25 MR. FLYNN: Off the transcript, transcribed
1 record; on the video record.
2 (Discussion off the written record.)
3 MR. FLYNN: Back on the record.
4 Q. Now, and the persecution you referred to in this
5 paragraph is persecution by whom, Mr. Walters?
6 A. This is talking about SRF.
7 Q. Okay. So you're not referring to a persecution by
8 (the plaintiff). Is that correct?
9 A. No, I'm not.
10 Q. Now, again, just to make sure, you said here, "we
11 have abundant evidence of SRF complicity."
12 And once again, other than what you've already
13 testified to, is there any other evidence that you have
14 within the --
15 MR. PARSONS: Objection.
16 MR. FLYNN: -- term "abundant," separate and
17 distinct from what you've already testified to?
18 JUDGE PLISKA: Mr. Flynn, he's already said that's
19 all he has. Asking each of these statements is just going
20 to prolong this on and on.
21 MR. FLYNN: I don't want to be surprised at a
22 later time.
23 JUDGE PLISKA: I don't see how you will be. Do
24 you want to move on to another area?
25 MR. FLYNN: Yes, Your Honor.

1 Q. Now, I understand that in the cross-complaint,
2 you allege that SRF has control over (the plaintiff).
3 Do you understand that to be one of your claims?
4 MR. PARSONS: Wait. Okay. The document speaks
5 for itself. This witness can testify as to his
6 understanding whether that is specifically one of the claims
7 in the cross-complaint.
8 THE WITNESS: I would have to read it. I don't
9 think I made that statement.
10 MR. FLYNN: Q. Okay. We'll get to the
11 cross-complaint later, then.
12 Now, would you turn to page 4, please, of Exhibit
13 19?
14 On the second paragraph, you say, "Her reputation
15 at Ananda unfortunately was that she was, as one person put
16 it to me, 'on the prowl,'" quote unquote.
17 Now, who is the person who told you that?
18 MR. PARSONS: I will instruct -- no, in fact, no
19 objection. Go ahead.
20 THE WITNESS: Agni.
21 MR. FLYNN: Q. What's the name?
22 A. Agni, A-g-n-i.
23 Q. And what did she tell you?
24 A. What did he tell me.
25 Q. What did he tell you?
1 A. His words were just what I said.
2 Q. The term Agni, does that mean fire in Sanskrit?
3 A. Good for you.
4 Q. And I believe that's in the fifth mandala of the
5 Vedas. Is that correct, Mr. Walters?
6 A. Good for you.
7 Q. Then you say, "but that this quality in her vies
8 with a hardness that borders on ruthlessness."
9 Is that what someone told you, or your
10 observation?
11 A. My observation.
12 Q. Then going down to the fourth paragraph, you say
13 in the last sentence, "I therefore requested that she be
14 transferred to another department at Ananda Village. And
15 this way, at least the two of them would not be working in
16 the same building."
17 I take it, sir, that you had the administrative
18 capacity to make that transfer?
19 A. When I ask something, it's done.
20 Q. So the answer to my question is, you had the
21 administrative power to make that transfer?
22 A. I still have.
23 Q. And is it not true, sir, that you are the person
24 who appointed a convicted pedophile who is now in prison to
25 be the head of the children's programs at Ananda?
1 MR. PARSONS: Wait. Wait a minute. I'm going to

2 object to that. It assumes facts not in evidence; it's
3 argumentative, clearly. It involves some third party,
4 apparently, and private matters concerning this party, if
5 there is anything to it.

6 I'm going to instruct the witness not to answer
7 that question as phrased.

8 MR. FLYNN: This goes to supervision and
9 negligence in the appointment of ministers who are
10 administering, for example, to people like (the plaintiff).

11
12 MR. PARSONS: Well, there's no allegation of that
13 in anything in the pleadings now.

14 JUDGE PLISKA: Yes. I'm going to sustain the
15 objection.

16 MR. FLYNN: Q. Would you turn to page 6 please,
17 sir?

18 "Ananda has a widespread reputation for
19 extraordinary honesty and openness about its mistakes. As I
20 read once in a magazine, however, it is good to be
21 open-minded, but not so open-minded that your brains fall
22 out," period, end quote.

23 What is your basis for stating that Ananda has a
24 widespread reputation for extraordinary honesty?

25 MR. PARSONS: Objection. Calls for speculation,
1 no foundation, but you may respond.

2 THE WITNESS: I've heard this from many, many
3 sources.

4 MR. FLYNN: Q. What sources?

5 A. Letters, people commenting to me personally,
6 people giving third-person reports. I think that's enough
7 to say.

8 Q. Are these people who refer to you as Swami
9 Kriyananda who have given you these reports?

10 MR. PARSONS: Okay.

11 MR. FLYNN: Q. In whole or in part.

12 MR. PARSONS: In whole or in part. Well, I
13 object. It's therefore compound, it's vague and ambiguous,
14 lack of foundation for this witness.

15 You may respond.

16 THE WITNESS: That wasn't the context, so I don't
17 really know.

18 MR. FLYNN: Q. Would you turn to page 7, please?

19 Third paragraph, quote: "On what were her
20 accusations based? I have never in my life harassed anyone,
21 nor am I limiting this statement to sexual harassment,"
22 period, end quote.

23 Now, since publication of Exhibit 19, have you
24 disclosed to the Ananda community your sexual involvements
25 with (woman #1), (woman #2) or other women that you
1 have been involved in?

2 MR. PARSONS: Okay. Objection. It assumes facts

3 not in evidence. It's also compound and argumentative, but
4 you may answer that question.

5 THE WITNESS: No.

6 MR. FLYNN: Q. Page 8: "Durga (Sally Smallen),
7 who has" --

8 MR. PARSONS: Excuse me one second. Go ahead.

9 MR. FLYNN: Q. -- "who has counseled women at
10 Ananda for nearly 20 years, stated recently, 'In all my
11 years of counseling women here, I haven't heard a single
12 complaint against Swami,'" period, end quote.

13 Where did you get that information, Mr. Walters?

14 MR. PARSONS: The question is compound. You're
15 referring to the quotation here?

16 MR. FLYNN: Yes.

17 THE WITNESS: From her.

18 MR. FLYNN: Q. What did she tell you?

19 A. I'm quoting her words.

20 Q. Is it your testimony that for the past 20 years,
21 you and Durga have never had a conversation about women who
22 have complained about your sexual misconduct with them?

23 MR. PARSONS: Okay. Let me object.

24 I'm sorry. I object to the extent that misstates
25 his prior testimony. I will, however, let the witness
1 answer that question.

2 THE WITNESS: How does it misstate it?

3 MR. PARSONS: Well, listen to the question.

4 THE WITNESS: Well, the thing is, she's never said
5 anything like that to me.

6 MR. FLYNN: Q. Has she ever -- strike that.

7 Have you ever had a discussion with Durga in which
8 she said in any form of words that there was a woman who was
9 upset?

10 A. Who was --

11 Q. Upset, because of your conduct with that woman?

12 MR. PARSONS: And this is any sort of conduct
13 whatsoever? That is your question; correct?

14 MR. FLYNN: Q. Any sort of conduct.

15 A. I can remember none.

16 Q. Okay. Page 10, third paragraph.

17 "(the plaintiff) claims to have seen me exchanging
18 loving glances with another woman," period, end quote.

19 Where did you get that information?

20 A. That was in her declaration.

21 Q. And who was the woman that you were exchanging
22 loving glances with?

23 MR. PARSONS: Objection. It assumes facts not in
24 evidence. It's the claim that he was exchanging loving
25 glances.

1 As you can see, the letter denies it, so I object
2 to the form of the question.

3 MR. FLYNN: I'll withdraw it.

4 Q. Do you know who (the plaintiff) was
5 referring to in connection with this allegation?

6 A. Yes.

7 Q. Who?

8 A. (woman #8).

9 Q. Now, (woman #8) filed a declaration in this
10 action on your behalf denying sexual involvement with you.
11 Is that correct?

12 MR. PARSONS: Objection. That document speaks for
13 itself. There is no foundation this witness is familiar
14 enough with that declaration to testify --

15 MR. FLYNN: Okay. We'll wait till we get the
16 declaration.

17 Q. Going down to the fourth paragraph, quote: "All I
18 can say is, (the plaintiff) would draw from anything she saw the
19 most intimate conclusions possible," period, end quote.

20 On what basis do you make that statement, sir?

21 A. On the basis of her so rapid involvement with
22 three men at Ananda, on the basis of the tone of her
23 accusation in her complaint, on the basis of things that
24 I've heard.

25 Q. What have you heard?

1 A. People's comments about her. This is all
2 third-person and fourth-person, as far as you're concerned;
3 second- and third-person as far as I'm concerned. But I
4 think that I've said enough on that.

5 Q. Okay. Would you go over to page 11, please, the
6 fourth paragraph?

7 "Speaking of our present self-styled enemies of
8 Ananda, I can only say that such people are usually to be
9 found in the shadows of religious works," period, end quote.

10 Who are you referring to as your self-styled
11 enemies?

12 A. There was one person who was fired from his job as
13 the maintenance person at our seclusion retreat, about as
14 low on the totem pole of capacity that one could go, and
15 left Ananda and has subsequently turned against us, because
16 of his failure, presumably.

17 Q. What is his name?

18 A. His name is Steve Scott.

19 Q. And who else are your self-styled enemies?

20 A. There was another person who got a young woman who
21 was -- a young woman who was a charity case; she was not
22 somebody who was really able to function mentally. She had
23 been in our high school, and we kept her there because we
24 didn't imagine that she would be able to get a job
25 elsewhere.

1 This young man got her pregnant, after which he
2 told me that he wanted to become a monk.

3 I told him -- this is one of the very rare

4 occasions that I've told people what to do -- that he had to

5 marry her.

6 He did; and then in disillusionment, he and his

7 wife left Ananda.

8 There was another case -- do you want the names,

9 or --

10 Q. Yes?

11 A. -- or is that necessary?

12 Q. Yes.

13 MR. PARSONS: Wait a minute. Let me -- I'm going

14 to object that unless this third party has in some way --

15 MR. FLYNN: All right. We'll cut through it,

16 Mr. Parsons, fine. Forget the name.

17 Q. Do you have anything else to add to your prior

18 response?

19 MR. STILLMAN: Get the name.

20 THE WITNESS: There is --

21 MR. PARSONS: Wait. Wait --

22 MR. FLYNN: Q. Do you have anything else to add

23 to your prior response?

24 You interrupted your client, Mr. Parsons. He went

25 off on a long-winded --

1 MR. PARSONS: I agree. Please, please.

2 MR. FLYNN: Q. Do you have anything else to add

3 to your last response?

4 A. There was one person who lived there for I think

5 it was 12 years, and never paid the maintenance fee that all

6 members pay to keep -- for the upkeep of the Ananda, paying

7 of taxes, whatever.

8 And finally we said to him that it seems to us

9 that you ought to make up your mind either to pay or to go

10 somewhere else, and he elected to leave Ananda.

11 There was another person who came to our services

12 at one of our centers. I don't know what turned him against

13 us, but he got in with those people and became against us.

14 There was another who, as far as I could read it,

15 was disgruntled --

16 Q. Yes, go ahead, Mr. Walters.

17 A. -- was disgruntled because I wouldn't give him,

18 couldn't give him, the encouragement for the positions he

19 wanted.

20 These are typical examples. These people have

21 banded against us and made, on the strength of this present

22 lawsuit, statements to The Union, which is the local

23 newspaper, and, in every way that they can, tried to turn

24 people against us.

25 We have been told by somebody who attended the

1 local SRF center meetings that the main topic of

2 conversation at those meetings -- now, mind you, for you

3 this is fourth-hand, therefore not -- nothing I can speak of

4 from personal experience -- that the main topic of

5 conversation at those meetings is how to get Ananda and

6 what's wrong with Ananda.

7 Q. Now, do you consider (woman #7) to be a
8 self-styled enemy?

9 A. That's another one. That's right.

10 Q. Do you consider (woman #2) to be a self-styled
11 enemy?

12 A. I think they've stated that themselves.

13 Q. Do you consider (woman #5) to be a
14 self-styled enemy?

15 A. I don't know anything about her. I haven't seen
16 her for ages.

17 Q. Do you consider (woman #6) to be a self-styled
18 enemy?

19 A. I don't know who (woman #6) is.

20 Q. Do you consider -- (woman #6) is (woman #6).

21 A. Who?

22 Q. (woman #6)?

23 A. I still don't know her.

24 Q. Do you consider (woman #3) to be a
25 self-styled enemy?

1 A. I'd have to distinguish between an actual enemy,
2 somebody who wants to hurt us, and somebody who speaks
3 against us.

4 I don't think she's an enemy, but I haven't seen
5 her in many, many years.

6 Q. Do you consider (woman #4) to be a
7 self-styled enemy?

8 A. I don't know her.

9 Q. Do you consider Elizabeth -- strike that.

10 Do you consider David Kimmel to be a self-styled
11 enemy?

12 A. He's acting like it, but I don't think he is.

13 Q. Do you consider David Kimmel's wife to be a
14 self-styled enemy?

15 A. She's no longer living.

16 Q. Was she a self-styled enemy?

17 A. I really don't know.

18 Q. Now, going down to -- I'm trying to move this
19 along.

20 Going down to the bottom of page 11, starting --

21 starting with that paragraph -- you can read that to

22 yourself, and I want you to get to the part where she says,

23 "she offers in support of her claim that I harassed her

24 sexually. I must therefore repeat with absolute conviction

25 I have never," which is italicized, "harassed anyone, not
1 sexually, not in any other way."

2 Do you recall distributing that statement as it

3 appears in Exhibit 19 to the entire Ananda community on or
4 about November 25, 1994?

5 A. That statement --

6 MR. PARSONS: Wait a minute, excuse me. I'm

7 confused by that question.

8 THE WITNESS: I don't know why I have to go to the
9 bathroom so often, but I do. I'll be right back.

10 MR. FLYNN: On the video, off the written.

11 (Discussion off the written record.)

12 THE WITNESS: Well, I apologize for the
13 interruptions. There's really nothing I can do about it.

14 MR. FLYNN: Back on the record.

15 Q. Rather than reread it, I'll ask another question.

16 What I wanted you to do is direct your attention
17 to the bottom of page 11, the top of page 12.

18 A. Yes.

19 Q. And I want to put in my question the date that the
20 complaint was filed.

21 MR. GREENE: November 21, 1994.

22 MR. FLYNN: Q. Having in mind that the complaint
23 by (the plaintiff) was filed in this matter on or
24 about November 21, 1994, and the complaint is dated 4 days
25 later, November 25, 1994, and directing your attention to
1 the bottom of page 11 and the top of page 12, that document
2 states in part --

3 MR. PARSONS: Excuse me, which document?

4 MR. FLYNN: Q. Exhibit 19. Quote, "she offers in
5 support of her claim that I harassed her sexually. I must
6 therefore repeat with absolute conviction, I have never
7 harassed anyone, not sexually, not in any other way,"
8 period, end quote.

9 Now, did you make that statement and distribute it
10 to the Ananda community on or about November 25, 1994 in
11 response to the (the plaintiff) complaint?

12 MR. PARSONS: Are you talking about separate from
13 the letter, that it's obviously in, that he's already
14 testified to?

15 MR. FLYNN: No. Enclosed in the letter, did he
16 distribute this statement in response to the complaint?

17 MR. PARSONS: Okay. So the question is, this --
18 was this distributed in response to the complaint, as I
19 understand it.

20 MR. FLYNN: Yes.

21 MR. PARSONS: That's a new element.

22 MR. FLYNN: Q. But this particular statement of
23 denial of sexual harassment.

24 A. To the best of my recollection, I didn't read the
25 complaint until days afterward, but I had heard about it and
1 was responding to what I had heard.

2 Q. Now, at that point in time, sir, had you seen any
3 of the declarations of any women regarding their sexual
4 involvement with you?

5 A. Regarding --

6 MR. PARSONS: Well, objection. Their alleged
7 sexual involvement, but go ahead.

8 THE WITNESS: And whose involvement? Her. You
9 said her. You mean (the plaintiff)?

10 MR. FLYNN: Q. Had you seen declarations of any
11 women concerning their alleged sexual involvement with you?

12 A. No.

13 Q. Now, excluding your lawyer, is there any other
14 person who told you what was in the complaint?

15 A. At that time, I don't know that I had heard
16 anything except the general statement. This is only 4 days
17 after she filed it. I don't think I had the opportunity.
18 I think what I may have been responding to was an
19 article that came out in the newspaper immediately after it
20 was filed in the San Jose Mercury News accusing me of these
21 things.

22 Q. Now, you say in the next paragraph, quote:

23 "These anti-Ananda friends have raised the general
24 subject of my status as a swami, claiming that I have
25 misrepresented myself publicly to deceive people. I
1 welcome this charge as an important opportunity to
2 clear the air, not only for myself but for many other
3 spiritual teachers in America who have faced similar
4 charges in recent years," period, end quote.

5 Now, have you made any public pronouncements about
6 your status as swami since November 25, 1994 in an
7 opportunity -- as an opportunity to clear the air about your
8 status?

9 A. What I said, I don't remember. But I addressed
10 the subject in an article that came out in Yoga
11 International in June or July of this year.

12 Q. And in that article, did you address the issue of
13 these women's allegations against you as found in their
14 declarations?

15 A. No. I made it impersonal as I could, because I
16 wanted to address an issue rather than personalities.

17 Q. All right. Since we don't have a copy of that,
18 we'll have to get it.

19 It's an article that you wrote in this
20 publication, Yoga International?

21 A. Correct.

22 Q. And since you've testified that you made it
23 impersonal, did you discuss in any way your sexual
24 involvement with women in this article?

25 A. I did not.

1 Q. Did you attempt to explain the term "swami" in
2 this article?

3 MR. PARSONS: I'm going to object that a
4 document -- this article speaks for itself. This witness
5 can testify as to his memory --

6 THE WITNESS: I think that's a safer answer. Let
7 it speak for itself, because I'd have to refer to it.

8 MR. FLYNN: All right. We'll get the article.

9 Q. Would you go down to the next paragraph, please,
10 and just kind of read this one to yourself?

11 A. (Examining document.) Just that paragraph?

12 Q. That paragraph, right.

13 A. Okay. I've read it.

14 Q. Now, why did you put this statement in this
15 document?

16 MR. PARSONS: Okay. I'm going to object to the
17 extent it calls for any communication between attorney and
18 client. I will let the witness testify as to his intentions
19 in this regard, if any.

20 THE WITNESS: Yes, indeed. The belief -- well, I
21 said the other day, yesterday or the day before, that you
22 don't take vows for something you don't need to take vows
23 for. I don't have to take a vow that I will not behave like
24 a tiger.

25 Sex is a very big temptation for people. When you
1 take vows, even final vows, it's still a statement of
2 intention. It's a statement that, here is the net; my
3 dedication is on this side. No matter if I succeed or fail
4 a hundred times, I still -- this is what I live for, this is
5 the direction I'm going toward.

6 So what I said in that article is that we have to
7 -- and this I believe -- that we have to view people's
8 actions in terms of the direction they are working hard to
9 achieve, rather than just what they do today.

10 In other words, in my counseling of people also,
11 if they are, as (the plaintiff) was -- as long as I saw that she
12 was, as I thought, as I believed, that she was trying to
13 overcome this relationship, I did not view it as something
14 to be condemned, but rather a person to be helped.

15 When she finally made the statement that she was
16 determined to marry Danny, to take him away from his wife,
17 and if the question of the child came up, that she would
18 make a good mother to that child, then I had to step up,
19 because -- step in, because then it was a question of
20 intention.

21 But otherwise, it's by no means unheard of that
22 swamis slip. The issue is, are they still trying. If they
23 stop trying, then they've fallen. If they try, then in a
24 culture -- which I have mentioned in this particular
25 paragraph, particularly in a culture which emphasizes sex so
1 strongly in which there is no support, virtually zero
2 support, for their dedication to a life of renunciation, the
3 fact that they are trying I think is the most that any
4 reasonable human being can ask of them.

5 Particularly since their reason for coming to
6 these people is not their celibate status, as far as I
7 know. There may be some. But I certainly wouldn't think
8 that that was the right reason.

9 The right reason would be, does this person seem

10 to me to be sincere in his efforts? Not claiming anything,
11 but sincere in his efforts to grow, to control himself, to
12 gradually withdraw himself from that delusion.

13 It's a much harder -- delusion I speak of as
14 sexual involvement in this case is a delusion because it, to
15 the person involved, seeks a lower kind of gratification
16 than spiritual.

17 And anything that is not spiritual is illusion,
18 because it covers over or takes away a person's
19 concentration on the spirit.

20 Is this person doing his best to get out of that
21 illusion -- it's much harder to do it in a culture where
22 that illusion is as strong as it is in this country. It's
23 hard in any culture. No one has ever said that it's easy.

24 But I believe that the general teaching in India
25 is not a rigid condemnation of somebody because he fails on
1 different occasions; but if he decides to -- that that is
2 the direction he wants to go -- that is to say, toward
3 worldly pleasure, to give up meditation, then he has fallen.

4 Until then, he is doing his best. I think that's
5 all any reasonable person would ask, and that's all that any
6 saint that I have met in India has asked of people.

7 Q. Now, when you had sex with (woman #7) in
8 Hawaii when you first met her, did you go to her husband and
9 tell her husband that you were having sexual intercourse
10 with his wife?

11 MR. PARSONS: Vague as to time. Before, after or
12 during?

13 You may respond.

14 THE WITNESS: No, I did not.

15 MR. FLYNN: Q. And as the spiritual director of
16 the Ananda community, have you pursued the ideal of celibacy
17 since the beginning of your spiritual directorship?

18 MR. PARSONS: Okay. Object. It's vague as to
19 time, misstates his testimony, if that's -- as to "ideal of
20 celibacy."

21 I'm also going to -- no, and then with those
22 objections, I'll permit the witness to answer that specific
23 question.

24 THE WITNESS: Ask it again.

25 MR. FLYNN: Q. Yes. While you've been spiritual
1 director, have you yourself been pursuing the ideal of
2 celibacy?

3 A. Even in marriage, yes.

4 MR. PARSONS: Same objection.

5 MR. FLYNN: Q. And did you tell that to (woman #7)
6 ?

7 MR. PARSONS: Objection as to "that." Go ahead.

8 MR. FLYNN: Q. That you were pursuing the ideal
9 of celibacy?

10 A. I don't remember.

11 Q. Did you tell that to (woman #1)?
12 A. I don't remember.
13 Q. Did you tell that to (woman #2)?
14 MR. PARSONS: Again, same -- vague as to "that."
15 THE WITNESS: Same answer.
16 MR. FLYNN: Q. Did you tell that to (the plaintiff)
17 when you were rubbing her neck?
18 MR. PARSONS: Same objection as to "that."
19 You may respond.
20 THE WITNESS: That question didn't arise, so I
21 didn't need to say it.
22 MR. FLYNN: Q. Would you turn to page 13 please,
23 sir?
24 A. 13?
25 Q. Yes. Quote, about halfway down the page:
1 "Women here, even if they respect the ideal of
2 renunciation, do not know how to relate to swamis in
3 the impersonal way women are accustomed to do in
4 India. They have no models as guidelines of behavior.
5 It also is not surprising that the swamis find
6 themselves tempted," period, end quote.
7 What did you mean by that statement, sir?
8 MR. PARSONS: Well, objection. It's compound.
9 The witness may, however, respond.
10 THE WITNESS: That's the problem. It is
11 compound. Would you like to break it up?
12 MR. FLYNN: Q. Will you expound on the statement
13 and explain to me what you meant by this statement, as you
14 just recently expounded on the prior paragraph?
15 MR. PARSONS: Okay. That calls for a narrative.
16 You may respond, going, for example, sentence by
17 sentence, if that's what you want, and explain what you
18 meant.
19 Was that the question, what he meant by it?
20 MR. FLYNN: Yes. What he intended to convey to
21 the people reading this document with this statement.
22 THE WITNESS: In India, women don't try to engage
23 a swami, or a man, any man, in a personal way.
24 Now, that personal way is something that I think
25 everyone in this room would understand, because we see the
1 kind of interrelationship that occurs between men and women
2 who are interested in one another in any kind of sexual way,
3 including romance, particular friendship, whatever it might
4 be.
5 In India, I observed as teaching there, that
6 generally speaking there were very -- they were brought up
7 to behave in an impersonal way. And by that -- let's see.
8 We're talking of something somewhat subtle.
9 But essentially, what I have observed there is
10 that women withdraw their energy rather than projecting it.
11 I think that's probably the clearest way of putting it.

12 In this country, they don't have the upbringing to
13 know that that's the best way to behave, to be impersonal,
14 to withdraw. If they want to show interest of any kind,
15 they project it.

16 And somebody coming from another culture,
17 particularly, would find it difficult to understand that
18 that was not intended in a personal way, sometimes, or that
19 if it was intended in a personal way, that it was on a level
20 of personality, and not a desire to become intimately,
21 romantically or even personally involved.

22 MR. FLYNN: Q. Fine. Now, as I understand your
23 testimony in this deposition in this case, it's your
24 position prior to your spiritual marriage to (woman #7)
25 that you were a swami. Is that correct?

1 MR. PARSONS: Okay.

2 MR. FLYNN: Q. Not the nickname Swami, but an
3 actual swami?

4 MR. PARSONS: I'll object. It misstates his
5 testimony.

6 You may respond to the question.

7 THE WITNESS: It's been responded to many times.

8 MR. PARSONS: Well, yeah, and I object it's been
9 asked and answered about at least four or five, six, times.

10 JUDGE PLISKA: It does appear that that's the
11 case, Mr. Flynn.

12 MR. FLYNN: I'd like an answer for this context.

13 JUDGE PLISKA: The answer for any context, you get
14 an answer, you've gotten it for several contexts. You know,
15 I don't want to see you prolong this for a month.

16 MR. FLYNN: Q. The exposition that you've just
17 given about the distinction between the two cultures and the
18 way women treat swamis -- one impersonal, and one projecting
19 their energies, as you put it -- did you explain that to
20 (woman #7) when you were a swami who was practicing
21 celibacy before you had sex with her?

22 MR. PARSONS: Wait. I can't even understand that
23 question.

24 Did he explain his testimony to (woman #7)?

25 I'm sorry, I don't even make sense out of that question.

1 MR. FLYNN: I'll withdraw it, and I'll make it a
2 little easier for you, Mr. Parsons.

3 MR. PARSONS: Please.

4 MR. FLYNN: Q. This statement and the exposition
5 that you've just given, particularly the statement that you
6 gave to 600 of your followers in Exhibit 19 --

7 MR. PARSONS: Let me clarify. Are you talking
8 about his testimony now, or the document that's been marked
9 as 19?

10 MR. FLYNN: I'm talking about his philosophy as
11 embodied in this statement about a swami and the way women
12 react to a swami.

13 MR. PARSONS: All right. His philosophy. All
14 right.

15 MR. FLYNN: His philosophy, as embodied in the
16 statement that we read on page 13 of Exhibit 19.

17 Q. Did you explain that to (woman #7) before you
18 had sex with her in Hawaii?

19 MR. PARSONS: Well, I do want to object. These
20 sorts of questions as to whether or not he explained a
21 philosophy to someone, it seems -- we're going be here for
22 weeks.

23 MR. FLYNN: I'll make it even simpler,
24 Mr. Parsons.

25 Q. Having in mind your prior testimony and this
1 statement, did you explain to (woman #7) in Hawaii,
2 before you had sex with her, that you were a swami
3 practicing celibacy?

4 MR. PARSONS: Okay. I will let the witness
5 respond to that question.

6 THE WITNESS: I don't remember that I did so.

7 MR. FLYNN: Q. Did you explain to (woman #1)
8 before you had sex with her that you were a celibate swami,
9 or that that was your nickname?

10 MR. PARSONS: Objection. It's compound; it's also
11 argumentative.

12 I will let the witness answer both of those
13 questions.

14 THE WITNESS: That question didn't need to be
15 raised, because I was not.

16 MR. FLYNN: Q. Did you tell her that?

17 MR. PARSONS: If he --

18 THE WITNESS: That I was not. I had made a
19 particular statement. I didn't need to make a particular
20 statement.

21 MR. FLYNN: Q. Do you know whether she knew
22 whether you were a celibate swami or whether that was your
23 nickname?

24 MR. PARSONS: Again, it's --

25 MR. FLYNN: Q. Before you had sex with her?

1 MR. PARSONS: It's compound as well as
2 argumentative.

3 You may respond if you can formulate a response to
4 that.

5 THE WITNESS: I can't formulate a response. She
6 had to know.

7 MR. FLYNN: Q. How did she have to know?

8 A. My statement was public.

9 Q. When was the statement made public?

10 A. In 1981.

11 Q. Do you know whether or not (woman #1) read
12 the statement?

13 A. I did not interrogate her as to, whether you have

14 read this statement. It seems like a very unreal question.

15 But I did not interrogate her as to what she had done in
16 this.

17 Q. So you don't know whether she read your statement
18 or not. Is that correct?

19 A. I'm sure everybody had to know about it.

20 Q. Why are you sure everybody had to know about it?

21 A. Any public statement would be public enough at
22 Ananda for everyone to be aware of it.

23 Q. Including the statement in Exhibit 17 referring to
24 yourself as Swami Kriyananda?

25 MR. PARSONS: Wait. Objection.

1 MR. FLYNN: I'll withdraw it.

2 Q. Let me ask you this, Mr. Walters --

3 A. Yes, but why did you include it?

4 Q. Let me ask you this, Mr. Walters: Did you explain
5 to (woman #2), before you had sex with her, that you were
6 a celibate swami, or that that was your nickname?

7 MR. PARSONS: Okay. Again, these questions as
8 framed are argumentative. They're also compound.

9 But you may answer it.

10 THE WITNESS: The same answer as for (woman #1).

11 MR. PARSONS: And by the way, it misstates his
12 testimony. Go ahead.

13 MR. FLYNN: Q. And that answer is, you don't
14 recall explaining the distinction. Is that correct?

15 MR. PARSONS: No. That misstates his testimony.

16 You may answer.

17 THE WITNESS: My answer was that she had to know.

18 There was no need to raise that question to anybody in the
19 community.

20 MR. FLYNN: Q. Do you have a copy of the public
21 statement that you made in 1981 about your status as a
22 swami?

23 MR. PARSONS: With him here today, you mean?

24 MR. FLYNN: Q. In your possession, custody or
25 control.

1 A. I thought it was here, among the exhibits.

2 Q. Which statement is that?

3 A. The article that came out in the Yoga Journal.

4 I wrote a letter to the community. What it said
5 in there may be here, too. But in that letter, I said
6 essentially the same thing. Maybe more elaborated. This I
7 don't remember.

8 But it was a letter to the community explaining
9 the fact that we were married, what does it matter to my
10 vows, et cetera. So I did explain it.

11 MR. PARSONS: Now, and I believe we've made that
12 already available in the papers.

13 THE WITNESS: Oh, yes.

14 MR. FLYNN: We're checking for it.

15 MR. GREENE: We got it right here coming up.
16 MR. FLYNN: Why don't you have a copy made of it.
17 Make four copies.
18 MR. GREENE: Why don't I ID it first and make sure
19 it's the right one.
20 MR. FLYNN: Q. Is this the letter dated October
21 15, 1981 --
22 MR. GREENE: That's to the community, and this
23 is --
24 MR. FLYNN: Q. Let me just show you this letter
25 and the article in the Yoga Journal, Mr. Walters. And then
1 we'll have those Xeroxed.
2 A. Yes, this is the letter.
3 MR. PARSONS: And the witness is referring to a
4 single-page letter dated October 15, 19 -- whoops, I'm
5 sorry, more than one page.
6 THE WITNESS: 1981.
7 MR. PARSONS: A 7-page letter dated October 15,
8 1981.
9 THE WITNESS: Yes.
10 MR. FLYNN: Those are the two documents. We'll
11 have those Xeroxed, sir.
12 MR. PARSONS: Well, I've just identified one
13 document.
14 And then the second document --
15 THE WITNESS: Correct.
16 MR. PARSONS: Is the Yoga Journal, I can't read
17 the dates -- February 1992, Issue No. 42.
18 THE WITNESS: So that's -- right.
19 MR. FLYNN: Q. And as I understand your
20 testimony, you published this article in Yoga Journal and
21 you wrote this letter because of your marriage to (woman #7)
22 . Is that correct?
23 MR. PARSONS: Objection. That misstates his
24 testimony.
25 You may respond.
1 THE WITNESS: No, I did. That's right.
2 I have to go to the bathroom, darn it.
3 (The witness left the deposition room.)
4 MR. FLYNN: Do you need a little time to get where
5 you've got to go, judge?
6 JUDGE PLISKA: I have to walk over to Montgomery.
7 MR. FLYNN: If you want to go, and we can keep
8 going, whatever questions can be reserved.
9 MR. PARSONS: Since he's gone to the bathroom now,
10 do you want to --
11 MR. FLYNN: Well, that will be an hour-and-a-half
12 break.
13 MR. PARSONS: We're not saying an hour and a
14 half --
15 MR. FLYNN: Your intent, Mr. Parsons, would be --

16 it's only quarter to 12:00. Your intent is to break till
17 the judge comes back, which is longer than --

18 MR. PARSONS: No, oh, no. No.

19 MR. FLYNN: So when do you want to resume?

20 Quarter of?

21 MR. PARSONS: Maybe we should go off the record

22 with the details of this.

23 (Discussion off the record.)

24 THE VIDEO OPERATOR: This is the end of videotape

25 number 9 in the deposition of Donald Walters. We're going
1 off the record at 11:47 a.m.

2 (Lunch recess from 11:47 a.m. to 1:12 p.m.)

3 --o0o--

4 AFTERNOON SESSION

5 THE VIDEO OPERATOR: This is the beginning of

6 videotape number 10 in the deposition of Donald Walters.

7 We're back on the record at 1:12 p.m.

8 MR. GREENE: Mike, before you start, I'd just like

9 the record to reflect that I've hand-served Mr. Parsons with

10 a copy of Ms. (the plaintiff)'s answer to the cross-complaint.

11 MR. PARSONS: I acknowledge receipt of an answer.

12 MR. FLYNN: Now, your client indicated yesterday

13 that you may drop the cross-complaint, Mr. Parsons.

14 Now, we're spending a great deal of money in this

15 deposition dealing with the allegations in the

16 cross-complaint. What are your current intentions?

17 MR. PARSONS: Well, I have not had an occasion to

18 discuss the matter with this party. There are of course

19 more than -- there are three defendants, three

20 cross-complainants.

21 What I will do, however, is, I will discuss that

22 prior to the resumption of this witness's deposition, and

23 we'll have -- I think by that time I'll be able to talk with

24 the different cross-complainants and have a definite

25 position for you.

1 If the cross-complaint were to be offered to be

2 withdrawn, what would be your position on that?

3 MR. FLYNN: Well, we would oppose the withdrawal

4 of the cross-complaint. We would seek sanctions and costs

5 and legal fees.

6 As you know, we've expended a great deal of money

7 on the cross-complaint in connection with the original

8 motion to strike. The appeals that took place, and then as

9 we engaged in discovery, we found that the cross-complaint

10 is just completely frivolous.

11 In fact, that the -- by making the allegations in

12 the cross-complaint that you've made, and then by

13 Mr. Walters' getting on a soap box and saying that

14 Ms. (the plaintiff) is a liar outside of the judicial privilege,

15 he in fact has defamed Ms. (the plaintiff) by calling her a liar

16 about these matters.

17 So we now intend to amend the complaint to include
18 a defamation action for various comments made by Asha
19 Praver, Mr. Walters, Sheila Rush, Vidura Smallen and others
20 about Ms. (the plaintiff).

21 We are in the process of doing that, sir.

22 We would oppose vigorously the withdrawal of the
23 cross-complaint, and we have attorneys' fees in the range at
24 the present time of 600- to \$800,000 that we've expended to
25 deal with the cross-complaint to date, and that we will seek
1 as part of our costs, particularly given our initial effort
2 in the motion to strike and the amount of investigation that
3 we've had to do to investigate the allegations in the
4 cross-complaint, which -- some of which has been used in
5 this deposition these last four days of deposition.

6 And all in all, we view the cross-complaint as
7 originally brought purely to intimidate Ms. (the plaintiff),
8 which is now obvious.

9 And not only is it totally lacking in merit, we
10 are convinced that were a jury to know that the
11 cross-complaint was brought for purposes of intimidation,
12 when they find out about who this Mr. Walters is, a jury
13 will be frankly outraged at such conduct, and we intend to
14 seek punitive damages in our case in chief for defamation.
15 And so that is our current position.

16 We would protest vigorously the withdrawal of the
17 cross-complaint.

18 MR. PARSONS: Well, as I understood Mr. Walters'
19 offer yesterday, he I think offered to withdraw it.
20 I take your statement today is a rejection of that
21 offer should it be made, so I don't think we need to examine
22 it further. Let's proceed.

23 MR. FLYNN: Well, let me say this, Mr. Parsons.
24 When you say he offered to withdraw it, for the first
25 time --

1 MR. PARSONS: I'm not certain what --

2 MR. FLYNN: -- a unilateral statement was made by
3 your client saying he was considering the withdrawal of the
4 cross-complaint.

5 MR. PARSONS: There we go. There we go. That's
6 what he said.

7 MR. FLYNN: So in light of these enormous fees and
8 expenses that we're piling up to deal with the
9 cross-complaint -- and we're investigating more and more
10 women, particularly during the period before he was the
11 nicknamed Swami -- we're expending very large amounts of
12 money to do that.

13 And since that goes to the heart of the
14 cross-complaint, I would -- I would encourage you to make a
15 decision, sir, with all due haste with regard to what your
16 client unilaterally announced the other day.

17 Now, are we ready to proceed?

18 MR. PARSONS: Again, I stand behind what I said
19 before. I think he was just talking off the cuff. I don't
20 think the cross-complaint will be offered to be withdrawn.
21 So let's proceed.
22 MR. FLYNN: That may be the best news I've had
23 today.
24 MR. GREENE: Is off the cuff the nicknamed version
25 of under oath?
1 MS. RUSH: We may want to suspend the deposition.
2 MR. FLYNN: Let's proceed.
3 MR. PARSONS: Again, I --
4 MR. FLYNN: Would you turn to --
5 MR. PARSONS: No, please. I want to object to
6 these gratuitous comment being read into the record, because
7 it is part of the videotape. So again, I've objected to
8 that practice that you seem to like so much.
9 Nonetheless, please proceed.
10 MR. FLYNN: Yes, let's proceed.
11 Q. Would you turn to the bottom of page 14, please,
12 sir?
13 MR. PARSONS: Of what document?
14 MR. FLYNN: Q. Of Exhibit 19, the one we were
15 dealing with.
16 And would you turn, sir, to the last paragraph on
17 page 14 which reads, quote:
18 "Swamis need to reaffirm their renunciate status
19 much more for their own sakes than for the sakes of
20 others' opinion of them. Some of them, presumably, do
21 like to impress others and enjoy the outward trappings
22 of respect and even reverence," period, end quote.
23 Now, sir, what did you mean when you wrote that?
24 A. I tried my best to make it clear. I think I have
25 made it clear. I don't know how to make it more clear.
1 Perhaps you would like to ask a question.
2 Q. Okay. Did you mean to convey to the people you
3 sent this to that swamis should -- that swamis generally
4 enjoy respect and reverence from other people because
5 they're swamis -- did you intend to convey that?
6 MR. PARSONS: Okay. I'm going to object to the
7 extent --
8 THE WITNESS: It misstates it.
9 MR. PARSONS: Well, it misstates it.
10 MR. FLYNN: Q. That's what I'm asking. In what
11 way does it misstate it, sir? Let's cut right to the heart
12 of it.
13 MR. PARSONS: I don't want him to answer in what
14 ways it misstates it. Why don't you answer what --
15 THE WITNESS: I did not say generally. I said
16 that it happens. I would say generally it does not happen.
17 MR. FLYNN: Q. Did you enjoy your status when you
18 were a celibate swami of the respect and reverence of your

19 followers?

20 MR. PARSONS: Objection. Compound. You may
21 answer.

22 THE WITNESS: No.

23 MR. FLYNN: Q. Did your followers, to your
24 knowledge, revere and respect you because you were a swami?

25 MR. PARSONS: Objection. Compound, calls for
1 speculation, no foundation by this witness to state an
2 opinion.

3 Go ahead.

4 THE WITNESS: I cannot state an opinion.

5 MR. FLYNN: Q. Okay. Now --

6 A. That means knowing the state of mind of a lot of
7 people. I just don't know.

8 Q. We need to pin down a date, a relatively important
9 date.

10 When did your marriage to (woman #7), aka
11 Parmeshwari, end?

12 MR. PARSONS: Objection. Asked and answered.

13 THE WITNESS: It ended when she left me.

14 MR. FLYNN: Q. And when is that, sir?

15 A. Approximately November 25th or so, 1981.

16 Q. And just for the record, I believe you testified
17 it began September --

18 A. 19th.

19 Q. September 19, 1981. Correct?

20 A. Yes.

21 Q. So the marriage lasted roughly 64 days.

22 MR. PARSONS: Well, objection. It's
23 argumentative.

24 MR. FLYNN: Q. Is that correct, sir?

25 MR. PARSONS: Well, hold on. Objection. It's
1 argumentative. The facts speak for themselves.

2 Are you asking him to calculate the difference
3 between September 19th and November 25th?

4 MR. FLYNN: I'm just --

5 Q. Roughly, September 19th to November 25th is
6 roughly, what, 66 days, 65 days? A couple of months.

7 A. Roughly 2 months.

8 Q. Now, during that 2-month period of your marriage,
9 was (woman #1) masturbating you to ejaculation?

10 MR. PARSONS: Objection. Vague as to time during
11 that time frame.

12 MR. FLYNN: Q. At any time during that time
13 frame?

14 A. No.

15 Q. Your answer was what, sir?

16 A. No.

17 Q. And during that 2-month time frame, was (woman #2)
18 masturbating you to ejaculation?

19 A. No.

20 Q. When did, to the best of your recollection, (woman #1)
21 begin masturbating you to ejaculation?
22 MR. PARSONS: You're referring now to the first
23 time that an incident occurred?
24 MR. FLYNN: Q. Yes.
25 A. Sometime February or March of 1982.
1 Q. All right. Now, according to paragraphs 11, 13 --
2 MR. PARSONS: Excuse me. What are you -- what
3 paragraphs of what?
4 MR. FLYNN: Q. -- and 14 of Exhibit 16, which is
5 the declaration of (woman #1) --
6 MR. PARSONS: Okay. Wait a moment. Let's get
7 that declaration before the witness.
8 THE WITNESS: 13 or 14?
9 MR. FLYNN: Q. It's Exhibit 16.
10 MR. PARSONS: Do you want me to find it for you?
11 THE WITNESS: Let's see here. 14 I have.
12 MR. FLYNN: Q. It's 16, sir.
13 A. 15 I have. Ah, here we go. Okay.
14 MR. PARSONS: And what paragraphs?
15 MR. FLYNN: Q. If you read from -- to yourself,
16 starting with paragraph 11, and I'll just orient you toward
17 the issue --
18 A. What page is this?
19 Q. Page 3.
20 A. Page 3.
21 Q. To paragraph 15, you'll see that --
22 A. Excuse me. 13?
23 Q. Page 3, Exhibit 16, paragraph 11, you'll see that
24 according to Ms. (woman #1) --
25 A. Okay.
1 Q. According to Ms. (woman #1), she meets Swami
2 Kriyananda in May or June of '81. Within a week or two,
3 she's giving him massages at his request. About a month
4 after that, she begins the massages with the masturbation
5 with (woman #2) present.
6 Now, which would put it in the range roughly of
7 July, August of 1981.
8 And then she says, it continued thereafter.
9 A. I have to contest that.
10 MR. PARSONS: Wait, wait. No. He hasn't asked
11 you a question yet.
12 THE WITNESS: Okay.
13 MR. FLYNN: Q. Yeah, that's what I want to know.
14 I want to know whether you disagree with Ms. (woman #1).
15 She basically says, according to her declaration,
16 that she began the -- she began masturbating you sometime in
17 the summer of 1981, and it continued all the way, that
18 routine, to roughly May-June of 1982.
19 MR. PARSONS: Well, that is not what this
20 declaration says.

21 MR. FLYNN: Q. Well, we have a disagreement.
22 Let me ask you this: Roughly between July of 1981
23 and May-June of 1982, was (woman #1) routinely and
24 repeatedly massaging you and masturbating you to
25 ejaculation?
1 MR. PARSONS: Okay. I object that that -- with
2 this long setup in reference to the declaration, it
3 misstates what the declaration says.
4 It's also been asked and answered. And therefore,
5 I object on that grounds.
6 You may, however, answer as to your memory. And
7 I'd ask the question be read back so that you can focus on
8 what question is currently before you.
9 MR. FLYNN: I'll state it again.
10 Q. Roughly between July of 1981 and May-June of 1982,
11 was (woman #1) routinely and repeatedly masturbating
12 you to ejaculation?
13 MR. PARSONS: Objection as to "routinely," number
14 of times, "repeatedly," vague.
15 THE WITNESS: Time frame.
16 MR. PARSONS: And a time frame within that period.
17 You may respond, though.
18 THE WITNESS: I have said that I believe that it
19 was not until February or March.
20 MR. FLYNN: Q. And on what basis is that memory
21 based, sir?
22 A. My memory.
23 Q. Do you have any notes?
24 A. I do not.
25 Q. Do you keep a personal diary or journal?
1 A. No.
2 MR. PARSONS: Okay. Mr. Flynn, again, I don't
3 want these sorts of statements being read on to the record.
4 MR. FLYNN: There is no statement on the record,
5 Mr. Parsons.
6 MR. PARSONS: I don't -- you're making statements
7 into your microphone which if we play this back will be
8 clear and audible.
9 MR. FLYNN: I'll be more careful with regard to
10 the microphone.
11 MR. PARSONS: No, you're being very careful in
12 what you're saying, I know that. You're saying it
13 intentionally, and I want it to stop.
14 MR. FLYNN: Q. Mr. Walters, have you ever kept or
15 maintained a diary?
16 MR. PARSONS: Ever?
17 MR. FLYNN: Ever.
18 MR. PARSONS: Now, your question is, ever.
19 THE WITNESS: Yes.
20 MR. FLYNN: Q. During what time frames?
21 A. I think it was September-October of 1959.

22 Q. Okay. Is that the only period you've done that,
23 sir?

24 A. Yes.

25 Q. Have you kept any type of a journal of your
1 personal activities, regardless of whether you would call it
2 a diary, at any time?

3 A. No.

4 Q. Now, other than a diary or a journal and notes,
5 have you any written documentation of any nature or
6 description that would support your memory that the (woman #1)
7 sexual activity began in February 1982?

8 MR. PARSONS: Objection. He said February or
9 March 1982.

10 THE WITNESS: No.

11 MR. FLYNN: Q. Is there any person that you know
12 of who has knowledge of when your sexual activity with
13 (woman #1) began during that time frame?

14 MR. PARSONS: Well, objection. Other than this
15 witness.

16 You may testify as to anyone that you know of who
17 you know has information in that regard.

18 THE WITNESS: I know of no one.

19 MR. FLYNN: Q. Okay. Now, did you make a
20 statement to someone yesterday that what is being -- what
21 you are undergoing in this deposition is the same thing that
22 Jesus underwent?

23 MR. PARSONS: Objection. No statement that you
24 made to any attorney or while an attorney was present and
25 wasn't intended to be communicated to an attorney. You can
1 otherwise respond.

2 THE WITNESS: No.

3 MR. FLYNN: Q. In a bakery yesterday, did you
4 make that -- or strike that.

5 In a bakery in the last 7 days, have you made that
6 statement?

7 MR. PARSONS: Again, same objection as to
8 communication intended to be made to an attorney.

9 Otherwise, you may respond.

10 THE WITNESS: I can remember no such statement.

11 MR. FLYNN: Q. Do you in any way consider what
12 you are going through in this case to be what Jesus went
13 through?

14 MR. PARSONS: Objection. It's argumentative, no
15 foundation, vague, ambiguous.

16 You may respond.

17 THE WITNESS: Any kind of harassment and
18 persecution, attempt to crucify, whether by reputation or of
19 body, could be compared to Jesus.

20 I do not compare myself to Jesus. I think that's
21 probably the important point.

22 MR. FLYNN: Q. Okay. Now, can you give me the

23 time frame as best you can recall that (woman #2) was
24 masturbating you to ejaculation?

25 MR. PARSONS: Objection. Asked and answered.

1 Go ahead.

2 THE WITNESS: I think it was that same time frame
3 of February and March.

4 MR. FLYNN: Q. Of --

5 A. '82.

6 Q. Okay. At any time before February or March of
7 1982, did (woman #2) masturbate you to ejaculation?

8 A. I don't --

9 MR. PARSONS: Objection. Asked and answered. Go
10 ahead.

11 THE WITNESS: I don't remember.

12 MR. FLYNN: Q. Okay. At any time during your
13 roughly 65 or -6 day marriage between September 19th and
14 November 25th of 1981, did (woman #2) masturbate you to
15 ejaculation?

16 A. Say that again, please?

17 Q. At any time during your marriage to (woman #7)
18 between September 19th of 1981 and November 25th of 1981,
19 did (woman #2) masturbate you to ejaculation?

20 A. I answered that a few minutes ago. The answer is
21 no.

22 MR. PARSONS: Sorry, I'll formally -- I slipped on
23 that one then. I also object that it was asked and
24 answered.

25 THE WITNESS: I'm sorry, yes.

1 MR. FLYNN: Q. Now, after your marriage ended to
2 (woman #7), did you resume your status as an celibate
3 Swami in any way?

4 MR. PARSONS: You may answer.

5 THE WITNESS: No.

6 MR. FLYNN: Q. Did you write to anybody at any
7 time after your marriage to (woman #7) ended and tell
8 them, in any form of correspondence, that you were resuming
9 your status as a swami?

10 MR. PARSONS: I'm going to object to the extent,
11 if any, that it would inquire into a clergyman-penitent
12 relationship you might have had with someone.
13 Otherwise, you may answer.

14 THE WITNESS: What would that status be? I mean --

15 MR. PARSONS: Well, I'm just stating the
16 objection. If it doesn't apply, then it doesn't apply.

17 THE WITNESS: I am unaware of having done so, and
18 I don't believe that I did so.

19 MR. FLYNN: Q. Let me ask it a little different
20 way.

21 In any form of words, did you write, after your
22 marriage to (woman #7) ended, that you were resuming
23 your vows as a celibate monk?

24 MR. PARSONS: Objection. Asked and answered.

25 You may answer.

1 THE WITNESS: I have no such recollection.

2 MR. FLYNN: Q. Okay. Now, let's go to making

3 that statement to anyone.

4 After your marriage to (woman #7) ended, did

5 you make a statement to anyone that you were resuming your

6 vows as a celibate monk, or becoming a swami again, or words

7 to that effect?

8 A. I --

9 MR. PARSONS: Objection. Objection, it's

10 compound.

11 THE WITNESS: I have no such recollection.

12 MR. FLYNN: Q. Now, between November 25th, 1981

13 and your marriage to Rosanna, were you a celibate swami or a

14 nicknamed swami?

15 MR. PARSONS: Objection. Mischaracterizes his

16 testimony. Also, vague as to time within that time frame.

17 You may go ahead.

18 THE WITNESS: Do you mean did I consider myself,

19 did I hold myself out as to others?

20 MR. FLYNN: Q. Did you hold yourself out -- how

21 did you hold yourself out to others?

22 MR. PARSONS: Again, assuming facts not in

23 evidence, I object on that ground. Also, vague and

24 ambiguous as to the term "holding yourself out."

25 But you may respond to the question.

1 THE WITNESS: No. I didn't present myself to

2 others as a swami.

3 MR. FLYNN: Q. And how did you consider

4 yourself? To be a celibate swami or a nicknamed swami?

5 MR. PARSONS: Again, assumes facts not in

6 evidence, if at all. Go ahead.

7 THE WITNESS: I didn't consider myself celibate or

8 a nickname. I simply tried my best to live according to

9 those vows.

10 MR. FLYNN: Q. Which vows?

11 A. The vows of celibacy. I did my best. But I did

12 not hold myself out as that.

13 Q. So in your mind, after the marriage ended, you

14 resumed the vows of celibacy?

15 MR. PARSONS: Wait. Objection. Misstates his

16 testimony, vague and ambiguous as to even what that sentence

17 means. But you may respond.

18 THE WITNESS: No, I did not.

19 MR. FLYNN: Q. Okay. Now, would you turn to page

20 15, please, in Exhibit 19?

21 A. 15?

22 Q. Exhibit 19.

23 MR. PARSONS: We're jumping back and forth between

24 exhibits here.

25 THE WITNESS: Where are we looking?

1 MR. FLYNN: Q. Last paragraph. Quote:

2 "How often I have seen audiences trying to force

3 us 'teachers' into an artificial mold: 'gurus,'

4 'perfected masters,' 'better than anybody else.'

5 Sometimes, I regret to say, I have seen some of the

6 'teachers' themselves accepting this role into which

7 people cast them," period, end quote.

8 Have you ever accepted the role into which people

9 cast you of being a swami?

10 MR. PARSONS: Objection. Vague as to time. It's

11 compound, assumes facts not in evidence. It's also vague

12 and ambiguous as to "accepting," uncertainty as to "people."

13 Go ahead. You may respond, however, to the extent

14 you can to that question.

15 THE WITNESS: It's a very unclear statement. I

16 think you ought to restate it.

17 MR. FLYNN: Q. Have you ever accepted the role at

18 Ananda Village since 1981 of being a swami?

19 MR. PARSONS: Okay. Again, I object as to the

20 "accepted." It's a vague, ambiguous word.

21 You may go ahead.

22 Also, under the testimony "swami" is vague and

23 ambiguous in your question. Go ahead.

24 THE WITNESS: That doesn't relate to what I wrote

25 here, and I think we ought to protest on that, too.

1 MR. PARSONS: No, he's asking you a new question

2 now.

3 THE WITNESS: A new question. Then why read this,

4 is what I'm wondering.

5 MR. PARSONS: Well, that's a good wonder, but --

6 MR. FLYNN: Q. Here's the wonder, sir.

7 You say, as I read, that, "I have seen some of the

8 'teachers' themselves accepting this role into which people

9 cast them."

10 And I want to know whether you, since 1981, have

11 accepted a role of being a swami at Ananda Village.

12 MR. PARSONS: And again, I object, as I stated

13 before, to that question, but you may respond to the

14 question.

15 THE WITNESS: What makes the question

16 objectionable is that that's not what I was talking about.

17 I was saying, perfected masters, better than anyone else.

18 I have seen some do that. I have not accepted

19 that.

20 MR. FLYNN: Q. To your knowledge -- one of my

21 less enlightened comrades is --

22 MR. PARSONS: Very much so. He's creating

23 distractions and disturbances which is at least interfering

24 with my concentration.

25 MR. FLYNN: But he operates at a much lower

1 vibrational level than I do, Mr. Parsons. I apologize for
2 his lower vibrational conduct.
3 MR. PARSONS: Nonetheless, I do find that
4 distracting.
5 MR. STILLMAN: Let me put it this way,
6 Mr. Parsons.
7 My communications with co-counsel is no different
8 than Ms. Rush passing notes and whispering with you while
9 we're examining the deponent.
10 So I respectfully request that you keep these kind
11 of objections off the record.
12 MR. FLYNN: Let's proceed.
13 Q. Mr. Walters, have people at Ananda cast you in the
14 role of being a swami?
15 MR. PARSONS: Objection. It asks for -- this
16 witness doesn't have knowledge. There's no foundation laid.
17 You may, however, respond.
18 Also, it's ambiguous as to "casting in the role
19 of."
20 THE WITNESS: What individuals say -- and if it
21 was two people, it becomes people -- I have no idea.
22 MR. FLYNN: Q. You don't know about that. Okay.
23 Then you say, "most of the others, I imagine, 'go
24 along with the gag'" --
25 MR. PARSONS: Now you're reading back from Exhibit
1 19?
2 MR. FLYNN: Back on Exhibit 19.
3 Q. -- "because they think people would be
4 disappointed if they behaved too naturally. I was told
5 of one such teacher who, caught reading a newspaper by
6 someone entering the room, hastily sat up straight and
7 closed his eyes as if in meditation. This was of
8 course hypocrisy. I have no use for it."
9 Now, sir, while you have been addressed as Swami
10 at Ananda Village since 1981, have you ever told anyone not
11 to address you as Swami?
12 MR. PARSONS: Okay. I'm going to object in that
13 your question has nothing to do with the portion of Exhibit
14 19 which you have read into the record. I believe this
15 question has already been asked and answered several times.
16 You may, however, answer it again.
17 I would like the question read back.
18 MR. FLYNN: Q. I simply want to know,
19 Mr. Walters, since 1981, when you stopped being the celibate
20 swami and became the nicknamed swami, have you ever told
21 anyone, "don't call me Swami"?
22 A. I have not.
23 Q. Okay. Would you go to page 16, please?
24 Quote, second paragraph, "Celibacy is an important
25 aspect of renunciation." Do you see that, sir?
1 A. I do.

2 Q. And then the next paragraph, you say, "A swami is
3 a man or woman vowed to renunciation, including the practice
4 of celibacy," end quote. Do you see that?

5 A. I do.

6 Q. Now, you wrote this, for the record, on or about
7 November 25, 1994.

8 Would you show me if there is any place in Exhibit
9 19, which I've just read from, dated November 25, 1994, in
10 which you say, "I am not a swami vowed to renunciation
11 practicing celibacy"?

12 MR. PARSONS: Okay. I'm going to object. The
13 document speaks for itself. You've just asked this witness
14 to show you if there is any place in a 17-page document
15 where a statement occurs.

16 The only way I can let this witness respond to
17 that is to have him read through the 17-page document. Is
18 that what you want him to do?

19 MR. FLYNN: Yes. If he needs to take the time to
20 do it. I would suggest to you it's not in here, because the
21 clear intimation with the way this fellow talks and says
22 things, particularly in this writing, is that what he
23 intended to convey with the way he wrote this that he was a
24 swami.

25 And so I want to see if there is a disclaimer in
1 this document.

2 MR. PARSONS: Well, I will request him to read
3 through the document, as you've requested, and see if there
4 is anything in those 17 pages that is responsive to your
5 request, if that's what you want.

6 MR. FLYNN: That's what I want. I want to know if
7 there is anywhere where there is a disclaimer.

8 MR. PARSONS: All right. Now, look through the
9 document, starting on page 1, if he wants a response to the
10 whole document, to see if there is any place in there where
11 you say you are not a swami.

12 Is that what you're looking for?

13 MR. FLYNN: Q. Not a swami, or not a celibate
14 swami. Where you clarify your own role in the context of
15 what you said on paragraph 16, on page 16.

16 (Discussion between the witness and his counsel.)

17 THE WITNESS: (Examining document.)

18 Well, as I see this letter, it's the same letter
19 we saw earlier. It's a letter to the community where it was
20 universally, to the best of my knowledge, understood that I
21 was not a swami, that I married in 1985.

22 This letter is dated 1994. And I signed it not
23 "Swami," but "Kriyananda."

24 It seems to me within the context of the letter
25 there was no need to say -- to make such a statement.

1 MR. FLYNN: Q. Well, wonderful. Let me ask you
2 this, though, sir:

3 Can you find anywhere in the letter where you made
4 a disclaimer that you were not a swami?
5 A. If you want a simple answer --
6 MR. PARSONS: I'm sorry, object, the document
7 speaks for itself. You may answer.
8 THE WITNESS: The simple answer is no. And the
9 further answer is, I didn't need to in that context.
10 MR. FLYNN: Q. By the way, do you have any idea
11 how many new members arrived at Ananda in 1991?
12 A. My marriage was widely known, and it didn't matter
13 how many came. But no, I do not.
14 MR. PARSONS: Also, object -- well, he said it.
15 He doesn't know.
16 MR. FLYNN: Q. Do you know how many new members
17 arrived in 1992?
18 MR. PARSONS: Objection. No foundation.
19 Go ahead.
20 THE WITNESS: I do not.
21 MR. FLYNN: Q. And was Rosanna on the premises in
22 1992 when (the plaintiff) arrived?
23 MR. PARSONS: "On the premises" meaning --
24 MR. FLYNN: Q. Was she at Ananda Village?
25 A. Didn't (the plaintiff) come in '93?
1 Q. I believe she came at the end of 1992.
2 Well, let me ask you this: When did Rosanna, your
3 -- was she your legally married wife?
4 A. She was.
5 Q. When did she come on -- when did she leave Ananda
6 Village?
7 MR. PARSONS: Objection. That's been asked and
8 answered already.
9 You may respond.
10 THE WITNESS: I think it was December of '92.
11 MR. FLYNN: Q. December of '92 she left?
12 A. I'm not sure, but I think so.
13 Q. Did you testify yesterday that she left in 1990?
14 MR. PARSONS: Objection. This witness isn't going
15 to testify as to what he testified to yesterday. The record
16 -- that record speaks for itself.
17 I'm instructing him not to answer.
18 Now, I --
19 THE WITNESS: I can clarify it.
20 MR. FLYNN: Q. Fine.
21 MR. PARSONS: No, that's okay.
22 MR. FLYNN: Q. Let's move on to --
23 MR. PARSONS: Excuse me. I need to take a break
24 and step out and make a phone call.
25 It looks like you're moving on to and new area --
1 MR. FLYNN: No, this is going to wrap up this
2 area.
3 MR. PARSONS: How many questions do you have?

4 MR. FLYNN: Roughly 15, 10 minutes. And then
5 we'll take a break, and you can make your phone call.
6 I have the book *How To Spiritualize Your Marriage*,
7 written by you, Mr. Walters, and I -- its copyright is 1982.
8 And in this book, there is an introduction which I'm going
9 to ask you to look at and ask you who wrote it.
10 And then I'm going to ask you to reference or
11 orient yourself to the last phrase in the book under the
12 introduction, which is very short, where it says, "Though a
13 monk, his vast experience in counseling and guiding people
14 in all walks of life has prepared him perhaps uniquely for
15 the writing of this book on marriage and family life,"
16 period, end quote.
17 And once again, the copyright date is 1982, which
18 would be after your marriage to (woman #7).
19 Would you look at that please, sir?
20 MR. PARSONS: The introduction, you said?
21 MR. FLYNN: Q. Yes. Did you write --
22 MR. PARSONS: Excuse me. I want the witness to
23 read it, and I want to read it too.
24 MR. FLYNN: Okay.
25 THE WITNESS: Yes. What happened here --
1 MR. PARSONS: Wait. You don't have a question
2 yet.
3 MR. FLYNN: Q. Did you write the introduction to
4 your book, sir, *How To Spiritualize Your Marriage*?
5 A. I did not.
6 Q. Who wrote the introduction?
7 A. I do not know.
8 Q. You're quite positive you didn't write it?
9 A. I would have to look at it again to make more sure.
10 MR. PARSONS: We're talking the introduction
11 there. So the question before you is, did you write this
12 introduction?
13 THE WITNESS: I don't think so, but let me explain
14 that, if I may.
15 That these were lectures given prior to 1980 that
16 were sent to me in the spring of 1981, when I was in Hawaii,
17 asking could they put this into book form. And I had to buy
18 a typewriter to edit it, because it was not ready for book
19 publication.
20 And so it was finished and out of my hands by,
21 let's say, the middle of March of 1981.
22 This was, if I recall correctly, perhaps -- I'm
23 not certain -- before I met (woman #7). That's all I know.
24 MR. FLYNN: Q. Well, can you --
25 A. No, I don't know that --
1 Q. Can you tell me who wrote the introduction?
2 A. I can't say.
3 Q. Is there any credit being given to any person
4 there for the introduction?

5 MR. PARSONS: Well, objection. The document
6 speaks for itself in that regard.

7 You may --

8 A. I don't think that I wrote it. I don't recall
9 writing it, and it probably -- in fact, I would say
10 certainly, was written by someone else, because I was in
11 Hawaii.

12 They wanted to start the printing and publication
13 process, which takes months, and I think somebody in the
14 office wrote it. Who, I have no idea.

15 Q. Now, in 1982, when this book was copyrighted, were
16 you a monk?

17 A. I was not.

18 MR. PARSONS: Well, objection. Vague as to time.

19 THE WITNESS: Well, he did say '82.

20 MR. PARSONS: At any time in 1982.

21 MR. FLYNN: Q. At any time in 1982 were you a
22 monk?

23 A. No.

24 Q. So the book is false?

25 A. I wouldn't --

1 MR. PARSONS: Objection. Objection. That
2 misstates what the book says. It is in the past tense. The
3 sentence is, "Though a monk," dah, dah, dah, dah, "has
4 prepared him."

5 So it doesn't say he's a monk at the time. So it
6 misstates what the book says. And therefore, it's wrong.

7 MR. FLYNN: It's your position that "Though a
8 monk" on a copyrighted book in 1982 doesn't mean present
9 tense, for 1982? Is that correct, Mr. Parsons?

10 MR. PARSONS: My position is, this book does not
11 say that in 1982 Kriyananda was a monk.

12 MR. FLYNN: Q. I think we can do a little better,
13 even.

14 Now, let me show you an another section in this
15 book, copyright 1982, "About the Author."

16 Let me count up the references about the author,
17 J. Donald Walters, where he's referred to as Swami
18 Kriyananda. One, two, three, four, five, six.

19 Six references to you as Swami Kriyananda in a
20 page and a half in the section "About the Author," published
21 in a book called How To Spiritualize Your Marriage,
22 copyright 1982.

23 Now, sir, I'd like you to look at that, and you
24 can count them for yourself.

25 And let me ask you, did you write the section
1 "About the Author" for the book?

2 A. Some of it I wrote, all of this prior to 1982,
3 prior to my meeting (woman #7).

4 MR. PARSONS: When you say all of it, you're
5 referring to parts you wrote, or all of the --

6 THE WITNESS: This bio was written partly by --
7 taken, I should say, because all of this was prepared when I
8 was in Hawaii -- all of it was taken from there and put into
9 the publishing process when my mind was not at all on this
10 book or other books.

11 MR. FLYNN: Q. This was when you were in Hawaii
12 with (woman #7)?

13 A. Therefore, you're saying, did I endorse this
14 statement? I didn't even know about this statement.

15 Did I write it? Probably some of the part was
16 written and the rest was added by the company, whoever wrote
17 it there.

18 Q. So --

19 A. Somebody in Crystal Clarity.

20 Q. Oh, Crystal Clarity, is that your company?

21 MR. PARSONS: Objection.

22 MR. FLYNN: Q. Is Crystal Clarity the publishing
23 company that publishes your work?

24 A. It was not called that then. It was called Ananda
25 Publications.

1 Q. But that's a publishing company that belongs to
2 the Ananda community, of which you were then the spiritual
3 director?

4 A. Yes.

5 Q. Now, this was done when you were in Hawaii with
6 (woman #7)?

7 A. Before.

8 MR. PARSONS: Objection as to "this." It
9 misstates his testimony.

10 MR. FLYNN: Q. And your head was not into the
11 publication process when you were in Hawaii? You didn't --
12 you weren't aware of what was going on?

13 MR. PARSONS: I'm going to take a break right
14 now. This laughing and chortling --

15 MR. FLYNN: That's what he just said, Mr. Parsons.

16 MR. PARSONS: The laughing and the chortling as
17 you ask the question --

18 MR. FLYNN: There's a question pending. Your
19 client just testified that his head was not into the
20 publishing process, because he was in Hawaii, and I'd like
21 to know whether that's a true statement.

22 MR. PARSONS: What I'm objecting to, I want you to
23 understand, is the way the question was asked with the
24 chortling and the laughter, okay, that's totally
25 inappropriate questioning. That's what I've objected to.

1 Now, what I will do is permit --

2 MR. FLYNN: Strike the chortling and the laughing.

3 Q. Was your head into --

4 MR. PARSONS: Excuse me one second. Let's ask --

5 I'm going to let you respond to this question --

6 THE WITNESS: He's asked me.

7 MR. PARSONS: -- as he states it, and then we'll
8 take a break.

9 Wait, have him ask you the question, and then
10 we'll take the break.

11 MR. FLYNN: Q. Was your head into the publishing
12 process of How To Spiritualize Your Marriage when the book
13 was printed?

14 MR. PARSONS: That's a different question.

15 THE WITNESS: That's a different question.

16 MR. PARSONS: That's correct.

17 THE WITNESS: And it's a different thing from what
18 I said. It misstates what I said.

19 MR. FLYNN: Q. What did you say, sir?

20 A. I said that when I was in Hawaii in March of 1981,
21 and before I met (woman #7), I was sent the manuscript for
22 publication of a book taken, excerpted, from two classes
23 that I had given years earlier, with the statement "We want
24 to publish this book as soon as possible."

25 And reading it, I felt that it was not well

1 written; I wanted to rework it. It was not well edited, I
2 should say, from my talk.

3 So I was not into doing it. I was into being
4 quiet and resting. This was when my blood pressure had been
5 200 over 120. I needed a rest.

6 For that reason, I was -- didn't really want to do
7 it at all. However, because they had sort of put this sort
8 of Damocles over my head with the statement that they were
9 getting it out and were just sending me this, not would you
10 work on it or anything like that, I felt the pressure to
11 work on it immediately.

12 No, my head was not into it. I was into resting.

13 I didn't want to have that pressure. But I bought a
14 typewriter and worked on it, and did the editing, sent it
15 back and put it out of my mind.

16 I was not really interested in the book. I was
17 interested in getting the pressure of getting the thing done
18 out of my head.

19 From then on, I didn't really think about it. To
20 me, it was a minor book.

21 MR. FLYNN: Q. Did you ever see the book --

22 MR. PARSONS: Excuse me.

23 MR. FLYNN: I want to know whether he ever saw the
24 book before it was actually printed in 1982, Mr. Parsons.

25 MR. PARSONS: Okay. Last question before the
1 break?

2 MR. FLYNN: Well, you're the one who wants to take
3 a break. I'm willing to accommodate your break, but I'd
4 like to have this question answered.

5 MR. PARSONS: This last question?

6 MR. FLYNN: We'll make it the last question.

7 Q. Did you see How To Spiritualize Your Marriage?

8 A. Did I which?

9 Q. See the book How To Spiritualize Your Marriage --

10 A. I don't believe I did.

11 Q. -- in which you were called in a section "About

12 the Author," "Swami Kriyananda" on at least six occasions

13 before it was printed?

14 MR. PARSONS: Objection. The document speaks for
15 itself, misstates.

16 Go ahead. This is a "yes" or "no."

17 THE WITNESS: I would say no, but it's yes and

18 no. I saw it probably -- no, I have to say I don't even

19 know.

20 MR. PARSONS: Okay. Thank you.

21 THE VIDEO OPERATOR: We're going off the record at

22 2:03 p.m.

23 (Recess from 2:03 p.m. to 2:24 p.m.)

24 THE VIDEO OPERATOR: We're back on the record at

25 2:24 p.m.

1 THE WITNESS: I would like to make a statement to

2 the effect that my fatigue has reached a point where I'm not

3 sure that I can be clear in answering. I'm going to keep

4 trying, but I want it on the record that I have reached that

5 point where this fatigue is growing to such an extent.

6 MR. FLYNN: Would you mark that, please, next in

7 order?

8 (Exhibit 20 was marked.)

9 MR. FLYNN: Q. Now, I've placed in front of you

10 marked as Exhibit 20 what appears to be an article appearing

11 in Yoga Journal on February -- in the February 1982 issue.

12 And let me ask you -- by Swami Kriyananda.

13 And let me ask you, sir, is this the article that

14 you referred to in your testimony this morning about

15 announcing that you were no longer a swami?

16 A. This is that article.

17 Q. All right. Now, you testified earlier that your

18 marriage to (woman #7) lasted from September 19, 19 --

19 strike that -- 1981, to November 25th, 1981, roughly 2

20 months. Is that correct?

21 A. Yes.

22 Q. So when this article was published in February

23 1982, your marriage had been over for roughly 3 months?

24 A. Yes.

25 Q. And did you inform anyone at Yoga Journal that the

1 marriage had ended --

2 A. I think I --

3 Q. -- before this was published?

4 A. I think I did.

5 Q. Did you give them permission to publish this

6 notwithstanding the fact that facts in it weren't any longer

7 accurate; namely, you weren't married to Parmeshwari?

8 MR. PARSONS: Objection. Argumentative. You may

9 respond.

10 THE WITNESS: My hope at the time was that she
11 would come back, so it was premature to make such a
12 statement.

13 MR. FLYNN: Q. Now, according to your own
14 testimony, (woman #1) in February-March 1981 was then
15 involved in a sexual relationship with you. Is that correct?

16 MR. PARSONS: No, no. That misstates his
17 testimony by a year.

18 MR. FLYNN: Q. Oh, strike that. In February or
19 March 1982.

20 A. Yes.

21 Q. Now, as I know from what we did earlier, (woman #1)
22 says that began, the sexual relationship began in
23 the summer of 1981 and went on continually for the ensuing 6
24 months.

25 My question to you, sir, is, did you inform Yoga
1 Journal before publication -- strike that. Let me withdraw
2 that.

3 Did you write any letters to Yoga Journal in
4 connection with this article?

5 MR. PARSONS: You mean --

6 MR. FLYNN: Q. This article that's been marked as
7 Exhibit 20.

8 MR. PARSONS: So other than --

9 MR. FLYNN: Q. Did you write any other letters?

10 MR. PARSONS: Go ahead.

11 THE WITNESS: I don't remember.

12 MR. FLYNN: Q. Do you know whether you have
13 copies of any such correspondence in your files?

14 MR. PARSONS: Well, go ahead. You can answer.

15 THE WITNESS: No, I don't know.

16 MR. FLYNN: Q. All right. And do you have any
17 memory of calling Yoga Journal on the telephone and telling
18 Yoga Journal that the article in part may no longer be
19 accurate because you were no longer married?

20 MR. PARSONS: Objection. Compound; assumes facts
21 not in evidence.

22 You may respond, though.

23 THE WITNESS: I believed it was not over yet.

24 MR. PARSONS: The question, do you remember
25 calling the Yoga Journal?

1 THE WITNESS: Well, I could not have called,
2 because I didn't believe it was over yet.

3 MR. FLYNN: Q. Well, I believe you testified
4 earlier --

5 MR. PARSONS: Excuse me. You've got to listen to
6 his question and try to respond to his question, or the
7 record is going to be unclear.

8 MR. FLYNN: Q. I believe you testified earlier
9 that the marriage ended on November 25, 1981, when (woman #7)

10 left. Is that correct?

11 MR. PARSONS: Well, boy. You know, he's testified
12 to that at least twice, and he's confirmed that he's
13 testified to that.

14 MR. FLYNN: Well, I'm confused in light of this
15 testimony, then.

16 Q. Is it your belief that the marriage ended on
17 November 25, 1981?

18 MR. PARSONS: Objection. Asked and answered. You
19 may answer one more time.

20 THE WITNESS: It is my belief today, but it was
21 not my belief at that time.

22 If you had asked me -- right.

23 MR. FLYNN: Q. When did you formulate the belief
24 that your marriage ended on November 25, 1981?

25 A. It probably took me 2, maybe -- yeah, 2 months to
1 face the facts.

2 Q. Okay. So November 25th, October 25th, Christmas
3 day, December 25th.

4 By December 25, 1981, per your testimony, you
5 believed the marriage was over. Is that correct?

6 MR. PARSONS: No, that misstates it. If it's 2
7 months, we're talking January 25th, 1982.

8 MR. FLYNN: Oh, you're right.

9 Q. Forgive my misstatements. January 25, 1981. Is
10 that correct?

11 MR. PARSONS: '82.

12 MR. FLYNN: 1982. You're quite correct,
13 Mr. Parsons.

14 THE WITNESS: I think that's true.

15 MR. FLYNN: Q. Okay. Now, at that time did you
16 contact Yoga Journal, or had the issue already been
17 published?

18 MR. PARSONS: Objection. Vague as to time,
19 subject matter.

20 You may respond.

21 THE WITNESS: Their issues usually would come out
22 a month early, which means usually, let's say, by
23 December --

24 MR. FLYNN: Q. Okay. Now --

25 A. At which time I don't believe I'd even returned to
1 Ananda.

2 Q. When did you write this article?

3 A. In either late September or early October of '81.

4 Q. All right. Now, would you turn to -- I don't want
5 to spend a lot of time on this, but I'd like to ask you, on
6 the second page of the article, which starts, "While
7 meditating lately on this question of new directions, I felt
8 his answer," and then there is a quote.

9 And what I'd like to know is, who is "his"?

10 A. This would be my guru.

11 Q. So that's Paramhansa Yogananda?

12 A. Correct.

13 Q. And then it's in quotes. And can you explain to
14 me why you put it in quotes?

15 A. I said, I felt his answer. That means I did not
16 hear his answer. It was my, let's say, understanding of
17 what I was feeling.

18 Q. So you put it in quotes not to indicate that
19 that's what he said, but to indicate what you were feeling.
20 Is that correct?

21 MR. PARSONS: Well, I object it mischaracterizes
22 his testimony.

23 You may respond as to why you put that in quotes.

24 THE WITNESS: Because I felt that that's what he
25 was giving me as a message. But you're correct, it was
1 feeling, not hearing.

2 MR. FLYNN: Q. And the quote reads, quote, "It
3 has been good until now, for the work that you've done, for
4 you to be a monk."

5 So the quote, does it not, suggests that this was
6 Paramhansa Yogananda talking to you?

7 MR. PARSONS: Well, objection. Speculation, no
8 foundation.

9 He may -- but the witness may testify whether or
10 not he meant this to be Yogananda talking to him.

11 THE WITNESS: Well, I said, "I felt"; I did not
12 say, "I heard."

13 MR. FLYNN: Q. But can you answer my question?

14 This article that you've written clearly suggests
15 that Paramhansa Yogananda is talking to you.

16 A. Again, I say, "I felt."

17 MR. PARSONS: Well, again, I don't know what
18 someone might think it means. This witness has testified
19 what he meant when he wrote it.

20 MR. FLYNN: Q. Did you intend to suggest this was
21 a conversation you were having with Yogananda?

22 A. Not with words, but there are other ways of
23 understanding the guidance you feel, and I said "I felt"; I
24 didn't hear.

25 Q. Yes, but the part I'm concerned about is the part
1 in quotes, which clearly suggests to me a conversation
2 between you and Yogananda.

3 For example, you say, "But Master, I'm a monk. I
4 vowed my life to God."

5 Quote, "And what are your vows ultimately if not
6 to serve him as he wants?"

7 That suggests to me that you were having a
8 conversation with Yogananda.

9 Was it your intention to convey in this article
10 that you were having a conversation with Yogananda?

11 MR. PARSONS: Objection. Vague as to "intend to

12 convey."

13 But you certainly may respond. And I'd ask you to
14 listen to the question and try to answer the question. And
15 if you don't remember it, the court reporter can read it
16 back.

17 THE WITNESS: I do.

18 I intended to suggest that this was my feeling.

19 My conversations with him are the result of my praying to
20 him and to God, and what I feel, I feel I have received. If
21 I feel, I have received it as direction.

22 I have never said it was a conversation.

23 MR. FLYNN: Q. All right. Well, let me ask it to
24 you this way, in light of that testimony:

25 When you were having these feelings, did you hear
1 voices that were the voices that you thought of Yogananda?

2 A. It seems to me that my inner communication with
3 God is something private, but that I did not intend to
4 convey that.

5 Beyond that, it seems to me that I have a right to
6 that privacy.

7 MR. PARSONS: Now -- no, I'm going to counsel my
8 client that -- I'm going to ask the question be read again.

9 And I do think it's an appropriate question. But
10 it's a limited question, and I want you to listen to what
11 Mr. Flynn has asked and answer that question, because it's
12 really limited in scope.

13 MR. FLYNN: Q. It's limited to these quoted
14 materials in Exhibit 20, particularly the parts where it
15 appears from the back and forth between you talking and
16 Yogananda talking, or something going on.

17 What I need to know is, in this conversation, in
18 these quotes and Exhibit 20, did you hear the voice of
19 Yogananda saying these things to you?

20 A. No.

21 Q. All right. Then why did you put them in quotes?

22 MR. PARSONS: Objection. Argumentative. He's
23 already -- this witness has already also explained what he
24 intended to do, but you may respond to the question.

25 THE WITNESS: Oh, I think I have.

1 MR. PARSONS: If you have some further response to
2 it, you may give it.

3 THE WITNESS: I have no further response.

4 MR. FLYNN: Q. All right. You say in this
5 article, "We were married recently in a private ceremony."

6 MR. PARSONS: Excuse me. Where is this?

7 MR. FLYNN: Q. This is in the second page of the
8 article, in the second column.

9 Now, "We were married recently in a private
10 ceremony."

11 Now sir, when you wrote that, did you intend to
12 convey that you had legally been married?

13 MR. PARSONS: Objection. Argumentative, but you
14 may respond, what you intended to convey. Or --
15 THE WITNESS: No, I --
16 MR. PARSONS: Or rather, whether you intended to
17 convey that, I'm sorry.
18 THE WITNESS: I did not intend that.
19 MR. FLYNN: Q. Did you intend to convey that it
20 was a spiritual marriage?
21 MR. PARSONS: Same. Argumentative. You may
22 respond.
23 THE WITNESS: I intended to convey that it was a
24 spiritual marriage.
25 MR. FLYNN: Q. Did you ever say in here, if you
1 can demonstrate to me, that it was a spiritual marriage but
2 not a legal marriage?
3 MR. PARSONS: Okay. Once again, when you ask this
4 witness to find a reference in a document like this, I have
5 no alternative other than to request the witness to read
6 through the document.
7 I object that it speaks for itself, and that this
8 sort of form of questioning is a waste of time.
9 But I don't believe I'm authorized to instruct him
10 not to answer, so I'll ask the witness to read through and
11 see if he can find anything in here where it references that
12 it is a spiritual marriage, from the beginning of the
13 article through. Refer now to the entire article.
14 THE WITNESS: I simply didn't make that statement.
15 MR. FLYNN: Q. Fine. Now, did you ever get a
16 spiritual divorce from (woman #7)?
17 MR. PARSONS: Objection. Argumentative. Unclear
18 as to what is meant by a "spiritual divorce," but the
19 witness may respond.
20 THE WITNESS: She left me. I had no opportunity
21 to relate to her after that.
22 MR. FLYNN: Q. Now, you say in this article that
23 you've completed your vows, your monastic vows.
24 MR. PARSONS: Where is that?
25 MR. FLYNN: It's in the next paragraph down.
1 Q. "What then about my monastic vows? I feel that in
2 a very real sense I have completed them."
3 Do you see that, sir?
4 MR. PARSONS: It's right here.
5 THE WITNESS: By that, I meant --
6 MR. PARSONS: Wait, no. He hasn't -- he's only
7 asked if you'd seen that.
8 MR. FLYNN: Q. What did you mean by that?
9 A. By that I meant that I felt that it was time to
10 take a new direction that would be more in keeping with the
11 realities of the work I founded, which demanded a
12 householder community, not a monastic community.
13 I felt, therefore, it was time to change

14 directions. I had completed doing what I could in that
15 direction with the community, but it was no longer an
16 appropriate direction for the community.

17 Q. All right. Now, what monastic vows are you
18 referring to here that you had completed?

19 A. As a swami.

20 Q. And which vows are they?

21 A. I beg your pardon?

22 Q. What vows are they that you were referring to here
23 that you had completed?

24 MR. PARSONS: He's just answered that. I object
25 that it's asked and answered.

1 You can tell him again.

2 MR. FLYNN: Q. All right. Let's cut through it.

3 Is it celibacy, obedience, poverty? Are those the
4 vows?

5 MR. PARSONS: Well, that misstates his testimony
6 from the other day, but go ahead and answer.

7 MR. FLYNN: Q. What vows, sir, are you referring
8 to here?

9 MR. PARSONS: Same objection. Go ahead.

10 THE WITNESS: The vow -- obviously, since I was no
11 longer with that organization, it had to be between me and
12 God and reinterpreted in that way. The vow of serving God
13 as a renunciate.

14 MR. FLYNN: Q. Okay. But aren't those vows
15 specific vows of poverty, chastity, obedience and -- weren't
16 those the vows you took, final life vows, in 1955?

17 Are those the vows that you considered to be
18 completed as of your marriage to (woman #7)?

19 MR. PARSONS: Okay. We have several questions on
20 the table at the moment. One relates to the vows he took in
21 1955, and another question relates to the vows he's
22 referring to here.

23 MR. FLYNN: Fine. I'd like him to explain.

24 That's what I want to know. We're just wasting time.

25 Q. What vows, sir, are you referring to here? The
1 ones you took in '55 that you said you took for life of
2 poverty, chastity and obedience; or some other vows?

3 A. That was, when I was separated from SRF, I was no
4 longer bound by their rule, so it was not that.

5 It was the fact that it was also a representation
6 of the swami order. And so it was a vow not to
7 Self-Realization Fellowship, but between me and God to serve
8 God to the best of my ability in chastity -- obedience to
9 whom? God's will, as I tried to understand it. Certainly
10 not to the organization.

11 Poverty, to the extent that I could. I was not
12 living in a monastery; I couldn't continue getting a salary
13 of \$20 a month.

14 But to own nothing personally, that was I would

15 say the extent of it.

16 Q. All right. So the vows were poverty, chastity and
17 obedience, but not in the sense of your '55, 1955 vows. Is
18 that basically true?

19 MR. PARSONS: Objection. Misstates his testimony,
20 but you may answer the question.

21 THE WITNESS: It does misstate it. I meant that I
22 was no longer in an organization; therefore, I could not
23 under any circumstances claim to be obedient to that
24 organization and its rules.

25 I had to discover the true way of continuing my
1 service on my own without guidance from anyone.

2 MR. FLYNN: Q. All right, sir. Can you just tell
3 me what monastic vows you considered you had completed in
4 this article, in the way you wrote it? Which monastic vows
5 had you completed?

6 A. As I said, my vow of obedience was to God and my
7 guru, and I had done my best to live by those.
8 I felt that I was being called, and again my
9 obedience -- I had no one to look to for guidance. I was
10 being called to create a new order, which I did, a
11 householder community, and that was where I felt I had
12 completed that direction and had to take a new direction.

13 Q. Can you just simply tell me a vow, one vow, that
14 you intended to convey in this article you had completed, a
15 monastic vow that you had completed?

16 MR. PARSONS: Not necessarily the only vow, but at
17 least one vow?

18 MR. FLYNN: Q. Just one.

19 MR. PARSONS: Do you understand his question?

20 THE WITNESS: I think so. I must admit that my
21 brain is getting very tired, and so I might make a mistake.

22 MR. FLYNN: Q. All right. Let me ask you this,
23 sir: Did you mean to convey that you had completed the
24 monastic vow of celibacy when you wrote this article?

25 A. Yes, I know that's what you're asking.

1 Q. Is that what you intended to convey?

2 A. My intention in saying I'd completed it was that I
3 had completed that direction in my life and had to take a
4 new direction.

5 Q. But you see, sir, I'm not -- I'm using the word
6 you used in the article, if you'd look at it, where you say,
7 "What then about my monastic vows? I feel that in a very
8 real sense, I have completed them." So --

9 A. Well, I tried --

10 MR. PARSONS: Wait. Wait for a question.

11 MR. FLYNN: Q. I'm asking you, did you intend to
12 convey when you wrote that that you had completed your
13 monastic vow of celibacy?

14 A. My feeling was -- and again, we're talking of my
15 feeling -- that I had completed it in the sense that I have

16 said; not in the sense that I had become pure in it.

17 MR. FLYNN: Q. So celibacy was one of the
18 monastic vows you had completed, according to your
19 testimony?

20 A. In the sense that I have just said.

21 Q. Okay. But that's one of the vows?

22 A. Yes.

23 Q. And another one of the vows -- are there any other
24 vows?

25 A. Obedience.

1 Q. Okay. Any other vow?

2 A. Poverty. That's it, basically.

3 Q. Okay. Now, in 1985, you went to this person Daya
4 Mata to be dispensed of your monastic vows.

5 What monastic vows did you seek to be dispensed of
6 in 1985, roughly 3 years after this article?

7 MR. PARSONS: He has testified as to this at least
8 four to five times that I recall. I'll --

9 MR. FLYNN: Q. I just want to know whether
10 they're different vows or the same vows.

11 MR. PARSONS: Well, it's already on the record,
12 but you may respond again as to what vows.

13 THE WITNESS: I wanted to make a formal statement
14 before my formal marriage. Before that, since it was not
15 formal, I didn't yet feel the guidance to do it.

16 But when it became a formal matter, I did feel the
17 guidance.

18 MR. FLYNN: Q. Can you just answer my question,
19 sir?

20 What vows did you go to get dispensed from in 1985
21 from Daya Mata?

22 MR. PARSONS: I'm objecting that it's been asked
23 and answered.

24 The question goes to the vows; not the motivation
25 for it, but what vows.

1 THE WITNESS: The vows of poverty, chastity,
2 obedience, basically -- I said loyalty before. And all of
3 those.

4 I was specifically asking for dispensation in the
5 matter of chastity.

6 MR. FLYNN: Q. Okay. And that's the same vow
7 that in this article you say you had completed as of
8 sometime in 1981.

9 MR. PARSONS: I am --

10 MR. FLYNN: Q. Is that correct?

11 MR. PARSONS: Objection. It's argumentative,
12 misstates his testimony.

13 You can go ahead and respond.

14 THE WITNESS: We're talking of two realities. One
15 is subjective, the other is objective.

16 The marriage to (woman #7), although I made a public

17 statement about it, was an intensely subjective thing. I
18 did not yet -- it takes time for a person to clarify these
19 things on all levels.
20 I did not yet feel ready to make that public
21 statement with (woman #7). I might have in time, and I did
22 before marrying Rosanna.
23 MR. PARSONS: Well, okay. If you're satisfied
24 with the answer to that, I guess I am, too.
25 MR. FLYNN: Okay. Where is the little book How To
1 Spiritualize Your Marriage?
2 MR. GREENE: Here it is.
3 MR. FLYNN: Q. All right. In the book How To
4 Spiritualize Your Marriage, which you wrote, and which was
5 copyrighted in 1982 --
6 MR. PARSONS: You know, excuse me just a moment.
7 (Discussion between the witness and his counsel.)
8 THE WITNESS: Just a moment. I need to go to the
9 bathroom anyway. Can you ask me that question there? I
10 mean, outside? I want to go there.
11 MR. PARSONS: Okay. I was actually telling you
12 something, but --
13 THE WITNESS: I'll just take a 2-minute break.
14 (The witness left the deposition room.)
15 MR. FLYNN: Off the written, on the video.
16 (Discussion off the written record.)
17 (Exhibit 21 was marked.)
18 MR. FLYNN: All right, back on the record, now,
19 we've marked, sir, as Exhibit 21 this article which
20 appears -- I've got a better copy here -- it appears in the
21 -- something called Body Mind Spirit, February-March 1995.
22 Mr. Parsons, I've got a copy here where you can
23 see the date at the bottom. I know in your photocopy, you
24 can't. But if you'd like to confirm that date --
25 MR. PARSONS: Well, that is what it is.
1 MR. FLYNN: I'm simply saying, on the photocopy
2 it's hard to read "Body Mind Spirit, February-March 1995."
3 MR. PARSONS: Oh, I see. On the photocopy you've
4 handed me, which appears to be the same document, looking at
5 it quickly, that there is a "February-March 1995, page 43,"
6 bottom of the first page.
7 THE WITNESS: By the way, I don't think I'm
8 answering directly to your questions. I don't think I'm
9 being completely clear mentally. So I'm trying my best, but
10 that is something I have to work with.
11 MR. FLYNN: Q. Okay. This is a simple one.
12 Apparently you gave an interview to Katherine
13 Diehl, at least portions of which appeared in Body Mind
14 Spirit in their February-March 1995 issue.
15 Do you recall meeting with this Katherine Diehl?
16 A. I do.
17 Q. And take a look at this article, and I'd ask you

18 to confirm that you in fact made the statements in the
19 article, or conducted the interview with her, as it appears.

20 MR. PARSONS: Wait, wait. Are you asking him to
21 confirm that he in fact made every statement that appears in
22 this article?

23 MR. FLYNN: Q. All right. Well, let's -- perhaps

24 that's -- well, let's just try it a different way.

25 You see the title of the article is, "Practical
1 Spirituality from a Western Swami"?

2 A. Yes.

3 Q. Now, you're referred to there as a swami. And as
4 we both know, in Hinduism, and in yoga, the term "swami" is
5 a very specific term.

6 And did you explain to her in the article that you
7 were not a swami?

8 MR. PARSONS: Okay. Again, if you're asking him
9 whether he has explained in the article that you have just
10 handed him whether he's quoted in there as explaining to her
11 that he was not a swami, then I object. The document speaks
12 for itself.

13 MR. FLYNN: Well, maybe there's an interpretation
14 he can give that I don't see.

15 I can't find anywhere in here, Mr. Walters, where
16 you say, "I'm not a swami."

17 I do see the section that says your followers call
18 you Swami, which I'm going to get into. But I can't find
19 anywhere where you say, "I'm not a swami."

20 And I'm wondering, is there somewhere in here
21 where you did try to convey that that I've missed?

22 MR. PARSONS: Well, again, I think this type of
23 questioning is really wasting time, because it requires the
24 witness to look through the document before he can testify
25 under oath as to what it says.

1 MR. FLYNN: As you know, Mr. Parsons, a
2 fundamental part of the plaintiff's fraud claim --

3 JUDGE PLISKA: He is correct, Mr. Flynn. If
4 you're going to ask him that, he's got to take the time to
5 read it.

6 MR. FLYNN: Okay. This is important, so then
7 we're going to have to take the time.

8 JUDGE PLISKA: That's fine. But you've got to
9 give him the time

10 MR. FLYNN: Q. Take the time, sir. Point out to
11 me --

12 A. I would like to relate to something you stated as
13 a statement, before you ask the question. You said, "as you
14 know."

15 MR. PARSONS: Wait. Why don't you first tell me
16 what it is that you want to -- is this something you feel
17 that needs to be stated on the record?

18 THE WITNESS: Uh-huh.

19 MR. PARSONS: All right. I'll --

20 THE WITNESS: You said, as you know, the title --

21 the term "swami" has a very specific and limited, I believe

22 those were your words, meaning in India.

23 No, I do not know that. I do know that many

24 teachers are called "Swami" who are known not to be swamis.

25 I myself, by -- people who knew me to be married called me

1 "Swami." It also means husband. A woman will call her

2 husband "Swami."

3 No, it is not a limited and specific meaning. If

4 you go to greater length to explain that it means this

5 limited term that you are describing, then of course you

6 have limited it. But as a title by itself, it is not

7 restricted.

8 MR. FLYNN: For the record, that's not what I

9 said. I said, the term "swami" in Hinduism and yoga has a

10 very specific meaning. I never mentioned India, and I never

11 said the word "limited."

12 Q. Now, sir, would you please look at the article

13 and see if you can show me anywhere in the article where you

14 said you were not a swami?

15 A. I must retreat my statement and clarify it.

16 Hindus is what I meant when I said Indians. Yogis

17 is also what I meant when I said Indians.

18 Now, ask your question.

19 MR. FLYNN: Q. I didn't say yogi, I said yoga.

20 A. Well, yoga isn't consciousness to have a

21 particular meaning or statement. It's people who are yogis.

22 Q. Can you find for me anywhere in the article where

23 you said, "I am not a swami"?

24 A. I didn't say it. I didn't -- I think I said it to

25 her personally. But this is a recorded interview --

1 MR. PARSONS: You should look through and see if

2 it appears in here.

3 THE WITNESS: Okay. But edited by her.

4 MR. FLYNN: This is going to be 22.

5 (Exhibit 22 was marked.)

6 THE WITNESS: (Examining document.)

7 In answer to her questions, "Your followers call

8 you swami. Why don't you wear a robe Indian style?" I

9 answered that question. To the best of my recollection,

10 she didn't include it in the article, which I never saw

11 until it was printed.

12 MR. FLYNN: Q. She didn't include what, sir?

13 A. The statement that I made that I am not a swami.

14 Q. Okay. So it's your testimony under oath you told

15 Katherine Diehl -- when you had this interview with her,

16 that you told her you were not a swami. Is that correct?

17 A. That's correct.

18 Q. And can you give me your best recollection as to

19 the date you had the interview?

- 20 A. It was at about late September, early October of
21 last year.
- 22 Q. Late September, early October 1994. Correct?
- 23 A. Correct.
- 24 Q. And was the interview tape-recorded?
- 25 A. I believe it was.
- 1 Q. And was it on the phone or in person?
- 2 A. In person.
- 3 Q. Did you go to see her somewhere, or did she come
4 to Ananda?
- 5 A. Neither.
- 6 Q. Where did you meet her?
- 7 A. She came to the hotel I was staying in in Boston,
8 if I am not mistaken. I was on tour for Warner Books.
- 9 Q. Can you give me the name of the hotel?
- 10 A. I beg your pardon?
- 11 Q. The name of the hotel?
- 12 A. The Four Seasons.
- 13 Q. Okay. Now, if you know, is she a free-lance
14 writer for Mind -- Body Mind Spirit, or is she a member of
15 their editorial staff?
- 16 MR. PARSONS: Objection. Compound, no foundation.
17 Go ahead and respond.
- 18 THE WITNESS: I believe she is a free-lance
19 reporter.
- 20 MR. FLYNN: Q. Did you know her prior to your
21 interview with her?
- 22 A. I did not.
- 23 Q. Had you ever spoken to her prior to your interview
24 with her?
- 25 A. No.
- 1 Q. Do you know where she is from?
- 2 A. No.
- 3 Q. Do you have her telephone number?
- 4 A. I do not.
- 5 Q. Do you know how we can get in contact with her?
- 6 A. Probably through the magazine.
- 7 Q. And prior to your interview with her, had you ever
8 conducted any other interviews with her?
- 9 A. I don't believe I had.
- 10 Q. Are you friendly with anyone on the editorial
11 board of Body Mind -- of this publication?
- 12 MR. PARSONS: Objection. Vague as to "friendly."
- 13 MR. FLYNN: Q. Body Mind Spirit.
- 14 A. I didn't hear the question.
- 15 Q. Do you have any kind of a relationship with anyone
16 on the editorial board of this publication?
- 17 MR. PARSONS: Again, vague as to "relationship."
18 Go ahead.
- 19 THE WITNESS: Vague as to "relationship," in fact.
- 20 MR. FLYNN: Q. Do you know anyone on the

21 editorial board?

22 A. Yes. We have had dinner together once, and I
23 think coffee together once.

24 Q. And who is that?

25 A. I'm afraid I don't remember the name well, but
1 Jim -- the owner, and Jane. Again the name eludes me. Jane
2 Kuhn, I think, K-u-h-n, and Jim -- you'd have to look it up
3 on the masthead.

4 Q. Okay. All right.

5 Now, would you turn now to Exhibit 22, please, sir?

6 A. What is this?

7 Q. This is someone named Chandra Diana Lee Slavonic.

8 MR. PARSONS: Would you like him to read the
9 document?

10 MR. FLYNN: Q. All right. Now --

11 MR. PARSONS: You asked him to turn to it.

12 MR. FLYNN: Q. Do you recall an individual name
13 Chandra Diana Lee Slavonic?

14 A. I do.

15 Q. And what is your memory of her? Mr. Walters?

16 MR. PARSONS: Mr. Walters?

17 THE WITNESS: I was reading this.

18 MR. FLYNN: Q. Let me know when you're done
19 reading, sir.

20 A. Yes, I have read it.

21 Q. Okay. What is your memory of Chandra Lee
22 Slavonic?

23 MR. PARSONS: Object that it's vague as to "what
24 is your memory." Calls for a narrative.

25 You may respond.

1 THE WITNESS: She was one of the early people at
2 Ananda. This was in 1969. She speaks of staying there --

3 MR. PARSONS: Well can you be --

4 MR. FLYNN: Q. What do you remember about her?

5 MR. PARSONS: He's asked for your memory. So what
6 do you remember about her?

7 THE WITNESS: I remember being attracted to her
8 physically, and on two occasions that I recall having had
9 sexual intercourse with her.

10 MR. FLYNN: Q. Now, was she a disciple of Ananda
11 at that time?

12 A. I think so.

13 Q. And do you recall what she looked like?

14 A. She was somewhat -- you might say well built. I'm
15 not -- I wouldn't -- I don't want to use the word stocky,
16 but approaching that. Robust.

17 I would estimate 29 years old, but I don't know.

18 I think she had brown hair, but I don't remember.

19 MR. PARSONS: Again, if you don't remember, then
20 that's your testimony. If you do remember, then you should
21 say it.

22 THE WITNESS: That's good enough, then.
23 MR. FLYNN: Q. You don't remember what color hair
24 she had, or do you remember? You're unclear now.
25 A. I think it was brown.
1 Q. Okay. That's your best estimate? That's your
2 best memory?
3 A. I've given my best memory.
4 Q. And do you recall what color eyes she had?
5 A. I do not.
6 Q. Do you recall approximately how tall she was?
7 A. I do not. I can estimate, if my lawyer approves.
8 MR. PARSONS: Well --
9 MR. FLYNN: Q. What is your best memory?
10 MR. PARSONS: If you've got some reasonable basis
11 or a memory, then you can give it. If it's speculation,
12 no.
13 THE WITNESS: Probably about 5-4.
14 MR. FLYNN: Q. 5 foot 4. Okay.
15 Now, in 1969, did you refer to yourself as Swami
16 Kriyananda?
17 MR. PARSONS: Vague as to time during that year.
18 Go ahead.
19 THE WITNESS: Yes.
20 MR. FLYNN: Q. And in 1969, were you still a
21 swami of the monastic order?
22 A. I was.
23 Q. And in 1969, were you the spiritual director of
24 Ananda Village?
25 A. In 1969, I was the founder of Ananda. There were
1 no titles yet.
2 Q. You were the head guy?
3 A. Yes.
4 Q. And in 1969, had she come to Ananda for spiritual
5 training, "she" being Chandra Diana Lee Slavonic.
6 MR. PARSONS: Objection. It calls for this
7 witness to testify as to third parties' motivations, no
8 foundation, speculation.
9 THE WITNESS: That's fair.
10 MR. PARSONS: But I'll permit you to answer to the
11 extent you can as to her motivation.
12 THE WITNESS: Yes, I do not know her motivation.
13 MR. FLYNN: Q. Did you give her spiritual
14 training?
15 MR. PARSONS: Objection. Vague as to "spiritual
16 training."
17 You may respond.
18 THE WITNESS: At that time, I gave her no personal
19 training, and my energies were so involved in raising money
20 to build Ananda, earning it, that I doubt that I gave her
21 any spiritual training personally.
22 MR. FLYNN: Q. Did you teach her the AUM

23 technique?

24 A. If she learned it in a class, yes. If not, no.

25 Q. Were you giving classes on the AUM technique in
1 1969 when Chandra Lee Slavonic was at Ananda?

2 A. Probably, is the best answer I could give.

3 Q. Were you giving classes on the Hung Saw technique
4 at that time?

5 A. The same answer.

6 Q. Were you initiating people into Kriya Yoga at that
7 time?

8 A. I don't remember whether I had a Kriya initiation.

9 Q. What is your best memory as to when you first
10 began initiating people into Kriya Yoga?

11 A. 1964.

12 Q. Were you teaching the energization exercises the
13 an Ananda Village in 1969?

14 A. Yes.

15 Q. And to your knowledge, did Chandra Diana Lee
16 Slavonic attend classes in energization exercises?

17 A. I am not able to say. I don't know.

18 Q. You don't recall?

19 A. Right.

20 Q. Okay. Now, in 1969, were you initiating people
21 into Kriya after they had fulfilled their training in the
22 Hung Saw and/or AUM techniques?

23 MR. PARSONS: Again, objection. It misstates his
24 testimony where he's already testified he didn't know
25 whether he was initiating people in 1969.

1 With that objection, you may, however, respond.

2 THE WITNESS: I've answered it.

3 MR. FLYNN: Q. Well, what I want to know, sir --

4 A. I said I don't know.

5 Q. Let me ask it a different way.

6 After a series of classes in which a person took
7 AUM and received training in the Hung Saw technique and
8 received training in the energization exercises, did you
9 then as a matter of routine initiate them into Kriya Yoga?

10 MR. PARSONS: Okay. Vague as to time now, because
11 he's already testified --

12 MR. FLYNN: Q. In 1969.

13 MR. PARSONS: Okay. Then, vague as to "routine."

14 But you may answer that question. Do you have it
15 in mind?

16 THE WITNESS: I don't remember giving Kriya
17 initiation in '69.

18 MR. FLYNN: Q. Okay. Fair enough.

19 But here is my question: Having read some of your
20 materials here, and in the order of the spiritual training
21 that I've read about as I understand it, a person is taught
22 the energization exercises, Hung Saw, the AUM technique; and
23 after they've completed that training, they then, if they

24 wish, get initiated into Kriya.
25 Is that basically correct?
1 MR. PARSONS: Vague as to what time you're talking
2 about.
3 MR. FLYNN: Q. In the 1969 time frame.
4 MR. PARSONS: Well, again, I object. It misstates
5 his testimony.
6 But you may respond to that question before you.
7 And I'd ask you to have that question in mind when you
8 answer.
9 THE WITNESS: I have been answering your question
10 limited to 1969, because you did.
11 Now you've used the word "time frame." That
12 expands it beyond '69?
13 MR. FLYNN: Q. All right. Perhaps -- yeah,
14 perhaps it was a bad question. Let me try and give it
15 another try.
16 As I understand your publications, the order of
17 training which did take place in 1969 was energization
18 exercises, Hung Saw, AUM, and then initiation into Kriya.
19 Now, you've testified you believe you gave
20 lectures in AUM and Hung Saw in 1969. Is that correct?
21 MR. PARSONS: Okay. Again, I object to him
22 testifying as to what his testimony was.
23 Why don't you go ahead and answer the question
24 from a standpoint of, did you do that in 1969?
25 THE WITNESS: I do not remember giving Kriya
1 initiation in 1969.
2 MR. FLYNN: Q. All right. Do you recall giving
3 Hung Saw and AUM?
4 MR. PARSONS: Objection. Compound. Go ahead.
5 THE WITNESS: What I did in 1969 is more difficult
6 to remember. It's therefore easier to answer such a
7 question as, would you have given it. I probably did.
8 MR. PARSONS: I don't want you to speculate and
9 guess as to what you would have or --
10 THE WITNESS: All right, I can't. I can't
11 speculate.
12 MR. FLYNN: Q. Lets just limit it to energization
13 exercises.
14 Did you give lectures in energization exercises in
15 1969, if you recall?
16 A. In the context of this present questioning, I have
17 to say I don't know.
18 Q. Okay. You don't recall?
19 A. Right.
20 Q. All right. In 1969, did you give lectures in the
21 Hung Saw technique?
22 A. In the context of this questioning, I have to say
23 I don't know.
24 Q. Okay. And in the -- in 1969, did you give

25 lectures in the AUM technique?

1 A. In the context of this questioning, I would have
2 to say I don't know.

3 Q. Fair enough. What is your best memory as to when
4 you first began giving lectures in the energization
5 exercises?

6 A. My best memory would have to include the
7 possibility, but again that's speculation -- I don't
8 remember.

9 I say that after I -- because I had to go down and
10 live in Sacramento and give classes to earn the money to pay
11 for the mortgage. And when I moved back in 1970, on June --
12 on May 31, sometime after that, I would have. And I cannot
13 remember specific instances, but I could not say that I
14 didn't know it.

15 MR. FLYNN: Q. Okay. Sometime after June of
16 1970, you have a general memory of giving classes in
17 energization exercises?

18 A. That is correct.

19 Q. All right. And with regard to Hung Saw and AUM,
20 would your testimony be the same?

21 A. The same.

22 Q. And with regard to initiating people into Kriya
23 Yoga, would your testimony be the same?

24 MR. PARSONS: He's already testified he began in
25 1964 on Kriya Yoga initiation, so it misstates his
1 testimony.

2 THE WITNESS: No, but at Ananda, yes.

3 MR. FLYNN: Q. All right. Between 1964 and June
4 of 1970, did you initiate people into Kriya Yoga?

5 A. I did.

6 Q. And between 1964 and June of 1970, did you teach
7 people the AUM, the energization exercises and the Hung Saw
8 techniques?

9 MR. PARSONS: Okay. Vague as to time and
10 frequency, but go ahead.

11 THE WITNESS: Yes. I cannot be specific; but yes,
12 the answer is, during that time, I did.

13 MR. FLYNN: Q. Okay. Where did you learn the
14 energization exercises?

15 A. I learned them at Mt. Washington in 1948.

16 Q. As a monk at SRF?

17 A. Yes.

18 Q. Where did you learn the AUM technique?

19 A. From Mt. Washington -- at Mt. Washington, I should
20 say.

21 Q. As a monk in SRF?

22 A. Correct.

23 Q. Where did you learn the Hung Saw technique?

24 A. Same thing.

25 Q. As a monk at SRF --

1 A. Correct.
2 Q. What year?
3 A. All of the above, including Kriya, in 1948.
4 Q. Okay. So you were initiated into Kriya while you
5 were a monk in SRF?
6 A. Correct.
7 Q. Fair to say?
8 Now, in -- why don't -- go ahead and change the
9 tape and change the court reporter paper.
10 THE VIDEO OPERATOR: This is the end of videotape
11 number 10 in the deposition of Donald Walters. We're going
12 off the record at 3:20 p.m.
13 (Discussion off the record.)
14 THE VIDEO OPERATOR: This is the beginning of
15 videotape number 11 in the deposition of Donald Walters.
16 We're back on the record at 3:22 p.m.
17 MR. FLYNN: Q. Now sir, as I understand it, in
18 1955, you took your final vows and became a swami -- a monk
19 in the swami monastic order. Is that correct?
20 MR. PARSONS: This has got to be the 12th time
21 you've asked that question.
22 MR. FLYNN: Just to orient.
23 MR. PARSONS: And he has never contradicted his
24 testimony on it.
25 MR. FLYNN: I'll make it an orientation.
1 Q. In 1955, when you became a monk in the swami
2 monastic order and took your final vows, did you vow not to
3 give Kriya to anyone without written permission -- except
4 with the permission of the Self-Realization Fellowship
5 Church?
6 MR. PARSONS: You've also asked that repeatedly
7 already. He's said -- I object. You are really wasting
8 time on these repetitive questions.
9 I'll permit the witness to answer yet one more
10 time, however.
11 Do you have the question in mind?
12 THE WITNESS: I did not.
13 MR. FLYNN: Would you read it back, please?
14 (Record read.)
15 THE WITNESS: You have my answer.
16 MR. FLYNN: Q. What is your answer?
17 A. You didn't hear it?
18 Q. No.
19 A. I said, I did not.
20 Q. Between 1955 and 1962, when you were a monk
21 administering Kriya in the Self-Realization Fellowship
22 Church, did you require that the people who you gave Kriya
23 to not divulge the Kriya technique without permission from
24 the Self-Realization Fellowship Church?
25 MR. PARSONS: Mr. Flynn, I've got to object
1 again. You have gone through this entire line of

2 questioning. It's clear on the record.
3 This is a total waste of time, for a witness who's
4 tired. I've got to believe you're trying to get him to
5 contradict things.
6 MR. FLYNN: I never got answers. You instructed
7 him not to answer, Mr. Parsons.
8 MR. PARSONS: No, I didn't. You've got it on the
9 record. And I can't instruct him to answer not again.
10 MR. FLYNN: This one question. I'd like to an
11 answer to this one question.
12 JUDGE PLISKA: Not if you have already have it,
13 Mr. Flynn.
14 MR. FLYNN: I don't believe I do, Your Honor.
15 JUDGE PLISKA: Well, I don't know, because I never
16 heard it, so it must have happened when I wasn't here.
17 MR. PARSONS: I have stated my objection. You may
18 answer the question.
19 I would ask it be read back to him just so he's
20 got it clear in his mind.
21 MR. FLYNN: Read it back.
22 (Record read.)
23 MR. PARSONS: Objection. Asked and answered.
24 You may respond.
25 THE WITNESS: Yes.
1 MR. FLYNN: Q. Now, when Chandra Lee Slavonic
2 came to Ananda, do you have any memory of administering a
3 Kriya pledge to her?
4 MR. PARSONS: Okay. Objection. He's already
5 testified on Kriya, 1969, he's testified concerning that
6 several times this afternoon.
7 Object it's been asked and answered. You may
8 respond one more time.
9 MR. FLYNN: Q. A Kriya pledge.
10 MR. PARSONS: Kriya pledge. Okay. Then
11 objection, vague as to "Kriya pledge." Go ahead.
12 THE WITNESS: I no longer considered myself under
13 obedience to Self-Realization Fellowship. Therefore --
14 MR. PARSONS: Have you got the question --
15 THE WITNESS: -- I had the pledge, but it was not
16 the same as the pledge I had asked of people before.
17 MR. FLYNN: Q. The question, sir, was, did
18 administer a Kriya pledge to Chandra Lee Slavonic in 1964?
19 A. The Kriya pledge that I had rewritten.
20 Q. You did?
21 A. Yes.
22 Q. Now, what was the Kriya pledge that you had
23 rewritten?
24 A. That they would not reveal Kriya to anyone without
25 permission from Self-Realization Fellowship or from me, or
1 from a qualified Kriya Yoga teacher.
2 MR. FLYNN: Okay. Let me just have this marked as

3 Exhibit 23.

4 (Exhibit 23 was marked.)

5 MR. FLYNN: Q. And I'm just going to ask you,
6 will you look at Exhibit 23, and will you confirm that
7 that's the pledge that you gave to Self-Realization
8 Fellowship Kriya applicants between 1955 and 1962 while you
9 were a monk in the swami monastic order of Self-Realization
10 Fellowship?

11 A. Yes.

12 Q. Now, going back to Exhibit 22, in paragraph 3,
13 Chandra Lee Slavonic avers, quote, "At one point, Swami and
14 I were alone together and he used me for sex," period, end
15 quote.

16 Do you see that?

17 A. I see it.

18 Q. Is that a true statement?

19 MR. PARSONS: Objection. The statement is
20 argumentative in the phrase "used me for sex." It's also
21 vague and ambiguous in that regard.
22 Otherwise, you may respond.

23 THE WITNESS: Yes. It's wrong to say "he used me
24 for sex."

25 Did we make love, that's a different question.

1 Used me, no, I did not.

2 MR. FLYNN: Q. Okay. In what way did you make
3 love?

4 MR. PARSONS: Are you asking for the physical
5 position, or -- I mean, what --

6 MR. FLYNN: Q. I'm asking what he meant when he
7 just said, we made love.

8 A. I suppose the usual meaning. Sexual intercourse.

9 Q. Did you demonstrate affection for her?

10 MR. PARSONS: Okay. Argumentative, vague.

11 You may respond.

12 THE WITNESS: I did.

13 MR. FLYNN: Q. And did she demonstrate affection
14 for you?

15 MR. PARSONS: Again, calls for this witness's
16 perception. I'll permit him to testify to that.

17 THE WITNESS: My perception is that she did.

18 MR. FLYNN: Q. Do you recall whether that was
19 before or after you had given her the Kriya pledge?

20 A. It was before.

21 Q. Did you have sex with her after you had given her
22 the Kriya pledge?

23 A. I don't believe so.

24 Q. Okay. Now, going down to paragraph 7, quote:

25 "Later, when I began to tell people what had
1 happened, word got back to Swami. He cornered me by the
2 washroom and said that he did not like me talking about the
3 sex between us to anybody. He said that it was just between

4 him and me and that we," quote, "Were just having fun
5 anyway," end quote.

6 Now, first of all, did you corner Chandra Lee
7 Slavonic in the washroom and tell her not to divulge the
8 fact that you were having sex with her to anyone?

9 MR. PARSONS: Objection. It's compound as
10 phrased; the term "cornered" is argumentative.
11 Otherwise, with those objections, you may
12 respond.

13 THE WITNESS: I have no such recollection.

14 MR. FLYNN: Q. Do you remember when Chandra Lee
15 Slavonic left Ananda Village?

16 A. I have no such recollection.

17 Q. Okay. Did she ever become a so-called nun at
18 Ananda Village?

19 MR. PARSONS: Objection. Vague as to the term
20 "nun," but go ahead.

21 THE WITNESS: I don't believe so.

22 MR. FLYNN: Q. Do you use the term "nun" at
23 Ananda Village at the present time?

24 A. We do not.

25 Q. Have you ever used the term "nun" at Ananda
1 Village?

2 A. Yes.

3 Q. During what period of time did you use the term
4 "nun"?

5 A. That would have been in the '70s.

6 Q. Did you have sex with Chandra Lee Slavonic when
7 she was a nun at Ananda Village?

8 A. I have said that I don't remember that she was. I
9 should say further that I'm sure she was not, and therefore
10 no.

11 Q. Why are you sure that she was not?

12 A. I have no such recollection, and no reason to
13 believe so. I believe she married then.

14 MR. FLYNN: Would you mark this next exhibit?
15 (Exhibit 24 was marked.)

16 MR. PARSONS: Excuse me. I've gotten a message, I
17 think Dr. Van Houten would like to take his blood pressure
18 at the moment.

19 Can we take just about a --

20 JUDGE PLISKA: We haven't taken a break in a
21 while, so it's probably appropriate.

22 THE VIDEO OPERATOR: We're going off the record at
23 3:33 p.m.

24 (Recess from 3:33 p.m. to 3:54 p.m.)

25 THE VIDEO OPERATOR: We're back on the record at
1 3:55 p.m. for the purpose of ending this videotape. This is
2 the end of videotape number 11 in the deposition of Donald
3 Walters. We're going back off the record at 3:55.

4 MR. FLYNN: Right. Let me just put one thing on

5 so the videotape will hear it.

6 This deposition is suspending at this time at the
7 request of Mr. Walters.

8 THE VIDEO OPERATOR: Going back off the record at
9 3:55.

10 MR. PARSONS: Still on the audio record, we will
11 -- we have agreed --

12 MR. GREENE: The written record.

13 MR. PARSONS: We will resume with Mr. Walters
14 Thursday, September 21 at 10 o'clock. Mr. Greene has
15 indicated he'll take that deposition.

16 And if he is unable to complete his portion of
17 Mr. Walters' deposition on Thursday, we have then agreed
18 that we will resume on Friday, September 22nd at 11 o'clock.
19 And then Mr. Flynn will have another day with
20 Mr. Walters on Thursday, October 12, beginning on October
21 12th at 10 a.m.

22 MR. FLYNN: Right, except that we're not -- this
23 is not a commitment that the deposition is ending on October
24 12th, but a best-effort intention. But it is not a
25 stipulation that the deposition is ending on that date.

1 JUDGE PLISKA: That's understood. I know. Okay.

2 MR. PARSONS: Okay. Off the record?

3 MR. FLYNN: Off the record.

4 (Time noted, 3:56 p.m.)

5 --o0o--

6

7 _____

8 Signature of the Witness

Chapter 5) Part 5 of 7 September 21, 1995

1 I N D E X

2 EXAMINATION BY: PAGE

3 MR. GREENE: 708

4 --o0o--

5 EXHIBITS

6 PLAINTIFF'S FOR

7 IDENTIFICATION PAGE

8 25 Photocopy of pamphlet entitled 748 "The New Dispensation"

9 Declaration of LD in Opposition 757

10 to Special Motion to Strike.

11 27 Transcript headed "Summer, 1983" 758

12 28 1-page document headed "Yamas" 824

13 29 Photocopy of "The Art of Creative Leadership" 839

1 --o0o--

2 BE IT REMEMBERED that on Thursday, September 21,

3 1995 commencing at 10:09 a.m., thereof, at Tooker & Antz,

4 131 Steuart Street, Suite 201, San Francisco, California,

5 before me, HOLLY THUMAN, duly authorized to administer oaths

6 pursuant to Section 2093(b) of the California Code of Civil

7 Procedure, personally appeared

8 DONALD WALTERS,

9 called as a witness, who, having been previously duly sworn,

10 was examined and testified as hereinafter set forth.

11 .

12 --o0o--

13 APPEARANCES

14 HUB LAW OFFICES, 711 Sir Francis Drake Boulevard,

15 San Anselmo, California 94960, represented by FORD GREENE,

16 Attorney at Law, appeared as counsel on behalf of the

17 Plaintiff.

18 JON R. PARSONS, Attorney at Law, 2501 Park

19 Boulevard, Suite 207, Palo Alto, California 94306-1925,

20 represented by JON R. PARSONS, Attorney at Law, appeared as

21 counsel on behalf of the Defendants.

22 EDWARD W. PLISKA, Judge (Retired), Attorney at

23 Law, COREY, LUZAICH, GEMELLO, MANOS & PLISKA, 700 El Camino

24 Real, Millbrae, California 94030, was present as the

25 Referee. (Present when indicated.)

1 (Appearances, cont'd)

2 Also present when indicated were ANNE-MARIE

3 BERTOLUCCI; DR. PETER VAN HOUTEN; ASHA PRAVER; JOHN NOVAK;

4 JOHN SMALLEN; and SHEILA RUSH.

5 VIDEO OPERATOR: ROBERT BARBAGELATA, Dan Mottaz

6 Video Productions, (415) 731-1300.

7 --o0o--

1 September 21, 1995 10:09 a.m.

2 --o0o--

3 EXAMINATION BY MR. GREENE

4 THE VIDEO OPERATOR: This is the beginning of
5 videotape number 12 in the deposition of Donald Walters in
6 the matter of Anne-Marie Bertolucci versus Ananda Church of
7 God Realization, et al. Today's date is September 21, 1995,
8 and the time is 10:09 a.m.

9 The video operator is Robert Barbagelata. We're
10 back on the record.

11 MR. GREENE: Q. Good morning, Mr. Walters.

12 A. Good morning.

13 Q. You are still under oath. You understand that?

14 A. I understand.

15 Q. And that means that the testimony you give here
16 this morning is of the same force and effect as it would be
17 if you were in a courtroom in front of a judge and jury,
18 notwithstanding the comparatively less formal circumstances
19 that we're in now.

20 You understand that?

21 A. Quite right. I understood the judge was going be
22 here this morning.

23 Q. He will probably be here, but we're going to
24 proceed now.

25 Preliminarily, I'm going to ask you some questions
1 based on your book entitled The Path.

2 A. Yes.

3 Q. And to your knowledge, has that book been through
4 any revisions?

5 MR. PARSONS: I'm going to object. It does
6 misstate his testimony already from the other day, so it's
7 been asked and answered to that extent. Lack of foundation.
8 You may respond.

9 THE WITNESS: No, it hasn't been.

10 MR. GREENE: Q. Okay. So that there -- to your
11 knowledge, there's only one copy of your book that has been
12 published. You have not in any way revised any chapters or
13 any of the language in your book?

14 A. No. Obviously, you see two books right there.

15 One is simply a photographically reduced one.

16 Q. Okay. And that's the paperback book?

17 A. That's right.

18 Q. I want to ask you initially some questions about
19 the meaning of what a guru is. And what I'm going to do is,
20 I'm going to give you the big book. All right?

21 And it's -- I've checked, and so far as I can
22 tell, the pages track one another, so we ought to be able
23 to --

24 A. They do.

25 Q. You know that they do?

1 A. Yes, quite right.

2 Q. So let me direct your attention to page 181.

3 A. Yes.

4 Q. Okay. Now, you see there where there's the
5 footnote by the asterisk at the bottom of the page?

6 A. Yes.

7 Q. And where it starts on the second complete
8 sentence:

9 "On the spiritual path, however, it," referring to
10 the word "guru," "refers to the satguru or true teacher" --

11 A. Correct.

12 Q. -- "that enlightened sage who has been
13 commissioned by God to lead the spiritually fit seeker
14 out of darkness and into the experience of supreme
15 truth. While the seeker may have many lesser teachers,
16 it is written that he can have only one such divinely
17 appointed guru."

18 Based on that definition, is your understanding
19 now of the term "guru" any different from that expressed on
20 page 181 of your book?

21 A. No.

22 Q. Now, also a guru is God's gift to a devotee.

23 Right?

24 A. Correct.

25 Q. And a guru is someone who has realized God, and
1 who helps others realize God by his teaching, by his
2 example, and by his inspiration.

3 MR. PARSONS: Objection. Compound; parts and all
4 of that have been asked before.

5 THE WITNESS: Yes.

6 MR. PARSONS: Therefore, I object. But you may
7 respond.

8 THE WITNESS: Yes.

9 MR. GREENE: Q. Now, your guru is -- I have a
10 hard time pronouncing his first name.

11 A. While you're trying to get it together, I'll go to
12 the restroom. I'm afraid I've been going quite a bit today.

13 MR. PARSONS: I will say, by the way, and on the
14 record, Mr. Walters is having a personal convenience problem
15 today that I anticipate will require him to, on very short
16 notice, go to the bathroom today, probably repeatedly.

17 I understand that might interfere with some of
18 your questions, and we'll try to accommodate that, where he
19 will go and immediately come back and resume.

20 MR. GREENE: That's fine. It's no different than
21 what happened the other day.

22 MR. PARSONS: I believe we'll find a greater
23 frequency.
24 MR. GREENE: So we'll go off the written record
25 and keep the video rolling.
1 (Discussion off the written record.)
2 THE WITNESS: For the record, I feel not too well
3 today, so we'll do our best.
4 MR. GREENE: Q. I appreciate that.
5 Mr. Walters, why is it that you are of the opinion
6 that a guru is God's gift to a devotee?
7 MR. PARSONS: Objection. It calls for a
8 narrative. I will permit the witness to answer, hopefully
9 as succinctly as possible.
10 A. Yes. It's not a narrative. It's what Yogananda
11 said. And he's my guru; I accept his teachings.
12 Q. Now, have you thought about his teaching in that
13 regard independently in your own mind at all?
14 MR. PARSONS: Wait, wait. Excuse me. Objection.
15 In what regard?
16 MR. GREENE: In any regard.
17 MR. PARSONS: Have you thought about -- okay.
18 THE WITNESS: All my life.
19 MR. GREENE: Q. Okay. And so what I'm asking you
20 is, based on your own thinking, what do you understand that
21 statement by Yogananda to mean; namely, that a guru is God's
22 gift to a devotee?
23 MR. PARSONS: You may --
24 THE WITNESS: Well, you're asking for a lecture.
25 Would you like a lecture?
1 MR. PARSONS: Oh, well then I will object that it
2 calls for a narrative.
3 THE WITNESS: It does.
4 MR. GREENE: Q. Well, I would like an answer.
5 MR. PARSONS: If you can answer in some succinct
6 manner.
7 THE WITNESS: You see, we are all a part of God.
8 But most of us are looking outward, not inward. The source
9 of our being is God; God, as Jesus Christ said, is within
10 you.
11 Most people look for the truth outside. And when
12 a person has turned within and attuned himself with that God
13 within, then he becomes a gift to mankind. That is to say,
14 God would give to all mankind through all mankind, but he
15 can give most perfectly through one who is in tune with him,
16 as opposed to just the average person on the street.
17 MR. GREENE: Q. All right. And so then in your
18 opinion, a guru is one who is more attuned to God. Right?
19 MR. PARSONS: Objection. Misstates his testimony.
20 You may respond.
21 THE WITNESS: Yes, it does.
22 MR. GREENE: Q. And a consequence of the guru's

23 greater attunement to God is that God can work through the
24 guru and affect other people. Right?
25 MR. PARSONS: Objection. Calls for speculation,
1 lack of foundation, misstates his testimony.
2 You may respond.
3 THE WITNESS: Yes.
4 MR. GREENE: Q. Okay. And that one of the --
5 well, let me withdraw that.
6 In your view, is one who is a guru acting
7 according to a particular role?
8 MR. PARSONS: Object. The question is ambiguous.
9 Role, whether they're acting with respect to a particular
10 role. You may respond.
11 THE WITNESS: That's right. I don't understand
12 the question.
13 MR. GREENE: Q. Well, let me approach it like
14 this:
15 You have talked about -- well, I'll withdraw
16 that.
17 You consider yourself to be a spiritual leader in
18 some regard, don't you?
19 A. Yes.
20 Q. And you consider being a spiritual leader to be a
21 particular role in life, don't you?
22 MR. PARSONS: Well, I object again. We have a
23 definition of a particular role in life? I have no idea
24 what that question means.
25 If you can formulate a response, you may do so.
1 I'd request you to define "role," though.
2 THE WITNESS: Yes. I can't form a response. I
3 don't know what you mean.
4 MR. GREENE: Q. Okay. I'll get that out later.
5 I think it will be easier.
6 Then let me ask you this: What is it about a
7 devotee's relationship to a guru that causes the guru to be
8 a gift from God to that devotee?
9 MR. PARSONS: Wait, wait. I've got to object to
10 that, too.
11 What is it that causes? So you're asking now for
12 third parties' opinions that there is no foundation for this
13 witness to opine as to?
14 THE WITNESS: I have no basis for answering that.
15 MR. GREENE: Q. Mr. Walters, you've told me that
16 a guru is God's gift to a devotee. Right?
17 MR. PARSONS: Well, objection. The record speaks
18 for itself. Just go on and ask your question, rather
19 than --
20 MR. GREENE: I am. That's my question.
21 ++ MR. PARSONS: Okay. Again, as I have in the past,
22 I'm instructing the witness not to answer -- not to testify
23 to what his testimony has been in the deposition. And I'm

24 instructing him not to answer that question as phrased.

25 I have no objection to you stating whatever you

1 want and then asking him a question.

2 MR. GREENE: Okay. And all instructions, please

3 mark them, Holly.

4 Q. Now, Mr. Walters, you told me earlier that you

5 subscribed to Yogananda's statement that a guru is God's

6 gift to a devotee.

7 And so what I'm trying to find out -- and I asked

8 you some questions, and you told me that yes, you'd thought

9 about that.

10 And I was trying to find out what your independent

11 thinking is. I mean, I assume that you don't slavishly

12 follow the teachings of Yogananda without giving the

13 teachings careful consideration. And indeed, that's what

14 you've spent most of your life doing.

15 So what my question to you is, is, what is it

16 about the relationship between a devotee and a guru that

17 causes you to adopt the statement that a guru is God's gift

18 to a devotee?

19 MR. PARSONS: Okay. Again, I object. The

20 question just makes no sense whatsoever to me.

21 THE WITNESS: It doesn't really to me either.

22 MR. GREENE: Q. So you don't under -- are you

23 telling me that you -- is it your testimony that you have no

24 understanding of what that sentence means, that a guru is

25 God's gift to a devotee?

1 MR. PARSONS: Well, he's saying that he doesn't

2 understand it enough to answer under oath with the video

3 camera rolling.

4 MR. GREENE: Mr. Parsons, make your objection.

5 THE WITNESS: I can also say, what I don't

6 understand is the gist of your further question.

7 MR. GREENE: Q. I think my question is very

8 clear.

9 A. Not to me.

10 Q. And my question to you is, in your view, what is

11 it -- why is a guru God's gift to a devotee?

12 A. You see, that's a question I have not contemplated

13 all my life, nor have I contemplated up to this moment.

14 So the question doesn't -- it doesn't seem like an

15 important question, a valid question. It doesn't make much

16 sense to me.

17 MR. GREENE: Q. Okay. So you have -- although

18 you adopt Yogananda's statement in that regard, you -- in

19 your view, you don't really understand it. Is that your

20 testimony?

21 MR. PARSONS: Objection.

22 THE WITNESS: I don't understand your --

23 MR. PARSONS: I'm objecting. I'm objecting.

24 Object as to "that statement" that he has

25 adopted. We've had 50 statements so far, so I don't know
1 what "that statement" is. It misstates his testimony.

2 But you may go ahead and respond, to the extent
3 you're able to answer the question. And I would like the
4 question read back so it's in front of you.

5 MR. GREENE: That's okay. I'll repeat the
6 question.

7 Q. The question is, Mr. Walters, is it your testimony
8 that you are unable to tell me anything further about
9 Yogananda's statement that a guru is God's gift to a
10 devotee, aside from the fact that you subscribe to it?

11 MR. PARSONS: Okay. Now, that's a different
12 question.

13 I object to that question in that it calls for a
14 narrative, and it misstates his testimony, because this is a
15 brand-new question.

16 You may respond.

17 THE WITNESS: It's a brand-new question. It's not
18 what I said, it's not what you were saying, it's not germane
19 as far as I can understand. Try to say it again.

20 MR. GREENE: Q. Now, would you answer the
21 question, please?

22 A. I try. I'm trying to. I don't understand the
23 question.

24 MR. PARSONS: I'd ask the question --

25 MR. GREENE: I'll move on. I'll move on.

1 Q. In your view, is God's will more likely to come
2 through the guidance of a guru?

3 MR. PARSONS: Excuse me. Objection. More likely
4 than what? What's the comparison you're asking this witness
5 to make?

6 MR. GREENE: Mr. Parsons, make your objection, and
7 then we'll proceed with the answer.

8 MR. PARSONS: Okay. Well, I object. The question
9 is incomplete. I'm going to instruct this witness not to
10 answer until he has a complete question in front of him.

11 MR. GREENE: Mr. Parsons, that is an improper
12 instruction. You know that's an improper instruction. You
13 make your objection, and then the witness answers the
14 question.

15 Q. Would you answer the question, please? And I'll
16 repeat it for you. Okay?

17 And the question is, is it your view that God's
18 will is more likely --

19 A. Than --

20 Q. -- to come through the guidance of a guru than
21 through the guidance of anyone else?

22 A. That's your question. That's a clear question.

23 Yes.

24 Q. Okay. Now, isn't it true that Yogananda never
25 referred to himself as a guru?

1 MR. PARSONS: Objection.

2 MR. GREENE: Q. Based on your readings and your
3 interactions with the man?

4 A. It's amusing when you try to bring philosophical
5 and spiritual issues down on a level of logic. They just
6 don't apply.

7 Q. Mr. Parsons -- I mean, Mr. Walters, would you
8 answer the question?

9 A. I can explain it.

10 MR. PARSONS: Well, what I would like, he is
11 entitled to an answer to this question. So I would like,
12 though, the question to be read back so that you're clear
13 what it is.

14 MR. GREENE: No, I'll repeat the question.

15 Q. And what the question is, is, isn't it true,
16 based on your interactions with Paramhansa Yogananda and
17 your readings of his works, that he did not refer to himself
18 as a guru?

19 A. Would you like a narrative?

20 Q. No. That's a "yes" or "no" answer, and I would
21 like an answer.

22 A. No, it's not a "yes" or "no" answer. Very
23 different from a "yes" or "no" answer.

24 MR. PARSONS: Well, answer as succinctly as you
25 can while responding to the question.

1 THE WITNESS: You see, he wasn't functioning from
2 a level of ego. He was like a clear window through which
3 the divine worked through him.

4 In that sense, a great artist, for example, is
5 great to the extent that he can feel he's not doing it, but
6 it's happening through him.

7 A spiritual teacher, or a leader, and especially a
8 guru, has -- is great to the extent that he doesn't feel
9 that he's doing it himself. He asks for that guidance, he
10 asks of that light, that truth, shine through him.

11 In that sense, Yogananda used to say not only that
12 he wasn't the guru, but we were not his disciples.

13 But in this world of illusion, where we see forms
14 and so on, we see the body, the personality. He was
15 reminding us, don't look at the personality; look at that
16 source from which I draw my inspiration.

17 So he was not saying, no, Yogananda is not the
18 guru in the sense you mean.

19 In other words, that's what I was trying to say,
20 you're conflicting two levels of spiritual reality that
21 really have no relationship to law. We're talking of
22 spiritual law, which is another matter. It's a fundamental
23 spiritual teaching that the ego principle has to be removed
24 before you can even be considered a guru.

25 So in that sense, no one is a guru. God alone is
1 the guru. There's a Sanskrit hymn, "Guru Brimha, Guru

2 Vishnu." That hymn, in toto, says, God is the guru.

3 Q. Right --

4 A. And to that God, I bow in the form of my human

5 guru.

6 Q. So if I understand you correctly, Mr. Walters,

7 what you're saying is that some people are able to act as a

8 more pure vessel or a more pure channel for God than

9 others. Right?

10 A. Correct.

11 Q. And that one of the things that gets in the way of

12 someone being able to act as a channel for God is one's ego

13 or personality. Right?

14 A. Yes.

15 Q. Okay. And so then a spiritual leader in the sense

16 that you used the term a few moments ago is someone who has

17 attained a greater ability not to allow his or her ego to

18 get in the way of God coming through him or her. Right?

19 MR. PARSONS: I object. That misstates the

20 witness's testimony. It also is argumentative. I think it

21 calls for a narrative.

22 I will permit the witness to answer the question

23 to the extent he can formulate a response, but I would

24 request that the question be read back so that it's clear.

25 MR. GREENE: I'll just repeat the question.

1 MR. PARSONS: Well, it'll be a different question,

2 though, if you do.

3 MR. GREENE: Well, Mr. Parsons, I'm just going to

4 conduct my deposition.

5 THE WITNESS: I can answer.

6 MR. GREENE: Q. If you can answer it, would you

7 please?

8 MR. PARSONS: Do you have the question in mind?

9 THE WITNESS: Uh-huh. You are referring back to

10 my statement that I am the spiritual leader of Ananda.

11 That's not a position I uphold or proclaim or

12 force on anybody. I just happen to be in that position. To

13 me, a position of leadership is no more important than a

14 position of clerk. It's just a function.

15 So to take it further, to say, is it your claim

16 that a spiritual leader has such and such, no, I don't claim

17 anything like that. I claim nothing for myself. The only

18 thing I have going for me is that I lived with a great

19 master.

20 MR. GREENE: Q. Okay. So let me ask you this,

21 Mr. Walters: Do you consider yourself to be an expert on

22 the teachings of Yogananda?

23 MR. PARSONS: Objection. Vague as to "expert."

24 THE WITNESS: Yes, vague as to "expert." I don't

25 have an answer.

1 MR. GREENE: Q. Do you know anyone else -- well,

2 withdraw that.

3 You've published, what, 63 books?

4 MR. PARSONS: Objection. Asked and answered.

5 THE WITNESS: Approximately.

6 MR. GREENE: Q. Approximately? And all of those
7 books, in one way or another, have related to the teachings
8 of Yogananda, haven't they?

9 A. Yes.

10 Q. And there isn't anybody else in the Ananda
11 community that has published anything near like that
12 regarding the teachings of Yogananda. Isn't that right?

13 MR. PARSONS: Objection. Lack of foundation for
14 this witness.

15 THE WITNESS: Yes. That still doesn't address the
16 word "expert."

17 MR. GREENE: Q. Well, that's a different
18 question.

19 A. No, that was the question you asked first.

20 Q. No, no. The question is, Mr. Walters, to your
21 knowledge, has anyone else in the Ananda community published
22 63 books regarding the teachings of Yogananda?

23 A. No.

24 Q. Okay. To your knowledge, has anyone else in the
25 Ananda community published a book regarding Yogananda?

1 A. I'm not sure. We have -- but they're not in the
2 Ananda community. It doesn't much matter. They're outside.

3 Q. Okay. I'm asking you about people within the
4 Ananda community.

5 MR. PARSONS: Vague as to definition of "in the
6 Ananda community."

7 THE WITNESS: Yes, but I'm not even sure.

8 MR. GREENE: Q. So is it your testimony that you
9 have no information at all regarding whether any Ananda
10 member has published a book, or any kind of writing, a book
11 or any kind of writing, regarding the teachings of
12 Yogananda?

13 MR. PARSONS: Well, object from the form, "is it
14 your testimony." He hasn't been presented with that
15 question, so I object to the form.

16 You may answer the question, but I'd like you to
17 have it read back, because we have different definitions now.

18 MR. GREENE: I'll ask the question again.

19 Q. And what the question is, is, to your knowledge,
20 has any Ananda member published any writing regarding the
21 teachings of Yogananda?

22 MR. PARSONS: Vague as to "Ananda member." Lack
23 of foundation.

24 Go ahead.

25 THE WITNESS: Yes.

1 MR. GREENE: Q. Okay. Who?

2 A. Well, let's see. John Novak is certainly one. I
3 haven't given much thought to what books we have, but we

4 have also -- if you want to talk of members as people who
5 are not living in the community, we have three or four.

6 I don't -- I mean, I'd have -- I haven't come
7 prepared to look at a list of our publications, but Asha has
8 certainly written things. How much has been published, I'm
9 not sure.

10 But anyway, there have been other books.

11 MR. GREENE: Q. Let me ask you this question: To
12 your knowledge, has any other live-in Ananda member
13 published any book through either the Ananda Press or
14 Crystal Clarity regarding the teachings of Yogananda?

15 MR. PARSONS: Vague as to "live-in Ananda member."
16 Misstates his prior testimony.

17 You may respond.

18 THE WITNESS: You said "living," didn't you?

19 MR. GREENE: Q. No, "live-in."

20 A. Live-in. Well, I have answered as well as I can.

21 I don't have a list of our books before me, so I don't
22 really recall.

23 Q. Okay. Let me ask you this.

24 A. I've answered one, and a possible other.

25 Q. Has John Novak published any kind of writing
1 through the Ananda Press or Crystal Clarity?

2 A. Yes.

3 Q. What's the name of it?

4 A. How to Meditate.

5 Q. All right. And John Novak is the husband of Devi
6 Novak. Right?

7 A. Yes.

8 Q. And has Asha Praver published any kind of writing
9 regarding the teachings of Yogananda through either the
10 Ananda Press or Crystal Clarity?

11 A. You've asked writing. I was speaking of books.

12 She hasn't published a book.

13 Q. Okay. Has she published any kind of writing?

14 A. Whether we've published, again, my answer to that
15 is uncertain. But I'm not sure whether it was even done
16 through Crystal Clarity. It was more likely through our
17 church offices, in our magazines, that kind of thing.

18 Q. To your knowledge, is John Novak's book available
19 to the general public?

20 A. Yes.

21 Q. Okay. Now, I want to get back to the question I
22 was asking you about whether Yogananda ever said, "I am the
23 guru."

24 And you -- and what you told me, you described to
25 me, about what -- as I understand, what you described to me

1 is what the role of a guru is. What a guru does.

2 And a guru is someone who has a superior ability

3 to act as a channel for God. Is that -- and when I say

4 "superior," I mean superior to other people.

5 Is that a fair layman's understanding of how a
6 guru acts as a channel for God?
7 MR. PARSONS: I'd like that question read back.
8 MR. GREENE: I'll repeat the question.
9 Q. What I'm trying to find out is whether or not, at
10 any time, to your knowledge, Yogananda identified himself by
11 use of the word "guru."
12 Not whether he discussed about what the role of a
13 guru was, and really how -- as I understood what you're
14 telling me is that Yogananda would say to you, as his
15 follower, that you're not to look at me as the source of
16 truth and the source of life. You are to look to God. God
17 is what the source of truth and the source of light is.
18 And so I understand that, and I understand that
19 was what you explained to me.
20 What I'm asking you is whether or not Yogananda,
21 to your knowledge, simply never referred to himself by or
22 with the label "guru."
23 MR. PARSONS: Could I have the question part read
24 back?
25 MR. GREENE: I will repeat the question.
1 Q. To your knowledge, did Yogananda ever refer to
2 himself by or with the label "guru"?
3 A. The thing is, once we understood what he meant,
4 then very definitely, yes.
5 Q. Now, do you consider yourself to be a disciple of
6 Yogananda?
7 A. Yes.
8 MR. PARSONS: Objection. Asked and answered.
9 MR. GREENE: Q. Okay. Do you consider yourself
10 to have been or to be a disciple of Yogananda qualified to
11 transmit his teachings?
12 MR. PARSONS: Objection as to the term
13 "qualified." Excuse me one second.
14 Objection. It's also argumentative.
15 You may respond if you can formulate a response.
16 THE WITNESS: The word "qualified" is a very
17 relative and uncertain term. I would say that anyone is
18 qualified. On the other hand, to speak of absolute
19 qualification, no one is qualified.
20 He appointed me to teach for him. That meant he
21 felt that I was somewhat qualified. But I always try to
22 tell people that they, too, have to be instruments and to
23 express the teaching as they best understand it, because
24 that's how they also grow.
25 MR. GREENE: Q. When Yogananda appointed you to
1 teach for him, that was when you were an SRF member.
2 Correct?
3 A. Yes.
4 Q. And when you were an SRF member, you pledged that
5 you would not transmit the teachings outside of SRF unless

6 you were authorized to do so. Right?

7 MR. PARSONS: Objection. That's been asked and
8 answered.

9 THE WITNESS: Not once. Many times.

10 MR. PARSONS: Right. It also misstates what he
11 said before.

12 THE WITNESS: Absolutely not. I'm a disciple of
13 Yogananda, not of Self-Realization Fellowship.

14 MR. GREENE: Q. Now, at what point did Yogananda
15 empower you to teach on his behalf?

16 MR. PARSONS: Objection on the term "empower."
17 You may respond.

18 THE WITNESS: 1949.

19 MR. GREENE: Q. And how did he do that?

20 A. Just told me to speak on his behalf.

21 Q. Now, when you would speak on his behalf, did that
22 include initiating people into Kriya Yoga?

23 MR. PARSONS: That's vague as to time. Also, it
24 misstates his testimony.

25 But go ahead.

1 THE WITNESS: I'll be glad to answer it.

2 He had me -- the first time he had me speak in
3 public, it was on his behalf, because he couldn't go. And
4 he had me give Kriya initiation also on that same day. This
5 was in May of 1949.

6 MR. GREENE: Q. Since May of 1949, have you
7 continued to transmit to others the teachings of Yogananda?

8 MR. PARSONS: Objection. It's been asked and
9 answered many times.

10 You may respond yet again.

11 THE WITNESS: Yes.

12 MR. GREENE: Q. And since 1949, when you started
13 to transmit the teachings of Yogananda, has your approach to
14 transmitting his teachings changed?

15 MR. PARSONS: Vague as to what "approach" means.

16 If the witness has some idea in mind, he may
17 respond, but I'd also ask that the witness define what he
18 means by "approach" if he's going to answer the question.

19 THE WITNESS: I would say, just to make it as
20 brief as possible, I have refined, not changed.

21 MR. GREENE: Q. Okay. So you've gotten better at
22 being able to do it --

23 MR. PARSONS: Objection. That misstates --

24 MR. GREENE: Q. Is that -- excuse me, Mr.

25 Parsons, let me finish the question, please.

1 MR. PARSONS: No, go ahead.

2 MR. GREENE: Q. Is that what you mean when you
3 say you've refined but not changed how you teach?

4 MR. PARSONS: Okay. Objection that it misstates
5 his testimony, but you may respond.

6 THE WITNESS: Yes, it does misstate it.

7 How do I know whether I've improved or gotten
8 better? I say I hope I've gotten better. I've tried to
9 understand more deeply, and I hope that understanding has
10 gone more deeply. But I'm not the one to declare that.

11 MR. GREENE: Q. All right. But that's been your
12 aspiration. Right?

13 A. Yes, of course.

14 Q. And included in that aspiration of refining your
15 ability to transmit the teachings of Yogananda, do you
16 include an element of honesty?

17 MR. PARSONS: Objection. Include an element of
18 honesty in his deposition of --

19 MR. GREENE: Would you state your objection,
20 Counsel?

21 MR. PARSONS: I'd ask the question be read back.

22 MR. GREENE: I'll repeat the question.

23 Q. Mr. Walters, what I'm asking you is that in the
24 course of your refinement of your ability to transmit
25 Yogananda's teachings, have you included an element of
1 honesty?

2 MR. PARSONS: Objection as to the meaning of
3 "element of honesty."

4 THE WITNESS: Yes, it doesn't make sense to me.

5 MR. GREENE: Q. Do you have a personal definition
6 of what it means to be honest?

7 A. I'd like to know what you mean by it.

8 Q. I'm asking you.

9 A. No, I have to understand your meaning before I can
10 answer.

11 Q. I'm asking you, Mr. Walters, whether or not you
12 have a personal definition of the word "honesty."

13 A. Well --

14 MR. PARSONS: Objection. Let me just object.

15 Objection. I don't think there is one definition
16 of the word "honest." I think it's a situational thing --

17 MR. GREENE: Mr. Parsons, make your objection. Do
18 not make speaking objections; do not suggest answers to the
19 witness by the form of your objection.

20 State your objection, and then the witness can
21 answer the question.

22 MR. PARSONS: Well, I don't think he can answer
23 this question.

24 MR. GREENE: That's not -- Mr. Parsons, that's not
25 your place. You make objections. You don't say what the
1 witness can do. The witness says that.

2 MR. PARSONS: No, it is my place to say when a
3 question is so argumentative and so ambiguous that it defies
4 a consensus of meaning such that any response any witness
5 would give to a question like that would be inherently
6 misleading. And that is my place, to point that out.

7 MR. GREENE: Just make your objection, Mr. Parsons.

8 THE WITNESS: It's also obviously an insulting
9 question.

10 MR. GREENE: Mr. Parsons, do not interrupt the
11 witness. When he is giving a response, do not interrupt the
12 witness.

13 I want an answer from the witness, and I don't
14 want you to interrupt him.

15 MR. PARSONS: Okay. Be sure to respond to the
16 question.

17 THE WITNESS: Yes, I'm about to.

18 MR. PARSONS: Okay. I'd ask the question be read
19 back.

20 THE WITNESS: I understand it.

21 MR. GREENE: Q. You understand the question,
22 Mr. Walters?

23 MR. PARSONS: I want --

24 MR. GREENE: Mr. Parsons, no. The witness just
25 said that he understands the question. I'm not going to
1 have you waste my time by engaging in obstruction and asking
2 for readbacks when the witness understands what the question
3 is.

4 THE WITNESS: As my lawyer, I'm virtually in a
5 position of student to my lawyer. I will listen to him, not
6 to you.

7 MR. PARSONS: That's right. And I want the
8 question read back.

9 MR. GREENE: I'm going to repeat the question.

10 Q. The question is this, Mr. Walters. A very simple
11 question, susceptible of a "yes" or "no" answer.
12 Do you have for yourself a personal definition of
13 the word "honesty"?

14 MR. PARSONS: Same objections. You may respond
15 subject to those objections.

16 THE WITNESS: There are two definitions. First of
17 all, honesty really means not truthfulness; it means honesty
18 of not dealing badly with customers, not cheating people.

19 What you probably mean is, truthfulness. And
20 obviously in these teachings, both would be important.

21 MR. GREENE: Q. So have you in the course of
22 refining your ability to transmit Yogananda's teachings made
23 an effort to be truthful when doing so?

24 MR. PARSONS: Objection. Vague as to "truthful."

25 THE WITNESS: Well, absolutely.

1 MR. GREENE: Q. Okay. And when you use the term
2 "truthful," what do you mean?

3 A. To state the truth as clearly, as completely, as
4 understandably as I am able to do. To speak it from
5 whatever I know from experience, rather than only hearsay;
6 or if it's hearsay, then to say that it's hearsay.

7 It's not easy to answer questions of this nature,
8 but I think I've answered it moderately well.

9 Q. Okay. When you are making efforts to be truthful,
10 do you include in such efforts a component that admits of
11 the possibility of your own fallibility?

12 MR. PARSONS: Objection. It's vague as to time,
13 it's vague as to situation, it's vague as to definition of
14 truthfulness, or whatever the word was. It's obviously
15 compound, it's argumentative.

16 I'd ask it be read back to see if I've missed
17 something, and then allow the witness to respond.

18 MR. GREENE: I'll repeat the question. I'll
19 repeat the question.

20 Q. The question is, in your use of the term
21 "truthful," and in the context of transmitting Yogananda's
22 teachings, do you include the possibility that you could be
23 wrong on any given subject, just as an abstract
24 possibility?

25 That's what my question is.

1 MR. PARSONS: Okay. I'd --

2 MR. GREENE: Do you understand the question?

3 MR. PARSONS: I don't. I'd ask the question be
4 read back as to your understanding -- what's "abstract
5 possibility," for example?

6 MR. GREENE: Q. Mr. Walters, do you follow what
7 I'm talking about?

8 A. Well, if you'll allow me to say so, I think I did.

9 MR. PARSONS: I object. It's vague -- no, I
10 haven't finished the objection. It's vague, it's ambiguous,
11 it's compound.

12 You may respond.

13 THE WITNESS: Well, I am going to respond in that
14 same sense.

15 It assumes that I ever claimed to be infallible.

16 I never claimed to be infallible. Therefore, at no time do
17 I not offer to everyone the possibility that I am wrong, not
18 only in spiritual matters, but as the leader of the
19 community, as the director of any project that I am in.

20 It's always a factor that I offer people and ask
21 them to take it into account that I certainly could be
22 wrong.

23 That includes my philosophical answers this
24 morning. I am doing my best. I can't claim infallibility
25 in anything.

1 MR. GREENE: Q. Right. Thank you. I can't,
2 either.

3 A. Well, that's humble of you. I appreciate it.

4 Q. Now, after a guru dies, then disciples attune
5 themselves to him as a general proposition. Right?

6 MR. PARSONS: It's vague, calls for third-party,
7 lack of foundation for this witness, calls for speculation,
8 vague as to "attune," et cetera.

9 You may respond.

10 THE WITNESS: Yes. It's not a legal question;
11 it's a philosophical question or a theological question.
12 But I can't speak for all disciples. I would say
13 that that's what they are expected to do.
14 MR. GREENE: Q. How about speaking for yourself.
15 A. Yes.
16 Q. And with respect to other disciples, they will
17 endeavor to attune themselves to Yogananda through --
18 meditation is one form; right?
19 A. Yes.
20 MR. PARSONS: Well, wait. Objection. Have
21 question first.
22 MR. GREENE: Q. And also, through attunement to a
23 disciple, such as you, who is empowered by Yogananda to
24 transmit his teachings. Right?
25 MR. PARSONS: Okay. Objection. We've got a
1 compound question. Calls for third-parties, disciples,
2 whoever they may be; asks this witness to speculate as to
3 third parties' intentions and actions and the motivation
4 behind those actions. Vague, ambiguous, compound.
5 Go ahead.
6 THE WITNESS: Yes. It's not a legal question, but
7 I can answer it.
8 MR. GREENE: Q. Why don't you answer it for me.
9 A. I can try.
10 It seems to me that to be the disciple of a guru
11 means to be a disciple of life. To listen to anyone. If
12 you were to tell me a truth, that I would listen to it, or I
13 would at least weigh it in the balance and see if I feel
14 it's true or not.
15 So one of the things that I would weigh,
16 obviously, is fellow disciples. People who have been with
17 the master, who may understand things in his teachings that
18 I don't.
19 It would have to finally be approved or
20 disapproved by my conscience. I would not accept the
21 statement of any disciple as a substitute for that
22 conscience.
23 Q. Okay. Why don't you turn to Exhibit No. 2, page 7.
24 MR. PARSON: Let me see what Exhibit No. 2 is.
25 THE WITNESS: This is it right here. Got it.
1 MR. GREENE: Q. Okay. Starting at line 4, you
2 state, quote:
3 "Yoga teaches that after a guru's passing,
4 later-born disciples attune themselves to the guru
5 through meditation and through attunement with a
6 disciple, such as myself, who has been directly
7 empowered by the guru," close quote.
8 My question to you is, with this sentence in mind,
9 when you make a reference to "after a guru's passing,"
10 you're talking about after a guru dies. Right?

11 A. Yes.

12 Q. Okay. And "later-born disciples," you're talking
13 about people who did not know that guru while he was alive.

14 Correct?

15 A. Correct.

16 Q. Okay. And "attune themselves," what do you mean

17 by that?

18 A. Well, I'd have to think about it. But this opens
19 up another line of inquiry. In other words, the students of
20 disciples, as opposed to just anybody who reads his books or
21 something like that.

22 They will usually get inspiration, particularly
23 from -- see, each disciple represents a different aspect of
24 the guru, just like a diamond with facets.

25 Q. Hold on, hold on, Mr. Walters. Let me interrupt
1 you here and ask you, and use the whole phrase. Okay?

2 You talk here about how people who did not know
3 Yogananda attune themselves to him through meditation.

4 Right?

5 A. Yes.

6 Q. And in the context of the Ananda community, that
7 has to do with meditation that ultimately you taught to
8 people. Right?

9 MR. PARSONS: Wait. Objection. Assumes facts not
10 in evidence, misstates his testimony, is argumentative.

11 Go ahead.

12 THE WITNESS: Yes. I'm not quite sure what you
13 mean.

14 MR. GREENE: Q. Okay. Let me --

15 A. Did I teach them? Yes, I taught them.

16 MR. PARSONS: Wait for a question.

17 MR. GREENE: Q. You were the original teacher for
18 the Ananda community. Right?

19 MR. PARSONS: Objection, "original teacher."

20 THE WITNESS: No.

21 MR. GREENE: Q. Yogananda was the original
22 teacher?

23 A. Also not me -- not him.

24 Q. God was the original teacher?

25 A. No. Many came through other teachers. Many came
1 through Self-Realization Fellowship.

2 So original teacher means, was I the first teacher
3 they ever had. Of course not.

4 MR. GREENE: Q. You were the founder of the
5 community. Right?

6 A. Yes.

7 Q. And you from that day to this day are the
8 spiritual director of that community. Right?

9 A. Yes.

10 Q. Okay. Now, when you in the context of this
11 sentence that I read to you are talking about "attunement

12 with a disciple such as myself who has been directly
13 empowered by the guru," nobody else in the Ananda community
14 was directly empowered by Yogananda to transmit his
15 teachings. Correct?

16 A. Correct.

17 Q. Okay. And when you use the term "attunement,"
18 that is a particular term of art, is it not, with respect to
19 your teachings?

20 MR. PARSONS: Do you understand that question?

21 THE WITNESS: I think so.

22 MR. PARSONS: Is "attunement" a term of art?

23 THE WITNESS: Is it which?

24 MR. GREENE: Q. A term of art.

25 MR. PARSONS: A term of art. Do you know that
1 phrase?

2 THE WITNESS: Sorry, I don't know that phrase.

3 MR. PARSONS: Oh. I object.

4 MR. GREENE: Q. Within the context of your
5 teachings in the Ananda community, the word "attunement" has
6 a particular meaning or meanings, does it not?

7 MR. PARSONS: Okay. Objection as to "your
8 teachings," vague. Go ahead.

9 THE WITNESS: I've tried to find a term that would
10 be universal, and not just particular.

11 For instance, if you want to be an artist, you try
12 to attune yourself to art, to the teaching of the school you
13 attended, to the subject.

14 You try to attune yourself, rather than do it just
15 rationally.

16 MR. GREENE: Q. Okay. So when you are using the
17 term "attunement," are you talking -- would you include in
18 the use of that term a focusing of all of your being on
19 someone such as yourself?

20 A. Certainly not.

21 MR. PARSONS: Wait, do give me an opportunity to
22 object.

23 MR. GREENE: Q. When you talk about attunement,
24 would that include focusing all of one's being on Yogananda?

25 MR. PARSONS: Objection. It's vague, calls for
1 speculation.

2 THE WITNESS: Yes, it just doesn't mean much to
3 me. I don't understand it.

4 MR. GREENE: Q. Well, let's go back to your
5 sentence.

6 A. I'll go to the restroom. I'll be right back.

7 MR. PARSONS: In fact, it's -- what time is it?

8 It's now almost 11:00.

9 MR. GREENE: Q. No, what I want to have

10 Mr. Walters come back. We didn't start until 9 minutes
11 after 10:00, and I want to go for an hour here.

12 So we will go off the written record here, and

13 keep the tape rolling.

14 MR. PARSONS: Okay. I'm going to take a break for
15 a moment. I want to consult with my client. You can keep
16 the records going if you want to, of course.

17 (The witness and his counsel left and re-entered
18 the deposition room.)

19 (Discussion off the written record.)

20 MR. PARSONS: Thank you.

21 MR. GREENE: Q. Mr. Walters, we're back on the
22 record. And I'd like to -- you are familiar with the
23 English word "honest"; right?

24 A. I think I referred to it pretty clearly.

25 Q. Okay. Let me ask you if included in your
1 understanding and use of -- and you have used the term
2 "honest" in your life. Right?

3 A. Uh-huh.

4 Q. Yes?

5 A. Of course.

6 Q. And you would include, to be honest would mean not
7 to lie. Right?

8 A. Yes.

9 MR. PARSONS: Objection. Objection. Because --

10 MR. GREENE: Q. And not to cheat. Right?

11 MR. PARSONS: Objection. It's ambiguous and out
12 of context. It also misstates his testimony.

13 Go ahead.

14 THE WITNESS: No, but I answered that, and I said,
15 that's so.

16 MR. GREENE: Q. Okay. And so it would include
17 not to cheat. Right?

18 MR. PARSONS: Same objection.

19 THE WITNESS: I said that.

20 MR. GREENE: Q. Okay. Not to steal; right?

21 MR. PARSONS: Same objection.

22 MR. GREENE: Q. Yes?

23 A. Yes.

24 Q. And not to take unfair advantage. Correct?

25 A. Of course.

1 MR. PARSONS: Same objection.

2 MR. GREENE: Q. Now, directing your attention
3 back to Exhibit 2, page 6, take a look at it, please.

4 Okay. At line 13, you state in your declaration,
5 quote:

6 "Since ancient times, Yoga teachings have been
7 transmitted from a guru to qualified disciple through
8 the process of initiation, which transmits both the
9 teachings and the spiritual blessings to practice them
10 effectively. By this process, qualified disciples are,
11 in time, empowered to instruct and bless others."

12 Okay? Do you have that in mind?

13 A. Yes.

14 Q. Okay. And then turning your attention to the next
15 page, and the quote from your declaration that I read to you
16 before, which is, quote:

17 "Yoga teaches that after a guru's passing,
18 later-born disciples attune themselves to the guru in
19 meditation and through attunement with a disciple such
20 as myself who has been directly empowered by the guru,"
21 close quote.

22 Now, with those statements of yours in mind, isn't
23 it true that you consider yourself to be a qualified
24 disciple to teach Yogananda -- to transmit Yogananda's
25 teachings?

1 A. I hope I am.

2 Q. Okay. And you consider yourself to be that, don't
3 you?

4 A. I don't really know.

5 Q. Is there anything about the statements in your
6 declaration that I just read to you that you consider, as
7 you sit here today, to be untrue?

8 MR. PARSONS: Objection. It's compound. It's
9 also vague and ambiguous.

10 I'll ask the witness to respond to that
11 statement -- or question, statement by statement, or however
12 else --

13 THE WITNESS: Is there anything, he said. And I
14 say no, it's all true.

15 MR. GREENE: Q. It's all true. Okay.

16 Now, you are familiar with a person named Lila
17 Devi, aren't you?

18 MR. PARSONS: Objection as to the term
19 "familiar." I don't know what "familiar" means.

20 MR. GREENE: Q. Do you know a person name Lila
21 Devi, Mr. Walters?

22 A. Mispronounced, LD.

23 Q. LD, thank you very much. And if I do
24 mispronounce something, educate me, and I'll try to say it
25 correctly.

1 A. All right. Are you going to try to attune
2 yourself with me?

3 Q. Of course. Of course I am. Because you know more
4 than I do.

5 A. Go ahead.

6 Q. And I have my own slant on things and my own slant
7 on life, as you well know. But you know a lot more than I
8 do about this stuff.

9 Now, LD has been --

10 A. LD. You did accept my correction.

11 Q. No, I didn't accept your correction.

12 MR. PARSONS: Excuse me one second.

13 (Discussion between the witness and his counsel.)

14 MR. PARSONS: I'm sorry, hold on one second.

15 Thank you.

16 MR. GREENE: Q. Okay. I'd like to mark this

17 next, which is 25, I think.

18 (Exhibit 25 was marked.)

19 MR. GREENE: Q. Okay. Now, looking at Exhibit

20 25, Mr. Walters, that is a pamphlet entitled "The New

21 Dispensation." Correct?

22 A. Yes.

23 Q. And that's authored by you. Right?

24 A. Right.

25 Q. Okay. Now, I'd like to direct your attention to

1 page 3. And you see the section there under the bold label

2 "Attunement"?

3 A. Yes.

4 Q. Okay. And you state there:

5 "Over the years, too, I've made a few specific

6 observations.

7 "For one, that those who serve this work

8 selflessly are those who gain the most from it;

9 "That those, again, who try to share with others

10 the light they receive gain more, spiritually, than

11 those who keep it to themselves. (As Paramhansa

12 Yogananda said," quote, within the quote, "the

13 instrument is blessed by what flows through it,")"

14 close of internal quote;

15 "That they gain the most who seek attunement with

16 others more advanced than they themselves are on the

17 path;

18 "And that they gain the most, finally, who realize

19 that soul-attunement with this path is more important

20 than even long hours spent in meditation, without the

21 companion effort to establish such inner attunement,"

22 end of quote.

23 Now, you wrote those words, didn't you?

24 A. Yes.

25 MR. PARSONS: Objection. Asked and answered.

1 MR. GREENE: Q. And when you wrote those words,

2 you believed them to be true, didn't you?

3 A. I still do.

4 Q. Okay. And you did then; right?

5 A. Yes.

6 Q. Okay. And when did you write this document? Do

7 you know?

8 A. You'd have to look at the copyright. I don't know.

9 Q. You don't know.

10 MR. PARSONS: Well, then your answer is, I don't

11 know.

12 MR. GREENE: Q. Well, see, there is no copyright

13 on this. And that's why I'm asking you, can you give me an

14 idea when in the progression of the 63 or so writings which

15 you have authored Exhibit 25 came?

16 A. This isn't really one of those books. It's
17 separate from it. It's a pamphlet.
18 It was probably in the mid '80s, but I don't know.
19 Q. Okay. So then taking the definition that "they
20 gain the most who seek attunement with others more advanced
21 than they themselves are on the path," you are the most
22 advanced person on the path in the Ananda community, aren't
23 you?
24 MR. PARSONS: Objection. Misstates his testimony.
25 MR. GREENE: Q. To your knowledge.
1 MR. PARSONS: Well, okay. Misstates his
2 testimony. Lack of foundation for this witness to testify.
3 You may testify to the extent you can.
4 THE WITNESS: Yes. How can you say who's more
5 advanced? I can't. Being spiritual director does not mean
6 I am necessarily the most advanced.
7 MR. GREENE: Q. All right. Well, there isn't
8 anyone else in the Ananda community who was directly
9 empowered by Yogananda to transmit his teachings. Correct?
10 MR. PARSONS: Objection. Asked and answered.
11 THE WITNESS: That's a separate question.
12 MR. GREENE: Q. Well, that's my question.
13 A. No. The question was, are you the most advanced.
14 Q. No, no, no, no. I'm asking you a different
15 question, Mr. Walters.
16 A. All right. Try it again.
17 Q. And my different question is, there isn't anyone
18 else in the community aside from yourself who is directly
19 empowered by Paramhansa Yogananda to transmit his
20 teachings. Right?
21 A. That's correct.
22 Q. And when you use the term "attunement" on line 6
23 of page 7 of Exhibit 2 --
24 A. I've got it.
25 MR. PARSONS: Well, you're better than I am. I
1 don't remember all these things as well.
2 MR. GREENE: Q. Mr. Walters, are you with me?
3 Mr. Parsons, just catch along if you can.
4 MR. PARSONS: Where are we?
5 MR. GREENE: Q. Like I said, page 7, line 6,
6 Exhibit 2, when you use the word "attunement" there,
7 included within the meaning of your use of said term is that
8 they gain the most who seek attunement with others more
9 advanced than they themselves are on the path. Right?
10 MR. PARSONS: Objection. I'd like that read back.
11 MR. GREENE: I don't want it read back. I'll
12 repeat the question. And try to listen to the question,
13 Mr. Parsons.
14 MR. PARSONS: Well, the question is fatally
15 ambiguous.
16 MR. GREENE: Q. The question is, Mr. Walters,

17 that you include within the meaning of your use of the term
18 "attunement" on line 6 of page 7 of Exhibit 2, quote, "that
19 they gain the most who seek attunement with others more
20 advanced than they themselves are on the path," close
21 quote. Right?

22 MR. PARSONS: I object.

23 MR. GREENE: Make your objection, Mr. Parsons.

24 MR. PARSONS: I'm trying to. The statement you
25 have just read is not a definitional element of the term
1 "attunement."

2 MR. GREENE: Mr. Parsons, make your objection.

3 Don't testify, Mr. Parsons. Make your objection.

4 MR. PARSONS: It's ambiguous and unintelligible,
5 because you're mixing apples and oranges.

6 MR. GREENE: Mr. Parsons, make your objection.

7 MR. PARSONS: May I?

8 MR. GREENE: Just make a concise, short, legal
9 objection, and then the witness can answer the question.

10 MR. PARSONS: No, I don't think the witness can
11 answer the question.

12 MR. GREENE: Mr. Parsons, I'm not asking for your
13 opinion.

14 THE WITNESS: No, I can't.

15 MR. GREENE: Q. So you're telling me -- let me
16 ask you this question, Mr. Walters.

17 A. Try.

18 Q. In your use of the term "attunement" as spiritual
19 director of the Ananda community, you include the
20 definitions set forth on page 3 of Exhibit 25, don't you?

21 MR. PARSONS: Wait. Objection. I have to have
22 this thing read back to me. Your questions are simply not
23 making sense. Attunement as spiritual director? I don't
24 know what that means.

25 THE WITNESS: It doesn't make sense.

1 MR. GREENE: Q. Well, let me just say it again so
2 you understand it, Mr. Walters.

3 A. It's not my lack of understanding. It's not a
4 clear question.

5 Q. It's a clear question, Mr. Walters.

6 As spiritual director of the Ananda community,
7 when you use in general the term "attunement," you use that
8 word with the definitions that are set forth on page 3 of
9 Exhibit 25, don't you?

10 MR. PARSONS: Okay. Objection. It misstates the
11 page 3 of Exhibit 25.

12 MR. GREENE: Of Exhibit 25. You're confused,
13 Mr. Parsons. That's page 3, Exhibit 25. It says --

14 MR. PARSONS: Contains no definitions at all.

15 MR. GREENE: Oh, okay. That's fine.

16 MR. PARSONS: So --

17 THE WITNESS: There's no clarity in the question.

18 MR. PARSONS: Then don't -- he's got to ask a
19 question that makes sense.
20 THE WITNESS: In other words --
21 MR. PARSONS: Just wait till a question makes
22 sense before you respond, please.
23 MR. GREENE: Q. All right. I'll try it some
24 more.
25 Would you look at page 36 Exhibit 25, Mr. Walters?
1 MR. PARSONS: It's this one here. Just listen.
2 He doesn't know what he's doing. But wait till you've got a
3 question that makes sense, and then --
4 THE WITNESS: All right.
5 MR. GREENE: Q. Okay. So under the term
6 "attunement" on page 3, that's what you -- those are
7 statements of what to you that word includes. Correct?
8 MR. PARSONS: Well, objection. It misstates it.
9 The witness can respond.
10 THE WITNESS: Yes, it does misstate it. These are
11 a few specific observations that I've seen. This is what
12 happens. It's not a definition.
13 MR. GREENE: Q. Okay. Now, those observations,
14 then, have to do with conduct that manifests attunement.
15 Correct?
16 MR. PARSONS: Objection. It's compound as to
17 those observations; manifests, conduct, vague as to that
18 term.
19 You may respond.
20 THE WITNESS: I -- yes, I think so. I mean, I
21 have to really analyze this, but --
22 MR. PARSONS: Well, okay.
23 THE WITNESS: It's the way people behave if
24 they're growing. And if they aren't growing, they don't
25 behave that way. Put it this way.
1 MR. GREENE: Q. And for people to be in
2 attunement in the way that you describe what that means on
3 page 3 of Exhibit 25, that results in their spiritual
4 growth?
5 MR. PARSONS: Well, objection. That misstates it.
6 He's not describing what that means.
7 THE WITNESS: Nor is it a promise that they'll
8 grow. It's an observation.
9 MR. GREENE: Q. I'm not saying it's a promise.
10 A. It's an observation that people who are willing
11 are more likely to grow than people who are unwilling, to
12 put it in the simplest way possible.
13 Q. And people who are willing are also willing to pay
14 attention to what they're told by people who are further
15 along the spiritual path than they are. Right?
16 MR. PARSONS: Objection. Assumes facts not in
17 evidence, misstates his prior testimony, argumentative.
18 You may respond.

19 THE WITNESS: I would say that was true.
20 MR. GREENE: Q. Now, LD --
21 A. Got it.
22 Q. I said it correctly?
23 A. Uh-huh.
24 Q. She's been with you for 18 years. Right?
25 A. I -- I don't know how long, but a long time.
1 Q. For a long time. Right?
2 And you have never had sex with her. Correct?
3 MR. PARSONS: Objection. Goes to the privacy
4 grounds. There is no statement by LD in any
5 pleadings, in any declarations, which permits an inquiry
6 into the private relationship between this party and her.
7 I'm objecting. I'm instructing this witness not
8 to respond; not only for his privacy, but also hers.
9 MR. GREENE: Okay. Let's mark this as next in
10 order, please.
11 (Exhibit 26 was marked.)
12 MR. GREENE: Q. Okay, Mr. Walters. Take a look
13 at Exhibit No. 26. And on page 2, paragraph 3, where it
14 says -- where Ms. Devi says:
15 "There has unequivocally, and without exception,
16 never, never been any inappropriate behavior toward me
17 on his part. Being considered an" internal quote
18 "'attractive'" close quote "woman by friends,
19 especially men, I am very much aware when even subtle
20 advances are being made toward me, either verbally or
21 physically. I have never, on any level nor in any way,
22 received sexual advances from Kriyananda, either by
23 innuendo, suggestion, hints, body language or physical
24 actions," close quote.
25 Is that true?
1 ++ MR. PARSONS: Objection. I'm instructing this
2 witness not to testify concerning any private relationship
3 between himself and this woman, including but not limited to
4 anything that she said in her declaration.
5 MR. GREENE: Okay. Please note that.
6 And please mark this as Exhibit 27.
7 (Exhibit 27 was marked.)
8 MR. GREENE: Q. Okay, Mr. Walters. Would you
9 take a look at Exhibit 27?
10 Mr. Parsons, here's a copy, if you'd care.
11 MR. PARSONS: Okay, thank you.
12 MR. GREENE: Q. Now, you're familiar with this
13 document, aren't you?
14 A. Moderately.
15 MR. PARSONS: Objection -- okay.
16 MR. GREENE: Q. Moderately; correct?
17 A. Uh-huh.
18 Q. You have to say "yes" --
19 A. Moderately.

20 Q. And this is a document that is disseminated from
21 time to time within the Ananda community, is it not?
22 MR. PARSONS: Objection. Lack of foundation for
23 this witness, "disseminated" is vague, "within Ananda
24 community."
25 You may respond to the extent you can.
1 THE WITNESS: Yes, I don't know. It's available.
2 MR. GREENE: Q. It's available; right?
3 A. Uh-huh.
4 Q. And what this document is, is an interview between
5 LD and you; right?
6 A. Probably, it's a question --
7 MR. GREENE: Mr. Parsons, would you let the
8 witness look at the document, please? I gave you your own
9 copy.
10 MR. PARSONS: I'm holding it here so he can see
11 it.
12 MR. GREENE: Let him hold it. I think he can do
13 it himself, Mr. Parsons.
14 THE WITNESS: My recollection is that it was a
15 group of people, and this was one of the questions I was
16 asked. I think, but I don't know.
17 MR. GREENE: Okay, Mr. Parsons, let's me make
18 it easy for you and give you another copy, so the witness
19 can hold on to his own copy.
20 MR. PARSONS: Please, go ahead.
21 MR. GREENE: Do you want to coach the witness,
22 Mr. Parsons?
23 MR. PARSONS: The record is clear. I'm not saying
24 anything.
25 MR. GREENE: Q. All right. So your understanding
1 of Exhibit 27, Mr. Walters, is, is that it was a group
2 meeting; correct?
3 A. No. You misstated my statement. I said I
4 remembered -- I think that it's -- I think it was a group
5 meeting, but I'm not sure.
6 Q. Okay. And but what your best recollection is, is
7 that the group meeting involved people asking questions of
8 you. Right?
9 MR. PARSONS: Objection. Misstatements it, lack
10 of foundation.
11 Go ahead and respond.
12 THE WITNESS: I think it would have to be that,
13 because it was recorded.
14 MR. GREENE: Q. Okay. And Exhibit 27, to the
15 best of your knowledge, is a transcription of the
16 recording. Right?
17 MR. PARSONS: Objection.
18 MR. GREENE: Q. Correct?
19 MR. PARSONS: Lack of foundation, misstates his
20 testimony. Go ahead.

21 THE WITNESS: I think so.
22 MR. GREENE: Q. And to the best of your
23 knowledge, the recording to which you're making reference
24 was an audio, a tape recording. Correct?
25 MR. PARSONS: Objection. Lack of foundation,
1 misstates his testimony.
2 Go ahead.
3 THE WITNESS: That's correct.
4 MR. GREENE: Q. Was it a video recording?
5 MR. PARSONS: Objection. Lack of foundation.
6 Go ahead.
7 THE WITNESS: I very much doubt it.
8 MR. GREENE: Q. Okay. Do you know whether or not
9 the tape is still in existence of the -- that provided the
10 transcript that's Exhibit 27?
11 A. I have no idea.
12 Q. Okay. Do you know -- withdraw that.
13 Is there a central repository in the Ananda
14 community where tape recordings of talks that you have given
15 to members are kept?
16 MR. PARSONS: Objection.
17 MR. GREENE: Q. To your knowledge?
18 MR. PARSONS: Go ahead.
19 THE WITNESS: Not to my knowledge.
20 MR. GREENE: Q. Okay. So there is no library
21 then, to your knowledge, in the Ananda community of tapes of
22 talks by Kriyananda. Correct?
23 MR. PARSONS: Objection. Misstates his prior
24 testimony; vague as to "library."
25 Go ahead.
1 THE WITNESS: No. There are probably several.
2 MR. GREENE: Q. There's probably several
3 libraries?
4 A. Probably.
5 Q. Okay. And when you say that there are probably
6 several libraries, what you mean is that said libraries are
7 maintained by individual members. Correct?
8 MR. PARSONS: Objection. Misstates his testimony,
9 assumes facts, and no foundation.
10 THE WITNESS: They are not -- they're not
11 maintained by individuals as individuals. They're
12 maintained -- you might use the word "functionaries," people
13 who are working in that particular department, would be in
14 charge while they're in that department.
15 But it's not like a -- not like a library owned by
16 any individual.
17 MR. GREENE: Q. Okay. So then if I understand
18 you correctly, the way that you're using the word "library"
19 is that one or more members of the community assume the
20 function of keeping tapes of your talks so that other
21 members, when they want to, can have access to them. Is

22 that what you mean?

23 MR. PARSONS: Well, objection. That calls for
24 speculation on this witness's part. No knowledge or
25 foundation of motivation of third parties.

1 You may, however, respond to your understanding.

2 THE WITNESS: Yes. I think that's the case.

3 MR. GREENE: Q. Okay. And then what are the
4 identities of those people, to your knowledge?

5 A. That's where I'm not quite sure.

6 Q. All right. Well, give me your best answer, please.

7 MR. PARSONS: Objection. No foundation for this
8 witness to testify.

9 You can go ahead, though, to the extent you know.

10 THE WITNESS: We have archives that are just
11 there. Nobody looks at them. We don't have the time for
12 that.

13 There are others, probably in the ministry office.

14 But who, I don't know.

15 MR. GREENE: Q. Okay. Now, the archives to which
16 you make reference are different from the reference you made
17 to the ministry office. Right?

18 A. Yes.

19 Q. Okay. Aside from the archives, and aside from the
20 ministry office, to your knowledge, is there any other place
21 where tapes of talks given by you to members of Ananda are
22 kept?

23 A. I don't know.

24 Q. Okay. Now, the question by LD is, quote:

25 "How should we relate to you, Swami? You're
1 certainly a friend, but to many of us, you are so much
2 more than that. I'd like to know how I, and all of us,
3 can develop an open channel with you that we'd feel
4 comfortable with. And I'd like to know how to work
5 with that on all levels, not just on the level of
6 personality," close quote.

7 Now, to the best of your recollection, did
8 Ms. Devi ask this question of you during the summer of 1983?

9 A. I have no idea.

10 Q. Okay. To the best of your knowledge, is Exhibit
11 27 a document that is distributed to members of Ananda while
12 they are in monastic training?

13 MR. PARSONS: Objection. Already asked and
14 answered to a certain extent.

15 THE WITNESS: Yes, I --

16 MR. PARSONS: It contradicts his testimony from
17 before, but go ahead.

18 THE WITNESS: Yes, I don't have an answer. It's
19 available. That's all I know.

20 MR. GREENE: Q. Okay. Is there currently an
21 individual or individuals who, according to your knowledge,
22 are in charge of the monastic training that goes on in the

23 Ananda community?

24 MR. PARSONS: Objection. Vague, compound, no
25 foundation.

1 Go ahead.

2 THE WITNESS: Yes. It was recently given to
3 Haridas and Eileen.

4 MR. GREENE: Q. And when you say recently, when?

5 A. About a month ago.

6 Q. And prior to that, who was in charge of the
7 monastic training?

8 A. Anandi and Bharat, B-h-a-r-a-t.

9 Q. And that's Anandi Cornell?

10 A. Yes.

11 Q. And does Bharat have a surname?

12 A. Cornell.

13 Q. Okay. So husband and wife?

14 A. Yes.

15 Q. And for how long were those two individuals in
16 that position?

17 A. I don't know how long. Several years. I'd say
18 probably at least 7 years.

19 Q. At least 7 years?

20 A. Probably.

21 Q. Okay. And did you initially assigned that role of
22 being in charge of the monastic training in the Ananda
23 community to the Cornells?

24 MR. PARSONS: Okay. Vague as to "initially."

25 You may respond.

1 THE WITNESS: I don't remember doing so, but that
2 doesn't mean that I didn't have a say. I just don't know.

3 MR. GREENE: Q. Okay. Let me ask you this: Do
4 you know how -- withdraw that.

5 Did anyone else in addition to you have a say as
6 to the appointment of the Cornells to be in charge of the
7 monastic training program in the Ananda community, to your
8 knowledge?

9 MR. PARSONS: Okay. Objection. It misstates his
10 testimony. Vague as to their involvement.

11 You may respond to that question, if you can.

12 THE WITNESS: For many years, I have not directly
13 run that sort of thing. So it would be more through our
14 ministry office, or -- but anyway, it's not just I.

15 MR. GREENE: Q. Okay. And what my question is,
16 is who else in addition to you, with respect to those two
17 individuals and their role as being in charge of the
18 monastic training program?

19 A. That would at this point be speculation. I don't
20 know.

21 Q. All right. To your knowledge, are there any
22 records in that regard?

23 A. Probably not, but there might be.

24 Q. Okay. To your knowledge, was there any meeting
25 where there was discussion as to whom would be assigned that
1 position before that position was assigned to the Cornells?

2 A. Again, I don't know.

3 (Judge Pliska entered the deposition room.)

4 MR. GREENE: Q. Who is in the church ministry
5 office?

6 MR. PARSONS: Objection. What time?

7 MR. GREENE: Q. Currently.

8 A. You mean right now?

9 Q. Right now.

10 A. Well -- good morning, Judge.

11 JUDGE PLISKA: Good morning.

12 THE WITNESS: That would be John and Devi Novak,
13 Ram and Dianna Smith, Seva Wiberg, Peter McDowell. I can't
14 recall all the names. There must be eight or more people
15 working there.

16 MR. GREENE: Q. All right. And are the people
17 who are in the church ministry office those who are
18 responsible for the day-to-day running of the Ananda
19 community?

20 MR. PARSONS: Objection. Lack of foundation for
21 this witness to testify.

22 Go ahead.

23 THE WITNESS: We have two types of running. One
24 is from a spiritual point of view, what is for people's
25 spiritual welfare, where people are needed and so on.

1 There's also the general manager, which includes
2 the running of the more practical day-to-day things.

3 And the two work very harmoniously and closely
4 together, so there's no clearcut division.

5 But essentially, the way Ananda is set up is that
6 the general manager runs the day-to-day functions of the
7 community. The spiritual director and/or his associates, in
8 the spiritual directorate, don't get so involved directly in
9 order not to allow exigencies of the moment to influence
10 their decision, so that decisions can be more clearly made
11 with regard to the welfare of the members and the spiritual
12 rightness or wrongness of a matter.

13 MR. GREENE: Q. Okay. So then if I understand
14 you correctly, what you're telling me is that the Ananda
15 community is run, as a general matter, out of the ministry
16 office, and there are two emphasises in the way that the
17 community is run. Is that a fair understanding?

18 A. That's not quite right.

19 Q. Okay.

20 A. The general manager is not in the ministry office.

21 Q. Okay.

22 A. The ministry comes under the spiritual
23 directorate.

24 Q. All right. So the ministry office comes directly

25 under you. Right?

1 MR. PARSONS: No, that misstates it.

2 MR. GREENE: Q. I'm asking --

3 A. It does misstate it. It isn't the case. I don't

4 really work with the ministry office. I work with the

5 people who work with the ministry office.

6 Q. Okay. So then the liaisons, as it were, between

7 you and the ministry office are John and Devi Novak. Right?

8 MR. PARSONS: Well, again, that misstates his

9 testimony. I object on that ground.

10 You may respond.

11 THE WITNESS: In the ministry office, this is

12 correct.

13 MR. GREENE: Q. Okay. So just so that it's

14 clear, you as spiritual director do not directly interface

15 with the ministry office. Right? I mean -- actually,

16 that's probably -- let me withdraw that and try to ask you a

17 more precise question.

18 You as spiritual director do not necessarily

19 interface with the ministry office. Right?

20 A. That's correct.

21 Q. Okay. Although you have the choice to do so any

22 time you want. Right?

23 A. Right. We're a small community.

24 Q. And the -- when you do not exercise that choice to

25 interface directly with the ministry office, John and Devi

1 Novak liaison in between you and the ministry office. Right?

2 MR. PARSONS: Objection as to time. Misstates the

3 testimony.

4 You may respond.

5 THE WITNESS: "Liaison" suggests active

6 cooperation. Very often, it's not lack of cooperation, but

7 very often they just do things according to the way things

8 come up. I.

9 Don't get consulted on very many things. In fact,

10 very few.

11 MR. GREENE: Q. Okay. Nonetheless, as a general

12 proposition, in terms of the way that the Ananda community

13 is structured, John and Devi Novak, they liaison in between

14 you and the ministry office. Right?

15 MR. PARSONS: I object. That just misstates what

16 he just said.

17 So you may respond to that question.

18 THE WITNESS: I think that's correct.

19 MR. PARSONS: Generally -- I'm sorry.

20 MR. GREENE: Q. Now, for how long have John and

21 Devi Novak operated in that liaison-like capacity?

22 A. We're so informally structured that it would be

23 very difficult to talk about liaison in that particular

24 way.

25 The ministry office, for example, is a pretty new

1 office. John Novak has been my right-hand man at Ananda
2 from the very beginning, and Vidura Smallen has been the
3 general manager for many years. How many, I would not be
4 able to say.

5 We have worked together. I have also worked
6 together with many other people in different respects.

7 As I said, it's an informal and small community,
8 so we don't have rigid lines.

9 Q. Okay. So you have -- it's a pretty flexible kind
10 of setup. Right?

11 A. Yes.

12 Q. All right. When was the ministry office
13 established, to the best of your knowledge?

14 A. I think you could call it a gradually evolving
15 thing that's been there a few years or many years, depending
16 on how you look at it. It's -- there's no clearcut thing
17 where we say, now this is it.

18 Q. Well, when you told me a few minutes ago that the
19 ministry office was a, quote, "pretty new office," close
20 quote, what did you mean?

21 A. A building.

22 Q. All right. So you are making reference to the
23 ministry office more as a role, or a means of how the Ananda
24 community is managed, rather than a particular spot. Is
25 that fair to say?

1 MR. PARSONS: Well, wait. That's a compound
2 question. I want to object on that ground.

3 You may answer.

4 THE WITNESS: Yes. I'm not quite sure. I'm
5 trying to figure it out myself right now as you ask me.

6 We've had a -- well, we haven't called it ministry
7 office, until we actually got a building, but it was
8 functioning as one. Very loosely.

9 Again, I have to remind you, this is not GM. And
10 the way we do things is not that clearly -- we don't have to
11 define it, because it functions well. You talk to somebody,
12 and then things happen.

13 So in a way, we've had a ministry office from the
14 beginning. In another way, it's been gradually evolving.
15 In a further way, and the way I was trying to
16 refer to it a few moments ago when I said it's a new thing,
17 is that we have an actual building there with a number of
18 workers, files, desks and so on as a more formal structure
19 to oversee the ministry of our churches, our colonies, our
20 outreach, all of those things.

21 That's relatively new. How new, I don't even know
22 that.

23 MR. GREENE: Q. All right. Now, when was the
24 ministry office placed within the building to which you're
25 making reference?

1 A. Yes. That's what I say. I don't know. It could

2 have been --

3 Q. And can you give me an estimate?

4 A. I -- accepting that I'm not sure, I would say less
5 than 7 years.

6 Q. Okay. Would you say less than 5?

7 A. This -- I won't say more than that.

8 Q. Okay. Now, when you say that there was a ministry
9 office from the beginning, what do you mean?

10 A. I mean that there were people who were working on
11 trying to -- after all, our teaching is essentially a
12 spiritual sharing with people. So anybody who would
13 function in that respect would be a part of whatever you'd
14 want to call a ministry office.

15 For example, back in '69, 1969, I wrote a series
16 of lessons. People who would send those lessons out would
17 be a part of some sort of ministry office. People who would
18 answer questions would be part of that.

19 And whereas at the very beginning I did all the
20 teaching myself, it wasn't very long before I began to get
21 other people teaching also. They would also be a part of a
22 function that we could loosely label "ministry office."

23 When we speak of "ministry office" today, we think
24 more as an administrative center for ministerial
25 activities. And so, you see, it's a loose definition.

1 Q. All right.

2 A. There was no need to have an administrative
3 function that was clearly defined until we got more members.

4 Q. Now, when you make reference to the series of
5 lessons that you authored in 1969, are those the 14 Steps?

6 A. No.

7 Q. Okay. What are you talking about?

8 A. It was the predecessor to the 14 Steps.

9 Q. When you say it was the predecessor to the 14
10 Steps, do you include in what you mean that the 14 Steps
11 were derived from that?

12 A. No. They were amplified on that.

13 Q. Okay. So what was disseminated in 1969 ultimately
14 evolved into and became the 14 Steps?

15 A. Correct.

16 Q. All right. And the 14 Steps are writings by you
17 that are disseminated to individuals who are in the process
18 of progressing on the path that's offered by the Ananda
19 community. Right?

20 MR. PARSONS: Vague as to definitions of certain
21 words in there. Confusing. Also vague as to time. Also,
22 "on the path."

23 But I'll let the witness respond to the question.

24 THE WITNESS: Yes, I need it to be restated. I
25 didn't get it clearly.

1 MR. GREENE: Q. All right. I'll withdraw it for
2 now.

3 Is it fair to say that the -- what the ministry
4 office has in common from the beginning, or from its
5 inception, to what it is today, is the dissemination of --
6 or it includes the dissemination of materials authored by
7 you?

8 MR. PARSONS: Vague as to, first of all, starting
9 off, "Is it fair to say." And then, I find the question
10 very confusing. Also, "dissemination of materials," that's
11 vague.

12 You may respond to the question.

13 THE WITNESS: Well, he used the word "includes,"
14 and yes, of course it includes.

15 MR. GREENE: Q. Okay. And it includes providing
16 -- the ministry office includes the providing of spiritual
17 guidance to devotees. Correct?

18 MR. PARSONS: Objection. Vague as to the term
19 "devotees," and who they are. Foundation. Go ahead.

20 THE WITNESS: I'm sorry, try it again.

21 MR. PARSONS: Would you like it reread?

22 MR. GREENE: Excuse me, Mr. Parsons. I'll ask the
23 question again.

24 Q. And let me ask preliminarily, you're familiar with
25 the term "devotee"?

1 A. Devotee, we call did it.

2 Q. Here we go. It's my pronunciation.

3 A. Maybe you're right. I don't know.

4 Q. How do you say it?

5 A. Devotee.

6 Q. Devotee. Okay.

7 One of the functions of the ministry office, from
8 the beginning to the present day, has included providing
9 guidance to devotees. Correct?

10 A. Yes.

11 MR. PARSONS: Still object. Whose devotees?

12 THE WITNESS: Well, included. Devotees in
13 general means people seeking God, is my understanding of the
14 term.

15 MR. GREENE: Q. In your understanding of the
16 term "devotee," you would include all live-in members at the
17 Ananda community, wouldn't you?

18 A. I would include anybody who's seeking God.

19 Q. I know, but that's not my question.

20 A. Say it again.

21 Q. My question is, in your use of that term, you
22 would include all live-in members in the Ananda community.
23 Right?

24 MR. PARSONS: Okay. In that case, I object, in
25 that this witness lacks foundation to opine as to the status
1 of all live-in members.

2 You may respond.

3 THE WITNESS: Indeed. I would hope that they're

4 devotees, but I don't know if they are. That's up to them
5 and God.

6 MR. GREENE: Q. I understand. But that would be
7 your understanding. Correct?

8 MR. PARSONS: Well, objection. It misstates what
9 he just said. Go ahead.

10 THE WITNESS: I -- those people who are on our
11 path are devotees. I would say, yes, of course, they should
12 be at least.

13 MR. GREENE: Q. Okay. Now, when you make
14 reference to someone being, quote, "on our path," close
15 quote, what do you mean by the use of that phrase?

16 A. I mean somebody who is following the teachings and
17 practices that we teach.

18 Q. Okay. Now, are you familiar with a woman named
19 Victoria Kelly?

20 A. Yes.

21 Q. Okay. Does Victoria Kelly work in the ministry
22 office currently?

23 A. No.

24 Q. Has she ever worked in the ministry office, to
25 your knowledge?

1 A. I'm tempted to say no, but the fact is yes.

2 Q. Okay. And what's your best recollection --

3 A. By tempted, I mean the word "work" comes in.

4 Never mind, that's a light --

5 Q. Is this a joke?

6 A. That's a joke.

7 MR. PARSONS: Just so I'm clear then, what is the
8 answer?

9 MR. GREENE: Excuse me, Mr. Parsons.

10 Q. Mr. Walters, in my use of the term "work" in
11 reference to whether or not Victoria Kelly worked in the
12 ministry office, is there something ambivalent about my use
13 of the term "work"?

14 A. I really was speaking lightly. Sitting in a chair
15 moving a pen every now and then is not necessarily work.

16 Q. Oh, okay. Pushing papers and pencils, rather than
17 out there like doing some good physical labor.

18 A. But she was there.

19 Q. She was there in the ministry office.

20 What would she do, to your knowledge?

21 A. The best of my knowledge is that she did design,
22 art design.

23 Q. Okay. For example, some of the covers of your
24 written publications?

25 A. I don't know whether she did that. She may have
1 designed illustrations inside. But that kind of work,
2 anyway.

3 Q. Okay. And so to your knowledge, then, Victoria
4 Kelly at some point did provide artwork that was published

5 as illustrations or something like that with your writings;
6 correct?

7 MR. PARSONS: Vague as to "that."

8 THE WITNESS: With my writings? Is that what you
9 said?

10 MR. GREENE: Q. Yes.

11 A. It would only be in connection with things that
12 the ministry office published, which I wouldn't have
13 anything to do about. So I don't really know. Not my
14 books, in other words, no.

15 MR. GREENE: Q. Not your books. Okay.

16 What about -- are you familiar with a woman named
17 Catherine Van Houten?

18 A. Yes.

19 Q. And Catherine Van Houten, does she currently work
20 in the ministry office, to your knowledge?

21 A. She works in the building, but I think she's not
22 classified as in the ministry office. She's in fund-raising.

23 Q. Okay. Now, when you talk about her, Catherine Van
24 Houten, not being classified in the ministry office, to your
25 knowledge, are there any written materials which provide
1 classification or structure of roles that are employed in
2 the management and administration of the Ananda community?

3 MR. PARSONS: Objection. Compound, vague.

4 Go ahead.

5 THE WITNESS: I'm becoming a little vague myself
6 with these questions. Try it again.

7 MR. GREENE: Q. Okay. To your knowledge, are
8 there any written materials which set forth classifications
9 of roles or functions that are used for the administration
10 and management of the Ananda community?

11 A. I have no idea.

12 Q. Do you know the identity of -- withdraw that.

13 Is there any individual that you believe is most
14 likely to know whether or not there is any or are any
15 written materials which designate roles that are used in the
16 administration and management of the Ananda community?

17 A. To my mind, at least, that's an extremely
18 complicated question. I'll give you a name that I think
19 might be as adequate as any other, if that --

20 MR. PARSONS: Respond to the question.

21 MR. GREENE: Q. Who is that?

22 A. I think it's a response to the question.

23 Q. Who is that?

24 A. Cathy Parojinog.

25 Q. That's Cathy P. of the legal team?

1 A. Yes.

2 Q. Now, Catherine Van Houten, to your knowledge, is
3 in charge of financial donations, is she not, currently?

4 A. Asking for them, at least.

5 Q. And for how long has she operated in that role, to

6 your knowledge?

7 A. Several years. I don't know how many.

8 Q. Okay. Well, what is your best estimate in that
9 regard?

10 A. 7 maybe.

11 Q. Let me ask you this, Mr. Walters.

12 I've noticed that in the course of your responses
13 to my questions regarding administrative roles of
14 individuals in the Ananda community, that the number 7
15 keeping coming up.

16 Now, is there any particular rotation that is
17 based on the number 7?

18 MR. PARSONS: Objection. Vague.

19 Go ahead.

20 THE WITNESS: Well, I just had the same question
21 myself before you asked it. I noticed I had said 7 before,
22 and I -- it may be just habit. There's no reason to say 7.

23 MR. GREENE: Q. Okay, all right.

24 Now, to your knowledge, does Victoria Kelly assist
25 Catherine Van Houten in the administration regarding
1 financial donations?

2 MR. PARSONS: Currently?

3 MR. GREENE: Q. Yes, that's the first question.

4 A. No, she does not.

5 Q. Has she ever, to your knowledge?

6 A. I believe so, but I'm not sure.

7 Q. Okay. What -- withdraw that.

8 A. If you'll excuse me, I'll be back shortly.

9 THE VIDEO OPERATOR: I need to end the videotape
10 in the next 10 minutes. This might be a good time to do
11 that.

12 This is the end of videotape number 12 in the
13 deposition of Donald Walters. We're going off the record at
14 11:52 a.m.

15 (Recess from 11:52 a.m. to 11:58 a.m.)

16 THE VIDEO OPERATOR: This is the beginning of
17 videotape number 13 in the deposition of Donald Walters.

18 We're back on the record at 11:58 a.m.

19 MR. GREENE: Q. Mr. Walters, in addition to
20 Victoria -- what's her name -- Kelly, and Catherine Van
21 Houten working in the financial office of the Ananda
22 community over the course of the last 7 years, what other
23 individuals are you aware of who worked in that area?

24 A. There may have been more, but I only know of Derek
25 Van Atta.

1 Q. What was the last name?

2 A. Derek, D-e-r-e-k --

3 Q. Yes.

4 A. Van Atta, A-t-t-a.

5 Q. Okay. How about Tom Oesterle?

6 MR. PARSONS: Does he --

7 MR. GREENE: Incomplete question.
8 Q. To your knowledge, has Tom Oesterle worked in the
9 financial area of the Ananda community?
10 A. That's a separate department. This is not
11 fund-raising.
12 Q. Okay. Then tell me what department Mr. Oesterle
13 functions in, please.
14 MR. PARSONS: Currently? I'll just object, vague
15 as to time.
16 THE WITNESS: Yes. He's not working currently.
17 MR. GREENE: Q. I know. He's in Europe
18 currently. Right?
19 A. Yes. Not only that, but even when he's here, he
20 doesn't.
21 Q. Well, when you made reference to Tom Oesterle
22 working in a different department, what department were you
23 talking about?
24 A. The financial.
25 Q. And so generally speaking, is there a financial
1 department in the Ananda community?
2 A. There may be more than one.
3 Q. Okay. And what do you mean when you say maybe
4 there are more than one?
5 A. I mean I'm vague. I don't really know. They call
6 it financial services. They may have broken it up. I
7 really don't know.
8 Q. Okay. So to your knowledge, then, there is a
9 division of the management structure of the Ananda community
10 that's called "financial services." Right?
11 MR. PARSONS: Objection. That misstates his
12 testimony.
13 Go ahead and respond.
14 THE WITNESS: I think that's the case.
15 MR. GREENE: Q. Okay. And to your knowledge, is
16 financial services over, or does it incorporate, donations?
17 That's a really terrible -- let me withdraw and
18 try to ask you -- make it more clear.
19 What I'm trying to find out is whether or not
20 there is kind of like an at-large division of Ananda
21 management that's dedicated to finances, under which or
22 subordinate to which is financial services.
23 And so could you -- would you tell me whether or
24 not there is such an overall or umbrella part of the Ananda
25 management structure?
1 MR. PARSONS: I object. There's a couple
2 possibilities in there, so it's compound, it's vague,
3 ambiguous; vague as to time, as well.
4 I'll let the witness testify -- and also, no
5 foundation for this witness.
6 But go ahead and --
7 THE WITNESS: I'm the worst person to ask these

8 things. I just don't know exactly how it functions.

9 It's all, generally speaking, under the general
10 manager.

11 MR. GREENE: Q. Okay. So -- and under the
12 general manager -- which is Vidura Smallen; correct?

13 A. Correct.

14 Q. And he's sitting down to your right at the other
15 end of the table?

16 A. Correct.

17 Q. And he's acted in that capacity for approximately
18 7 years; right?

19 A. More.

20 Q. More, okay. And then under the charge of
21 Mr. Smallen, to your knowledge, are the -- or rather, are
22 components of the Ananda community that have to do with
23 material day-to-day concerns.

24 A. Yes.

25 Q. Okay. And included within material day-to-day
1 concerns is included -- or is a division that has to do with
2 finances, according to your knowledge. Right?

3 A. Yes.

4 Q. Now, according to your knowledge, what are the
5 areas of finances which have to be addressed within the
6 structure of the Ananda community?

7 MR. PARSONS: Vague and confusing. Go ahead and
8 respond, if you can.

9 THE WITNESS: As I said, I'm about the worst
10 person to ask about this.

11 MR. PARSONS: I'd also object, no foundation,
12 then. Go ahead.

13 MR. GREENE: Q. I'm asking what you know.

14 A. I would have to suppose. Income and expenses.

15 MR. PARSONS: He's entitled to your good faith
16 best estimate or your memory. But if it calls for
17 speculation or guessing, then you should say that.

18 THE WITNESS: Well, it seems obvious, so I
19 couldn't be guessing. Income, expenses, disbursement, all
20 of that.

21 MR. GREENE: Q. Does that include Crystal Clarity
22 Publishing?

23 A. Yes.

24 Q. Does that include the 501(c)(3) tax-exempt status
25 of the Ananda Church?

1 A. This I don't know.

2 MR. PARSONS: Objection --

3 MR. GREENE: Q. Is the person who knows the most
4 about -- to your knowledge, who knows the most about Ananda
5 Church's 501(c)(3) tax-exempt status Tom Oesterle?

6 A. I would say probably Vidura Smallen knows more
7 than Tom Oesterle on that particular question. But Tom
8 Oesterle may be totally current. I don't know.

9 Q. Now, also included within the scope of the
10 general material management of the Ananda community is
11 housing for Ananda members, right, according to your
12 knowledge?

13 A. Included under what?

14 Q. The general -- the scope of the general manager of --

15 A. The financial -- I have to assume so, but I can't
16 be absolutely sure. It would indirectly, at least, be under
17 his supervision.

18 Q. Now, do you pay rent?

19 A. No, I don't pay rent.

20 Q. Okay. Since the inception of the Ananda community
21 in 1968, have you ever paid rent?

22 A. I've donated about a million dollars to Ananda,
23 and I think that's just sort of understood that that's
24 included.

25 Q. Okay. And the million dollars that you have
1 donated, have -- did those funds come from the bank account
2 which contains the proceeds of your royalties?

3 MR. PARSONS: Objection. He's already testified
4 contrary to that.

5 THE WITNESS: Does it include that? Yes, of
6 course it includes it.

7 MR. GREENE: Q. So if I understand you correctly,
8 what you're saying is that the million dollars that you have
9 donated to the Ananda community came from your royalties.
10 Correct?

11 A. No.

12 MR. PARSONS: No.

13 THE WITNESS: That's not correct.

14 MR. GREENE: Q. Okay. Then I didn't understand
15 you.

16 A. It's a part of that.

17 Q. What do you mean?

18 A. Meaning the royalties are a part of the money that
19 I've given to Ananda.

20 Q. Okay.

21 A. I have not had a million dollars in royalties, to
22 my knowledge. Maybe I have. I don't know.

23 Q. Does -- withdraw that.

24 So then to your knowledge, are there any other
25 individuals that you consider to be knowledgeable about the
1 Ananda community's finances in addition to Mr. Smallen and
2 Mr. Oesterle?

3 A. I would say the whole financial office, services,
4 would know.

5 Q. All right.

6 A. I would say John Novak probably knows quite a bit.

7 Q. Okay.

8 A. I know some.

9 Q. Okay.

10 A. We have a number of people who form sort of a
11 committee, and they would know.

12 Q. All right. And what is this committee to which
13 you just made reference?

14 A. It's fairly informal, but one is Steve -- rats,
15 what's his name? I know perfectly well. My brain's getting
16 a little tired.

17 Q. Steve Weber?

18 A. Yes, that's correct. Bob Rinzler, who runs the
19 Dawn Publications; Derek; Vidura; and possibly every now and
20 then a few other people, but not necessarily.

21 Q. Is Dawn Publications -- that's D-a-w-n?

22 A. Yes.

23 Q. Is that a separate, to your knowledge, publishing
24 entity from Crystal Clarity?

25 A. Yes.

1 Q. And to your knowledge, is Dawn Publications in any
2 way independent of the Ananda community?

3 MR. PARSONS: I want to object here. When you use
4 the term "to your knowledge," are you asking for a
5 certainty, or are you saying, to the best of your knowledge?

6 MR. GREENE: Of course. I'm asking what he
7 knows. I'm not asking -- he told me earlier he's not
8 fallible any more than I am. I'm asking when he knows.

9 MR. PARSONS: When you say the phrase "to your
10 knowledge," you mean "to the best of your knowledge."
11 Correct?

12 MR. GREENE: Q. Do you have any knowledge,
13 Mr. Walters, whether Dawn Publications is independent in any
14 way of the Ananda community?

15 A. I have to admit that I'm not sure.

16 Q. Okay. Now, to your knowledge, is Crystal Clarity
17 Publishing in any way independent of the Ananda community?

18 A. It is not.

19 Q. Okay. So then --

20 A. Except it's under the Church, not under the
21 Village.

22 Q. Now, when you say that it's under the Church and
23 not the Village, would you tell me what the basis is for you
24 drawing the distinction you just did between the two?

25 A. There are village functions that may be profit. I
1 don't know. The church functions are strictly nonprofit.

2 We also have some businesses -- and as I say, I'm
3 not sure about Dawn -- that are privately owned. And then
4 they would be neither under the village nor under the
5 church, but owned and operated by Ananda members, for
6 profit, and hiring mostly, but not necessarily, Ananda
7 members.

8 Q. Are there any such independent, private entities
9 which operate on the property?

10 A. Yes.

11 Q. What are they?

12 A. I don't know.

13 Q. Okay. Who are the individuals that operate such
14 entities?

15 A. Well, as I say, if I were to enumerate them, I
16 would be totally lost.

17 I can mention Ananda Power Technology, which I
18 think is privately owned, but I'm not certain. LD
19 has a flower essence business of her own. I don't know to
20 what extent it's really hers or whether she's given it to
21 Ananda.

22 I'm not the one to ask any of those questions,
23 because I don't know.

24 Q. Is Vidura Smallen the person to ask those
25 questions to, your knowledge?

1 A. He would certainly be one.

2 Q. And John Devi would be one; correct?

3 A. Who? John Novak.

4 Q. Or John Novak, sorry.

5 A. He might know, but less directly.

6 Q. Okay. What other individuals would be more likely
7 to know about private businesses on the Ananda property
8 other than John Smallen, to your knowledge?

9 A. I think that's quite enough right there. He would
10 know.

11 Q. Now, I'm unclear with respect to the
12 differentiation you make between the Ananda Village and the
13 Church.

14 So to your knowledge, is the Ananda Village a
15 corporate entity?

16 MR. PARSONS: Lack of foundation. Objection.

17 Go ahead.

18 THE WITNESS: I think we'd better take a lunch
19 break. I'm afraid my brain is not quite functioning here
20 with all these questions. It's about lunchtime.

21 MR. GREENE: Q. If you could answer this question
22 for me before we go to lunch.

23 A. That's what I'm finding -- let's see. It was set
24 up.

25 MR. PARSONS: Don't guess. If you're able to
1 formulate a response, he's entitled.

2 MR. GREENE: Mr. Parsons, please, do not coach the
3 witness. Make an objection, but do not coach the witness.

4 MR. PARSONS: I'm not coaching.

5 MR. GREENE: The witness was in the middle of
6 giving a response, and you interrupted and hinted to him
7 about how to respond to the question. Please do not do
8 that.

9 THE WITNESS: No, he didn't hint. I didn't take
10 anything as a hint that he said.

11 Let me say, I think we have two corporations.

12 One is the Village and one is the Church.
13 MR. GREENE: Okay. Why don't we break for an hour
14 and come back at 1:15.
15 MR. PARSONS: It's usually taken us about an hour
16 5.
17 MR. GREENE: No, we've got limited time, we
18 started late. So why don't we start at 1:20. Okay?
19 MR. PARSONS: Okay, fine.
20 THE VIDEO OPERATOR: We're going off the record at
21 12:13 p.m.
22 (Lunch recess from 12:13 p.m. to 1:27 p.m.)
23 --o0o--
24 AFTERNOON SESSION
25 THE VIDEO OPERATOR: We're back on the record at
1 1:27 p.m.
2 THE WITNESS: I should say also that I'm not
3 really feeling too well. It may be medication I took for
4 diarrhea, but I just want it to be on the record.
5 MR. GREENE: Q. Okay. Well, thank you for
6 sharing.
7 Mr. Walters, you're still under oath.
8 A. Of course.
9 Q. You know Sheila Rush sitting to your right.
10 Correct?
11 A. Yes.
12 Q. She's one of your senior ministers. Right?
13 A. Yes.
14 Q. And she has been with the Ananda organization
15 since the 1960s. Correct?
16 A. No. I would say probably 19 -- 1981 or -2.
17 MR. GREENE: Okay. Your Honor, at this point I
18 want to make a motion to exclude the -- Mr. Novak and
19 Ms. Prayer. I am going to be going into areas some more
20 concerning which both of those individuals will be giving
21 testimony, and concerning which both individuals will be
22 examined.
23 They're not parties. There is no reason for them
24 be here.
25 Mr. Walters has his lawyer, has a corporate
1 representative, and has his doctor. And if Mr. Smallen
2 comes back, this motion would be with respect to him as
3 well.
4 And there is no need for them to be here and
5 listen to what this witness testifies about when they are
6 going to be examined on the same circumstances and the same
7 issues.
8 So I make that motion at this time.
9 JUDGE PLISKA: Do you respond?
10 MR. PARSONS: Well, I'm not familiar with -- this
11 isn't like testimony at time of trial, where a witness can
12 be excluded pursuant to statutory authority. They're here

13 as representatives of a party. I mean, they're not just
14 here to kill time.

15 I don't think it would be appropriate to exclude
16 them from the deposition, because they are here in a
17 representative function, representing a party. And I
18 believe they've got in fact a right to attend, Your Honor.

19 JUDGE PLISKA: No, I don't think they have a
20 right. I think only parties have a right to attend.

21 MR. PARSONS: But the party here is a corporate
22 entity, and they're appearing on behalf of that corporate
23 entity.

24 JUDGE PLISKA: Only lawyers can appear in court on
25 behalf of a corporate entity.

1 MR. GREENE: And that's Sheila Rush. If there is
2 any person here appearing on behalf of the Ananda Church of
3 Self-Realization, a nonprofit religious corporation, that's
4 Ms. Rush.

5 So these other individuals have no business being
6 here.

7 JUDGE PLISKA: If they're -- what is the
8 prejudice? I don't understand, because if you're going to
9 ask them -- you're going to ask Mr. Walters questions which
10 they will then be asked at a later deposition?

11 MR. GREENE: Concerning the same circumstances.

12 JUDGE PLISKA: They certainly will be able to read
13 Mr. Walters' deposition anyway.

14 MR. GREENE: No, they're not, because they're not
15 parties, and there's a protective order that exists. And
16 that protective order says that only parties may read the
17 deposition transcripts. So they are prohibited from doing
18 so.

19 JUDGE PLISKA: It's not like the normal case.

20 MR. GREENE: Right.

21 JUDGE PLISKA: Okay. Well then I have to order
22 nonparties excluded, then, from the deposition.

23 MR. GREENE: Asha, my tea. Do you have it there?

24 MR. NOVAK: Vidura is bringing it.

25 MR. GREENE: And that would be with respect to
1 Vidura Smallen when he arrives.

2 JUDGE PLISKA: Well, let's see now. Who is --
3 Mr. Levin is a party.

4 MR. GREENE: Right. And he's not here.

5 MR. PARSONS: I don't think it's a major point,
6 Your Honor.

7 JUDGE PLISKA: Well, you're excluded, then, at
8 this point.

9 MR. PARSONS: What I would like, though, is
10 whenever the testimony that you expect involves them is
11 over, then I would like them to come back into the room.

12 MR. GREENE: No, I'm going to stand on this,

13 Mr. Parsons. You are the one that sought a protective

14 order. You are the one that has -- whose order --
15 JUDGE PLISKA: You don't even have to say
16 anymore. They have no right to be here, I'm sorry,
17 Mr. Parsons.
18 I know it's inconvenient for them, perhaps, but
19 they are going to have to leave.
20 MR. PARSONS: All right.
21 MR. GREENE: Thank you.
22 MR. PARSONS: By the way, Mr. Smallen will come
23 back into the room for a moment to actually bring us drinks,
24 so at that point we'll --
25 JUDGE PLISKA: Sure.
1 (Mr. Novak and Ms. Prayer left the deposition
2 room.)
3 MR. GREENE: That's fine. And I'd also add, just
4 for the record, that in deference to Mr. Walters, I don't
5 object to the presence of his doctor, Dr. Van Houten.
6 Q. Mr. Walters, when was the last time you saw with
7 your eyeballs Tom Oesterle?
8 A. Several weeks ago.
9 Q. Where were you?
10 A. That was at a concert at Crystal Hermitage, where
11 I live.
12 Q. All right. And was that a concert where you
13 performed?
14 A. Yes.
15 Q. And was that in August of this year?
16 A. Yes.
17 Q. Now, have you communicated with Mr. Oesterle since
18 that date, by any form?
19 MR. PARSONS: Objection, "communicated." Go
20 ahead.
21 THE WITNESS: Yes. They've written me a card from
22 Italy -- from England. That's all.
23 MR. GREENE: Q. And that's Mr. Oesterle and his
24 wife?
25 A. Yes.
1 Q. And the -- what they wrote you, is this a
2 postcard, or was it a letter?
3 A. I think it was a card, but not a postcard. I'm
4 not sure, but I think so.
5 Q. Where is it, if you know, Mr. Walters, that
6 Mr. Oesterle is staying in England?
7 A. He wrote to me that he was moving around.
8 Q. Okay. Do you have any knowledge of where
9 Mr. Oesterle is in England?
10 A. I do not.
11 Q. Do you anticipate that Mr. Oesterle is going to
12 return to the Ananda Village?
13 A. Yes.
14 Q. When do you anticipate his return will occur?

15 A. I think by the end of the month.

16 Q. By the end of this month?

17 A. I think so.

18 Q. So then to your knowledge, he, Mr. Oesterle, has

19 not left the Ananda community in the sense of giving up his
20 participation in it?

21 A. No.

22 Q. Okay. Do you know whether any other members of
23 the community have been in any form of contact with
24 Mr. Oesterle?

25 A. I do not.

1 Q. Who is the present treasurer of the Ananda Church?

2 A. I don't know.

3 Q. Now, before we broke for lunch, you told me that
4 there to your knowledge were two corporations up there in
5 Nevada City that are affiliated with Ananda.

6 One I believe is called the Ananda Church of
7 Self-Realization. Is that correct?

8 A. Correct.

9 Q. Okay. And what is the name, to the best of your
10 knowledge, of the other?

11 A. I don't actually know.

12 Q. Okay. Well, what is the name to the best of your
13 knowledge?

14 A. I can't say specifically, so I shouldn't say.

15 Q. Well, I'm asking you what you can tell me, whether
16 it's specific or not.

17 A. It's probably, possibly, Ananda Village, Inc.

18 Q. Okay. Were you involved in the origination of
19 Ananda Village, Inc.?

20 MR. PARSONS: Object. Vague as to "origination."

21 You may testify.

22 THE WITNESS: Well, I am the founder.

23 MR. GREENE: Q. When was Ananda Village, Inc.
24 incorporated, to the best of your knowledge?

25 MR. PARSONS: And again, we're taking that as a
1 working name at the moment?

2 MR. GREENE: I'm taking that as the best name that
3 the witness can give me.

4 THE WITNESS: Maybe 1970, but I'm not sure.

5 MR. GREENE: Q. So is it correct, then, that the
6 Ananda Village, Inc. was incorporated after, I believe -- is
7 it Yoga Fellowship, Inc.?

8 A. The Yoga Fellowship.

9 Q. The Yoga Fellowship, Inc.?

10 A. Yes.

11 Q. Okay. So The Yoga Fellowship, Inc. came first?

12 A. Yes.

13 Q. And Ananda Village, Inc. came second?

14 A. I believe this is the case.

15 Q. Now, to your knowledge, is Ananda Village,

16 Incorporated a 501(c)(3) nonprofit organization?

17 A. I do not know.

18 Q. Do you know who the individuals are on Ananda

19 Village, Inc.'s board of directors?

20 A. I do not.

21 Q. Do you have any information about who the members

22 of the board of directors might be --

23 MR. PARSONS: Well, objection --

24 MR. GREENE: Q. -- of Ananda Village, Inc.?

25 MR. PARSONS: Well, I object. "Might be"

1 apparently calls for rank speculation.

2 If the witness does have any knowledge or opinion

3 upon which he can formulate a response, he certainly can

4 answer.

5 THE WITNESS: I can say that I must be an officer,

6 and John Novak and Vidura.

7 I don't know beyond that, and I don't even know

8 about that.

9 MR. GREENE: Q. Okay. Now, are you an officer or

10 director of the Ananda Church of Self-Realization?

11 A. I am.

12 Q. Okay. And which one are you, or are you both? An

13 officer or director?

14 A. I'm certainly an officer. Whether we have

15 directors or not, I don't actually know.

16 Q. Okay. And what is the title of the office which
17 you hold in the Ananda Church of Self-Realization?

18 A. That would be spiritual director and president.

19 Q. And with respect to Ananda Village, Inc., are you
20 the spiritual director and president of that corporation?

21 A. Since I don't even know whether I have a position
22 there, I can't clearly answer.

23 Q. Okay. Do you think you are?

24 MR. PARSONS: Wait. Also, compound.

25 THE WITNESS: Again, I don't know.

1 MR. GREENE: Q. But I want to know what your own
2 working assumption is in your own mind.

3 A. That I would be the same.

4 Q. Okay. Now, to your knowledge, is -- and I have to
5 back up, and I apologize. I'm going to repeat myself a
6 little bit, because I can't remember which question I got
7 the answer to. So if you'll bear with me.

8 Is -- I'll ask it this way: To your knowledge, is

9 Vidura Smallen a director of the Ananda Village,
10 Incorporated?

11 MR. PARSONS: Okay. Objection. Asked and
12 answered, no foundation.

13 Go ahead.

14 THE WITNESS: Yes. It's asked and answered.

15 MR. GREENE: Q. What's your answer?

16 A. My answer is that he -- I'm not sure that we have

17 a board of directors. He's certainly an officer.

18 Q. And is Vidura Smallen an officer of the Ananda
19 Church of Self-Realization?

20 A. Yes.

21 Q. And is John Novak an officer or director of Ananda
22 Village, Inc.?

23 A. Yes. He would be. That's what I say, I have to
24 say he would be.

25 Q. Okay. And is John Novak an officer or director of
1 Ananda Village -- I mean, Ananda Church of Self-Realization?

2 A. Yes.

3 Q. And do you know with respect to the Ananda Church
4 of Self-Realization what the title of the office is which is
5 held by John Novak?

6 A. I don't know.

7 Q. Okay. And the same question with respect to John
8 Novak's role in Ananda Village, Inc.

9 MR. PARSONS: I'm sorry, what's the question,
10 though?

11 MR. GREENE: Q. The question is, do you know what
12 the title of the office is held by John Novak in Ananda
13 Village, Inc.?

14 A. I don't.

15 Q. To your knowledge, does Devi Novak hold an office
16 or directorship in the Ananda Church of Self-Realization?

17 A. I can't say. I don't know.

18 Q. And same question with respect to Devi as to
19 Ananda Village, Inc.

20 A. That's correct.

21 Q. You don't know?

22 A. I don't know.

23 Q. Who, to your knowledge, currently is the person
24 most likely to be secretary of the Ananda Church of
25 Self-Realization?

1 MR. PARSONS: Objection. Foundation, calls for
2 speculation. If you can --

3 THE WITNESS: Unfortunately, in fact, it would be
4 speculation.

5 MR. GREENE: Q. Well, I'm asking you who, to your
6 knowledge, is the person most likely to be.

7 A. You're asking me to speculate. I don't know.

8 Q. So you, then, have no idea of what the identity
9 might be of the person who is currently secretary of the
10 Ananda Church of Self-Realization?

11 A. No, that's incorrect. Not to say I have no idea,
12 I just don't know.

13 Q. Okay. I'm asking you what the best state of your
14 knowledge is.

15 A. I have candidates in my mind. That's the same
16 thing as saying speculation.

17 Q. Great. Who are the candidates in your mind?

18 A. Well, let's see. Cathy Parojinog, Michael
19 Taylor. That's enough.
20 Q. Well, not whether that's enough. I want to know
21 whether you have any other candidates in addition to that.
22 A. I don't. But there may be others. That's why
23 even though I don't know specifics, I'm not vague on the
24 point.
25 Q. So as you sit here right now, you have no other
1 candidates in your mind whom might be the secretary --
2 A. Who might be, yes, correct.
3 Q. -- of the Ananda Church of Self-Realization?
4 A. Yes.
5 Q. Now are these same individuals whom you have
6 enumerated with respect to the Ananda Church of
7 Self-Realization also candidates, in your mind, for the
8 secretaryship, or the office of secretary, in the -- in
9 Ananda Village, Inc.?
10 MR. PARSONS: I object. It's fairly -- it's
11 compound. It's -- the witness has already testified he
12 didn't know. I mean, that's the bottom line. This witness
13 doesn't know.
14 So you're asking for speculation, and his
15 definition of "candidates."
16 But you know, I'll let him answer, if you have
17 something other than a guess.
18 THE WITNESS: It could be -- it's a guess.
19 MR. GREENE: Mr. Parsons, would you please not
20 coach the witness?
21 MR. PARSONS: I'm going to instruct him not to
22 guess.
23 Your Honor, I'm instructing him not to answer that
24 question.
25 JUDGE PLISKA: You shouldn't guess at things
1 Mr. Walters. If you have some reasonable basis to give an
2 answer, that's appropriate.
3 THE WITNESS: Thank you.
4 MR. GREENE: Q. Let me ask you this, Mr. Walters.
5 What is the basis for your testimony that Cathy
6 Parojinog is a person who might be the secretary of the
7 Ananda Church of Self-Realization?
8 A. She performs secretarial functions for Vidura
9 Smallen, and that would be the main reason.
10 Q. And the same question with respect to Michael
11 Taylor.
12 A. Michael Taylor --
13 MR. PARSONS: I do want to object. We're wasting
14 time on questions which can be directly answered with an
15 interrogatory directed to the appropriate defendant.
16 Rather than wallowing around, I'll permit you to
17 respond, though.
18 MR. GREENE: Mr. Parsons, just make your

19 objection, please. And you're wasting my time.

20 MR. PARSONS: You may answer.

21 THE WITNESS: Yes, I don't know.

22 MR. GREENE: Q. You don't know -- let me -- the

23 question I asked you, in case Mr. Parsons' interruption

24 distracted you, was, would you please tell me what the basis

25 is, in your mind, for your testimony that Michael Taylor

1 might be the person who is the secretary of the Ananda

2 Church of Self-Realization?

3 A. Well, he has been in the past, and he still

4 performs secretarial functions of one kind or another for

5 the legal work and other related items.

6 So it's possible for that reason.

7 Q. Okay. Now, to your knowledge, does the Ananda

8 Church of Self-Realization have a legal department?

9 A. We have a legal department for these two

10 lawsuits. We have legal advisers, but it's not yet a

11 department.

12 Q. And Michael Taylor will operate in such department

13 from time to time. Correct?

14 A. I hope I can spare him from it.

15 Q. But that's correct, isn't it?

16 A. I don't know if he will.

17 Q. No. He has?

18 A. Has. I didn't hear you.

19 Q. Okay, I'm sorry.

20 A. Yes, he has.

21 Q. And the same with Cathy Parojinog. Right?

22 A. Correct.

23 Q. And the same with Sheila Rush; right?

24 A. Yes.

25 Q. Okay. Any other individuals who have acted in the

1 last 5 years in such department?

2 A. Well, we have our --

3 MR. PARSONS: Wait. Objection. Lack of

4 foundation for this witness.

5 You may respond.

6 THE WITNESS: Well, we have our legal team that

7 includes me and the people you asked to leave the room, and

8 their husbands or wives, and Cathy Parojinog I have

9 mentioned.

10 That's about it, I think.

11 MR. GREENE: Q. Okay. So then the legal team, in

12 addition to you and Cathy Parojinog and Sheila Rush,

13 includes Asha Praver; right?

14 A. Yes. And --

15 Q. Vidura Smallen; right?

16 A. Yes.

17 Q. And John Novak; right?

18 A. Yes.

19 Q. Now, do you know whether -- now, you have

20 enumerated this lawsuit and another lawsuit. That's the SRF
21 copyright dispute; correct?

22 MR. PARSONS: Well, object as to characterization
23 as a copyright dispute, but SRF lawsuit.

24 MR. GREENE: Q. SRF lawsuit. That's the other
25 lawsuit to which you were making reference?

1 A. Yes.

2 Q. Is there a third lawsuit to your knowledge that
3 now the Ananda Church of Self-Realization has been named a
4 defendant in?

5 A. Not to my knowledge.

6 Q. And you've heard no information whether or not
7 there is any third lawsuit. Is that correct?

8 MR. PARSONS: Objection. No communication between
9 attorney and client.

10 THE WITNESS: I don't know.

11 MR. GREENE: Q. Now, with respect to Ananda
12 Village, Incorporated, is the -- what's your understanding
13 of the purpose of that entity?

14 MR. PARSONS: Objection. It's vague, ambiguous,
15 "purpose," foundation.

16 But you can respond to the extent you can
17 formulate a response.

18 THE WITNESS: It's a place where people of similar
19 ideals, who work together, serving those ideas, can help
20 each other spiritually.

21 It's a place where we can draw to a focus practice
22 of these teachings, which otherwise would be scattered
23 through offices, cities, whatever.

24 It's a means, therefore, of making these teachings
25 known to those who would benefit from them.

1 I think that probably states it as well as I can.

2 We have schools. It's a place where children can receive
3 education, it's a place where people can be taken care of by
4 their own. It's a very much more secure kind of life.

5 People who are without jobs, people who have become old,
6 they're taken care of, they don't have to depend upon the
7 government for it.

8 I think that probably, without going into a long
9 discussion, that encapsulates it.

10 MR. GREENE: Q. Okay. So when you described to
11 me that in part what the Ananda Village, Inc. does is
12 related to the practice of the teachings, the teachings to
13 which you are making reference are the teachings of
14 Yogananda as you have written about, at least in part. Is
15 that fair to say?

16 MR. PARSONS: Well, I object. It misstates his
17 earlier testimony, it's compound, it's ambiguous. It's
18 vague as to other teachings he's written about.

19 You can answer.

20 THE WITNESS: Yes, of course, it's not. It's

21 Yogananda's teachings. Not just as I presented them, also
22 as I presented them.

23 MR. GREENE: Q. Right, okay.

24 Now, with respect to the Ananda Church of
25 Self-Realization, what is your understanding of the purpose
1 of that entity?

2 MR. PARSONS: Also, same objection, in terms of
3 lack of foundation, speculation.

4 THE WITNESS: And same answer. Because even
5 though people don't live there, they meet together as often
6 as they can within the church.

7 The church is also the holding body for the land
8 at Ananda. It is owned by the church. And so it directs
9 the -- I should say, it controls the direction of Ananda
10 Village to ensure that it be primarily a spiritual entity,
11 and not a social entity.

12 That states it pretty well, I think.

13 MR. GREENE: Q. Mr. Parsons is going to love
14 this one.

15 MR. PARSONS: Well, let's hear it.

16 MR. GREENE: Q. I'm just trying to formulate it.
17 Let me tell you what's in my mind, then I'll try
18 to ask you a question.

19 What I'm thinking about is, the notion of
20 consciousness on one hand, and one's body on the other.

21 Those are two separate, distinct things that have a
22 relationship, but don't come from the same place.

23 And what the question is that I have is, is
24 whether the relationship between the Ananda Church and the
25 Ananda Village, Inc. is comparable.

1 What I want to formulate a decent question to ask
2 you about is whether the Ananda Village -- or the Ananda
3 Church is the entity which determines the direction which
4 the Ananda Village takes.

5 MR. PARSONS: Okay. Could I ask you, then, to --

6 MR. GREENE: Q. And that's my question. I think
7 I did a pretty good --

8 So my question to you is -- to recapitulate, is,
9 to your knowledge, does the Ananda Church determine what the
10 practices of Ananda Village, Inc. will be?

11 MR. PARSONS: Vague as to "determine," and
12 "practices."

13 THE WITNESS: What do you mean by "practices"?

14 MR. PARSONS: Lacks foundation. You can --

15 MR. GREENE: Q. Well, will you give me an answer,
16 please?

17 MR. PARSONS: Well, he's just asked for
18 clarification of the question.

19 MR. GREENE: Q. Let me --

20 THE WITNESS: Are you referring to spiritual
21 practices?

22 MR. GREENE: Q. This is how I come to
23 "practice."
24 Because in what you told me before when we were
25 talking, was that what -- part of what Ananda Village, Inc.
1 does is involved with the practice of the teachings. And so
2 what I want to know is, in the sense that you use that term,
3 whether the source -- now, this is a different question; it
4 goes to the same area -- whether the source --
5 MR. PARSONS: Are we on a new question now?
6 MR. GREENE: Yes.
7 MR. PARSONS: Okay.
8 MR. GREENE: I'm trying to articulate it in a
9 better way.
10 Q. Whether the source of the teachings is the Ananda
11 Church.
12 MR. PARSONS: And I'm sorry, so the question is,
13 what?
14 MR. GREENE: Well, let me try to break it down and
15 back up a little bit.
16 Q. When you told me that what the Ananda Village in
17 part does involves the practice of the teachings, what did
18 you mean in your use of the term "practice of the teachings"?
19 A. I don't think I said that. We could either read
20 the record over, or I could restate it if you like.
21 Q. Why don't you restate it, because that's what I
22 heard. I may have misheard.
23 MR. PARSONS: Okay. Now, so this witness is now
24 going to restate testimony to some prior question which is
25 not before him at the moment?
1 MR. GREENE: Q. No. The question is, is when --
2 that you said that the -- part of what Ananda Village, Inc.
3 does involves the practice of the teachings.
4 A. Excuse me, I didn't say that.
5 Q. All right.
6 A. I said it involves the practical aspects of our
7 life. That's very different.
8 Q. Okay. So when you say that it involves the
9 practical aspects of our life, are you talking about things
10 such as housing and all those things that you enumerated --
11 old age, don't have to be charges of the government, so on
12 and so forth?
13 MR. PARSONS: I do want to object, in that now
14 he's apparently testifying again about a prior question
15 which isn't before him.
16 Apparently the witness has some idea of some
17 question, so I'll permit him to testify. But I want that
18 objection clear, that I don't know what he's testifying
19 about.
20 THE WITNESS: I'll have to answer as I understand
21 your question. Okay?
22 MR. GREENE: Q. That's the only basis for it.

23 A. My understanding of this issue is that Ananda
24 Village is concerned with those things, and with roads and
25 water, businesses.

1 Ananda Church of Self-Realization would be
2 involved in the question of, is this business something that
3 offends our teachings, such as a butchery shop when we're
4 vegetarian, things of that nature.

5 So where the ideals of our teachings and religion
6 are concerned, the church would be involved in that.

7 Whether it is a business decision from the
8 village -- because we all live together, we all pretty well
9 speak together anyway. But from the usual theoretical
10 attempt to divide functions, which is usually really only
11 theoretical, then the decision of the day-to-day running
12 would be essentially village. Not under the direction of
13 the church, but under the approval.

14 Q. Okay. And when you say under the approval, that
15 would be under the approval of yourself as one person; right?

16 A. Ultimately, it would be my decision.

17 Q. Okay.

18 A. If there was any controversy, it would be my
19 decision.

20 Q. That would be your choice?

21 A. We always had the policy from the very beginning
22 to run things from a grass roots level. So if it comes to
23 my level, that means that people haven't been able to
24 resolve it, or there is some kind of question.

25 Or sometimes I will see that something needs to be
1 resolved that they haven't noticed, and then they'll come in
2 and say, on a matter of principle, this is right or not
3 right. But that's how it is.

4 Q. Okay. So really, the buck stops with you?

5 MR. PARSONS: Well, objection. Mischaracterizes
6 his testimony. I don't know what "buck stops" with this
7 witness means.

8 You may respond.

9 THE WITNESS: I think you could say that.

10 MR. GREENE: Q. Okay. We'll talk about ideals a
11 little bit.

12 Now, as you well know, you know lots more than I
13 do, but I'm trying to learn something. And so my question
14 is, for starters, are you familiar with something called the
15 Eightfold Path of Patanjali?

16 MR. PARSONS: Okay. Objection, "familiar with."

17 You may respond.

18 THE WITNESS: As well as one can be familiar with
19 something like that, yes, I know.

20 MR. GREENE: Q. And I think I mispronounced
21 again --

22 A. Patanjali.

23 Q. Patanjali, thank you.

24 A. P-a-t-a-n-j-a-l-i.

25 MR. GREENE: Q. The Eightfold Path of Patanjali
1 involves certain moral precepts. Is that fair to say?

2 MR. PARSONS: Objection. Vague as to "fair." Go
3 ahead.

4 THE WITNESS: Yes, of course.

5 MR. GREENE: Q. Okay. And one step has to do --
6 is called Yama. Is that right?

7 A. Yes. Yes.

8 Q. And Yama has to do with moral conduct?

9 A. Yes, you could say that.

10 Q. Okay. And Yama is fulfilled by not injuring other
11 people. Is that right?

12 A. That's one.

13 Q. And it's fulfilled by being truthful?

14 A. It's -- no, it's odd the way they put it. Not
15 injuring, not telling untruth -- anyway, that's teaching. I
16 don't have to get into that.

17 Yes, that's essentially right.

18 Q. That's essentially -- okay. And not stealing is
19 part of Yama, part of moral conduct?

20 A. Some authorities say that. I contest that. It
21 essentially means non-- Autobiography says that, but that's
22 not Yogananda's footnote.

23 No, it means, nonavarice.

24 Q. Okay, all right. Well, let me -- I don't have two
25 copies of the Autobiography of a Yogi.

1 A. Yes, but I'm familiar with it.

2 Q. But I'm sure you probably know it inside and out.

3 MR. PARSONS: Well, it's gone through many
4 different editions, so it's important --

5 THE WITNESS: I could look at it.

6 MR. PARSONS: If you're going to ask this witness
7 a question concerning the document.

8 MR. GREENE: Q. I'd be happy to.

9 Let me share with you, if I might, on page 262 --
10 and this --

11 MR. PARSONS: This will end up with a question, I
12 hope.

13 MR. GREENE: Of course.

14 These books are weird. They don't have --

15 THE WITNESS: I can find it for you.

16 MR. PARSONS: You don't know what he's looking
17 for.

18 MR. GREENE: Q. I was trying to identify -- this
19 is the most recent volume at the bookstore.

20 What I'm looking at is on page 262, the paragraph
21 -- first paragraph at the bottom of the page that starts
22 with "The Yoga system of Patanjali is known," and would you
23 read that paragraph -- you might as well read it into the
24 record.

25 A. I'm familiar with it, yes.

1 "The Yoga system of Patanjali is known as the
2 Eightfold Path. The first steps are one, Yama, moral
3 conduct; two, Niyamas, religious observance.

4 "Yama is fulfilled by noninjury to others,
5 truthfulness, nonstealing, continence and
6 noncovetousness."

7 Do you want me to go on?

8 Q. No, that's okay.

9 A. Now, the non --

10 MR. PARSONS: Wait. He hasn't asked a question.

11 MR. GREENE: Q. What were you going to say? The
12 note?

13 A. I will wait for you to ask your question.

14 Q. Okay. That's fine. May I see the book back?

15 A. Yes.

16 Q. Thanks. Okay. So to your knowledge, what you
17 just read, that's Paramhansa Yogananda's own writing.

18 A. No, I don't believe it is. I think an editor
19 interpolated that, because nonstealing doesn't make sense.

20 You don't have to tell most people who are on the
21 spiritual path not to steal. Not to have avarice, not to
22 covet. Probably noncovetousness is probably an even better
23 translation. That would make sense for everybody.

24 Q. Okay.

25 A. His book is heavily edited, I should add.

1 Q. Now, the Eightfold Path of --

2 A. Patanjali.

3 Q. -- Patanjali is -- and the aspects which you just
4 read into the record, with the exception of nonstealing, are
5 those -- do you consider -- well, first, do you consider
6 those things to be ideals?

7 MR. PARSONS: Okay. I'll ask this question be
8 read back, because I'm totally lost with what the
9 interrogatory is.

10 MR. GREENE: I'll do it all over again. Okay.

11 Q. Do you consider that the first step of the
12 Eightfold Path of Patanjali, which says that "Yama is
13 fulfilled by noninjury to others," do you consider that to
14 be an ideal?

15 A. I do.

16 Q. And do you consider that -- with the same context,
17 the Eightfold Path of Patanjali, and that Yama is fulfilled
18 by truthfulness --

19 A. Right.

20 Q. -- as being an ideal?

21 A. I do.

22 Q. And do you consider in the same context continence
23 to be an ideal?

24 A. I do.

25 Q. And noncovetousness to be an ideal?

1 A. I do. There was another there.
2 Q. Well, that is one you had kind of disagreed with,
3 which was nonstealing.
4 MR. PARSONS: Well, he had a different --
5 THE WITNESS: It doesn't matter.
6 MR. GREENE: Q. Let me explore that and clarify
7 it.
8 You indicated to me that there is some difficulty
9 that you have with the language here on page 262 of
10 Autobiography of a Yogi, with the specific term, quote,
11 "nonstealing," close quote.
12 What's your criticism of that?
13 MR. PARSONS: Well, I do want to object.
14 You know, I really fail to see the relevancy of
15 this. We're wasting tremendous amounts of time with these
16 questions which are grasping around on doctrinal matters
17 which have no relevancy whatsoever to a sexual harassment
18 lawsuit.
19 I want to go on the record stating my objection to
20 this waste of time, because I know this deposition is going
21 to roll on for days without end.
22 So with my objection on the record, you may
23 respond to the question.
24 THE WITNESS: You don't want to ask the judge?
25 MR. PARSONS: Well --
1 MR. GREENE: You're outvoted, Mr. Parsons. At
2 least quantitatively. You got the qualitative call, though.
3 MR. PARSONS: Well, you know, I'll tell you what
4 -- and here is the problem.
5 There's no bright line on this stuff, you know.
6 There's not like one question which jumps on and slaps you
7 as, this is it, when you're talking about wandering so far
8 afield.
9 So at this point, I'm suffice to simply going on
10 the record, stating my firm objection to a waste of time.
11 MR. GREENE: Okay, fine. It's not a waste of
12 time.
13 Q. Do you remember the question?
14 A. It is a waste of time. However, I've gone into it
15 at length in classes, and it usually takes lengths to
16 explain.
17 However, I'll tell you, just encapsulated, that
18 nonstealing means not wanting what somebody else has. And
19 that's -- there's a mental as well as a material aspect to
20 each one of these.
21 You may have to kill bugs when you drive, just
22 because they're in the way. But you don't have to wish
23 injury to them. So it's the mental side.
24 You -- even if you don't steal, if you covet,
25 that's mental stealing. So covetousness is more important
1 than actual stealing, because if you don't covet, you won't

2 steal anyway.

3 The other one, which this -- as you read, said
4 noncovetousness, that's not correct, in my understanding.
5 The correct reading would be, non -- first of all, the first
6 one is, nondesire for what you don't own; the second is,
7 nonattachment to what nominally you do own, which is your
8 clothes, your -- whatever it is you own physically. But not
9 to be attached to it as yours.

10 Q. Okay. And the relevance that that has to the
11 teachings in general, if I understand it correctly, is that
12 the idea of attachment is something that's connected to ego,
13 which gets in the way of being open to God. Is that a fair
14 characterization?

15 MR. PARSONS: Objection. Argumentative, "fair
16 characterization" of what's obviously a complex issue.
17 Go ahead.

18 THE WITNESS: But I would say yes.

19 MR. GREENE: I'd like to mark this as next in
20 order.

21 (Exhibit 28 was marked.)

22 MR. GREENE: Q. Okay. Now, taking a look at
23 Exhibit 28, is Exhibit 28 essentially a -- like a part of a
24 study book having to do with Yama as it is taught in the
25 Ananda community?

1 MR. PARSONS: Objection. Foundation.

2 THE WITNESS: It looks like a fair representation.

3 MR. PARSONS: Well, do you know?

4 He's asking for your knowledge or opinion.

5 THE WITNESS: I know that these things that
6 they're saying are taken from what I wrote. I don't know
7 this particular page. They've put that together.

8 MR. GREENE: Q. Okay. But you are familiar with
9 the 14 Steps that you --

10 A. Yes. I'm not trying to get out of questions. I
11 just want them clear.

12 Q. Oh, no, no. Absolutely. So do I. I just have
13 sometimes a hard time of getting there.

14 And to your knowledge, Exhibit 28 comes from
15 Lessons 4 and 5 of the 14 Steps. Right?

16 A. It comes from the 14 Steps.

17 I'll be happy to have this.

18 Q. Now, let me ask you, as to Exhibit 28, would the
19 Ananda Village, Inc. be responsible, to your knowledge, for
20 the distribution of 28?

21 MR. PARSONS: Objection. Well, it assumes facts
22 not in evidence, it's ambiguous, it shows -- there's no
23 basis for this witness to testify as to whether it is, and
24 it's unclear.

25 But go ahead, if you can.

1 THE WITNESS: It would probably be from the
2 ministry.

3 MR. GREENE: Q. Okay. So it would --

4 A. But mind you, if a member of the village is not in
5 the ministry office and gives it to somebody, nobody is
6 going to stop them from giving it, so --

7 Q. I'm just trying to get from you what your
8 knowledge is of what the source of it would be, not what
9 happens to it after --

10 A. It would be the ministry.

11 Q. Earlier, when you told me about how tape
12 recordings of your talks to your knowledge were kept in the
13 archives and in the ministry office, do you have any
14 knowledge whether there exists any inventory?

15 A. Any which?

16 Q. Inventory of such tapes.

17 MR. PARSONS: Okay. Objection. Compound,
18 foundation. Go ahead.

19 Objection also, what "inventory" means. Vague.

20 But go ahead.

21 THE WITNESS: I am sure there is at least a
22 partial inventory. I doubt that there is a complete one.
23 So somewhere between the two.

24 MR. GREENE: Q. Okay. And just so that we're
25 clear, when I say "inventory," I'm talking about a list.

1 Does that comport with your understanding?

2 A. Yes. Yes, yes.

3 Q. Okay. Let's go back to Exhibit 27.

4 MR. PARSONS: So no questions on Exhibit 28,
5 except what you've already asked?

6 MR. GREENE: Not pending, no.

7 Q. Now, with respect to -- God, I'm going to forget
8 it -- LD?

9 A. Uh-huh.

10 Q. -- LD's question to you, where she says on
11 the last sentence, "And I'd like to know how to work with
12 that on all levels, not just on the level of personality,"
13 close quote.

14 In the matters about which you teach, is there a
15 meaning given to the word "personality"?

16 MR. PARSONS: Objection. It's ambiguous.

17 MR. GREENE: Let me try to fill it in a little
18 bit, and I think Mr. Walters and I will be able to converse
19 just fine.

20 Q. What my understanding is of the word
21 "personality" within the context of the teachings that you
22 conduct is that it, personality, is largely an ego-specific
23 phenomenon. Is that fair?

24 MR. PARSONS: Wait.

25 MR. GREENE: Q. Or rather, accurate. Forget
1 fair. Is that accurate?

2 MR. PARSONS: He doesn't know your understanding.

3 You can't ask him to testify whether your --

4 MR. GREENE: Yeah, I can.

5 MR. PARSONS: -- if that's accurately your
6 understanding. That's the question before this witness, is
7 his understanding of your understanding.

8 MR. GREENE: I'll withdraw it and rephrase it.

9 Q. Based on the matters about which you teach, is
10 there a functional equivalency between the term
11 "personality" and something which revolves around ego?

12 MR. PARSONS: Okay. Vague. Teachings, functional
13 equivalency, the phrase "something that revolves around
14 ego."

15 I make no sense at all of this. The witness can
16 respond if he does.

17 THE WITNESS: No, it doesn't make sense.

18 MR. GREENE: Q. Okay. We'll go further.

19 Oaky-doke.

20 Now, you answer --

21 A. I could explain something in the teachings --

22 Q. Would you explain it? Because I do want to learn.

23 MR. PARSONS: Wait a minute. This witness is not
24 here to explain the teachings. He's here to answer
25 questions under oath.

1 MR. GREENE: Let me ask him a question,
2 Mr. Parsons.

3 Q. What is it about the teachings that you will
4 explain to me that you're about to explain to me right now?

5 MR. PARSONS: Wait. Your Honor, I'm going to
6 object to this type of questioning. I'm going to instruct
7 the witness not to answer so we can get on to something
8 relevant.

9 JUDGE PLISKA: I'll sustain the objection. Move
10 on.

11 MR. GREENE: Q. All right. Under your answer,
12 the -- on page 1 of Exhibit 27, the second paragraph reads,
13 quote:

14 "I imagine it's common for teachers and counselors
15 in every field, not only the spiritual, to identify strongly
16 with their professional roles, to tell themselves," internal
17 quote, "this," underlined, "is what I am and what I like
18 to be," internal quotes closed. "In this respect I find
19 myself outside the norm. I've never really identified
20 myself with the role I am supposed to be playing: That of
21 teacher and counselor," close quote.

22 Now, is it true that in 1983, you considered
23 yourself to be a teacher?

24 A. I am a teacher.

25 Q. Okay. And you were then; correct?

1 A. The question here is whether I identified with
2 that role.

3 Q. No, no, no. That's not my question.

4 My question to you is, in the context -- I'm not

5 asking you about whether you identify with being a teacher.

6 I'm asking you whether you were.

7 MR. PARSONS: Okay. If it's outside the context
8 of this quote, then I object that "teacher" is vague.

9 You may respond.

10 THE WITNESS: And why have the quote if we have
11 another question?

12 MR. PARSONS: But nonetheless --

13 THE WITNESS: I simply am a teacher. So that's --
14 I don't know how you could say I wasn't.

15 MR. GREENE: Q. Okay. And a counselor also.

16 Correct?

17 A. Yes.

18 MR. PARSONS: Objection. Vague as to

19 "counselor." Go ahead.

20 MR. GREENE: Q. And when you -- okay.

21 But when you talk here, "I have never really
22 identified myself with the role I am supposed to be
23 playing," what do you mean by that?

24 A. I mean that as a teacher, I try to learn rather
25 than talk down to anybody. I feel that somebody who is just
1 on our mailing list may know more than I do.

2 So my form of teaching is not, here I am
3 dictating, here I am teaching, here I am counseling. I'm
4 trying to listen and hear what their own higher self is
5 saying, what they might teach me.

6 And in the context of what their desires and
7 interests are, I try to offer clarity.

8 Q. Isn't it true that in your capacity of spiritual
9 director of the Ananda Church and the Ananda Village, you're
10 a counselor?

11 MR. PARSONS: Objection. Vague as to time. Go
12 ahead.

13 MR. GREENE: Q. In the last 3 years?

14 MR. PARSONS: Still vague as to time. Go ahead.

15 THE WITNESS: In that context, of course.

16 MR. GREENE: Q. And also within the last 3 years,
17 as spiritual director of Ananda Village and Ananda Church,
18 you were a teacher too. Right?

19 MR. PARSONS: Same objection.

20 THE WITNESS: Same answer.

21 MR. GREENE: Q. Okay. Which is yes; correct?

22 A. Yes.

23 Q. Now -- no, withdraw that.

24 Is it your belief that your assumption of the --
25 well, let me withdraw that.

1 Do you draw a distinction between the role of
2 teacher and the role of counselor?

3 MR. PARSONS: Objection. Vague as to time,
4 unclear as to those terms.

5 Go ahead.

6 THE WITNESS: Yes. I would have to think about
7 it. I've never drawn a distinction.

8 MR. GREENE: Q. Okay. So there -- I mean, are
9 the terms "teacher" and "counselor" different ways of
10 describing the same thing, as you use those terms?

11 A. You see, I don't use those terms. I'm just a
12 human being who shares what he can share with others. And
13 you can call it counseling, you can call it teaching. I
14 haven't called it anything, really.

15 Q. Except here in Exhibit 28, do you refer to
16 yourself as a teacher and counselor?

17 A. Well, one has to use words.

18 MR. PARSONS: You're misstating the document,
19 which speaks for itself. Which clearly, in fact, I think
20 contradicts your question. But go ahead.

21 MR. GREENE: Q. In fact, you've dedicated your
22 life to both teaching and counseling, haven't you?

23 A. I've dedicated my life to serving.

24 Q. And when you say serving, you're talking serving
25 other people. Right?

1 A. Yes.

2 Q. And the way that you serve other people is through
3 acting as a teacher in part, isn't it?

4 A. You see, I've tried to clarify that for you.

5 Other people may use such a word. I may use it under
6 duress.

7 I don't think of it as -- I think of it as serving
8 people. I have a mental clarity which I can bring to bear
9 on certain things. I offer them this. I say, take it or
10 leave it. I don't say, I am an authority, I am an expert, I
11 know, don't you think you -- I never say that.

12 So how do I answer your question? I -- see, other
13 people reading the word "teacher" would have a different
14 idea of it than I have. To me, it's a service.

15 MR. PARSONS: I'd also like to say, we've been
16 going about an hour. I'd like to take a break.

17 THE WITNESS: Yes, let's take a break.

18 MR. PARSONS: If you're towards the end of a line
19 of questions --

20 MS. RUSH: It's more than an hour.

21 MR. PARSONS: In other words, I don't -- if you
22 have a line of questions here --

23 MR. GREENE: I am in the middle of a line of
24 questions. And we haven't been going an hour yet.

25 THE WITNESS: I think still, medically, it would
1 be good for me to take break.

2 MR. GREENE: That's fine. So say we'll be back
3 here at 1:30?

4 THE VIDEO OPERTOR: We're going off the record at
5 2:21 p.m.

6 (Recess from 2:21 p.m. to 2:38 p.m.)

7 THE VIDEO OPERATOR: We're back on the record at
8 2:38 p.m.

9 MR. GREENE: Q. Okay. Mr. Walters, the reason --
10 one reason that you teach is because Yogananda told you to.
11 Right?

12 A. Correct.

13 Q. And another reason why you teach is because you
14 consider teaching to be your path to salvation. Correct?

15 A. Correct.

16 Q. And originally, you didn't want to teach. Right?

17 A. Correct.

18 Q. And do you consider your not wanting to teach a
19 form of nonattachment to teaching?

20 MR. PARSONS: I'm going to object. It's -- the
21 terms are ambiguous in this context, "nonattachment to
22 teaching."

23 I'll let the witness answer, although again I
24 object to this stream of irrelevant questions so far afield
25 that there is no relevancy even to lead to discoverable
1 matter. But go ahead.

2 THE WITNESS: I could say it's a manifestation of
3 nonattachment. Certainly if I were attached to teaching, I
4 would want to be teaching.

5 MR. GREENE: Q. Right.

6 A. So it's an expression of nonattachment, example,
7 manifestation.

8 Q. And based on your teaching, really there's no
9 greater value in the role of a leader than there is in the
10 role of carpenter. Right?

11 MR. PARSONS: Objection. Argumentative. Vague as
12 to based on your teaching.

13 Go ahead.

14 THE WITNESS: Excuse me, the teachings don't make
15 any such statement. That's my personal statement.

16 MR. GREENE: Q. And that's your own personal
17 belief. Right?

18 A. That's my own personal attitude. I would say yes,
19 perhaps belief also.

20 Q. Excuse me?

21 A. Perhaps also belief.

22 Q. Now, you consider yourself to be a leader, don't
23 you?

24 MR. PARSONS: Objection. Vague as to "leader,"
25 misstates his testimony. Also irrelevant.

1 Go ahead.

2 THE WITNESS: I really don't know how to answer
3 that. I function in that role.

4 MR. GREENE: Q. Okay. Directing your attention
5 to the last paragraph of Exhibit 27, on the first page, it
6 states, quote:

7 "Moreover, I have never particularly wanted a

8 following. Again, it isn't that I dislike the idea.

9 In fact, I've always accepted it as my karma to be a
10 leader. Even in childhood, other children, sometimes
11 even adults, tended to look to me for leadership,"
12 close quote.

13 Now, in your use of the term "leadership," what do
14 you mean?

15 A. I mean --

16 MR. PARSONS: Again, in this paragraph?

17 MR. GREENE: Q. Yes.

18 A. To clarify it, I should read the next sentence.

19 "Here, to, if people don't want my leadership, or if they
20 want to be leaders" --

21 MR. GREENE: Q. Mr. Walters, I --

22 A. -- "I'm personally happy for them to hold the
23 reigns."

24 MR. PARSONS: He's entitled to read another part
25 of the record into the record.

1 JUDGE PLISKA: That's correct, Mr. Greene. It
2 seems to me, to clarify his answer, he's entitled to do
3 that.

4 THE WITNESS: And that's my clarification. So
5 what did you ask again?

6 MR. GREENE: Q. Okay. My question is --

7 A. What do people think?

8 Q. -- do you consider yourself --

9 MR. PARSONS: No, listen.

10 MR. GREENE: Q. -- to be a leader?

11 MR. PARSONS: Okay. Objection. Vague as to
12 "leader." That's been asked and answered.

13 THE WITNESS: Yes. The word itself can be defined
14 in many ways. I consider the position of leadership to be a
15 position of service, whatever the dictionary says.

16 MR. GREENE: Q. When you say that you consider a
17 position of leadership to be a position of service, is the
18 service that you're talking about one which -- or one in
19 which you aspire toward leading other people to higher
20 states of consciousness?

21 MR. PARSONS: Okay. I need that question read
22 back. I haven't followed it.

23 Could you read the question back, please.

24 (Record read.)

25 THE WITNESS: No.

1 MR. GREENE: Q. What is the service you're
2 talking about?

3 A. Well, the first one I mentioned was the same as in
4 teaching, that I bring clarity to questions, decisions.

5 The other aspect of leadership is that --

6 MR. PARSONS: Excuse me, service is the question.

7 THE WITNESS: Service is -- no, but I'm addressing
8 service.

9 MR. PARSONS: Okay, fine.

10 THE WITNESS: That the leader has to take the
11 responsibility for a decision, whether it's right or wrong.

12 In other words, he has to bear the blame. That's
13 a kind of service. I'm willing to carry the load for others
14 if they don't want to. I'd say those were the two main
15 things.

16 The other would be enthusiasm. A leader would
17 have to be a person with an enthusiastic nature who believes
18 in what he's doing, doesn't order other people to do it, but
19 says that it means a lot to me, if you like to join me,
20 please join me. That's all.

21 I'd say that defines leadership as I understand
22 it.

23 I should also mention that I've written a book on
24 the subject called The Art of Supportive Leadership, and in
25 there, there's a much longer exposition of what it's all
1 about.

2 MR. GREENE: Q. All right. Why don't we take a
3 look at that.

4 This will be Plaintiff's next in order.

5 (Exhibit 29 was marked.)

6 THE WITNESS: That's an older edition.

7 MR. PARSONS: Well, just wait until he asks you a
8 question about it.

9 MR. GREENE: Q. Directing your attention to
10 Exhibit 29, which is a photocopy of a booklet entitled The
11 Art of Creative Leadership, did you author that?

12 A. Yes.

13 Q. And is that the work that you were referring to
14 when you just said you had written something on the subject
15 of leadership?

16 A. It's the precursor of the work I was referring to,
17 which is more -- it's longer.

18 Q. Okay.

19 A. I've clarified certain ideas in the later book.

20 Q. Okay. This booklet was published by Ananda
21 Publications.

22 In your mind, is there any difference between
23 Ananda Publications and Crystal Clarity Publishers?

24 MR. PARSONS: Objection. Vague as to time. Also,
25 lack of basis for this witness to testify.

1 THE WITNESS: At this time, there is none. At one
2 time, there was.

3 MR. GREENE: Q. Okay. At this time, there's no
4 difference between the two entities?

5 A. Ananda Publications no longer exists.

6 Q. Did Ananda Publications become, to your knowledge,
7 Crystal Clarity Publishers?

8 A. No.

9 Q. To your knowledge, was there a period of time in

10 which Ananda Publications and Crystal Clarity Publishers
11 existed concomitantly?

12 A. Yes.

13 Q. To the best of your recollection, when was that?

14 MR. PARSONS: Objection. Foundation.

15 Go ahead.

16 THE WITNESS: I think it was 1986.

17 MR. GREENE: Q. To your knowledge, was Ananda
18 Publications a component of the Ananda Church?

19 MR. PARSONS: Vague. Objection, vague as to
20 "component."

21 Go ahead.

22 THE WITNESS: Yes.

23 MR. GREENE: Q. And to your knowledge, was --
24 withdraw that.

25 Now, with respect to Exhibit 29 in general, did
1 you have any particular objective regarding an overall point
2 that you wanted to communicate when you wrote this work?

3 MR. PARSONS: Objection. It's vague, ambiguous,
4 "overall point," general intention.

5 You may respond.

6 THE WITNESS: Do you want me to describe the
7 genesis of the book?

8 MR. GREENE: Q. Sure. What was the genesis of
9 the book?

10 MR. PARSONS: Object. Then it calls for a
11 narrative. Go ahead.

12 THE WITNESS: I was in Australia giving lectures
13 there. And the Australians, being very independent people,
14 were asking me about leadership at Ananda, because they
15 don't want anybody telling them what to do.

16 And so I had never read a book on the subject, but
17 I was going into my experience of it, my -- what I've
18 learned from that experience. And those ideas, as I
19 answered these specific questions, seemed to me helpful to
20 everybody, so I turned it into a booklet, and then later
21 made a book out of it.

22 MR. GREENE: Q. Okay. Now -- and you're familiar
23 with the contents of this booklet, aren't you?

24 A. Well, yes.

25 MR. PARSONS: Well, objection. Meaning of
1 "familiar."

2 THE WITNESS: How familiar, is the question. But
3 of course, I wrote it.

4 MR. GREENE: Q. How familiar -- you -- withdraw
5 that.

6 Now, on page 2, the middle of the second
7 paragraph, you write, quote:

8 "The kind of leader for whom I am writing is
9 concerned not so much with the opinions of others as
10 with the truth, with getting a job done, with inspiring

11 others to join him in working toward a worthy common
12 goal. This implies a willingness to assume the
13 responsibility not merely for success, but also for
14 failure. A willingness to take the risk himself,
15 instead of waiting for others to take it (absolving him
16 thereby of any blame)," end of quote.

17 Is the quote I just read reflective of the manner
18 in which you seek to discharge your role as a leader?

19 MR. PARSONS: Okay. I'm going to object. It's
20 compound. "Reflective" is an ambiguous term. "Discharge"
21 is an ambiguous term as well.

22 And I -- if you can -- go ahead and respond to the
23 extent you can.

24 THE WITNESS: I answered that just before we
25 picked up this book. It's basically the same thing I said
1 before.

2 MR. GREENE: Q. In terms of being willing to bear
3 the burdens as well as enjoy the benefits?

4 A. Of what?

5 Q. What you had said before, about being willing to
6 bear the burdens of leadership in addition to enjoying the
7 benefits.

8 MR. PARSONS: Well, that misstates what he said
9 before, but --

10 THE WITNESS: Yes. That isn't what I said
11 before.

12 There's no question of enjoying leadership. It's
13 a question of serving. Your joy comes not in bounty or
14 things you receive; it's in the act of giving.

15 If you can help bring people to a good end, that's
16 satisfaction. But that's the only satisfaction that a good
17 leader should think of.

18 MR. GREENE: Q. Okay. Were you applying the
19 principles of service that you just described to me in the
20 course of your interactions with (woman #7)?

21 MR. PARSONS: Objection. It's vague now as to
22 time, vague as to course of interactions. It's also vague
23 as to the principles.

24 You know, I -- I don't understand the question.

25 If you understand the question, Mr. Walters, you can respond
1 to it.

2 THE WITNESS: Absolutely, yes.

3 MR. GREENE: Q. Yes, you understand, and yes in
4 answer to the question?

5 A. I understand, I was applying the principle of
6 taking the burden on my own shoulders.

7 The fact that I was willing to announce to the
8 public something that she later denied and still kept that
9 and didn't blame her, this is what I'm talking about when I
10 speak of leadership.

11 Q. What do you mean -- what did you announce to the

12 public that --

13 A. That we were married spiritually.

14 By the way, I don't think your --

15 Q. Thank you. I'm not linked, although I'm sure it
16 hears me.

17 So what was the burden of -- was there any burden
18 in announcing to the public that you and (woman #7) had been
19 married spiritually?

20 MR. PARSONS: Okay. Objection as to the term
21 "burden" and what it means.

22 Again, this whole line of questions is so far
23 afield as to anything relevant here, but I'll let the
24 witness answer.

25 THE WITNESS: Yes, of course there was. The
1 burden of mockery; the burden of people feeling that, oh,
2 he's left his ideals; the burden of criticisms from people
3 who wouldn't understand.

4 I assumed all of that on my shoulders, and I did
5 it -- I took a lot of courage to do it.

6 MR. GREENE: Q. And when you talk about the
7 burden of others saying, "Oh, he's left his ideals," are you
8 making reference to matters which in any way pertain to
9 celibacy?

10 MR. PARSONS: Objection. Burden of others, though
11 he's left his ideals. I don't think those concepts have
12 been linked in the testimony, so it misstates his testimony.

13 MR. GREENE: Mr. Parsons, it just came out of your
14 client's mouth.

15 MR. PARSONS: Well, I would like the question read
16 back again.

17 THE WITNESS: I didn't say they would say it; I
18 said I took the risk. But the question is regarding
19 celibacy?

20 MR. GREENE: Q. The question is regarding
21 celibacy.

22 And the question is, that when you talk about how
23 you took a risk by announcing to the public your spiritual
24 marriage to (woman #7), and that what the risk was
25 involved incurring the opinion of people that you had given
1 up your ideals, is what you're making a reference to --

2 A. I took the risk.

3 MR. PARSONS: Wait a minute.

4 MR. GREENE: Q. But I want to know what you're
5 making reference to when you're talking about that people
6 would think that you were giving up your ideals.

7 What in your mind were the ideals that you thought
8 you were taking a risk concerning?

9 MR. PARSONS: Things, comma, concerning.

10 Could I have that question read back, or do you
11 want to restate it?

12 MR. GREENE: I'll rephrase the question.

13 Q. Mr. Walters --

14 MR. PARSONS: And just a question, please.

15 MR. GREENE: Please be quiet, Mr. Parsons, and let
16 me think.

17 Q. When you said that by announcing your spiritual
18 marriage to (woman #7) you felt you were taking a risk,
19 and the risk was that -- or included that other people would
20 conclude that you had given up your ideals, was one of the
21 ideals to which you were making a reference in that
22 statement the ideal of celibacy?

23 MR. PARSONS: Okay. Objection. Misstates his
24 testimony.

25 Go ahead and respond.

1 THE WITNESS: Yes.

2 MR. GREENE: Q. Were there any other ideals to
3 which you were making reference in your own mind in that
4 regard in addition to the ideal of celibacy?

5 MR. PARSONS: Same objection. Go ahead.

6 THE WITNESS: You see, I was embracing a new
7 ideal. It wasn't as if I was giving up.

8 So you're talking about other people's opinions,
9 and my taking the risk of their opinions. It doesn't seem
10 terribly apposite.

11 MR. GREENE: Q. What I'm talking about is your
12 telling me that in your own mind you were taking a risk, and
13 the risk that you were taking was incurring other people
14 saying, he's given up his ideals.

15 I'm not talking about what in another sense you
16 were doing. I'm talking about what you were thinking with
17 respect to taking that risk.

18 And you told me that one of the risks were, in
19 that regard, having to do with the ideal of celibacy.

20 And what my question is, is in the same sense,
21 were there any other ideals that you had in your mind
22 concerning which you were exposing yourself to ridicule or
23 mockery, aside from the celibacy ideal?

24 MR. PARSONS: Wait. Objection. Vague, ambiguous,
25 compound, misstates your testimony, assumes facts.

1 Go ahead.

2 THE WITNESS: Let me explain that I didn't take it
3 worried about the risk. I did it because I felt this was
4 right, and I didn't pay much attention to what other people
5 would think.

6 So I didn't weigh in the balance what they might
7 think; I just knew that it was a courageous step, but this
8 is what I believed would be right for me and for Ananda at
9 that time.

10 I still think I did the right thing.

11 MR. GREENE: Q. Did you believe that it was a
12 courageous step when in Hawaii in April of '81, you first
13 slept with (woman #7)?

14 MR. PARSONS: Objection. It's argumentative, it
15 misstates his testimony.

16 You can go ahead and answer.

17 THE WITNESS: That was the beginning of my -- not
18 the beginning at that moment, but I was feeling that this
19 new direction was necessary for our community.

20 MR. GREENE: Q. Okay. But that's not what my
21 question is.

22 Do you remember my question?

23 A. Try again.

24 Q. All right. My question is, at the time that you
25 first had intercourse with (woman #7) in Hawaii, did you
1 believe that in so doing, you were engaging in a courageous
2 act?

3 MR. PARSONS: I'm going to object to that. That's
4 also argumentative.

5 Now, in fact, I'm going to instruct the witness
6 not to answer that question, because it serves no purpose.
7 There's no discovery involved in here.

8 It calls for his determination, courageous, taking
9 that word out of context from which it's been used before
10 concerning a public announcement, and now transferring it to
11 an intimate, personal act.

12 I think that's an inappropriate question, because
13 it's argumentative.

14 JUDGE PLISKA: No, I think it's a proper question.
15 Please answer it, Mr. Walters.

16 THE WITNESS: Yes, I did.

17 MR. GREENE: Q. And why did you think that?

18 A. Because I felt that there was something new trying
19 to happen in my life, and for the lives of other people, and
20 I didn't feel that I should weigh other considerations in
21 the balance.

22 I, sleeping with her or not, wasn't the issue.

23 That was never the issue. It was, rather, that I felt that
24 this person completed me in a way that I felt was important
25 for me.

1 I testified a few days ago that what I gained from
2 that I still feel that I've gained. It's been a permanent
3 benefit. And I think it took courage.

4 Q. Now, did you discuss with members of your
5 community how -- withdraw that.

6 You told me about how you felt -- this is my
7 term -- an evolution of a change that was taking place in
8 yourself which -- again, my terms -- came to fruition in
9 your relationship with (woman #7).

10 A. I did.

11 MR. PARSONS: Wait.

12 MR. GREENE: Q. Okay. My question is, did you
13 discuss that evolution and change within yourself with the
14 senior -- any of the senior ministers in your community?

15 MR. PARSONS: It's vague as to time. Object on
16 that ground.

17 You can answer.

18 THE WITNESS: As much as I was able to, which is
19 to say as much as I understood.

20 MR. GREENE: Q. And so you did understand that
21 there was some sort of a nascent change that was taking
22 place inside your soul. Right?

23 MR. PARSONS: Well, objection. I think that
24 misstates his testimony.

25 You can respond.

1 THE WITNESS: I did.

2 MR. GREENE: Q. Okay. And you communicated that
3 to the -- some of the senior ministers in your community,
4 didn't you?

5 MR. PARSONS: Objection as to "that." Go ahead.

6 THE WITNESS: Quite a few.

7 MR. GREENE: Q. And then ultimately, when you --
8 when that evolutionary change came to fruition with (woman #7)
9 , you discussed that coming to fruition with quite a
10 few of the senior members of your community, too, didn't
11 you?

12 MR. PARSONS: Object. Vague, "that coming to
13 fruition." I don't know what that means.

14 You may respond.

15 THE WITNESS: Would you like to explain what it
16 means?

17 MR. GREENE: Q. I'll try again. Sure. Okay.

18 Where we are is that you told me about how there
19 was a -- my terms; I'm not trying to put words in your
20 mouth, I'm just trying to think in my own language -- that a
21 nascent change was happening inside your soul, and you
22 communicated that to members of your community.

23 And ultimately, you in the experience of your life
24 came to the understanding and the conclusion that your
25 relationship with (woman #7) was a fruition of that
1 change.

2 And so what I'm asking is, isn't it true that you
3 discussed how (woman #7) -- your relationship with (woman #7)
4 was a fruition of that change with members of your
5 community?

6 MR. PARSONS: Okay. Objection. Again, "fruition
7 of that change."

8 You can respond, though.

9 THE WITNESS: I talked with a lot of people,
10 including people who didn't live at Ananda. I wasn't
11 telling them, I was asking them.

12 It represented such a radical change for me that I
13 didn't -- I wasn't sure of myself. I wanted advice from
14 people. And I tried to bring that advice together and take
15 it inside and feel whether it was the right thing or not.

16 So as long as it's made -- as long as it's
17 understood that I wasn't just telling them about this. It
18 was very much of a group thing, and therefore the whole
19 community had to be into it and was a part of it.

20 MR. GREENE: Q. Okay. So if I understand what
21 you're saying, then, is that you were engaging in an
22 internal struggle about whether this was a proper part of
23 your own personal spiritual development. Right?

24 MR. PARSONS: Okay. Well, I object. Again, you
25 know, the witness has testified. You characterize what he's
1 been saying in a certain way, and you add layers on to it
2 and loaded words and things like that.

3 I object to this repetitive process of
4 reformulating what the witness has said. His testimony is
5 clear.

6 So I'll ask that the question be read back. If
7 you agree with his reformulation of what you said, you can
8 agree to it.

9 (Record read.)

10 THE WITNESS: Yes.

11 MR. GREENE: Q. Okay. And so in an effort to
12 maximize --

13 A. To what?

14 Q. -- maximize, your chances for making a right
15 decision, you sought the advice and counsel of your senior
16 ministers by disclosing the nature of your struggle to
17 them. Correct?

18 MR. PARSONS: Objection. That's vague and
19 ambiguous, but you can respond.

20 THE WITNESS: You see, the word "maximize" could
21 imply a sort of democratic vote. It was nothing to do with
22 that.

23 MR. GREENE: Q. No, I'm not. What I'm trying to
24 convey by that is -- just take "maximize" out. I was trying
25 to --

1 A. Clarify.

2 Q. I was just trying to make it as clear as I
3 possibly could.

4 That since you weren't sure, and you were trying
5 to figure it out for yourself, the best way to do that, and
6 to optimize, maybe, your chances of clarity and making a
7 right decision, was by sharing the nature of your struggle
8 as much as you could with the other senior members of your
9 community that you trusted so that you could get their
10 feedback.

11 MR. PARSONS: I object. Clarify, maximize, share
12 -- the question is ambiguous, it's vague, it's
13 argumentative, apart from being far afield from anything
14 involved in this lawsuit.

15 But you can testify.

16 THE WITNESS: Well, the word I object to is --

17 because we're in a legal situation; I wouldn't cut fine
18 lines here, otherwise.

19 But the word "chances" implies gambling, implies
20 what the odds are. There was none of that.

21 MR. GREENE: Q. All right.

22 A. I was looking for clarity. And if anybody, a
23 child, could give me something that I could grasp and say,
24 this is something that means something to me, then I would
25 take it.

1 So it was not democratic in the sense of a maximum
2 -- majority vote. It was not odds. It was nothing like
3 that. It was just that I was trying to be clear in myself
4 whether what looked like a right direction, or right
5 decision, and I felt the guidance from within, that I wasn't
6 fooling myself.

7 And when you're that close to something, you don't
8 trust your own judgment. You need other people.

9 So in a way, I was making everybody else my
10 counselor.

11 Q. Okay. And the way that you were making everybody
12 else your counselor was by doing your best to share with
13 them whatever the issues were concerning which you sought
14 clarity.

15 MR. PARSONS: Objection. In fact, I'd ask the
16 question to be read back. There's too many dangling clauses
17 on it to -- could you read that back, please?

18 (Record read.)

19 THE WITNESS: That's not quite true. I shared
20 with them, but that wasn't the way I was asking.

21 I asked the question, is this right? Do you feel
22 it's right? How do you feel inside?

23 I said that I would love to be proved wrong, if
24 I'm wrong. I just want to know the truth.

25 MR. GREENE: Q. And the question that you were

1 asking was whether or not you should be involved in a sexual
2 relationship with (woman #7). Is that right?

3 A. That wasn't the issue, nor was it in my mind.

4 It was that I felt that we were, as a pair, able
5 to help people.

6 Now, I had to ask people, do you feel this is good
7 for others? Do you feel it's good for me? Do you feel it's
8 good for her? Do you feel this is the right thing, or am I
9 fooling myself?

10 That's all I asked.

11 Q. Was a component of what you were asking inclusive
12 of anything having to do with sex?

13 A. I never asked about that. It's assumed that
14 that's a part of a relationship between a man and a woman.

15 But it was not my question, nor my -- I just
16 assumed that they assumed.

17 Q. Okay. And if I'm understanding you right, the

18 reason that your relationship with (woman #7) was a
19 departure from the direction that you had been heading in
20 before did have something to do with sex, didn't it?

21 A. Say that again?

22 Q. Okay. As I understand you, what -- you're saying
23 that your relationship with (woman #7) was something new in
24 terms of your direct -- the direction you had chosen for
25 your life.

1 And what I'm asking you is whether or not --

2 MR. PARSONS: Here's the question now.

3 MR. GREENE: Q. What I'm asking you is whether or
4 not the -- what was -- whether or not included in the new
5 direction was something having to do with sex.

6 MR. PARSONS: Could I have the question part of
7 that read back?

8 (Record read.)

9 MR. PARSONS: I -- you know, I think I've got some
10 idea where the question thinks it's going.

11 If you think you understand the question and can
12 answer it, go ahead.

13 THE WITNESS: I don't think I do.

14 MR. GREENE: Q. Okay. Let me try again, because
15 it's important.

16 There was an aspect of your relationship with
17 (woman #7) that was different from the way you had
18 previously practiced Yogananda's teachings. Isn't that
19 right?

20 MR. PARSONS: Well, objection. It's confusing, it
21 misstates his testimony, it draws nonparallel -- it attempts
22 to draw nonparallel comparisons.

23 You can respond.

24 THE WITNESS: Please try again.

25 MR. GREENE: Q. Okay. I will try again. I'm

1 just going to talk a little bit here --

2 MR. PARSONS: Well, now --

3 MR. GREENE: Wait. Hold on, Mr. Parsons -- so
4 that I can set the question up.

5 Q. What I've understood from your testimony is that
6 your relationship with (woman #7) was such that you were
7 of the view that you could give more to other people in
8 consequence.

9 Also, my understanding is that the nature of your
10 relationship with (woman #7) was something which
11 departed from what you had practiced as your spiritual
12 belief previously.

13 And that was something that you sought the advice
14 and counsel about from the other ministers, was that you
15 felt that you were so close to her that you weren't sure
16 whether your belief that going in this direction with
17 (woman #7) was correct, and you wanted their feedback.
18 That's my understanding of what you've told me.

19 Now, what my question was --
20 MR. PARSONS: Now, all of that is a statement.
21 You don't have your question before you yet.
22 MR. GREENE: Q. That's the setup.
23 And what my question is, is when you were
24 struggling with whether or not being involved with (woman #7)
25 was the way you wanted to go, was there any element --
1 or rather, was there any question in your mind that because
2 sex was involved, that it might be wrong?
3 MR. PARSONS: Okay. Objection. The question is
4 just incredibly convoluted and compound, and operates at
5 many levels. I honestly couldn't formulate an answer to it.
6 If you can formulate an answer to his question,
7 I'll let you do it.
8 I would ask, however, that the question portion of
9 that be read back so it's clear as it can be in your mind
10 when you respond.
11 (Record read.)
12 MR. PARSONS: Okay. It also assumes facts not in
13 evidence and misstates his testimony. And I object on that
14 grounds.
15 THE WITNESS: The question of right and wrong had
16 to do with the totality of the relationship. Sex was not
17 important to me, and less so to her.
18 It was the fact of taking a spiritual partner, a
19 woman, into my work. That she would be sort of like a
20 mother to the community.
21 And those were my questions.
22 MR. PARSONS: He'd like to go to the bathroom, so
23 let's take a --
24 MR. GREENE: Okay. Want to take a 10-minute
25 break? How do you feel, Mr. Walters?
1 THE WITNESS: 10, fine.
2 MR. GREENE: Come right back if you go to the
3 bathroom, or --
4 THE WITNESS: 10 minutes is fine.
5 MR. GREENE: Sounds good.
6 THE VIDEO OPERATOR: This is the end of videotape
7 number 13 in the deposition of Donald Walters. We're going
8 off the record at 3:16 p.m.
9 (Recess from 3:16 p.m. to 3:28 p.m.)
10 THE VIDEO OPERATOR: This is the beginning of
11 videotape number 14 in the deposition of Donald Walters.
12 We're back on the record at 3:28 p.m.
13 MR. GREENE: Q. Okay. Mr. Walters, would you
14 direct your attention back to Exhibit 28, which is the talk
15 that you gave in response to the question from Ms. Devi?
16 MR. PARSONS: That's this one here.
17 THE WITNESS: Okay. This is 27; right?
18 MR. GREENE: Q. That's correct.
19 MR. PARSONS: Oh, you said 28. So you meant 27?

20 MR. GREENE: Well, I misspoke. You got the right
21 document, I got the wrong number.

22 Q. And on page 2, the second full paragraph, which is
23 a short one, which states, quote:

24 "I think there is more to be gained even from a
25 teacher-student relationship if it can be rooted in deep
1 spiritual friendship," close quote.

2 Now, do you consider as a general proposition your
3 relationship as spiritual director at the Ananda Church in
4 relation to the other persons there to be a teacher-student
5 relationship?

6 MR. PARSONS: Okay. Objection. It's vague,
7 ambiguous, definitions of -- go ahead, if you can --

8 THE WITNESS: I consider it a relationship of
9 mutual friendship, primarily.

10 MR. GREENE: Q. Okay. And you also consider it
11 to be, at least in part, a student -- or a teacher-student
12 relationship, too, don't you?

13 A. No, it's to the extent they call it that; but I
14 don't think of it that way, ever.

15 Q. Okay. Now, you did think of -- in the summer of
16 1983, you had a consideration of a teacher-student
17 relationship in your talk that's reflected here.

18 So why don't you tell me what you meant when you
19 used the term here in Exhibit 27, on page 2, of -- when you
20 discussed a, quote, "student" -- or a "teacher-student
21 relationship," close quote.

22 MR. PARSONS: And the question is, what did he
23 mean by "teacher-student relationship" --

24 MR. GREENE: Yes.

25 MR. PARSONS: -- when used in Exhibit 27? Okay.

1 MR. GREENE: Correct.

2 THE WITNESS: People consider me their teacher,
3 and I let them consider it.

4 For me, I feel they're as much my teacher as I am
5 theirs; that it's a mutual sharing. Much of what I learn is
6 something I learned from them, either by their example,
7 their words, their wisdom.

8 If they feel that I'm their teacher, then they
9 may. But I don't ever push that on anybody.

10 MR. GREENE: Q. Now, you consider yourself, do
11 you not, to have been charged to serve Ananda members in
12 Yogananda's name. Is that right?

13 MR. PARSONS: Objection. "Charged," "served," "in
14 Yogananda's name." Those words and phrases are ambiguous.
15 Misstates his testimony.

16 You can go ahead and answer them.

17 THE WITNESS: I believe he wanted me to start the
18 community.

19 MR. GREENE: Q. Okay. And you believe also --

20 A. So let me finish that thought.

21 Q. Oh, excuse me. I didn't mean to interrupt you.
22 I'm sorry.
23 A. That I also consider the role of service as a
24 service to him.
25 Q. Okay. And included in your use of the term "role
1 of service" is role of counselor; right?
2 A. Yes.
3 Q. Role of teacher; right?
4 A. Yes.
5 Q. And role of leader; correct?
6 A. Yes.
7 Q. All right. And you believe that you've been --
8 have a charge -- not in the sense of electricity, but in the
9 sense of a responsibility from God --
10 A. Of what?
11 Q. -- from God, to teach Yogananda's teachings, don't
12 you?
13 MR. PARSONS: Objection. Misstates his
14 testimony.
15 THE WITNESS: Yes, he does misstate it. But he
16 asked me to, and I believe what he said was God's will.
17 That's not as if God had appeared in a cloud and told me to
18 do something.
19 MR. GREENE: Q. Okay, all right.
20 And directing your attention to page 5 of Exhibit
21 27, second paragraph, second sentence, which states, quote:
22 "Were I to give you my friendship only as a human
23 being and to seek your friendship in return only for myself,
24 I would be betraying the charge that I have been given to
25 serve you in Master's name," close quote.
1 Now, what do you mean when you say that if you
2 sought a student's -- well, let me lay the foundation.
3 You're in that sentence talking to your students,
4 aren't you?
5 A. That was the situation. I was answering a
6 question.
7 Q. Okay. And when you say that if you were to give
8 your students your friendship only as a human being, and
9 seek friendship only in -- in return only for yourself, you
10 would be betraying the charge that you had been given to
11 serve your students in Yogananda's name, what do you mean?
12 MR. PARSONS: Well, objection. Compound.
13 You may answer as many parts of that as you can
14 remember.
15 THE WITNESS: I can try. It's a subtle point.
16 But as in the Hindu vows of marriage, they say the husband
17 should love the wife, not only for the sake of the wife, but
18 for God's presence, God behind the wife.
19 The wife should love the husband not for the
20 husband alone, but for God's sake.
21 In other words, everything that we do in this

22 world should be depersonalized in the sense that we try to
23 bring God into it. It's not just two personalities liking
24 each other in a partying way, but that it's in a higher
25 relationship, that we try to see God in one another and try
1 to talk from what we feel to be the truth rather than from
2 our likes and dislikes.

3 That's a very important principle in Ananda, and
4 in what we're trying to do, to live for God and in God, in
5 one another and in ourselves.

6 MR. GREENE: Q. Does the notion of ego have any
7 application or part of that principle which you just
8 described?

9 MR. PARSONS: Okay. Objection. Vague as to
10 "notion of ego," and also vague as to "that principle just
11 described."

12 Go ahead.

13 THE WITNESS: In a book I wrote this year, which
14 has not yet been published, called Superconsciousness,
15 subtitled A Guide to Meditation, I bring up the question of
16 ego, because in so much spiritual teaching, ego is
17 considered purely a bad thing.

18 And yet it's our ego that lifts us above the level
19 of the animal. Because the animal knows generally there's
20 suffering going on, but man is sufficiently conscious to
21 know, I'm suffering, each individual, I'm suffering.
22 Therefore, man with his ego uses that degree of
23 self-consciousness to -- as an incentive to grow
24 spiritually. To that extent, an ego is a great gift of God.
25 If, however, you cut yourself off in your sense of
1 ego, then that's the wrong use of ego.

2 So ego in itself is not a bad principle. It's how
3 it's directed, how it's used.

4 If it blocks your progress by making you
5 self-important, then it's not good. If it gives you the
6 incentive to feel compassion rather than just letting pain
7 go on in this world, that is the use of ego in a good way,
8 again with creativity, to use ego in a way of wanting to do
9 something beautiful, rather than just acting to eat and
10 sleep and so on, then this is a good use of ego.

11 So I've clarified something that hasn't been
12 talked of very much. Yogananda made it clear in different
13 talks. But mainly, from what I've read, there isn't enough
14 clarity on that point, because ego is always denounced as
15 wrong. That's a mistake.

16 MR. GREENE: Q. So if ego manifests itself in
17 terms of someone having a like or a dislike that gets in the
18 way of spiritual development, then you would say that's a
19 bad use of ego. Right?

20 MR. PARSONS: Objection. Misstates his testimony,
21 "bad use of ego." A lot of those words are ambiguous and
22 vague.

23 Go ahead, if you can answer.
24 THE WITNESS: I can try.
25 You see, it would be so much easier if we were
1 having a philosophical discussion. But because I have to
2 weigh every word, it becomes a different sort of thing.
3 But you cannot speak of something like spiritual
4 progress as A, B, C, D. It's more like, well, you could say
5 that -- like a country being invaded by an Army, and one
6 part will go forward, another part will be beaten back.
7 What you like and what you don't like has to be
8 based on certain things you ought to like. You ought to
9 like love, kindness, generosity. And if you don't, that
10 dislike is not good.
11 If you don't -- see, the ideal is to rise above
12 likes and dislikes. But that doesn't bring into the picture
13 the fact that you have to like the right things. And that's
14 not a personal liking, I want to own it.
15 Rather, I like love, kindness, humility. I want
16 to enter into that stream; not, I want to possess it. Not I
17 want to be looked up to, because I am this.
18 If you can divorce your ego from it and feel that
19 you're entering into that stream of divine love, not to like
20 it would give you no incentive.
21 So obviously, in that context, you need likes and
22 dislikes.
23 If it's a question of selfish likes and dislikes
24 -- I want money; I want anything, a car or whatever -- then
25 that is an obstacle, hypothetically, theoretically; not
1 necessarily.
2 If you -- I'll give you another example. You're
3 asking me to explain our teachings. Okay.
4 Supposing -- what I'm trying to say is that there
5 is a directional truth that we -- for example, if Jesus
6 Christ or Mahatma Gandhi or somebody who gave his life to
7 serving people decided one day, I'm sick of serving
8 humanity, I want to go out and become a millionaire,
9 everybody in the world, even the mafia, would say he's done
10 something wrong.
11 But if you had someone who's lazy, never did
12 anything and finally got off his bed of ease and said, I'm
13 tired of being lazy, I want to go out and become a
14 millionaire, whereas for some people to want to become a
15 millionaire would be a mistake, I think everybody, even
16 saints, would applaud that lazy man's decision, because it
17 would be something taking him in the direction of taking
18 charge of his life, not being a slave to something, not
19 being a slave to other people's will for him, doing
20 something for himself.
21 And so in his case, it would be a virtuous act,
22 and one that I think even masters would counsel.
23 So you can't speak generally. You have to speak

24 to the individual. Where is he on this, let's say, road to
25 perfection?

1 If he's almost there and ready to leave behind any
2 thought of self-fulfillment, and then suddenly wants to
3 become a millionaire, it's wrong.

4 If you're trying to get him on to the road or he
5 wants to get himself on the road, then you'd have to say,
6 well, if he wants that, that's great.

7 But again, spiritual progress -- and I have to
8 stress this points -- is impossible unless it comes from
9 your own decision. It cannot be imposed on you by somebody
10 else's direction or demanding obedience of you or anything
11 of that type. It has to be your decision, ultimately.

12 MR. GREENE: Q. Would you say that the ultimate
13 end of the path to perfection is a selfless service to
14 others?

15 MR. PARSONS: Okay. Objection, path to
16 perfection, selfless service. It's argumentative, it's
17 ambiguous, it's vague. I guess this is probably an
18 appropriate time to object again.

19 We are spending hours on an extraneous doctrinal
20 discussion from summer of 1983 which has no relevancy to
21 this case whatsoever and is taking up a tremendous amount of
22 time.

23 And I'm going to object to the deposition being
24 continued beyond the days which have already been specified,
25 if we're spending this kind of time on this kind of subject.

1 You may, however, answer.

2 THE WITNESS: Yes, of course. I've answered it
3 already. I've said that each individual has a different
4 path, different things to work out.

5 The people living at Ananda, each one is
6 individual. Each one demands or feels the need for
7 different kinds of fulfillment.

8 For example, the very question --

9 MR. GREENE: Q. Wait, wait, wait. My
10 question --

11 A. I'm answering your question --

12 Q. It's a narrow --

13 A. No, I can answer it.

14 JUDGE PLISKA: Please let him finish. He's
15 entitled to clarify his answer.

16 THE WITNESS: My answer is that selfless service
17 is not for everybody. It's for those who -- for whom it's
18 right.

19 That's a silly answer, but how can I do better
20 without going into it in depth?

21 But some people, the right path is to meditate in
22 a cave, to give themselves to God. Their service is
23 self-offering to God in a silence. But you can't make an
24 absolute rule on these things, because it depends on where

25 each individual is.

1 I saw -- if I may go into a discursive narrative,
2 I saw ascetics in India at a big religious fair who did
3 nothing but -- they never sat down, they never laid down to
4 rest. They would lean on a platform, and they looked
5 gross. Their legs were swollen.
6 I found myself mentally criticizing this as
7 fanaticism.
8 And God showed me that I should never judge,
9 because that same day I met another man who for 12 years, 13
10 years, had never lain down, never sat down, and you could
11 see that he was well-formed, his face was radiant.
12 Somehow, ways that I can't understand, but somehow
13 it was the right thing for him to practice that kind of
14 asceticism.

15 But it was for him; probably not for these
16 others. At least, they didn't show it.

17 MR. GREENE: Q. Do you consider for yourself that
18 what you practice is selfless service?

19 MR. PARSONS: Objection. Again, "selfless
20 service."

21 Go ahead.

22 THE WITNESS: Yes. I don't know what you mean by
23 "selfless service" put in the context of me personally,
24 because the fact is, I find great joy in serving, in
25 sharing, in clarifying; and I anticipate that the time will
1 come when I feel I've done that and don't need to do it
2 anymore.

3 But I still feel joy in that. Now, that's not
4 selfless, but it is selfless in the sense that it's an
5 expansion of self rather than a contraction of self.

6 MR. GREENE: Q. Earlier, when you were talking
7 about someone having the choice whether to go in the
8 direction of compassion or kindness and gentleness and so
9 on, would you also include among those ideals the ideal of
10 honesty?

11 MR. PARSONS: Objection. "Ideals," I'm not
12 certain -- so objection to the use of "ideals," objection to
13 the definition of "honesty," misstates his prior testimony.
14 You may respond.

15 THE WITNESS: Sure.

16 MR. GREENE: Q. Now directing your attention
17 again to Exhibit 27, page 5, the third paragraph which
18 states, quote:

19 "Let me underscore what I have said so far. In my
20 relationship with Master, I have found that I am" --
21 A. I should clarify, this means Yogananda, my guru.

22 Q. Correct. And for the purpose of all of my
23 discussion with you, that's my understanding of your use of
24 the term "Master," is that --

25 A. Quite right. I did this for the record.

1 Q. Right, I appreciate that. That refers to
2 Yogananda. Quote:
3 "In my relationship with Master, I have found that
4 I am the most in tune with him when I don't have the thought
5 of what I'm getting from him, but dwell, rather, in the
6 thought of what I'm giving to him."

7 Now, would you characterize what you are
8 describing in that sentence as being selfless?

9 MR. PARSONS: Well, I object, in that -- you know,
10 what he's describing -- I'm objecting to the phrase, "what
11 you're describing in the sentence." I think it's compound,
12 the document speaks for itself.

13 But you may respond.

14 THE WITNESS: I guess what I was trying to say
15 earlier, that no one can be selfless completely until he has
16 transcended the awareness of ego.

17 Therefore, there is a good selflessness, which is
18 to say, good selfishness. That is to say, when I give
19 myself, I am not being totally selfless, because there's
20 still a sense of self to be given.

21 But with that understanding, I think it's
22 irrelevant and confusing to say, "is that selfless?" But it
23 is certainly pertinent and apposite to say it's an attempt
24 at achieving selflessness.

25 This is becoming a philosophical -- a philosophy
1 class. If you want it, that's fine.

2 MR. PARSONS: That's been all day.

3 MR. GREENE: Q. I do. I appreciate it.

4 Directing your attention to Exhibit 29. And on
5 page 4 --

6 A. Page 4. Okay.

7 Q. At the end of the -- the last sentence of the
8 first full paragraph says, quote, "A leader, to be
9 effective, has little choice but to" --

10 A. Where, excuse me?

11 MR. PARSONS: "A leader." Right there.

12 THE WITNESS: Oh, okay. Sorry.

13 MR. GREENE: Q. On the same wavelength now?

14 A. Yes.

15 Q. Okay. Quote: "A leader, to be effective, has
16 little choice but to accept some, at least, of the outward
17 symbols of authority," close quote.

18 What you were talking about there is that in order
19 to effectively discharge one's duties as a leader, you need
20 to act like a leader. Isn't that what you mean?

21 MR. PARSONS: Well, hold on. If you're going to
22 ask this witness what he meant in some publication he wrote
23 in the 1980s, I want him to read the context in which this
24 single sentence has occurred.

25 And then instead of suggesting some meaning to him

1 -- well, no, you can ask him whatever question you want to.

2 But I want him to read the context in which this sentence is
3 found. And I hope this has some relevancy.

4 THE WITNESS: Well, as it says, humility is not
5 self-abasement.

6 MR. PARSONS: Well, Mr. Walters, I'd ask you to
7 read the context of that sentence quoted, and then we can
8 have the court reporter read back what the actual question
9 was.

10 THE WITNESS: Okay. Yes.

11 MR. PARSONS: Could you read back the question,
12 please?

13 (Record read.)

14 MR. PARSONS: Okay. Well, I object, it misstates
15 what the document says. The document speaks for itself.

16 Ambiguous.

17 You may answer.

18 THE WITNESS: Well, a president who refused to
19 accept that he was a president would not be an effective
20 president. He may be, like Abraham Lincoln, humble in that
21 position; or, like somebody else unnecessary to name, not
22 humble in that position.

23 But he has to accept that he has that position,
24 and he has to accept it gracefully. To try to back out of
25 it would be as much ego as to try to vaunt it.

1 And so the delicate balance here is to accept
2 that, yes, you have a job. Father, mother, president,
3 whatever it might be. But you wear that title lightly,
4 because you know that underneath it all you're just another
5 child of God, and brother and sister to all other human
6 beings.

7 MR. GREENE: Q. And the job that you have to
8 accept is that you're the spiritual director of the Ananda
9 community. Right?

10 MR. PARSONS: Well, objection. Argumentative.

11 You may go ahead.

12 THE WITNESS: Yes, of course.

13 MR. GREENE: Q. Now, directing your attention to
14 page 6 of Exhibit 28 -- or 29, rather, excuse me, the last
15 paragraph. Tell me when you've got it.

16 A. Uh-huh.

17 Q. And that's the paragraph before the bold writing.

18 A. Yes.

19 Q. Are you there?

20 A. Yes.

21 Q. Okay. It says, quote: "To be given authority
22 over others is to be placed in a position of trust," close
23 quote.

24 Do you believe that acting in your role as
25 spiritual director of the Ananda community you are acting in
1 a position of trust?

2 MR. PARSONS: Objection. "Trust," ambiguous. Go

3 ahead.

4 THE WITNESS: You're asking if I am acting. I

5 have to answer that I do my best to act.

6 MR. GREENE: Q. Okay. And when you say that you

7 do your best to act -- and what you're talking about --

8 you're talking about acting in a trustworthy way. Correct?

9 MR. PARSONS: Well, objection. That misstates

10 what he said. But -- so now the question before you --

11 THE WITNESS: That's a very different question,

12 isn't it?

13 MR. PARSONS: Well, yes. But that is the question

14 before you.

15 THE WITNESS: Do I act in a trustworthy way?

16 MR. GREENE: Q. No, no, not do you act. Do you

17 try to act in a trustworthy way?

18 A. Oh, yes.

19 Q. Because by virtue of your position as spiritual

20 director, you consider that position to be a position of

21 trust with respect to the people to whom you are a

22 director. Isn't that right?

23 MR. PARSONS: Could I have that question read back

24 again?

25 (Record read.)

1 MR. PARSONS: The question is ambiguous, it

2 creates an assumption.

3 But go ahead.

4 THE WITNESS: Let me say that I do not for reasons

5 of position; I do it for reasons of my nature. I believe in

6 being trustworthy to fellow human beings. And obviously,

7 holding a position makes it important.

8 But I do not. I try to act like a noble,

9 dignified, trustworthy human being. I do my best.

10 Do I succeed? That's another issue.

11 MR. GREENE: Q. Okay. Now, when you are

12 endeavoring as spiritual director of the Ananda community to

13 act in a trustworthy manner, generally speaking, how do you

14 approach that?

15 MR. PARSONS: Okay. Objection. Vague, the term

16 "approach," calls for a narrative, it's also vague as to

17 time and circumstance.

18 If you can formulate a response, though.

19 THE WITNESS: Altogether too vague. However, I

20 can say this: That I always ask God to guide me, and I try

21 my best to follow that guidance.

22 It's too vague to be able to give specific answers

23 to a question of that nature.

24 MR. GREENE: Q. Let me try to make it a little

25 bit more specific and ask you this: When you are

1 endeavoring to act in a trustworthy manner as spiritual

2 director of the Ananda community, do you consider it

3 important to be honest when providing counseling to an

4 Ananda member?

5 MR. PARSONS: Okay. Again, vague as to
6 "important," vague as to "honest," vague as to
7 "counseling."

8 You may respond, though.

9 THE WITNESS: Yes.

10 MR. GREENE: Q. And would you include in
11 endeavoring to be honest, if it was appropriate, disclosing
12 your own shortcomings?

13 MR. PARSONS: Okay. It's vague, it's ambiguous.

14 You can go ahead and answer, though.

15 THE WITNESS: One of the teachings of Yogananda
16 is, don't talk about your faults. Share them with God. But
17 other people won't understand; they will throw them up at
18 you.

19 This was even counseled between husband and wife.

20 Don't talk on that level, because it will -- the issue
21 between -- that's involved here is that action which will
22 help you and others to grow spiritually.

23 Now, I'll give you an example.

24 We have a rule against drinking at Ananda. One of
25 the members came to my house one time a few years ago
1 staggeringly drunk. I knew that it was not something that
2 he was likely to do again. He was expressing a certain
3 little private rebellion.

4 I didn't say anything at the time or afterward. I
5 didn't talk about it, because I felt that, why talk about
6 something that would only be an affirmation of error? I
7 would rather affirm virtue, at least the virtue that people
8 are reaching out toward.

9 So no, I feel that my personal life is my
10 business. I think that everybody feels that I am doing my
11 best with that personal life. But I don't ask them, either,
12 to share their shortcomings with me when they come to me for
13 counseling.

14 I don't ask about shortcomings. I try to think,
15 how can I help them to get out of their little delusions,
16 whatever they may be, or big delusions.

17 I would like to go to the bathroom.

18 Mr. Greene, I think half an hour is about all we
19 can do. My brain is getting a little --

20 MR. GREENE: Okay. I'd be happy with a half an
21 hour more. I appreciate your effort.

22 THE VIDEO OPERATOR: We're going off the record
23 at 3:58 p.m.

24 (Recess from 3:58 p.m. to 4:01 p.m.)

25 THE VIDEO OPERATOR: We're back on the record at
1 4:01 p.m.

2 MR. GREENE: Q. Mr. Walters, would you look at
3 page 8 of Exhibit 29, please?

4 A. Uh-huh.

5 Q. There, underneath the heading entitled "Leadership
6 Means Flexibility," you state, quote:

7 "It is not weakness in a leader to admit error.

8 Nor is it weakness to agree to other ideas than one's
9 own. The wise man knows that a fear of being thought
10 fallible is itself a proof of fallibility. Human
11 nature, after all, is fallible, and truth always wins
12 out in the end," close quote.

13 Do you include in what you intend to convey in
14 that passage that being open is a characteristic of a good
15 leader?

16 MR. PARSONS: Okay. Well, objection. The
17 document -- well, you're asking for his intent when he wrote
18 this; correct? Back in the 1980s, whether he intended to
19 include that statement you've just made.

20 That's --

21 THE WITNESS: "Open" is a very vague word. I
22 answered it much better before my little break right now.

23 MR. GREENE: Q. When you say "and the truth
24 always wins out in the end," in the context of people being
25 fallible, are you intending to convey that the way for truth
1 to win out is for there to be a free flow of information
2 between the leader and his followers?

3 MR. PARSONS: Vague --

4 THE WITNESS: No, I don't.

5 MR. PARSONS: First of all, I -- vague. He's
6 asking -- well, I don't know what he's asking.

7 I object in that this document was written a long
8 time ago. You're putting your question in the present
9 tense, so now I don't know if you mean when he wrote this,
10 or whether he means it now.

11 So vague as to time, and vague as to "free flow."
12 I don't know what that means, either. But go ahead.

13 THE WITNESS: Yes, it's too vague. But I think I
14 answered it as well as I can in the answer I gave a few
15 minutes ago.

16 In other words, what kind of information, what
17 kind of free flow? What -- it's too vague. I think that he
18 has to be discriminating.

19 But if he's wrong, then truth is something
20 independent of him. And truth wins in the end anyway, so he
21 has to keep that in mind.

22 MR. GREENE: Q. When on the -- on page 9, in the
23 middle of the page, you -- well, let me withdraw that and
24 ask you this:

25 Today, as you sit here, are the principles and
1 ideals regarding leadership that you have expressed in
2 Exhibit 29 -- those haven't changed for you over the years,
3 have they?

4 MR. PARSONS: Whoa, whoa. I object. We're
5 talking about a multi-page document here consisting of 16

6 pages.

7 The witness has not had an opportunity to read all
8 of this. The witness has also, also testified that this
9 document has been revised and amended since this Exhibit 29
10 was published.

11 The question, therefore, calls for speculation. I
12 don't even see how the witness can answer a question like
13 that.

14 But if you can remember everything that's in this
15 document, and you can compare that to your current mental
16 state, you may respond.

17 THE WITNESS: Well, I have to say that unless
18 somebody brings something to my attention and asks me about
19 it, because, as I have just said in this document, the human
20 mind is -- the human being is fallible.

21 So you might say, oh, but here is something. I'd
22 have to say, yes, you're right.

23 But given that possibility of being wrong, I stand
24 behind the book.

25 MR. GREENE: Q. Okay. Now, directing your
1 attention to the middle of page 9, you state, quote:

2 "It might, then, be truer to say that a good
3 leader must first be a good listener. He must be motivated
4 by what is right, and therefore willing to listen to, and,
5 if reason dictates, to adopt, other points of view, even if
6 they should be in conflict with his own," close quote.

7 Now, with that passage in mind, is one of the
8 points that you seek to convey that a leader should be open
9 to points of view coming from his followers?

10 A. Coming from what?

11 MR. PARSONS: Objection.

12 MR. GREENE: His followers.

13 MR. PARSONS: His followers. Objection. Again,
14 you're mixing up your tenses. What he wrote then, you're
15 asking him what he wrote then versus what he means now,
16 because this -- what you're quoting is from 15 years ago.

17 It's also compound, it's argumentative.

18 But you can go ahead and answer if -- I'd ask the
19 question be read back.

20 THE WITNESS: No, I have it.

21 MR. PARSONS: Okay, good.

22 THE WITNESS: The issue is, first of all, the word
23 "follower." I don't think of having followers. I have
24 people who work with me in a joint project.

25 But then the question is, should he be open to
1 listening to them. Absolutely.

2 MR. GREENE: Q. Okay. How do you square -- well,
3 hold on. I'm going to withdraw that.

4 Do you see any conflict between what you just
5 stated about being willing to be open to points of view from
6 the people with whom you work and your position that you

7 have taken in this lawsuit that, for example, your
8 deposition transcripts should be sealed?

9 MR. PARSONS: Wait, objection. Okay. I've got to
10 object.

11 For example, the attorney-client privilege, the
12 deposition transcript and the sealing of it is a matter of
13 an attorney-client communication.

14 He cannot answer this question you've asked him,
15 as irrelevant as it is, without intruding into what his
16 attorney has told him.

17 I'm instructing him not to answer anything in that
18 regard.

19 The question is also argumentative, and it has --
20 again, it has nothing to do with anything that brings us
21 here today. We have talked ad nauseam about openness and
22 sharing and decision-making, all relative to things that --
23 statements made in 1980.

24 I'm going to instruct the witness not to answer
25 that question, Your Honor.

1 JUDGE PLISKA: Yes. I'm going to sustain that
2 objection, Mr. Greene.

3 MR. GREENE: Q. All right. Directing your
4 attention to page 13 of the same exhibit, and underneath the
5 bold part, you state, quote:

6 "As a leader, you will get the best results for
7 the least effort if you work with those who are in tune with
8 your ideals."

9 MR. PARSONS: He's not on the same page. There
10 you go.

11 THE WITNESS: I heard it.

12 MR. GREENE: Q. Okay. "Don't give a
13 disproportionate amount of energy to those who are not. If
14 you develop a nucleus of people who work well with you and
15 who work well together, others will be drawn into it. The
16 stronger the vortex of positive energy, the more effective
17 will be the work done. You will only dilute that energy if
18 you devote much time and attention to those who are not in
19 tune with it," end of quote.

20 Now, with respect to this passage, do you consider
21 your senior ministers as a nucleus of people who work well
22 with you?

23 MR. PARSONS: Objection. I guess your question
24 is, is, does he as he sits here today consider; or was it at
25 the time he wrote this?

1 Since you've quoted this, is it at the time, or is
2 it today?

3 MR. GREENE: Q. It's a present tense question.

4 A. Present tense question. I don't think of people
5 as what their position is. I had a meeting recently in
6 which I invited somebody who I knew would take an opposite
7 stand.

8 But it was basically -- it's not whether they
9 agree or disagree; it's whether they fundamentally are
10 trying to do -- whether our goals are the same.
11 There are some people whose goals are not the
12 same. And when you start a community, if you ever get
13 involved in some big project, you'll find that many people
14 come to it with their own ideas of what their goals are, or
15 they only want to argue and criticize, without supporting
16 anything.
17 So I wasn't talking in terms of ministers,
18 nonministers. This person is not a minister. This person
19 is not a life member.
20 But I have known this person to be a person of
21 good will; and therefore, I invited her knowing that she
22 would take an opposite stand and welcoming that stand,
23 because I wanted to hear all sides.
24 So no, ministry, nonministry is not the issue.
25 But whether we all agree on what we're there for, that is an
1 issue.
2 Q. You have senior ministers at Ananda. Right?
3 MR. PARSONS: Objection. Asked and answered.
4 THE WITNESS: Yes. I'm not exactly sure what it
5 means, but yes.
6 MR. GREENE: Q. Okay. And you have life members
7 at Ananda. Right?
8 MR. PARSONS: Objection. Asked and answered.
9 THE WITNESS: Answered. Yes.
10 MR. GREENE: Q. Now, life members are individuals
11 who pledge their cooperative obedience to the spiritual
12 director, and who assist him in guiding the spiritual
13 community. Correct?
14 MR. PARSONS: Well, objection. I think it
15 misstates his earlier testimony. Also, vague as to time.
16 You may respond, though.
17 THE WITNESS: First of all, it's not a complete
18 definition by any means.
19 Secondly, no. By no means all life members are
20 working with me on things. But they're compatible with it,
21 rather than being naysayers.
22 MR. GREENE: Q. I want to direct your attention
23 to Exhibit 2, page 14.
24 A. That's this, is it?
25 MR. PARSONS: No. It's --
1 THE WITNESS: Yes.
2 MR. PARSONS: Page 14.
3 THE WITNESS: Got it.
4 MR. GREENE: Q. Paragraph 36 reads, quote:
5 "The rules include the final vows taken by life
6 members, reflecting the highest level of commitment to
7 God, Guru and the Ananda Church. A member can take
8 final vows only after a minimum residence at Ananda

9 Village of 5 years. The final vows are for simplicity,
10 self-control, service and voluntary cooperation with
11 authority. Members promise to live their lives and
12 surrender to God's will and pledge their cooperative
13 obedience to the spiritual director and to those who
14 assist him in guiding the spiritual community," close
15 quote.

16 Now, the life members that you talk about in
17 paragraph 36 of Exhibit 2, those life members are the
18 equivalent of what you discuss in Exhibit 29 on page 13
19 about developing a nucleus of people who work well with
20 you. Isn't that right?

21 MR. PARSONS: Okay. Wait. Objection.

22 He's already testified concerning "nucleus of
23 people." It misstates his testimony, it's argumentative, it
24 assumes facts not in evidence. It's also vague as to time.
25 But you may respond.

1 THE WITNESS: There's no way of answering that
2 question "yes" or "no."

3 MR. GREENE: Q. Why not?

4 A. Because some people are, some people aren't.

5 Q. Some people are life members, some people aren't
6 life members?

7 A. No. Some life members are part of a nucleus of
8 people who are really trying to do something; others are
9 there not so much as a core group as a group of people who
10 have lived long enough to demonstrate that they live in
11 harmony with their ideals, that they support them.
12 Voluntary obedience in itself means exactly that.
13 Not obedience. But they are given the option, up to a very
14 wide range of permissiveness, to obey or not obey. That is,
15 to agree and cooperate or not, according to their
16 conscience.

17 Nobody's forced to do anything. They still have
18 -- in other words, when we ask something, we don't say,
19 you've got to do it. We say, how do you feel about it?
20 Would you like to?

21 And if they say no, that's not a black mark
22 against them. It's simply that they don't do that.

23 Now you've asked me the question, are they all
24 life members, a part of that core group. I would say on
25 principle, no; and in fact, no.

1 The principle is that many of them are -- well,
2 I've described them. They may be householders raising
3 children. I may never see them.

4 Q. Let me ask you this --

5 A. There are many people I don't see.

6 The other part, which I haven't finished
7 answering, is that I don't really have any way of defining a
8 core group. I'm not sure that it could be defined. It's
9 more that people who seem to like to work together and do

10 things, okay, we do it together.

11 But there's nothing formal about inner circle,
12 outer circle, core group, non-core group. It's strictly a
13 mythical definition.

14 Q. Okay. Now, there is a term used in Ananda, and
15 that term is "senior minister." Isn't that correct?

16 MR. PARSONS: Objection. That's been asked and
17 answered I think six, maybe eight times already.

18 You can answer again.

19 THE WITNESS: It's a very loose term, which I
20 myself don't know how to define. I could say it in terms of
21 their age, I could say it in terms of how long they've been
22 ministers. It's not a position that anybody holds.

23 MR. GREENE: Q. Well, let's go to page 29 of your
24 declaration, which is Exhibit 2.

25 And paragraph 71, you state, quote:

1 "In 1993, there were 125 ministers residing at
2 Ananda Village, out of a total adult population of
3 approximately 250. Of the 125 ministers, 61 were
4 senior ministers or Lightbearers, 41 were ministers,
5 and 23 were assistant ministers," close quote.

6 A. Okay.

7 Q. All right? Now, with that in mind, there is a
8 particular hierarchy of ministry within Ananda Village, is
9 there not?

10 A. The word "hierarchy" implies authority. We don't
11 speak in terms of authority.

12 But you've clarified for me right now a term I'd
13 forgotten. Lightbearers is identified with senior
14 ministers, so that's all right. I accept that now. I
15 didn't have it in my mind when we discussed it a moment ago.
16 They are not hierarchical in the sense of
17 archbishop, bishop, Monsignor, priest and that sort of
18 thing. That is to say, with authority over an X number of
19 people.

20 But they're more likely to be put in positions of
21 teaching and whatever.

22 Q. All right. And aren't people who are new to
23 Ananda advised that they should pay attention to and -- they
24 should be in tune with directions from senior ministers?

25 MR. PARSONS: Objection, as to the definition of

1 people new to. Also, told. Told by whom? There's no
2 foundation for this witness to testify as to what they're
3 told.

4 And we've never -- also, vague as to the "in tune"
5 reference, which comes up a lot, and which has been already
6 defined generically.

7 Go ahead.

8 THE WITNESS: Yes. And you put it in the position
9 of, people are told. Who tells them? How -- I have no
10 control over what people say.

11 I would say that in principle, it would be wiser
12 to listen to people who have been there longer or who have
13 been given such position, but not necessarily. That if they
14 speak, as I said, again, earlier -- if anybody, including
15 myself, says something that goes against anyone's
16 conscience, then he has a duty to God, not to me, to say,
17 no, I won't do that.

18 Now, whether that's happened or not is a totally
19 separate issue. But on principle, the thing that marks us
20 apart from most spiritual organizations is that we do not
21 claim authority in terms of position. If anybody claims it
22 for us, they're not saying the truth.
23 We claim the authority of truth, and try to make
24 the statement of truth clearly so that reason can be its own
25 defense.

1 MR. GREENE: Q. Okay. And when you talk about
2 reason being its own defense, do you consider the widest
3 possible dissemination of information to be essential to the
4 effective exercise of reason?

5 MR. PARSONS: Okay. Vague as to "widest possible
6 dissemination of information" -- actually, all those terms
7 are vague.

8 Vague as to "essential." It certainly assumes
9 facts not in evidence.

10 THE WITNESS: I just don't understand what you're
11 talking about.

12 MR. GREENE: Q. Okay. You're talking -- you're
13 saying to me -- you're saying that the Ananda Village
14 doesn't work on the basis of coercion; it works on the basis
15 of free choice and reason. Correct?

16 MR. PARSONS: Well, that misstates what he said.
17 He never used the word "coercion"; free will.

18 MR. GREENE: Q. But that's what you're telling
19 me. Right?

20 A. Free will. This talk goes in so many circles, I'm
21 not quite sure what we're talking about. Maybe you'd like
22 to ask the question all over again.

23 Q. Okay. The question that I have for you is that
24 what you're telling me is that what differentiates the
25 Ananda community from other communities is that, according

1 to you, the Ananda community operates not on coercion, but
2 on the basis of free choice. Right?

3 MR. PARSONS: Objection. That misstates his
4 testimony. But go ahead.

5 THE WITNESS: It misstates it well, however.

6 MR. GREENE: Q. And you agree with that; right?

7 A. Yes.

8 Q. And don't you also agree that in order to exercise
9 free choice, what you're talking about is making decisions.

10 Correct?

11 MR. PARSONS: Wait. Wait a minute. So --

12 MR. GREENE: Let me withdraw that and ask you
13 this:
14 Do you agree that when one makes a choice, one
15 makes a decision?
16 MR. PARSONS: Objection. Vague, ambiguous --
17 THE WITNESS: It really is. This is a
18 philosophical point. I'd have to really think about it.
19 MR. GREENE: Q. Well, think about it then. I'm
20 asking you.
21 MR. PARSONS: Well, you know, it's getting late in
22 the day for these abstruse, abstract philosophical
23 discussions.
24 Now, it's filled the whole day. But if the
25 witness says that at 4:20 in the afternoon he's not in a
1 place to answer your question, then that's got to be your
2 answer now.
3 THE WITNESS: That's got to be the answer, because
4 I'd really have to think it over. I'd have to think all of
5 the possibilities.
6 Now, if I decide that I want a pizza, is that a
7 decision, or it's just -- I don't even know sometimes.
8 So it seems very -- no, I think you should get at
9 what you mean by that question, because I don't have it.
10 MR. GREENE: Q. I am getting at what I mean. And
11 what you told me was that in your view, what differentiates
12 the Ananda community from other communities is that it
13 operates on the basis of free choice.
14 MR. PARSONS: Wait a minute.
15 MR. GREENE: Q. Not on coercion. Correct?
16 MR. PARSONS: Okay. Now you're asking the witness
17 to tell you under oath what he said a few minutes ago under
18 oath, when he's already expressed ambiguity and confusion on
19 the whole issue, to which I am totally sympathetic at this
20 point.
21 I am going to instruct the witness not to testify
22 to what his testimony has just been. It's in the record,
23 and it's clear.
24 If you want it, let's read back the record.
25 MR. GREENE: No, I've got a pending question.
1 MR. PARSONS: I'm instructing him not to answer
2 that question.
3 JUDGE PLISKA: Yes. I think you need to -- you
4 used the word "coercion," for instance, which is not a word
5 that he used.
6 So why don't you do what Mr. Parsons suggests, or
7 rephrase your entire question.
8 MR. GREENE: Q. Okay. Mr. Walters, is it your
9 testimony that there is no coercion of any sort within the
10 Ananda community?
11 MR. PARSONS: Okay. I will say -- I'll object
12 that that misstates what his testimony has been.

13 I would not object if you put it in the form of a
14 question.

15 MR. GREENE: It is a question.

16 MR. PARSONS: Okay. Well, again, you know, I
17 don't want to be too, too technical here. But now you're
18 asking him what his testimony was.

19 MR. GREENE: No, I said "is," Mr. Parsons. It's
20 present tense.

21 MR. PARSONS: Is --

22 THE WITNESS: Well, I can answer it all right.

23 MR. PARSONS: Well, all right. As long as my
24 objection is clear. Give him an answer to this new
25 question.

1 THE WITNESS: If there is a question of absolute
2 right and wrong, and somebody refuses to go along with it,
3 and that refusal affects the lives of other people, and not
4 just the individual, then I don't think it's fair to speak
5 of coercion.

6 But if you want to, you can, because there is a
7 time when you have to take a stand. To say, no, this is not
8 something that we can permit or endorse.

9 And it's not -- when we speak of giving people
10 free choice, it has to be within the latitude of truth. I
11 gave you the example of, if somebody wants to start a
12 butcher shop. That's against our principles. We're not
13 into violence, and we are vegetarian. And although we don't
14 force vegetarianism on people, it is an Ananda practice.

15 So it would be prohibited, you might -- if you
16 like, to open a butcher shop on Ananda property.
17 We would not say you can't open a butcher shop
18 somewhere else if you like to. It would be pretty well
19 understood that that's just not the sort of thing that we do.

20 So it's not coercion in the normal sense. If
21 somebody wants to take away somebody else's husband from his
22 wife, then I think that a strong statement needs to be made
23 that this is not something we can endorse. We cannot
24 prohibit it, we cannot endorse it.

25 We have to say that this is not our way of life,
1 and we have to do everything we can, within the limits of
2 fair play, because people have a right to get divorced,
3 people have a right to -- but not with our permission or
4 support.

5 Therefore, we need to make a very definite
6 statement, and we have to make it in the belief that it is
7 wrong, and we will stand for that. As a decision, not just
8 a choice.

9 MR. GREENE: Q. And in fact, you as the spiritual
10 director have the authority in Ananda that when you believe
11 that something is wrong in the sense of adversely impacting
12 other people, you can step in and call a halt to it, can't
13 you?

14 A. Yes.

15 It's 4:30.

16 MR. GREENE: It's a good time to top.

17 THE VIDEO OPERATOR: This is the end of videotape

18 number 14 in the deposition of Donald Walters. We're going

19 off the record at 4:27 p.m.

20 (Time noted, 4:27 p.m.)

21 --o0o--

24 Signature of the Witness

Chapter 6) Part 6 of 7 September 22, 1995

1 I N D E X

2 EXAMINATION BY: PAGE

3 MR. GREENE (Continued): 903

4 --o0o--

5 EXHIBITS

6 PLAINTIFF'S FOR IDENTIFICATION PAGE

7 Declaration of Thora H. McDonnell in 935

8 Support of Cross-Defendants' Special Motion to Strike Cross-Complaint

9 "Keys to the Bhagavad Gita" 968

10 Letter dated May 20, 1987 to 982

11 "Dear Friends" with handwritten notes

12 33 "Swami's comments about future directions" 1037

13 1-page document headed "Ananda 1046

14 Refutes Smear Campaign"

15 35 Photocopy of newspaper article entitled "Ananda: Charges just 1050

16 smear campaign"

17 --o0o--

1 BE IT REMEMBERED that on Friday, September 22,

2 1995 commencing at 10:42 a.m., thereof, at Tooker & Antz,

3 131 Steuart Street, Suite 201, San Francisco, California,

4 before me, HOLLY THUMAN, duly authorized to administer oaths

5 pursuant to Section 2093(b) of the California Code of Civil

6 Procedure, personally appeared

7 DONALD WALTERS,

8 called as a witness, who, having been previously duly sworn,

9 was examined and testified as hereinafter set forth.

10 APPEARANCES

11 HUB LAW OFFICES, 711 Sir Francis Drake Boulevard,

12 San Anselmo, California 94960, represented by FORD GREENE,

13 Attorney at Law, appeared as counsel on behalf of the

14 Plaintiff.

15 JON R. PARSONS, Attorney at Law, 2501 Park

16 Boulevard, Suite 207, Palo Alto, California 94306-1925,

17 represented by JON R. PARSONS, Attorney at Law, appeared as

18 counsel on behalf of the Defendants.

19 EDWARD W. PLISKA, Judge (Retired), Attorney at

20 Law, COREY, LUZAICH, GEMELLO, MANOS & PLISKA, 700 El Camino

21 Real, Millbrae, California 94030, was present as the Referee.

22 Also present were (the plaintiff); DR. PETER

23 VAN HOUTEN; JOHN NOVAK; and SHEILA RUSH.

24 Videographer: Robert Barbagelata, Dan Mottaz

25 Video Productions, (415) 731-1300.

1 September 22, 1995 10:42 a.m.

2 --o0o--

3 EXAMINATION BY MR. GREENE (Continued)

- 4 THE VIDEO OPERATOR: This is the beginning of
5 videotape number 15 in the deposition of Donald Walters.
6 We're back on the record September 22, 1995 at 10:42 a.m.
7 MR. GREENE: Q. Good morning, Mr. Walters.
8 A. Good morning.
9 Q. You understand you're still under oath?
10 A. Yes.
11 Q. How many Ananda communities are there?
12 A. Well, let's see. There's one, two --
13 Q. And what are they?
14 A. -- three, four, five, six -- six communities.
15 You mean where are they?
16 Q. Yes.
17 A. One is in Assisi, Italy, near Assisi; one in
18 Sacramento, California; one in Palo Alto-Mountain View,
19 California; one in Portland; one in Seattle; we have our
20 main community in or near Nevada City; and a fledgling
21 community, which we aren't so self-sure whether to call a
22 community or not, in Dallas, Texas.
23 Q. All right. And are there any of these communities
24 that do not fall within the scope of -- based on your
25 understanding, of the Ananda Church of Self-Realization?
1 A. They all do.
2 Q. And are each of these communities -- let's see.
3 Withdraw that.
4 Does the board of directors and the officers of
5 the Ananda Church control to some extent the activities that
6 take place in each of these communities?
7 A. Yes.
8 MR. PARSONS: Well, objection. I'm not certain
9 there's a foundation for this witness to testify.
10 Also, vague as to the meaning of "control."
11 THE WITNESS: I think that's correct.
12 MR. GREENE: Q. Now, is there an individual or
13 individuals on-site in each of these communities who is a
14 person or persons in charge?
15 MR. PARSONS: Again --
16 MR. GREENE: Q. To your knowledge?
17 MR. PARSONS: Okay.
18 THE WITNESS: Yes.
19 MR. GREENE: Q. Okay. Now what, to your
20 knowledge, is the identity of such persons as to the Assisi
21 community?
22 A. As to --
23 Q. The community in Assisi, Italy. Who is it that's
24 in charge on-site --
25 A. The names?
1 Q. Yes.
2 A. In Assisi, it would be Mark and Kirtani --

3 Q. And last names, please?

4 A. I know it perfectly well. Mark -- it's odd, it

5 slips my mind, and I know him very well. It shows that
6 these depositions are stressful.

7 It's Stickney.

8 Q. How do you spell the last name?

9 A. S-t-i-c-k-n-e-y.

10 Q. All right. And same question with respect to the
11 Sacramento community?

12 A. Sacramento is Ananta and Maria McSweeney,

13 M-c-S-w-e-e-n-e-y.

14 Q. And the Palo Alto community?

15 A. Asha and David Prayer.

16 Q. And Portland?

17 A. Paula. I'm not sure she's taken her -- she was

18 divorced, so it would be either Paula Gugliotta,

19 G-u-g-l-i-o-t-t-a, or Lucki, L-u-c-k-i.

20 Q. And the Seattle community?

21 A. Terry and Padma McGilloway, M-c capital

22 G-i-l-l-o-w-a-y.

23 Q. And Nevada City, that's the --

24 A. That's --

25 Q. The people that you described yesterday.

1 Yourself --

2 A. Yes.

3 Q. -- Jyotish, Vidura?

4 A. Yes. That's a little more of a question. We have

5 a church in town, but it all is -- I mean, since everybody

6 lives on the land, we can put it that way.

7 Q. And Dallas?

8 A. That would be Karen McDow, M-c-D-o-w, and Bill

9 LoCicero, L-o, and then capital C-i-c-e-r-o.

10 Q. And to your knowledge, has Karen McDow also been

11 known as Karen Bowman?

12 A. Yes. And it may be she has that name now, because

13 that would be her maiden name.

14 Q. Okay. And is -- do you know if Bill LoCicero's

15 name is his real name or a spiritual name?

16 A. His spiritual name is Krishnadas.

17 Q. Now, is Ananta McSweeney's first name a spiritual

18 name?

19 A. Ananta.

20 Q. Ananta?

21 A. With a "t" rather than a "d."

22 Q. Is that his spirit --

23 A. That's a spiritual name.

24 MR. PARSONS: Wait till he's finished with the

25 question.

1 THE WITNESS: Yes, I'm sorry.

2 MR. GREENE: Q. And how about Asha? Is that a

3 spiritual name for Asha Prayer?

4 A. It is. It's so much so, I think it's legal also

5 now.

6 Q. Okay. When you first met her, her first name was

7 Nan, was it not?

8 A. Yes.

9 Q. And how about Padma McGilloway? Is Padma a

10 spiritual name?

11 A. Alexandra is her birth name.

12 Q. And Jyotish is a spiritual name. Correct?

13 A. Yes.

14 Q. Does a person receive a spiritual name at the

15 point -- at a certain point of commitment of involvement

16 with the Ananda organization?

17 MR. PARSONS: Objection.

18 MR. GREENE: Q. To your knowledge?

19 MR. PARSONS: It's vague as to time. In other

20 words, the practice may have changed over time.

21 It's also -- calls for a generalization, and

22 therefore speculation on this witness's part.

23 But you may respond to the question.

24 THE WITNESS: It's -- there's no set system. I

25 gave the names much more freely in the past. I hardly ever

1 give it now. And not in any way a special recognition.

2 More because they want a name and have come up with a name

3 and ask my approval. That's about it.

4 MR. GREENE: Q. All right. So with respect to

5 the individuals that I just talked to you about, which would

6 be Ananta, Asha, Padma, and Krishnadas, you had at least a

7 role of approval with respect to those individuals' adoption

8 of their names. Correct?

9 MR. PARSONS: Okay. Objection, compound. Go

10 ahead.

11 THE WITNESS: Correct.

12 MR. GREENE: Q. With respect to any of those

13 people, did you give them their names?

14 MR. PARSONS: Objection. Vague as to "give"; it

15 contradicts his earlier testimony.

16 But go ahead.

17 THE WITNESS: Would you read the names again?

18 MR. GREENE: Q. Sure. That would be -- and I'll

19 just list them out, and what I want you to tell me is

20 whether or not you chose and gave the name as to the

21 particular individual, starting with --

22 MR. PARSONS: Same objection.

23 MR. GREENE: Q. -- Ananta McSweeney?

24 A. Yes.

25 Q. Asha Praver?

1 A. Yes.

2 Q. Jyotish?

3 A. Yes.

4 Q. Krishnadas?

5 A. I'm not sure on that one.

6 Q. Okay. Padma McGilloway?

7 A. Yes.

8 Q. Now, to your knowledge, Padma McGilloway has moved
9 to Seattle sometime within the last 2 or 3 years. Isn't
10 that right?

11 A. Yes.

12 Q. And before Padma moved to Seattle, she resided at
13 the Ananda community in Nevada City. Correct?

14 A. Correct.

15 Q. Did you assign her to move to Seattle?

16 MR. PARSONS: Objection. Vague as to "assign."

17 Go ahead.

18 THE WITNESS: It was actually her husband, and she
19 went with her husband.

20 MR. GREENE: Q. Okay. Did you assign her husband
21 to move to Seattle?

22 MR. PARSONS: Same objection.

23 THE WITNESS: I did.

24 MR. GREENE: Q. And prior to Padma's move to
25 Seattle, she was the individual who was in charge of Crystal
1 Clarity Publishing for some period of time. Correct?

2 MR. PARSONS: Objection. Vague as to time.

3 Go ahead.

4 THE WITNESS: Yes.

5 MR. GREENE: Q. What is, to your knowledge, the
6 amount of time that Padma ran Crystal Clarity before she
7 left for Seattle?

8 A. It's an estimate, but I would say at least 7 years.

9 Q. Okay. Do you know whether Padma, when she ran
10 Crystal Clarity, had a particular title; and if so, what was
11 that title?

12 MR. PARSONS: Objection. Foundation. Go ahead.

13 THE WITNESS: Well, we're pretty loose as to
14 titles. I'm in a way the president, she was in a way the
15 president, depending on circumstances. If she was out there
16 representing us and I wasn't, then -- it was not really
17 clear to us.

18 You could say that she was the president and I was
19 the president behind the scenes, or whatever such terms
20 apply, or she was the president, I was the chairman.

21 It's not a -- the title itself is not too clear,
22 but she was running things under my direction.

23 MR. GREENE: Q. Okay. And that's true with
24 respect to the Ananda Church of Self-Realization also, isn't
25 it?

1 MR. PARSONS: Okay. Objection, vague --

2 MR. GREENE: Q. Let me make sure that I have a
3 complete question.

4 It's true, is it not, that with respect to the

5 Ananda Church of Realization, that ultimately you are the

6 person behind the scenes who is running it?
7 MR. PARSONS: Objection. Vague.
8 THE WITNESS: No, I'm not. I don't run it, and I
9 don't -- at that time, I was -- because Crystal Clarity is
10 publishing my books, I took a more direct interest in how it
11 was being run.
12 MR. GREENE: Q. Okay. Now, Crystal Clarity
13 doesn't publish books of anyone else beside you, does it, to
14 your knowledge?
15 A. It does.
16 Q. Who else does it publish?
17 A. John Novak, Paramhansa Yogananda, Kamala Silva.
18 That may be all.
19 Q. All right. With the exception of Paramhansa
20 Yogananda, all of the individuals whom are published by
21 Crystal Clarity are Ananda members. Correct?
22 MR. PARSONS: Objection. Vague as to "Ananda
23 members." Compound.
24 THE WITNESS: No.
25 MR. GREENE: Q. Who isn't an Ananda member?
1 A. Kamala Silva is not.
2 Q. And who is Kamala Silva?
3 A. She's a disciple of Yogananda since the
4 mid-1920s. She's now in her late '80s, and she was a
5 minister for a number of years for Self-Realization
6 Fellowship.
7 Q. Okay. And do you know where she --
8 A. I can add two more names to the list.
9 Q. All right.
10 A. Meera Ghosh, G-h-o-s-h, and Hare --
11 H-a-r-e-k-r-i-s-h-n-a, Harekrishna Ghosh.
12 Q. Are those two individuals Ananda members?
13 A. No.
14 Q. And I can't -- would you pronounce those names for
15 me again, please?
16 A. Harekrishna, and Meera, M-double-e-r-a, Ghosh.
17 Q. All right. And have either Krishna or Meera
18 Ghosh --
19 A. Harekrishna. It's one word.
20 Q. -- Harekrishna or Meera Ghosh been Ananda members,
21 to your knowledge, at any time?
22 A. No.
23 Q. And the same question with respect to Kamala Silva?
24 A. No.
25 Q. All right. Do you know where Kamala's -- or in
1 what city Kamala Silva lives?
2 A. I do not.
3 Q. Do you know in what city Harekrishna Ghosh lives?
4 A. Calcutta, India.
5 Q. And is it the same thing with Meera Ghosh?
6 A. Serampore, India.

7 Q. All right. How many books, or -- withdraw that.
8 How many writings by Kamala Silva has Crystal
9 Clarity published, to your knowledge?
10 A. One for sure, possibly two.
11 Q. Okay. And the same question with respect to
12 Harekrishna Ghosh?
13 A. No, I should amend that to some extent.
14 I'm not sure whether we publish or distribute for
15 Kamala. I rather think we distribute for her.
16 Q. All right. So with respect to Kamala, you do not
17 publish her writings, but you distribute them, to your
18 knowledge?
19 A. I said, I rather think.
20 Q. You're not sure, but that's your best estimate.
21 Right?
22 A. Yes.
23 Q. Now, what about with respect to Harekrishna Ghosh?
24 MR. PARSONS: Because --
25 MR. GREENE: Q. Do you --
1 A. We publish -- I'm sorry.
2 MR. PARSONS: Wait.
3 THE WITNESS: I'm sorry.
4 MR. PARSONS: Wait. There have been a couple
5 questions. Let him ask you a question, pause a moment, and
6 then respond.
7 MR. GREENE: Q. Do you, Crystal Clarity, publish
8 any writings by Harekrishna Ghosh?
9 A. To the best of my knowledge, we are about to.
10 Q. Have you ever before?
11 A. Again --
12 Q. To your knowledge?
13 A. To the best of my knowledge, no, because I think
14 this is a new book.
15 Q. All right. And do you know when, approximately,
16 the decision was made to publish a book by Harekrishna
17 Ghosh?
18 MR. PARSONS: Objection. Vague as to any book or
19 this book.
20 You may respond.
21 THE WITNESS: Yes. I'm not sure.
22 By the way, there's one more name I can give you.
23 MR. GREENE: Q. All right.
24 A. Peggy Dietz, D-i-e-t-z.
25 Q. All right. Now, what is your best estimate as to
1 when the decision was made to publish a book by Harekrishna
2 Ghosh?
3 A. My best answer would be early this year.
4 Q. Okay. Early 1995?
5 A. Yes.
6 Q. Has Crystal Clarity Publishing published any work
7 by Meera Ghosh?

8 A. Yes.

9 Q. Okay. Do you know the name of the work?

10 A. I don't remember.

11 Q. Okay. Do you know approximately when the work was
12 published?

13 A. Within the past year, but I don't know.

14 Q. All right. Who is the person presently, aside
15 from yourself, in charge of Crystal Clarity Publishing?

16 A. Cathy Stienstra. S-t -- I think it's

17 -i-e-n-s-t-r-a.

18 Q. Is that Cathy with a C or a K, do you know?

19 A. C.

20 Q. And did you assign Cathy Stienstra to be in charge
21 of Crystal Clarity Publishing?

22 MR. PARSONS: Objection. Vague as to "assign."

23 Go ahead.

24 THE WITNESS: Yes. In fact, it's pretty vague,
25 because I was involved in the decision, but it was not my
1 decision.

2 MR. GREENE: Q. All right. Tell me how -- who
3 was involved in making the decision.

4 A. Well, Padma, Vidura, Jyotish, probably in that
5 order. And I.

6 Q. Okay. Not necessarily in that order?

7 A. Not necessarily in that order.

8 Q. All right. Now, was a meeting convened for the
9 purpose of making the decision to appoint Cathy Stienstra as
10 the person to be in charge of Crystal Clarity?

11 MR. PARSONS: Okay. Objection. It's vague, no
12 foundation for this witness, calls for speculation,
13 third-party's intent.

14 Go ahead.

15 THE WITNESS: Yes. I was away at the time, so I'm
16 not sure of the mechanics. But probably, several meetings
17 were involved.

18 MR. GREENE: Q. Did you ever personally
19 participate in any meeting, one of the purposes of which was
20 to make a determination as to who would take Padma
21 McGilloway's place at Crystal Clarity?

22 MR. PARSONS: Objection.

23 THE WITNESS: This is another question. This is
24 another question.

25 MR. PARSONS: Yes.

1 MR. GREENE: Q. The question is in front of you,
2 Mr. Walters. Please answer it.

3 A. Padma McGilloway was not succeeded by Cathy
4 Stienstra, is my answer.

5 Q. I see. So there was another individual that was
6 in Padma's place before the point when it was assumed by
7 Cathy Stienstra?

8 A. Correct.

9 Q. Correct?

10 A. Correct.

11 Q. And who was that person?

12 A. Joseph Selbie, S-e-l-b-i-e.

13 Q. And does Joseph Selbie have a spiritual name?

14 A. Yes. Purushottama.

15 Q. And you gave him that spiritual name, didn't you?

16 A. I did.

17 Q. Was there any other person who was in charge aside

18 from you of Crystal Clarity from the point that Padma

19 McGilloway left and the point where Cathy Stienstra started?

20 MR. PARSONS: Okay. Objection. Compound, assumes

21 facts not in evidence. Go ahead.

22 THE WITNESS: That's a little more difficult to

23 answer. The truth is, I was not in charge, except to the

24 extent that they involved me. I didn't go to the office,

25 look over their books, anything of that nature.

1 So it was more of a question of, if they came to

2 me for direction, then I gave it. Because of my heart

3 condition, this involvement was diminishing rather rapidly

4 during the time since Padma McGilloway being there.

5 During the time of Joseph Selbie, it was

6 diminishingly so --

7 Q. Mr. Walters, let me withdraw the question and take

8 you out of it and ask you whether or not from the point that

9 Padma McGilloway left and the point where Cathy Stienstra

10 started running Crystal Clarity Publishers, whether any

11 other person ran it aside from Joseph Selbie.

12 A. No.

13 Q. Now, Crystal Clarity Publishing entered into an

14 agreement with Time Warner Books at some point within the

15 last 5 years. Isn't that right?

16 MR. PARSONS: Objection. Vague as to some

17 agreement.

18 At this point, I would like to take a break and

19 explore with my client the permissible scope of examination

20 into this agreement.

21 So excuse me for a minute.

22 MR. GREENE: I would like to get an answer,

23 though, to the question before the break.

24 MR. PARSONS: Well, let me explain my concern.

25 There might be a confidentiality provision in this agreement

1 whereby even the acknowledgement of the agreement would

2 violate that agreement.

3 JUDGE PLISKA: All right --

4 MR. GREENE: Your Honor, it's completely

5 spurious. There have been advertisements in publications

6 announcing an agreement.

7 That's completely spurious, Mr. Parsons, and you

8 know it.

9 MR. PARSONS: Well, if it's been advertised --
10 MR. GREENE: At the very least, I can get an
11 acknowledgment from the witness with respect to that
12 question. Because, I mean, Mr. Parsons is saying that, gee,
13 there might be in the agreement just a provision that
14 Mr. Walters can't even admit that such a thing exists.
15 JUDGE PLISKA: Well, let them confer, and then you
16 can get an answer to your question. If what you say is
17 correct, then that leads you to answer the question.
18 But I don't think there's anything wrong with
19 counsel conferring.
20 MR. GREENE: All right.
21 MR. PARSONS: Thank you.
22 (The witness and his counsel left and reentered
23 the deposition room.)
24 THE WITNESS: Okay.
25 MR. GREENE: Q. Okay. Are you ready to proceed,
1 Mr. Walters, after having had an opportunity to talk to your
2 lawyer?
3 A. I have.
4 Q. Now, you entered into an agreement with -- and
5 you, I mean Crystal Clarity, entered into an agreement with
6 Time Warner Books to either publish or distribute some or
7 all of your writings. Isn't that right?
8 A. No.
9 MR. PARSONS: Objection. Compound.
10 THE WITNESS: Yes, it's compound.
11 MR. GREENE: Q. So there was never any agreement
12 with -- between Crystal Clarity and Time Warner to
13 distribute your books. Is that your testimony?
14 A. That isn't my testimony.
15 Q. Was there ever any agreement between Crystal
16 Clarity and Time Warner to distribute the books?
17 A. Yes. You said publish. That's why I said no.
18 Q. I said publish or distribute.
19 A. No. Distribute.
20 Q. And that agreement was negotiated by Daniel Levin,
21 wasn't it?
22 MR. PARSONS: Objection. Foundation. Confusing.
23 Go ahead.
24 THE WITNESS: I -- no.
25 MR. GREENE: Q. To your knowledge, did Daniel
1 Levin have any -- did Daniel Levin participate in any way in
2 the negotiation of an agreement with Time Warner to
3 distribute your books?
4 MR. PARSONS: Objection. Foundation.
5 Go ahead.
6 THE WITNESS: He and all the other people in the
7 office.
8 MR. GREENE: Q. So Daniel Levin did participate
9 in negotiating with Time Warner for the distribution of your

10 book. Correct? Or books; correct?

11 A. He -- say that again.

12 Q. Isn't it true that Daniel Levin participated in
13 the negotiation with Time Warner for the distribution of
14 your books?

15 MR. PARSONS: Okay. Vague as to the term
16 "negotiate," especially given the witness's prior
17 testimony.

18 THE WITNESS: But the crucial word is
19 "participate." Yes.

20 MR. GREENE: Q. Okay. And isn't it true that the
21 person, to your knowledge, to whom Time Warner first spoke
22 with respect to the proposed distribution of your books was
23 Daniel Levin?

24 MR. PARSONS: Objection. Foundation.
25 Go ahead.

1 THE WITNESS: I'm not sure of the mechanics. I
2 know that discussion with the president of Time Warner was
3 with me, and a group of people, in fact.
4 The first discussion with him was with me, Danny
5 and his brother; and then the second was a group with our
6 church board.

7 MR. GREENE: Q. Okay. And who constituted the
8 church board at that time?

9 A. Let's see. Padma, Jyotish, Vidura -- who else?
10 Me, I was there, of course. I think that's it.

11 Q. And approximately when did that discussion take
12 place?

13 A. I think it was August 2 years ago.

14 Q. So it would have been August 1993?

15 A. Yes. Let me -- I have a way of making sure of
16 that, so let me think. Yes, '93.

17 Q. All right. And Daniel Levin is a Lightbearer, is
18 he not?

19 A. Yes.

20 Q. And Daniel Levin was appointed by you as a
21 Lightbearer. Isn't that right?

22 A. Yes.

23 MR. PARSONS: Objection as to "appointed."
24 Vague.

25 THE WITNESS: He was ordained.

1 MR. GREENE: Q. He was ordained by you; right?

2 A. Yes.

3 Q. And the discretion whether or not to ordain an
4 individual as a Lightbearer is solely your discretion.
5 Isn't that right?

6 MR. PARSONS: Objection. Vague as to time.

7 THE WITNESS: No.

8 MR. GREENE: Q. Okay. Does anyone else in
9 addition to you make the decision whether or not to ordain
10 any individual as a Lightbearer?

11 MR. PARSONS: Objection. Vague as to time.
12 THE WITNESS: The decision is mine. The people I
13 consult are my discretion.
14 MR. GREENE: Q. All right. So the decision is
15 ultimately up to your discretion. Correct?
16 A. Correct.
17 Q. All right. Now, at Crystal Clarity, what was
18 Daniel Levin's title?
19 MR. PARSONS: Objection. Foundation.
20 Go ahead.
21 THE WITNESS: It was self-assigned, not given him.
22 MR. GREENE: Q. What was his self-assigned title?
23 A. A vice president.
24 Q. And did you approve that self-assignment of title
25 of vice president by Danny Levin to himself?
1 MR. PARSONS: Objection. Vague as to "approve."
2 THE WITNESS: Yes.
3 MR. GREENE: Q. Okay. And when did you approve
4 that?
5 A. I'm not sure as to the time.
6 Q. Okay. What's your best estimate?
7 A. Maybe late -- let's see. Maybe late '92.
8 Q. All right. And to your knowledge, Daniel Levin
9 had a business card that referred to himself as vice
10 president of sales. Isn't that right?
11 MR. PARSONS: Objection. Foundation.
12 THE WITNESS: Yes, I think that's correct.
13 MR. GREENE: Q. Okay. Now, Padma McGilloway had
14 a business card in connection with her position at Crystal
15 Clarity, to your knowledge. Isn't at that right?
16 A. I think so.
17 Q. And her business card said president, did it not?
18 MR. PARSONS: Objection. Foundation. Go ahead.
19 THE WITNESS: Probably. Yes, I'm sure it did.
20 MR. GREENE: Q. What is your best estimate of the
21 point at which, when, you ordained Danny Levin as a
22 Lightbearer?
23 MR. PARSONS: I'm sorry, I think there might have
24 been a word in there I didn't catch. Can I have that read
25 back?
1 MR. GREENE: Well, the basic question is, when is
2 his best estimate.
3 MR. PARSONS: That he ordained Danny Levin as a
4 Lightbearer?
5 MR. GREENE: Q. That's right.
6 A. I don't know.
7 Q. You can't make any estimation?
8 A. Well, it would be pure guess.
9 Q. All right. In connection with your ordination of
10 Levin as a Lightbearer, did you provide him with any type of
11 certificate?

12 A. No.

13 Q. To your knowledge, is there any type of
14 certificate that is bestowed upon an individual when he or
15 she is ordained by you as a Lightbearer?

16 MR. PARSONS: Vague as to time. Object. Go
17 ahead.

18 THE WITNESS: I don't know.

19 MR. GREENE: Q. You don't personally sign any
20 such certificate, for example, that says Danny Levin is
21 hereby ordained as a Lightbearer by the power invested in
22 me, James Donald Walters, the spiritual director of Ananda,
23 or some such thing?

24 MR. PARSONS: Objection. Vague as to time.
25 Compound. You may respond.

1 THE WITNESS: I have to say, I'm sorry, I'm not
2 sure. I don't know.

3 MR. GREENE: Q. All right. Now, isn't it true
4 that the way that the Ananda Church was run became more
5 formal than what it was before in or around 1987?

6 MR. PARSONS: Objection. Vague. Also, vague as
7 to time, vague as to more formal. Also, no foundation for
8 this witness. One second.

9 Right. Confusing. Also, it's more in relation to
10 what? Go ahead.

11 THE WITNESS: That is in fact confusing. However,
12 I would say that around that time was probably the time that
13 we established a church office and began trying to get
14 things more systematized, so it's possible.

15 MR. GREENE: Q. All right. And in fact, it was
16 in and around 1987 that you promulgated the Rules of Conduct
17 that are Exhibit 3. Isn't that right?

18 A. That would fit.

19 Q. Okay. Now, when an individual is ordained as a
20 Lightbearer, is there any type of vow that he or she takes?

21 MR. PARSONS: Again, objection. Vague as to time.
22 Go ahead.

23 THE WITNESS: The pledge that they make is that
24 they will live their lives as well as they can by the
25 spiritual ideals of our teachings.

1 MR. GREENE: Q. All right. And is this a written
2 pledge?

3 A. No.

4 Q. Is there any sort of written pledge or a vow that
5 an individual fills out or signs in connection with he or
6 she being ordained by you as a Lightbearer?

7 MR. PARSONS: Objection. Vague as to time.
8 Go ahead.

9 THE WITNESS: I don't believe so.

10 MR. GREENE: Q. Do you maintain any kind of list
11 of individuals who are Lightbearers?

12 MR. PARSONS: Objection. Vague as to time, vague

13 as to list.

14 Go ahead.

15 THE WITNESS: I maintain no such list.

16 MR. GREENE: Q. Okay. Do you know who your

17 Lightbearers are?

18 A. Not infallibly.

19 Q. Okay. Can you estimate how many such persons

20 there are now?

21 A. I saw this list a few days ago, but I don't

22 remember.

23 Q. Okay. So to your knowledge, there is such a list;

24 correct?

25 A. Number of lists -- yes, that kind of list. It's

1 not in my possession.

2 Q. Okay. So the list that you saw a few days ago was

3 a list that included names of the individuals who are

4 Lightbearers. Right?

5 A. Yes.

6 Q. And where did you see this list?

7 A. I think it came in a memo.

8 Q. Okay. And from whom did it come?

9 A. Probably from the ministry office.

10 Q. Okay. Now, when the -- withdraw that.

11 To your knowledge, from time to time does the

12 board of directors of the Ananda Church have meetings?

13 MR. PARSONS: Objection. Vague as to time,

14 "meetings."

15 Go ahead.

16 THE WITNESS: Because we're there all together, we

17 meet at least by telephone very frequently. We have by law

18 to have at least one official meeting, which we have. And

19 that would be probably the only meeting as the board. And

20 that would be once a year.

21 MR. GREENE: Q. Okay. Now, during the interim

22 meetings, are there memos that go back and forth, as a

23 general matter, with respect to matters about which

24 decisions have to be made?

25 MR. PARSONS: Okay. Objection. It's vague as to

1 -- it's compound, it's vague as to go back and forth,

2 memos.

3 THE WITNESS: Such memos exist. It's not an

4 invariable rule.

5 Most of our decisions are informally made over the

6 phone, or just talking. But certainly there are such

7 memos. They do exist.

8 MR. GREENE: Q. All right. And do minutes exist

9 of annual meetings of the Ananda Church?

10 A. I believe so.

11 Q. Now, you are the president of the Ananda Church.

12 Right?

13 MR. PARSONS: Objection. Asked and answered.

14 Go ahead.

15 THE WITNESS: Asked and answered. Actually, I
16 retired a year ago.

17 MR. GREENE: Q. Okay. Prior to your retirement,
18 you were president of the Ananda Church. Right?

19 A. Yes. And informally, in a way, I still function
20 that way.

21 Q. Okay. You're still consulted with respect to
22 important decisions that have to be made, aren't you?

23 A. Certainly.

24 Q. And ultimately, you are the person that will
25 approve or disapprove a particular decision. Isn't that
1 right?

2 MR. PARSONS: Objection. Vague as to "approve,"
3 "disapprove."

4 THE WITNESS: And vague as to "particular."

5 MR. PARSONS: Thank you.

6 THE WITNESS: Certainly in routine matters, no.
7 In some matters, no.

8 In other matters, depending on the discretion of
9 the people, if they feel that they need my input, then yes.
10 Excuse me a moment, please.

11 MR. GREENE: Okay. We'll go off the written and
12 stay on the video record.

13 (The witness left and reentered the deposition
14 room.)

15 (Discussion off the record.)

16 THE WITNESS: Okay.

17 MR. GREENE: Q. All right. Ready to proceed?

18 A. I'm ready.

19 Q. All right. Mr. Walters, at what point did you
20 decide to no longer adhere to the vows of celibacy that you
21 took at SRF?

22 MR. PARSONS: Objection. Compound. We've gone
23 into the whole business of the vows repeatedly, on many
24 days. The questions have been extensive and deep on all of
25 these things.

1 MR. GREENE: Mr. Parsons, would you make a
2 concise, legal objection, please?

3 JUDGE PLISKA: He's making an argument,
4 Mr. Greene.

5 Go ahead, Mr. Parsons.

6 MR. PARSONS: I'm going to instruct the witness
7 not to answer this question, because it's been asked and
8 answered repeatedly. We're on day -- what is this, day six
9 of the depositions. I'm going to instruct the witness not
10 to answer.

11 MR. GREENE: It has not been asked and answered.
12 What has been gone into was the fact that Mr. Walters took
13 such vows, that Mr. Walters in 1985 went and asked to be
14 released from such vows.

15 But what has not been inquired into was when
16 Mr. Walters made the decision in his own mind to no longer
17 abide by the vows that he took. And I'm entitled to find
18 that out.

19 JUDGE PLISKA: Yes, I think that's correct. You
20 need to answer the question.

21 THE WITNESS: 1981.

22 MR. GREENE: Q. All right. And was your decision
23 to no longer adhere to the vows of celibacy that you took at
24 SRF based on, at least in part, your having met Kimberly
25 Moore?

1 A. Yes.

2 Q. Prior to having met Kimberly Moore, did you
3 maintain loyalty to the vows of celibacy that you took at
4 SRF?

5 MR. PARSONS: Objection as to the term "loyalty."
6 also, vague as to time.

7 Go ahead.

8 THE WITNESS: Say it again.

9 MR. GREENE: Q. Okay. Prior to meeting Kimberly
10 Moore, did you maintain loyalty -- in other words, did you
11 keep your vows of celibacy that you took at SRF?

12 MR. PARSONS: Same objections.

13 THE WITNESS: There are two ways of looking on a
14 vow. One is, do you abandon it; the other is, do you
15 continue to do your best to abide by it because that is your
16 principle and you believe in it?

17 In the latter sense, I maintained my vow. In the
18 former sense, I did not.

19 MR. GREENE: Q. So the former sense being the
20 sense of abandoning your vow, you're saying that you did not
21 abandon your vow prior to meeting Kimberly Moore in 1981?

22 MR. PARSONS: Well, that misstates his testimony,
23 and I object on that ground.

24 But you may answer.

25 THE WITNESS: I would like to restate my position
1 with Kimberly Moore, too.

2 MR. GREENE: Q. Actually, I'm going to withdraw
3 the question. I'm going to ask you another question.

4 Mr. Walters, prior to meeting Kimberly Moore, and
5 after the time that you were kicked out of SRF, did you
6 engage in sexual relations with anyone?

7 MR. PARSONS: Okay. I'm going to object. It
8 calls for privacy matters. We've gone over this before.

9 To the extent that it inquires into the private
10 sexual conduct of this witness, which is independent of any
11 third-party statement of complaint in the declarations, I'm
12 going to instruct the witness not to answer on privacy
13 grounds.

14 It's also irrelevant. That's right. We have a
15 motion pending on that very issue right now.

16 MR. GREENE: Whether or not he did or didn't
17 engage in any kind of sexual relations is susceptible of a
18 "yes" or "no" answer. It does not intrude upon his
19 privacy.
20 It is relevant and goes to the very heart of the
21 case, to the extent that this individual has held himself
22 out as a celibate swami, and that holding himself out is
23 false, that he allows other people in his organization to
24 represent him in such a manner, I believe to this day,
25 without disclaiming it -- it goes right to the heart of the
1 nature and the extent of the misrepresentations that he made
2 to my client, which were intrinsic in her becoming involved
3 and being hurt by the defendants in this case.
4 And a simple "yes" or "no" answer, when balanced
5 against any possible intrusiveness, the balance comes out on
6 the side of the need for discovery and the need for us to
7 proceed with our case.
8 MR. PARSONS: But we're also talking about events
9 which are, by the nature of the questions, extremely remote
10 in time. We're talking pre to 1962. There's no relevancy
11 to this subject matter.
12 MR. GREENE: Pre '52 --
13 JUDGE PLISKA: I think there is. I'm going to
14 rule that he must answer that question.
15 MR. PARSONS: Could I have the question read back
16 so it's clear?
17 THE WITNESS: But there are many misstatements in
18 what you made.
19 MR. PARSONS: Let's have the question read back so
20 that question is clear before you.
21 (Record read.)
22 THE WITNESS: I have. I did, I should say.
23 But when you -- may I answer further?
24 MR. PARSONS: Surely.
25 THE WITNESS: The thing is that you said I held
1 myself out as a celibate. I did not. I presented myself to
2 (the plaintiff) this way. I did not --
3 MR. GREENE: Q. Mr. Walters, there is no question
4 pending. I'd ask you please to be quiet and let me ask you
5 another question, please.
6 There is absolutely no need to explain any kind of
7 answer.
8 JUDGE PLISKA: That's correct. He's now arguing
9 the case, which is your province, Mr. Parsons. He can't
10 argue where his argument is false.
11 THE WITNESS: But he did make misrepresentations
12 to Mr. Pliska.
13 MR. PARSONS: Well, he made an argument to the
14 judge. But that's not testimony in the case.
15 MR. GREENE: Okay. I'd like to mark, I believe
16 this is Exhibit 30.

17 (Exhibit 30 was marked.)

18 MR. GREENE: Q. Okay. Mr. Walters, in front of
19 you is Exhibit 30, which is a declaration of Thora H.
20 McDonnell.

21 Do you recall ever having met a woman named Thora
22 H. McDonnell?

23 A. I do not.

24 Q. Okay. Well, let's go to paragraph number 2 of the
25 declaration, which states, "In the time period of 1967 to
1 1969, I went to the Ananda community for a retreat."

2 Now, to your knowledge, did the Ananda community
3 have retreats in the time period between 1967 and 1969?

4 A. Yes.

5 Q. Okay. And during that period of time, were you
6 referred to as Swami Kriyananda, to your best recollection?

7 MR. PARSONS: Okay. Objection. No foundation for
8 this witness to testify to that. Calls for third-party
9 conduct.

10 Go ahead.

11 THE WITNESS: I believe people called me
12 Kriyananda at that time.

13 MR. GREENE: Q. Okay. And is it your belief that
14 people did not refer to you as Swami during that period of
15 time?

16 MR. PARSONS: Okay. Objection. Vague as to
17 location, vague as to persons, no foundation for this
18 witness.

19 Go ahead.

20 THE WITNESS: I don't know. I know that I was
21 called Kriyananda, not Swami. My books said Kriyananda, not
22 Swami Kriyananda. I don't know.

23 MR. GREENE: Q. All right. Now, paragraph number
24 3 says, quote, "During the course" -- well, let me finish.

25 And paragraph 2 says, "During one day, I and my
1 4-year-old son went with a group of people led by Swami
2 Kriyananda, went for a walk in the hills," close quote.

3 Was it your custom in 1967 to 1969, from time to
4 time, to go for a walk in the hills at the Ananda community?

5 MR. PARSONS: Vague as to "custom," with the
6 ellipsis "from time to time."

7 You may respond.

8 THE WITNESS: I have no such recollection.

9 MR. GREENE: Q. All right. Paragraph 3 says,

10 quote, "During the course of our walk, we all went,"
11 internal quotes, "'skinny-dipping,'" close internal quote,
12 "in a pool of water," close quote.

13 Do you recall during the '67 to '69 time period
14 ever going skinny-dipping?

15 A. There was an area in the Yuba River where
16 everybody went skinny-dipping. It was just the custom
17 there.

18 Q. And you participated in that custom personally,
19 didn't you?

20 A. Yes.

21 Q. All right. Paragraph 3 goes on to say, quote,
22 "While in the water, Kriyananda reached under the water and
23 touched my breast with his hands," close quote.

24 Do you recall ever doing that while you would go
25 skinny-dipping in the Yuba River during the '67 to '69 time
1 period?

2 MR. PARSONS: Okay. Objection. It assumes facts
3 not in evidence.

4 Go ahead.

5 THE WITNESS: I don't recall.

6 MR. GREENE: Q. Do you deny that you ever did
7 that?

8 A. I can't imagine doing it. I can't do more than
9 that.

10 Q. So you deny that, don't you?

11 MR. PARSONS: Well, that misstates his testimony.
12 He can't imagine doing it.

13 THE WITNESS: Yes.

14 MR. GREENE: Q. Are you saying that -- by saying
15 that you can't imagine doing that, is it your intention to
16 communicate to me that you are incapable of engaging in
17 conduct such as is described in paragraph 3 of Exhibit 30?

18 MR. PARSONS: Objection. Vague.

19 THE WITNESS: Too vague. Capable. What does
20 "capable" mean? I just don't think it happened.

21 MR. GREENE: Q. That's not the question,
22 Mr. Walters. You told me --

23 Actually, I would ask for an answer to the
24 question. That was not a responsive answer.

25 MR. PARSONS: I think it was responsive.

1 MR. GREENE: No. He said --

2 JUDGE PLISKA: I don't think he really has
3 answered the question, because he made the statement of, I
4 can't imagine it happening, and he needs to know what that
5 means.

6 And this is one attempt to get to it. So I think
7 you need to answer further, Mr. Walters.

8 THE WITNESS: All I can say is, I don't think I
9 did.

10 MR. GREENE: Q. That's not my question, though,
11 Mr. Walters, because what you told me was that you can't
12 imagine having engaged in conduct such as that.
13 And what my question to you is, is, is it your
14 belief that you are incapable of having engaged in conduct
15 such as is described in paragraph 3 of Exhibit 30?

16 MR. PARSONS: Objection. Vague as to time as
17 well.

18 Go ahead.

19 THE WITNESS: I wouldn't say that I'm incapable,
20 no.

21 MR. GREENE: Q. So you would say then, would you
22 not, that it is possible that you could engage in conduct
23 such as is described in paragraph 3 of Exhibit 30?

24 MR. PARSONS: Objection. That calls for
25 speculation. There's no foundation for this witness to
1 testify as to that.

2 In fact, could I have that question read back?

3 (Record read.)

4 MR. PARSONS: Okay. Again, vague and confusing as
5 to "possible," vague as to time.

6 Go ahead. You may respond, though.

7 THE WITNESS: I just don't know.

8 MR. GREENE: Q. Mr. Walters --

9 A. In other words, we're talking about somebody I
10 don't know, I don't remember. Assumedly a complete
11 stranger. I would say that doesn't seem likely.

12 Q. See, but that's actually not what I'm asking you
13 about, Mr. Walters.

14 I'm asking you about your knowledge of your own
15 character.

16 MR. PARSONS: Well, why don't you ask him a
17 question, then, sir.

18 MR. GREENE: Q. There's a question pending that
19 goes directly to that, and I would like an answer.

20 JUDGE PLISKA: I don't think there's a question
21 pending, Mr. Greene. I think he answered the --

22 MR. GREENE: I misspoke. That's correct.

23 Q. What I want to know from you, Mr. Walters --

24 MR. PARSONS: Well, ask him a question, then.

25 JUDGE PLISKA: He is. He's leading up to it,
1 Mr. Parsons. You can certainly start a question in that
2 fashion.

3 Go ahead, Mr. Greene.

4 MR. GREENE: Thank you.

5 Q. What I want to know is, based on your knowledge of
6 yourself, if you believe that it is possible that you
7 engaged in conduct such as is described in paragraph 3 of
8 Exhibit 30.

9 MR. PARSONS: Okay. Objection. It's vague,
10 calls for speculation. Vague as to time.

11 You may answer, though.

12 THE WITNESS: Well, because I don't know the
13 person, I can't imagine that.

14 Can I imagine being attracted enough to a woman to
15 touch her breasts? I would have been capable of that.

16 MR. GREENE: Q. Okay. And would you have been
17 capable of touching the breast of a woman that you didn't
18 know and with whom you went skinny-dipping, and touching her
19 breasts underwater?

20 MR. PARSONS: Same objections.

21 Go ahead.

22 THE WITNESS: I have to say, I don't think so.

23 Especially not in a public place.

24 MR. GREENE: Q. Okay. Now, paragraph 4 of

25 Exhibit 30 reads:

1 "During the following evening of the same day, a

2 few of us were sitting outside in the dark with

3 Kriyananda, who was sitting in a chair. I was sitting

4 cross-legged on the ground near him. Suddenly,

5 Kriyananda grabbed my head with his hands and thrust

6 his crotch against the back of my head. I immediately

7 pulled free, got up and left for my tent," close quote.

8 Do you recall, Mr. Walters, ever having engaged in

9 the conduct which is set forth in paragraph 4 of Exhibit 30?

10 A. No, I do not.

11 MR. PARSONS: Objection. I object. It's also a

12 compound question.

13 MR. GREENE: Q. Do you deny that you ever grabbed

14 a woman's head while sitting outside and thrusting your

15 crotch against the back of her head?

16 MR. PARSONS: Objection. Vague, both as to

17 thrusting his crotch, also vague as to time.

18 THE WITNESS: I do deny.

19 MR. GREENE: Q. Okay. Based on your knowledge of

20 yourself, do you believe that you are capable of engaging in

21 the conduct which is described in paragraph 4 of Exhibit 30?

22 A. I do not.

23 MR. PARSONS: Well, objection. Calls for

24 speculation. It's also vague and confusing.

25 THE WITNESS: I do not.

1 MR. GREENE: Q. Okay. When you say "I do not,"

2 are you saying that you deny that you were capable of

3 engaging in the type of conduct described in paragraph 4 of

4 Exhibit 30?

5 MR. PARSONS: Same objections.

6 THE WITNESS: First of all, if you're sitting, you

7 can't thrust your crotch forward. You have to pull her

8 head. So physically, it's not possible.

9 What I presume you're thinking of is, am I

10 personally, as a personality. No, I'm not.

11 MR. GREENE: Q. Okay. So based on your knowledge

12 of yourself, what is described in terms of grabbing this

13 woman's head with your hands and thrusting your crotch

14 against of back of her head simply is not within the realm

15 of possibility. Right?

16 A. This is correct.

17 Q. All right. Now, paragraph 5 at line 21 states,

18 quote, "I loved and revered him as a high and holy person,"

19 close quote.

20 Based on your knowledge, did anyone in the 1967

21 through '69 period revere you as a holy person?
22 MR. PARSONS: Objection. It calls for the mental
23 states of third parties, without any foundation that this
24 witness knows the way people thought about him or any person
25 in particular.
1 I'll let the witness testify, if he can formulate
2 a response.
3 THE WITNESS: Inasmuch as none of my actual
4 students came to live at Ananda, I would say that those
5 people who did come did not regard me as a particularly holy
6 person.
7 I was there providing a new experiment in living.
8 But no, I don't think that was the case.
9 MR. GREENE: Q. Okay. Now, people, however,
10 students that ultimately did come to live at the Ananda
11 community, revere you as a holy person. Isn't that right?
12 MR. PARSONS: Objection.
13 MR. GREENE: Q. Revered you as a holy person.
14 Right?
15 MR. PARSONS: Objection. It's vague as to time,
16 it's vague as to definition of "student," and also calls for
17 this witness to opine as to third-party opinions, beliefs.
18 I object on those grounds. You may answer if you
19 have a basis for formulating a response.
20 THE WITNESS: I believe that over a period of
21 years, they came to respect me. I don't know about high and
22 holy, but they came to respect me.
23 But that didn't happen very quickly.
24 MR. GREENE: Q. Okay. Now, you have a personal
25 definition of the term "holy," don't you?
1 A. "Holy"? I don't have a definition. If you want
2 me to make one, I can make one.
3 MR. PARSONS: Well, the question is, do you have a
4 definition of the term?
5 THE WITNESS: Well, I can answer in --
6 MR. GREENE: Q. That's a "yes" or "no" answer,
7 Mr. Walters.
8 A. Well, I can answer without saying -- if you ask
9 for a "yes" or "no," I can't answer. If you ask for a more
10 detailed answer, I can give you an answer.
11 Q. All right. Then let me withdraw that and ask you
12 another question.
13 It's true, isn't it, that you regarded Paramhansa
14 Yogananda as a holy man?
15 A. Yes.
16 Q. And it's true, is it not, that some of the
17 individuals at the Ananda community over the course of the
18 last 5 years have regarded you, to your knowledge, as a holy
19 man?
20 A. If you're defining --
21 MR. PARSONS: Objection. I want to object,

22 though, as to time, also third-party opinions. Same
23 objections I made before.

24 Go ahead.

25 THE WITNESS: Yes. But you're equating me with
1 Paramhansa Yogananda. I don't think anybody's done that.

2 MR. GREENE: Q. All right. And I'm not -- I
3 don't intend to equate you, because obviously you're a
4 completely separate and different human being. And you
5 don't regard yourself to be the equivalent of Paramhansa
6 Yogananda, do you?

7 A. That's correct. I don't.

8 Q. Okay. And to your knowledge, some of the students
9 at the Ananda community in the last 5 years have regarded
10 you as a holy man. Isn't that right?

11 MR. PARSONS: Objection. Again, it calls for
12 third-party opinions. Objection as to vague, definition of
13 "holy man."

14 You may respond.

15 THE WITNESS: Yes, it is a vague question.
16 But Yogananda said that a person is a saint on
17 different categories. First of all, one who has realized
18 God; secondly, one who is high in realization; thirdly, one
19 who is dedicated to living a life of spirituality and
20 seeking God; fourthly, anybody who wants sincerely to find
21 God and meditates and tries to find him.

22 So within that broad spectrum, I suppose I'd have
23 to fit quite easily. Quite naturally, I should say.
24 So whether people say it or not, that's a matter
25 that's not my direct knowledge.

1 MR. GREENE: Q. All right. Now, is there a book
2 written by Paramhansa Yogananda wherein he sets forth these
3 four levels of holiness that you just described to me?

4 A. No. He said it in discussion.

5 Q. And he said these in discussion while you were an
6 SRF member?

7 A. While I was present, also.

8 Q. And he said these things in discussions while you
9 were present along with other people; correct?

10 A. Correct.

11 Q. Do you recall the names of any of the other people
12 who were present during the course of any discussions
13 wherein Paramhansa Yogananda made the statements about the
14 four levels of holiness?

15 A. I have no such recollection.

16 Q. Do you recall -- well, withdraw that.

17 A. Excuse me a moment. I'll be right back.

18 MR. GREENE: Okay. We'll go off the written, stay
19 on the video.

20 (The witness left and reentered the deposition
21 room.)

22 (Discussion off the record.)

23 MR. GREENE: Q. Ready to continue?
24 A. Uh-huh.
25 Q. Now, you are familiar, aren't you, with the term
1 -- and I probably will pronounce it wrong to start with --
2 samadhi?
3 MR. PARSONS: Objection, "familiar." Go ahead.
4 THE WITNESS: Yeah. Familiar means the term. Yes.
5 MR. GREENE: Q. Okay. Did I pronounce it
6 correctly?
7 A. Samadhi. Yes, that's correct. For an American,
8 that's fine.
9 Q. Now, samadhi refers to the highest possible
10 experience with God, doesn't it?
11 Or rather, included in that term "samadhi" --
12 A. That's correct.
13 Q. -- you can say that it talks about the highest
14 possible experience with God. Correct?
15 A. That's correct.
16 Q. And you write about it in your book *The Path*,
17 don't you?
18 A. Yes.
19 MR. PARSONS: I'm sorry, about the term "samadhi"?
20 MR. GREENE: Q. Yes. That's what I mean.
21 And you characterize samadhi as being a state of
22 cosmic consciousness, don't you?
23 A. Yes.
24 MR. PARSONS: Objection. Vague as to time.
25 MR. GREENE: Q. And you have personally
1 experienced that, haven't you?
2 MR. PARSONS: Objection. Lack of foundation.
3 Go ahead.
4 THE WITNESS: I have not.
5 MR. GREENE: Q. Okay. Now, have you written a
6 book called the -- I believe it was called "*The Keys to*
7 *Understanding the Bhagavad Gita*"?
8 A. Yes. I forgot the exact name, but it's maybe like
9 that.
10 Q. Something along those lines; right?
11 A. Yes. Excuse me, I didn't write the book. I gave
12 a class, and this is a transcription of the class.
13 Q. And when you teach, as a general approach, isn't
14 it true you endeavor to -- the utmost to be honest
15 concerning the matters about which you give teaching?
16 MR. PARSONS: Okay. Objection. It's vague as to
17 "teach," "endeavor," "utmost," "honest"; vague as to time as
18 well. It's confusing and ambiguous.
19 But you may respond to the extent you can.
20 THE WITNESS: To the extent that I understand your
21 question, I do indeed.
22 MR. GREENE: Q. Okay. Well, let me ask you
23 this: Is there anything about my question that you don't

24 understand?

25 And if there is, what don't you understand?

1 MR. PARSONS: Okay. Well, I have to object that

2 it's asking for him to testify as to what he doesn't

3 understand, and I'm not certain he can understand what he

4 doesn't understand.

5 But you may respond.

6 THE WITNESS: Mr. Parsons raised a number of --

7 opened a number of avenues which I would have to explore.

8 Let me simply say that I don't pretend in any of

9 my lectures to have achieved something that I have not

10 achieved.

11 MR. GREENE: Q. My question to you is, however,

12 is not just do you -- is there an absence of pretense when

13 you lecture; but do you make an effort to the best of your

14 ability, when you lecture, to be honest about the subject

15 matter that you're delivering?

16 MR. PARSONS: Okay. My objection goes to the term

17 "honest about the subject matter," and the term "honest" in

18 this situation is inherently ambiguous.

19 THE WITNESS: And to me, the question revolves

20 around the word "effort." It's effortless; I don't have to

21 try. But I feel that I am.

22 MR. GREENE: Q. Okay. So when you say effort, I

23 don't have to try, do you mean that you don't have to try to

24 be honest, it just flows? Is that correct?

25 A. This is correct.

1 Q. Okay. And that -- is it correct that the reason

2 that you don't have to try is because you are honest?

3 MR. PARSONS: Objection as to the term "honest."

4 THE WITNESS: To the best of my knowledge, yes.

5 MR. GREENE: Q. All right. Now, going back to

6 Exhibit 30, which is the McDonnell declaration --

7 Oh, before we do that, with respect to your own

8 attitude about yourself, in which of the four categories of

9 holiness that you testified Yogananda told you about do you

10 place yourself?

11 MR. PARSONS: Okay. Objection. That

12 mischaracterizes the witness's testimony before; it's also

13 vague and ambiguous.

14 I'll let you answer the question to the extent you

15 can. And if you want your testimony read back, you can do

16 that as well.

17 MR. GREENE: Mr. Parsons, no. It's a straight

18 question.

19 Q. Would you answer the question, please?

20 MR. PARSONS: No, but your question refers to

21 earlier testimony, and it's appropriate for him to have that

22 testimony if he's going to talk about it.

23 THE WITNESS: But I do remember.

24 I certainly put myself in the category of one who

25 is sincerely trying to achieve union with God.

1 MR. GREENE: Q. Okay. And of the four categories

2 that you enumerated, is that the lowest one?

3 MR. PARSONS: Objection. "lowest."

4 Go ahead.

5 THE WITNESS: I would say probably it's the third.

6 MR. GREENE: Q. All right. So that would be the

7 category having to do with dedication. Correct?

8 A. Yes.

9 Q. All right. So then is it correct that you do not

10 -- that you do not in any way see yourself as being high in

11 the process of self-realization?

12 MR. PARSONS: Objection. Vague as to "high,"

13 vague as to "process of self-realization."

14 You may respond, however.

15 THE WITNESS: Not in any way.

16 MR. GREENE: Q. All right. Now, going to 30,

17 Exhibit 30, and paragraph 6, Ms. McDonnell testifies, quote,

18 "The next day I approached Kriyananda, shook my finger in

19 his face and said," internal quote, "'You should be ashamed

20 of yourself,'" close quote. "He simply replied," internal

21 quote, "'well, you went along with it,'" internal quote

22 closed. "I then left Ananda and never came back."

23 Do you recall between 1967 and 1969 any woman

24 acting towards you as is reflected in paragraph 6 of Exhibit

25 30?

1 MR. PARSONS: Objection. I object to -- it

2 assumes facts not in evidence.

3 You may respond.

4 THE WITNESS: No, I do not.

5 MR. GREENE: Q. Do you deny that that ever

6 happened?

7 A. I do.

8 Q. Now, based on your knowledge of Yogananda's

9 tradition, there is a particular -- withdraw that.

10 If somebody wears ochre robes, that means the

11 individual has taken a vow of celibacy. Isn't that true?

12 MR. PARSONS: Objection. It's vague as to the

13 religious tradition, it's vague as to third parties' mental

14 states or intents. It's also vague in that you're asking

15 apparently for a universal, nonvariable practice.

16 This witness doesn't have -- there's no foundation

17 for this witness to testify.

18 You may respond.

19 THE WITNESS: I think I have seen people in ochre

20 who were married, but I'm not sure about that. And I would

21 say that probably it is assumed by people in India, not in

22 this country, to be the case.

23 MR. GREENE: Q. And when you were in SRF, that

24 was the case, was it not, that one who wore ochre robes was

25 one who had taken a vow of celibacy?

1 MR. PARSONS: Okay. Objection in that it's
2 ambiguous as to whether these persons are or are not in SRF.
3 You may respond.
4 THE WITNESS: Yes.
5 MR. GREENE: Q. Okay. And so that the record is
6 completely clear, when you were an SRF member, for an SRF
7 member to wear ochre robes, among other things, meant such a
8 person was celibate. Correct?
9 A. Correct.
10 Q. Now, directing your attention to the front
11 photo -- and I think what -- I'm not sure if there are -- is
12 there a color copier here?
13 THE REPORTER: There's one downstairs.
14 MR. GREENE: Q. We'll make a copy and make an
15 exhibit of this.
16 But this photo on the cover of this hardbound
17 version --
18 A. You could show it to the video.
19 MR. GREENE: You know, you're absolutely right.
20 Why don't you hold it up to the video for me,
21 Mr. Walters, and let's get a gander at that.
22 A. (Witness complies.)
23 Q. Okay. Now, the person on the front of The Path is
24 you as a younger man. Correct?
25 A. Yes.
1 Q. And you are wearing robes, are you not, in this
2 picture?
3 A. Yes.
4 Q. And those robes are ochre, are they not?
5 A. Correct.
6 Q. And then -- ochre in color; correct?
7 A. You got it in color -- oh.
8 Q. And then why don't you hold this picture up here
9 to the video, which is a black and white picture. But
10 before you do that, look at it.
11 A. I looked at it.
12 Q. Now, that's a black and white photo of you wearing
13 the same robes as is indicated in color on the cover.
14 Correct?
15 A. Correct.
16 Q. And then this book, The Path, was published by
17 Ananda Publications in 1977; right?
18 A. Correct.
19 Q. Now, going back to Exhibit 30, paragraph 7 says,
20 quote, "Kriyananda never made any effort to apologize or
21 even account for his indecent behavior," close quote.
22 Now, based on your knowledge of yourself, if you
23 had engaged in the conduct that Ms. McDonnell says you did
24 engage in, would you apologize?
25 MR. PARSONS: Okay. Well, I've got to object to
1 that. It obviously assumes facts which the witness has

2 denied. It calls for speculation based on what he might or
3 might not have done almost 20 -- 30 years ago now.

4 I think that's an inappropriate question given the
5 testimony of the witness, and I'd request that he not answer
6 that question as phrased.

7 JUDGE PLISKA: I'm afraid I'm going to have to
8 have the question reread.

9 (Record read.)

10 JUDGE PLISKA: What is your objection to that?

11 MR. PARSONS: My objection to that is that it
12 assumes facts not in evidence that he's testified to the
13 contrary. So there is no basis for him to reach any
14 conclusion.

15 It asks for conduct between 1967 and 1969, so it's
16 remote. There's no foundation that, as the witness sits
17 here today in 1995, he can testify what he might or might
18 not have done.

19 Also, since he's denied all of this stuff, it's
20 just one of those inherently unfair questions.

21 JUDGE PLISKA: All right.

22 MR. GREENE: My response is this: Is that among
23 the different parts of testimony that Mr. Walters has
24 provided with respect to Exhibit 30, he has stated that
25 it -- in his view, and based on his knowledge of himself,
1 that it was possible that he had engaged in conduct such as
2 this.

3 MR. PARSONS: Well, no.

4 MR. GREENE: And the question that's pending --

5 THE WITNESS: That's not what I said.

6 MR. PARSONS: That's okay.

7 MR. GREENE: The question that's pending is, if he
8 had, basically, would he say, I'm sorry?

9 JUDGE PLISKA: No, I'm going to sustain the
10 objection. It's speculative.

11 (Discussion between the witness and his counsel.)

12 MR. GREENE: Q. Now, going back to the Time
13 Warner deal, to your knowledge, was the person most involved
14 in negotiating with Time Warner on your behalf Daniel Levin?

15 MR. PARSONS: Okay. Objection. On his behalf;
16 you're referring to Crystal Clarity?

17 MR. GREENE: Yes. I'm talking about Crystal
18 Clarity.

19 MR. PARSONS: Okay. Lack of foundation,
20 contradicts the witness's prior testimony.

21 You may respond -- also, vague as to "most
22 involved," I believe was the phrase.

23 Go ahead.

24 THE WITNESS: No, it was Padma.

25 MR. GREENE: Q. Okay. So Padma what the person
1 who was primarily responsible for the negotiations?

2 A. Absolutely.

3 Q. All right. Now, what is your knowledge of the
4 nature of Daniel Levin -- of Minister Levin's role in the
5 Time Warner negotiations?

6 MR. PARSONS: Object. It's vague as to his
7 testimony of the nature. Also, I guess would call for a
8 narrative.

9 But you may respond.

10 THE WITNESS: He was at the -- I think it was the
11 ABA, some fair, and therefore was the one to whom the
12 president of Time Warner came.

13 And so he was the one who, you might say, opened
14 the door, introduced the whole thing to me and to Padma.
15 And from then on, he was there sort of on the
16 sidelines, offering suggestions, as many other people did,
17 but was not active in making decisions.

18 MR. GREENE: Q. Okay. And when you make
19 reference to the ABA, you're talking about American
20 Booksellers Association?

21 A. Yes. That is it, but I'm not sure whether it was
22 at that fair or some other where this first took place.

23 Q. Okay. What is the name of the president of Time
24 Warner at that time?

25 A. And at this time. Larry Kirshbaum,
1 K-i-r-s-h-b-a-u-m.

2 Q. Do you recall the location of the book fair where
3 the -- where Minister Levin opened the door, as you said, to
4 the deal?

5 A. I do not.

6 Q. Now, was there an actual -- or was there at any
7 time a face-to-face meeting among you, Padma, Vidura,
8 Jyotish, where the decision was at least in part made to
9 replace Padma for running Crystal Clarity?

10 A. I recall no such meeting. She was not really
11 replaced. As I said, it was her husband who we had to
12 reassign him there, and there was an opening.
13 And she continued really to run things from there
14 for some time, sort of during a transition period of several
15 months.

16 Whether there was a meeting face-to-face or not,
17 I'm not able to say. I don't know.

18 Q. Okay. Now, you were the individual who ultimately
19 made the decision to assign Terry McGilloway to Seattle.
20 Correct?

21 MR. PARSONS: Objection. Vague as to "assign,"
22 "ultimate."
23 Go ahead.

24 THE WITNESS: Yes.

25 MR. GREENE: Q. And Padma McGilloway is a
1 Lightbearer. Correct?

2 A. Yes.

3 Q. And Terry McGilloway is a Lightbearer; correct?

4 A. Yes.

5 Q. Okay. While Minister Levin was working at Crystal
6 Clarity, what is your knowledge of the job responsibilities
7 that he performed?

8 A. That Mr. Levin performed?

9 Q. That Minister Levin performed, correct.

10 MR. PARSONS: Objection. Vague as to time.

11 Foundation.

12 Go ahead.

13 THE WITNESS: Performed where?

14 MR. GREENE: Q. While he was working at Crystal

15 Clarity.

16 A. At Crystal Clarity?

17 Q. Yes.

18 A. Basically, he was promoting sales. And that was I
19 think it.

20 Q. Okay.

21 A. He had some input, because of interest, in
22 designing -- not designing, but helping to approve, make
23 suggestions, for new products and covers, all of it
24 basically connected with selling.

25 Q. Now, when someone -- did Mr. Levin's work include,
1 then, working with book distributors, to your knowledge?

2 MR. PARSONS: Objection. "Work with." Vague.

3 Go ahead.

4 THE WITNESS: I believe he did.

5 MR. PARSONS: Vague as to time.

6 MR. GREENE: Q. To your knowledge, when an
7 individual starts to become affiliated with the Ananda
8 organization, has there ever been any practice of giving
9 your books away for free to such a person?

10 MR. PARSONS: Objection. Vague as to

11 "affiliated," "begins to," "person."

12 Go ahead. You may respond.

13 THE WITNESS: This certainly would be a
14 promotional thing that I believe we've done. I myself give
15 books free to people.

16 MR. GREENE: Q. Okay. So is there any -- has
17 there, to your knowledge, ever been any policy within the
18 Ananda organization where people who are starting to
19 affiliate with the organization don't have to buy your
20 books, where they are given your books for free?

21 MR. PARSONS: Well, objection. I mean, it's vague
22 as to frequency, time.

23 You may respond.

24 THE WITNESS: No policy.

25 MR. GREENE: Q. Okay. And so from time to time
1 you will give books away. Correct?

2 A. People who visit me as guests, I give them a book.

3 Q. Okay. And when you say people who visit you as
4 guests, are these guests that you personally invite to visit

5 you?

6 A. Correct.

7 Q. Okay. And do you make a distinction between
8 people whom you personally invite to visit you and people,
9 for example, who come up and spend some time as an Ananda
10 novice on the property in Nevada City?

11 MR. PARSONS: Objection. Vague as to drawing
12 distinction.

13 THE WITNESS: It's really a matter of whim. If I
14 feel in the mood to give it, I do; if I don't, I don't.
15 More it's not so much a feeling in the mood as
16 remembering to.

17 MR. GREENE: Q. To your knowledge, are
18 individuals who affiliate with the Ananda organization
19 encouraged to read your books?

20 MR. PARSONS: Objection. Foundation. Vague as to
21 time. Vague as to individuals.

22 THE WITNESS: And also, vagueness as to the degree
23 of affiliation. If they're not interested -- for example,
24 somebody coming from town, we wouldn't.
25 If somebody wants to know our teachings, then
1 obviously we would.

2 MR. GREENE: Q. Okay. So if somebody is
3 interested in your teachings, such a person is encouraged to
4 purchase your books. Right?

5 MR. PARSONS: Objection.

6 THE WITNESS: If he wants --

7 MR. PARSONS: Well, objection. Foundation. Now
8 he's asking whether they are or not; before he was asking
9 your opinion, your knowledge.

10 THE WITNESS: Well, I'm not quite clear. But if I
11 understand you correctly, you're saying, do we encourage
12 people to read my books who want to know something about our
13 teachings.

14 Obviously, yes.

15 MR. GREENE: Q. Okay. And currently, does Time
16 Warner distribute Crystal Clarity's books?

17 MR. PARSONS: Lack of -- objection. Foundation of
18 this witness testifying.

19 Go ahead.

20 THE WITNESS: It does not.

21 MR. GREENE: Q. Okay. For some period of time,
22 did Time Warner distribute Crystal Clarity's books?

23 A. It did.

24 Q. Okay. What was that time period of distribution?

25 MR. PARSONS: Objection. Foundation for this
1 witness.

2 Go ahead.

3 THE WITNESS: Approximately 1 year.

4 MR. GREENE: Q. When did that 1 year end, to your
5 knowledge?

6 A. The official ending and the petering out process
7 where they still had books that they had worked with, I
8 don't know.

9 But it was from the spring of this year until the
10 summer of this year, 1995.

11 Q. Okay. So you -- I'm confused. You said it was
12 approximately 1 year that they distributed the books, and
13 that 1 year took place from the spring to the summer of 1995?

14 A. That wasn't your question. Your question was,
15 when did it end. I spoke of the ending as being a slow
16 process, because --

17 Q. Oh, I've got it. I see what you're saying.
18 So you're saying that the petering out process
19 started in the spring, and the conclusion was in the
20 summer?

21 A. Correct. That is to say, they still had books in
22 their warehouse, they still had promised to deliver, they
23 still had returns. That process can't be just one day to
24 the next.

25 Q. I understand.

1 Now, you were the individual who ultimately
2 decided no longer to proceed with the agreement with Time
3 Warner to distribute your books. Isn't that right?

4 MR. PARSONS: Okay. Vague as to decide, no longer
5 proceed, foundation.

6 Go ahead.

7 THE WITNESS: This was not my decision. I was
8 involved in the decision, but it was not my decision.

9 MR. GREENE: Q. Okay. Who else was involved in
10 the decision?

11 A. Vidura Smullen, John Novak, Steve Weber, Derek Van
12 Atta, Padma McGilloway.

13 That's enough. There may be others, but at least
14 those.

15 Q. Okay. And the reason was because Crystal Clarity
16 wasn't making enough money in the deal. Right?

17 THE WITNESS: Excuse me. I'll be right back.

18 MR. GREENE: Usual procedure. We'll go off the
19 written and stay on the video.

20 (The witness left and reentered the deposition
21 room.)

22 (Discussion off the record.)

23 THE WITNESS: Okay.

24 MR. GREENE: Q. All right. Here we go.

25 There is a pending question, Mr. Walters, which
1 is, isn't it true that the reason for no longer continuing
2 with the agreement with Time Warner for the distribution of
3 your books published by Crystal Clarity was because Crystal
4 Clarity wasn't making enough money?

5 MR. PARSONS: I'm sorry, could I have that
6 question read back? I think that misstates --

7 MR. GREENE: I will state the question again.
8 MR. PARSONS: Okay.
9 MR. GREENE: Q. Isn't it true, Mr. Walters, that
10 at least in part, that the reason for making the decision no
11 longer to proceed with the Crystal Clarity/Time-Warner
12 distribution arrangement was because Crystal Clarity was not
13 making enough money?
14 A. That's a misleading question. The answer is --
15 Q. Just answer the question, please.
16 A. -- we were losing money.
17 Q. Okay. So it wasn't that you weren't -- never mind.
18 Steve Weber, does he have a spiritual name?
19 A. No.
20 Q. And Derek Van Atta, does he have a spiritual name?
21 A. No.
22 Q. Is Steve Weber an Ananda member?
23 A. Yes.
24 Q. And is Derek Van Atta an Ananda member?
25 A. Yes.
1 Q. Is Steve Weber a senior minister?
2 A. No.
3 Q. Is Steve Weber a minister?
4 A. No.
5 Q. Is Steve Weber a Lightbearer?
6 A. No.
7 Q. And Derek Van Atta, is he a Lightbearer?
8 A. I'm not sure.
9 Q. Okay. Is he a senior minister?
10 A. I'm not sure.
11 Q. Is he a minister?
12 A. I'm not sure.
13 Let me say -- well, there's no point in saying
14 more than that. I just don't know.
15 MR. PARSONS: If you've responded to his question,
16 then that's it.
17 THE WITNESS: Yes.
18 MR. GREENE: Q. Are you able to estimate when
19 Minister Levin began to speak with the president of Time
20 Warner regarding the possibility of distributing your books
21 published by Crystal Clarity?
22 MR. PARSONS: I object. That misstates the
23 testimony that the witness has already given. Are you
24 asking him when that ABA or whatever convention occurred?
25 Is that the question?
1 MR. GREENE: The question speaks for itself,
2 Mr. Parsons.
3 Q. And the question was, to your knowledge, what's
4 your best estimate of when it was that Minister Levin
5 started to talk with the president of Time Warner about the
6 idea of distributing your books as published by Crystal
7 Clarity?

8 MR. PARSONS: Okay. Well, then it's vague,
9 assumes facts not in evidence, contradicts the earlier
10 testimony, and calls for speculation on this witness's part
11 as to what was in both of the parties' minds when they
12 talked, or the subject matter of their talks.

13 You may respond, however.

14 THE WITNESS: First of all, it was not Levin who
15 talked with Mr. Kirshbaum. It was Mr. Kirshbaum who had
16 talked with Levin.

17 That was probably in the spring of '93.

18 MR. GREENE: Q. Okay. Now, I'd like to mark this
19 as Exhibit 31.

20 (Exhibit 31 was marked.)

21 MR. PARSONS: Q. Directing your attention,
22 Mr. Walters, to Exhibit 31, which is a photocopy of book
23 entitled Keys to the Bhagavad Gita, that is a written
24 transcription of a talk given by you. Correct?

25 A. Yes.

1 Q. Now, directing your attention -- and earlier, when
2 you and I were talking about when we couldn't exactly
3 remember what the title was, but we were talking about the
4 -- something having to do with a recorded talk of yours on
5 the Bhagavad Gita that was turned into a book or a pamphlet,
6 this is what we were talking about; correct?

7 A. That is correct.

8 Q. "This" being Exhibit 31?

9 A. Correct.

10 Q. All right. Now, directing your attention to page
11 13, tell me when you're -- when you've got it.

12 A. I have it.

13 Q. And going down to the -- starting at the second
14 sentence of the second paragraph, it states -- rather, you
15 state, quote:

16 "In a state of samadhi, the tongue goes back into
17 a position that locks the energy into the brain. In
18 hatha yoga, it's called kechari mudra. You put the
19 tongue behind the pallet and the tongue touches certain
20 nerve centers behind the nasal passage. It seems sort
21 of peculiar, but it's not at all uncomfortable when you
22 practice it. But the practice isn't the same when it
23 happens automatically when the mind goes into samadhi.
24 At that time, in addition to the energy being withdrawn
25 from the body, there is a certain energy that is drawn
1 from the brain down into the mouth. It has a sweet
2 taste. And that energy keeps the body sustained for a
3 long period of time so one doesn't need to eat. One
4 can remain for very long periods of time in samadhi
5 without having to come out. And the curious thing is
6 that the taste has been described -- and it seems to
7 me, too, when I taste it -- as a combination of ghee,
8 which is clarified butter, and honey. How similar this

9 is" -- "how similar to this land of milk and" -- "how
10 similar to this land of milk and honey, isn't it? Ghee
11 being butter, coming from milk. The ecstatic state
12 brings that taste into the mouth," close quote.
13 Now, with that in mind, Mr. Walters, you describe
14 your own personal experience with samadhi, don't you?
15 A. I do not. I do describe my experience of that
16 taste, but that was not in samadhi.
17 Q. Okay. How many bank accounts, Mr. Walters, do you
18 have personal signatory authority on?
19 A. Two.
20 Q. One is the account wherein your royalties from the
21 sales of your books are maintained. Correct?
22 MR. PARSONS: Objection. That misstates his prior
23 testimony.
24 You may respond.
25 THE WITNESS: No, it is not correct.
1 MR. GREENE: Q. You don't maintain an account
2 where you keep the royalties from the sales of your books?
3 MR. PARSONS: No, that misstates his testimony
4 that we've gone into in significant detail already.
5 THE WITNESS: Yes. I don't have control over that
6 account. I have control over how it is used, but I'm not a
7 -- I don't think I'm a signatory.
8 At any rate, I never see the checkbook.
9 MR. GREENE: Q. Okay. To your knowledge, who
10 does see the checkbook?
11 MR. PARSONS: Objection. Asked and answered.
12 THE WITNESS: Yes. Lila Hogendyk.
13 MR. GREENE: Q. Is Lila Hogendyk a senior
14 minister?
15 A. Yes.
16 Q. Is she a Lightbearer?
17 A. Yes.
18 Q. Does she have a spiritual name?
19 A. Lila.
20 Q. Did you give her that spiritual name?
21 A. I did.
22 Q. Do you recall approximately when?
23 A. Well, the genesis of it was because the Italians
24 couldn't pronounce Shirley. And it would be, therefore,
25 while she was in our center in Italy. And I would guess
1 about --
2 MR. PARSONS: Don't guess.
3 THE WITNESS: It's a guess.
4 MR. GREENE: Q. What's your best estimation?
5 A. Best estimate is about 1987.
6 Q. Did Ms. Hogendyk become a Lightbearer in around
7 1987?
8 MR. PARSONS: Okay. No foundation.
9 THE WITNESS: I don't remember.

10 MR. GREENE: Q. Are you able to provide me with
11 your best estimate of when it was that Ms. Hogendyk became a
12 Lightbearer?

13 A. I am not.

14 Q. Now, going back just for a moment to Exhibit 31
15 and the passage that I read into the record, did you intend
16 to convey that passage to reflect the experience of samadhi?

17 A. I did not. My experience, I did not.

18 Q. No, the experience. Not your experience; the
19 experience.

20 A. It's a description of something that happens in
21 samadhi. It also happens before that.

22 Q. Now, does --

23 A. Excuse me, one thing I should add is that in
24 samadhi, you're not in body consciousness at all, so the
25 question of the taste would have to precede any experience.

1 Q. Well, this is -- when you say when you're in
2 samadhi you don't experience any taste, it's actually purely
3 theoretical, since you have never experienced it. Correct?

4 A. That is correct.

5 Q. Ms. Hogendyk, does she live on the Ananda
6 property?

7 A. She does.

8 Q. And for how long has she, to the best of your
9 knowledge?

10 A. I would estimate 14 years.

11 Q. And --

12 A. Maybe longer.

13 Q. And in what bank is the account maintained wherein
14 funds and proceeds from the royalties of the sales of your
15 books are located?

16 MR. PARSONS: Objection. Asked and answered. No
17 foundation in this witness, who's already testified.

18 You may respond.

19 THE WITNESS: I don't know.

20 MR. GREENE: Q. Now, there are two bank accounts
21 that you do have signatory authority on. Is that correct?

22 A. Yes.

23 Q. And are those bank accounts located in the Nevada
24 City vicinity?

25 A. Yes.

1 Q. And what is the bank in which these accounts are
2 held?

3 A. One is the West America Bank in the Brunswick
4 Center. The other, to which I am shifting that account, and
5 there -- that's why I have two accounts -- is called the
6 Citizens Bank, and that is in Nevada City.

7 Q. Do you have any bank accounts that are not in the
8 United States?

9 A. I do not.

10 Q. Do you have any bank accounts that are not in the

11 United States over which in any way you exercise control
12 indirectly?
13 A. I do not.
14 MR. PARSONS: Well, I want to object that that's
15 vague, in any way indirectly exercise control.
16 But go ahead.
17 THE WITNESS: Sorry.
18 MR. PARSONS: That's all right.
19 MR. GREENE: Q. Are there apartment buildings in
20 Palo Alto which, to your knowledge, are owned by the Ananda
21 Church?
22 MR. PARSONS: Objection. Foundation.
23 Go ahead.
24 THE WITNESS: There is an apartment complex which
25 is now -- it's where our members reside. It's one of our
1 communities.
2 MR. GREENE: Q. Okay. And that apartment
3 complex --
4 MR. PARSONS: Also, vague as to "Ananda Church,"
5 in this context.
6 And also, I think I said lack of foundation for
7 this witness to testify.
8 MR. GREENE: Q. Just so that we're clear,
9 Mr. Walters, you and I in the course of our conversation
10 yesterday talked about the Ananda Church as a shorthand form
11 of referring to the corporation that's called the Ananda
12 Church of Self-Realization.
13 And we talked about Ananda Village, Inc. as being
14 another Ananda-related corporation that was separate and
15 distinct from the Ananda Church. Right?
16 A. Yes.
17 Q. Okay. And I'm still using that understanding.
18 A. Yes.
19 Q. Are you when you're giving your answers today?
20 A. I am. So when you say, in any way, well, of
21 course, as the spiritual director of Ananda, I have to
22 approve their getting the complex and so on.
23 But if you're talking of me personally, no.
24 Q. Okay. And that's because you personally don't own
25 anything. Right?
1 A. Correct.
2 Q. Okay. Now, to your knowledge, was the apartment
3 complex --
4 A. Excuse me, I should correct that.
5 The money in my bank account is my money; a few
6 personal objects are my personal objects. I don't own any
7 real property. You know, it is --
8 MR. PARSONS: I was just going to say, if you're
9 in the middle of a line of inquiry, I don't want to
10 necessarily interrupt that.
11 We have a reservation in 10 minutes. And when we

12 talked previously about breaking about now --

13 JUDGE PLISKA: It seems like an appropriate time
14 to break.

15 MR. GREENE: Okay. So then we'll come back at,
16 oh, quarter till 2:00?

17 MR. PARSONS: Okay. Sounds good.

18 THE VIDEO OPERATOR: This is the end of videotape
19 number 15 in the deposition of Donald Walters. We're going
20 off the record at 12:35 p.m.

21 (Lunch recess from 12:35 p.m. to 1:51 p.m.)

22 --o0o--

23 AFTERNOON SESSION

24 THE VIDEO OPERATOR: This is the beginning of
25 videotape number 16 in the deposition of Donald Walters.

1 We're back on the record at 1:51 p.m.

2 MR. GREENE: Q. Mr. Walters, at any time in the
3 last 10 years, have you received a check drawn from a bank
4 account in the country of Switzerland?

5 A. Received or cashed?

6 Q. Received.

7 A. Does that include just cashed my own? Otherwise,
8 no.

9 Q. Okay.

10 A. Not that I recall.

11 Q. And at any time in the last 10 years, have you
12 cashed a check drawn from a bank account located in the
13 country of Switzerland?

14 A. Yes.

15 Q. Approximately when did you do so?

16 A. Well, you see, I had a bank account at one time
17 taken from my parents' estate for \$10,000. And that was to
18 be used for my travel expenses in Europe when I visited our
19 center there.

20 Periodically, maybe three, four times -- this is
21 from the date of my parents' death, which was 1982, until I
22 closed that account, which would be possibly 1993, around
23 that time.

24 How many times did I draw on that account? I
25 don't know. Maybe three, four times. Then I closed it.

1 Q. Okay. Now, are you saying to me that you
2 maintained a bank account in Switzerland?

3 A. I did for that period of time. And I've told you
4 the amount of that account, and the purpose.

5 Q. Okay. So that account was opened in 1982?

6 A. I think it was opened in 19 -- either '82 or '83,
7 probably '83. And it was not a numberd account, because I
8 didn't want it to be secret. So it was in my name.

9 Q. All right. So the account was in your name. And
10 are you able to recall what the amounts of the three our
11 four checks were?

12 That's -- are you able to estimate what the

13 amounts of the three or four checks were?

14 A. Well, it was always less than the total, because I
15 never put money into it. So it was for expenses, until I
16 closed it, at which time I think it was -- its value was
17 close to \$4,000.

18 So it would be within that amount.

19 Q. What was the total amount of the account when you
20 opened it?

21 A. \$10,000, from my parents' estate.

22 Q. At this time, do you maintain any account located
23 in Switzerland through another individual or entity?

24 MR. PARSONS: Objection. Vague. I think it's
25 been asked and answered.

1 Go ahead.

2 THE WITNESS: I have answered it. But no, I do
3 not.

4 MR. GREENE: Q. Is there any individual over whom
5 you have control that to your knowledge has a bank account
6 in Switzerland?

7 MR. PARSONS: Okay. Vague as to "control," and
8 then you're inquiring into what sounds like the personal
9 financial matters of third parties, because there's no
10 connection between that bank account and this witness.

11 So I'd object to him answering any question with
12 respect to third-party accounts where this witness does not
13 control the account.

14 And I'd instruct him not to answer to that extent,
15 and answer to the extent of any accounts in third parties'
16 names where this witness has control over the account.

17 THE WITNESS: I have no knowledge of any accounts,
18 so I can't answer. But I have no control over any such
19 accounts, either.

20 MR. GREENE: Q. I'm not talking about any such
21 accounts. I'm asking you whether or not to your knowledge
22 there is any individual over whom you have control who has
23 an account in Switzerland.

24 MR. PARSONS: Same objection.

25 THE WITNESS: No.

1 MR. GREENE: Q. Is there any individual over whom
2 you have control who has a bank account, aside from the bank
3 account in which your royalties are kept?

4 MR. PARSONS: Could I have that read back?

5 MR. GREENE: No. I'll say it back to you,
6 Mr. Parsons.

7 Q. And the question is, is there any individual over
8 whom you have control who has a bank account, aside from the
9 bank account in which your royalties are kept?

10 MR. PARSONS: Objection as to "control." You may
11 answer that question.

12 THE WITNESS: I have no knowledge of any such
13 thing.

14 MR. GREENE: Q. Do you have knowledge whether
15 there is such a thing as a Yoga Certificate Retreat that is
16 periodically held on the Ananda property?

17 A. Have a yoga what?

18 Q. Yoga Certificate Retreat.

19 A. Yoga -- you mean people getting yoga certificates?

20 Q. Yeah, training for yoga certificates.

21 A. I imagine they get a certificate. We offer such
22 programs.

23 Q. And did you offer such a program in July or August
24 of this summer?

25 A. I have no control over that. So I don't know.

1 Q. Do you know whether --

2 A. I don't know.

3 Q. So you have no idea whether there was any such
4 program on the property in July or August of 1995?

5 A. I don't --

6 MR. PARSONS: Wait till he's done.

7 THE WITNESS: Sorry. I don't have enough of an
8 idea to answer in the affirmative or in the negative. I
9 just don't know.

10 MR. GREENE: Q. Do you know who the individual is
11 that is in charge of a program where yoga certificates can
12 be obtained that's held on the Ananda property?

13 A. The person, no. The fact of the -- where it's
14 done, and under whose auspices, I can answer that. But not
15 the person.

16 Q. Okay. Why don't you answer that for me.

17 A. That is done at The Expanding Light, which is our
18 retreat facility at Ananda Village.

19 Q. And who is in charge?

20 A. I don't know who it is.

21 Q. All right. And was such a program held at The
22 Expanding Light in the Ananda Village this summer?

23 A. I cannot say.

24 Q. All right.

25 MR. GREENE: Mark this as 31.

1 THE REPORTER: 32, actually.

2 (Exhibit 32 was marked.)

3 MR. GREENE: Q. Okay. Mr. Walters, I have caused
4 you to look at Exhibit No. 32. Would you review that for a
5 moment, please?

6 Now, Mr. Walters, have you ever heard of anything
7 called the Fellowship of Inner Communion?

8 A. I have.

9 Q. And what is the Fellowship -- do you know what the
10 Fellowship of Inner Communion is?

11 A. I founded it.

12 Q. What is it?

13 A. It's the new name that we gave The Yoga Fellowship
14 before it became Ananda Church of Self-Realization.

15 Q. Okay. And in -- well first of all, let me ask
16 you, looking at Exhibit 32, have you reviewed this document
17 before? Do you recall seeing this document before?
18 A. I might as well read it now, because I don't know.
19 Q. Okay. Go ahead.
20 A. (Examining document.)
21 You're asking me if I have read this document
22 before. I do not remember doing so.
23 Q. All right. Well, let me ask you this: Do you
24 recall the point in 1987 where you introduced the rules for
25 conduct to Ananda members, generally speaking? Do you
1 recall that point in time?
2 A. I don't recall, but I don't deny that it's there.
3 It's just a meeting that took place 8 years ago, 8 1/2 years
4 ago. No, I don't recall even the meeting.
5 Q. Okay. Now, was one of your intentions when you
6 wrote the rules for conduct for members, which is Exhibit 3
7 to your deposition, to articulate a clear statement of the
8 attitudes and principles that guide the daily life of Ananda
9 members?
10 A. That was my purpose.
11 Q. And did you communicate such purpose to the -- any
12 of the persons who are the senior ministers at Ananda?
13 MR. PARSONS: Objection. Vague as to
14 "communicate." Go ahead.
15 THE WITNESS: Hmm?
16 MR. PARSONS: Vague as to "communicate." Go
17 ahead, though.
18 THE WITNESS: Yes. I certainly would have talked
19 about it, but "would have" has to be the operative
20 expression here. I don't remember.
21 MR. GREENE: Q. Okay. So it would have been,
22 then, consistent with your habit and custom to have made
23 such communications. Right?
24 A. Yes.
25 Q. Okay. Now, was it when you wrote the Rules of
1 Conduct that the category of membership known as postulant
2 was first developed?
3 A. I don't remember.
4 Q. Okay.
5 A. I would imagine, but that's not worth -- as
6 testimony.
7 MR. PARSONS: He's entitled to memory or estimate
8 or --
9 THE WITNESS: Of when I -- when I initiated the
10 term "postulant"?
11 MR. GREENE: Q. Yes.
12 MR. PARSONS: In response to his question.
13 THE WITNESS: I imagine from the first time I ever
14 spoke of these things. It's a thing normal in the Catholic
15 orders, it's a normal process in our culture, it would be

16 the normal word in English. And I've never had another word
17 in my mind.

18 So probably at one time or another, from the
19 beginning.

20 MR. GREENE: Q. Okay. And when you say from the
21 beginning, do you mean from the point at which you started
22 the community on the property near Nevada City?

23 A. I never used the term formally. I proposed it at
24 different times. I don't think that we really used it
25 formally until just about the time I wrote the rule.

1 Q. Okay. And when you wrote the rule, it was at that
2 point that the usage of the term "postulant" became
3 formalized, to the best of your recollection. Right?

4 A. To the best of my recollection, right.

5 Q. Okay. And it was at the time that you promulgated
6 the rule that the term "novice" was first formalized. Isn't
7 that true?

8 A. I believe so.

9 Q. And it was at the time that you promulgated the
10 rule that the term "fully professed member of the order" was
11 first formally adopted. Correct?

12 MR. PARSONS: Objection.

13 THE WITNESS: You're --

14 MR. PARSONS: That misstates the testimony. I
15 don't think there's been such a phrase.

16 THE WITNESS: Yes. I don't remember this now, as
17 to when. I can't answer it on that level.

18 MR. GREENE: Q. Well, let me ask you this,
19 Mr. Walters:

20 Taking a look there at the bottom third of the
21 second paragraph of Exhibit 32, do you see the term, quote,
22 "fully professed member of the order," close quote?

23 A. Yes, I see it. I do.

24 Q. Excuse me, quote, "fully professed member of the
25 order are described in the Rule," close quote?

1 A. I do.

2 Q. And did you at or about the time you promulgated
3 the rule at any point refer to anyone as being a, quote,
4 "fully professed member of the order," close quote?

5 A. You're asking it in such a way that it's difficult
6 to say absolutely yes, did I refer to them.

7 What you mean, perhaps, is, were there fully
8 professed members. Yes.

9 Q. Okay. And what -- how did you determine whether
10 or not an individual was a fully professed member?

11 A. They had to have been living there as novices, I
12 suppose is the word that has become current, for at least 5
13 years. But it could be longer, because they did not have a
14 right to join merely by living there that length of time.

15 They had to be invited to join.

16 Q. All right. Now, were -- or was such an individual

17 considered at a later point to be a member of Ananda's
18 monastic order?
19 MR. PARSONS: Vague as to time.
20 Go ahead.
21 THE WITNESS: Did we form the monastic order then,
22 is what I don't remember.
23 MR. PARSONS: Well, that's not the question,
24 though.
25 THE WITNESS: Oh, the question again?
1 MR. GREENE: Q. I'll make it my question, try to
2 help you out.
3 Do you recall whether you formed the monastic
4 order around 19 -- when you promulgated the rule in 1987 or
5 thereafter?
6 A. Inasmuch as it's written here, I have to say yes.
7 But do I remember, I don't have a clear memory of it.
8 Q. All right. Directing your attention to the last
9 sentence of the first paragraph, when referring there to
10 Devi, is that referring to Lila Devi or someone else?
11 A. Where are we, please?
12 Q. Last sentence of the second paragraph?
13 A. Second. You said first. Devi is the wife of
14 Jyotish.
15 Q. And Devi is a spiritual name; correct?
16 A. Yes.
17 Q. And you gave that name to Devi, didn't you?
18 A. Yes.
19 Q. And also directing your attention to the name
20 Seva, to whom does that refer, if you know?
21 A. That's also a spiritual name, and I gave it to her.
22 Q. And who is Seva?
23 A. Seva is Sonia Wiberg, W-i-b-e-r-g.
24 Q. And Durga?
25 A. The same applies to all these names. If you want
1 to read them into the record, I'll answer individually.
2 Q. Okay. And who is Durga?
3 A. Durga is the wife of Vidura. Her Christian name
4 is Sally Smallen.
5 Q. And Vidura's Christian name is John Smallen;
6 correct?
7 A. I beg your pardon?
8 Q. Vidura's Christian name is John Smallen; right?
9 A. John Smallen, correct.
10 Q. Now, going down into the handwritten portion of
11 Exhibit 32, reference is made to committees. Do you see
12 that?
13 A. Yes.
14 Q. Okay. Where it says, quote, "Committees will help
15 people attune themselves to God's will and various areas,"
16 and then parentheses, "(calls them ministries)," close
17 parentheses.

18 Do you see that?

19 A. I do.

20 Q. Now, do you recall having discussions with any of
21 your ministers about the development of committees around
22 the time when you promulgated the rule?

23 A. I don't recall, but I think it's probable.

24 Q. Okay. Do you recall having discussions with
25 anyone around the time you promulgated the rule that you
1 would call committees ministries?

2 A. You see, these were suggestions made by some of my
3 coworkers, like Jyotish and Devi. And my recollection is
4 less clear. But that was our -- whether it came from me or
5 from them as a suggestion, I certainly agreed with it.

6 Q. Okay. Now, as Ananda presently -- well, withdraw
7 that.

8 At some time after you promulgated the rule, was
9 there a relationship committee which came into existence?

10 A. I don't remember.

11 Q. Currently, is there a relationship committee?

12 MR. PARSONS: A committee called "The Relationship
13 Committee"?

14 MR. GREENE: Q. Or something to that effect, or
15 to the -- let me withdraw that. Thank you, Mr. Parsons.

16 Mr. Walters, you recall discussions with your
17 coworkers having to do with this notion of the development
18 of committees. Right?

19 A. Yes.

20 Q. Okay. Now, with respect to the notion of a
21 relationship committee, what do you recall a relationship
22 committee was to address?

23 MR. PARSONS: Objection. Assumes facts not in
24 evidence.

25 Go ahead.

1 THE WITNESS: Yes. Inasmuch as I'm not really
2 sure whether there is such a committee, I'm not able to
3 answer.

4 MR. GREENE: Q. Well, see, I'm not -- it's not an
5 "is" question. Okay?

6 It's a question that's going back to the period of
7 time when you promulgated the rule. And the question is not
8 whether there is such a committee, but when you were having
9 discussions with your coworkers about forming committees as
10 indicated here on Exhibit 32, what was it that you discussed
11 with them that a relationship committee would address?

12 MR. PARSONS: Okay. I object, because there is no
13 foundation for this witness testifying as to the accuracy or
14 completeness of what's written here in hand. He hasn't
15 testified concerning the existence at any time of a
16 relationship committee. Therefore, it assumes facts not in
17 evidence.

18 You may respond.

19 THE WITNESS: No, I don't know. I don't remember
20 whether the committee was founded, I don't remember a
21 discussion about it.

22 MR. GREENE: Q. Okay. Do you remember whether
23 there were any discussions about relationships in terms of
24 something needing formal attention at all?

25 A. Yes. Certainly.

1 Q. Okay. And what -- in -- what was it about
2 relationships that you discussed that merited formal
3 attention?

4 A. How to make the marriages more harmonious, how to
5 make them more lasting. That new members ought not to, for
6 the first year, get involved with members of the opposite
7 sex until they had been there long enough to learn the
8 teachings.

9 That's about it. I think I can only answer in a
10 broad term like that.

11 Q. Did you discuss that the determination of when a
12 new member had been there long enough to learn the teaching
13 would be a determination made either by you or one of your
14 ministers?

15 A. No. It was not any kind of absolute. It was
16 rather a counsel that -- you can't control the behavior of
17 that many people on a large piece of land. There was no
18 attempt to control.

19 It was, rather, just a general advice to try not
20 to be involved for at least a year, but concentrate on the
21 teachings.

22 Q. Did you understand my question to ask you whether
23 or not people were being controlled?

24 A. I was trying to obviate the possibility of that
25 meaning.

1 Q. Oh, okay.

2 A. There was no effort to tell them what they may or
3 may not do or might or might not do.

4 It was rather, this is our advice. It was a
5 cautionary statement.

6 Q. And isn't it true that the reason you were trying
7 to obviate that meaning in part is because one of the
8 allegations made by (the plaintiff) is that she was
9 subjected to psychological coercion by the Ananda Church?

10 MR. PARSONS: Objection. It's argumentative.

11 THE WITNESS: That was not in my mind. But now
12 that you raise it, of course that would be in my mind.

13 MR. GREENE: Q. What was in your mind that caused
14 you to make the decision that the way you wanted to answer
15 my question was to obviate any meaning that there was any
16 sort of coercion in making the determination when a new
17 member had learned sufficient teachings to be able to have
18 contact with members of the opposite sex?

19 MR. PARSONS: Objection. Vague, ambiguous,

20 compound.

21 THE WITNESS: I thought in the terms you phrased
22 it that that was a possible meaning in your statement.

23 That's all it amounted to.

24 MR. GREENE: Q. Now, is there any place written
25 in the rule which you promulgated in 1977 that there is to
1 be --

2 A. '87.

3 Q. Or excuse me, '87, that there is to be no sexual
4 contact among members less than -- or members who had been
5 on the property for less than a year?

6 MR. PARSONS: Okay. Objection. The document
7 speaks for itself.

8 THE WITNESS: There's no rule about it. There's
9 admonition.

10 MR. GREENE: Q. Is there any written rule
11 anywhere in the Ananda community which states that
12 individuals should not engage in sex when such individuals
13 have been on the property for a year or less?

14 A. No. We have very few formal rules. The only --

15 Q. Thank you. That's -- thank you very much.

16 JUDGE PLISKA: He hasn't finished his answer,
17 Mr. Greene.

18 MR. GREENE: It's a "yes" or "no" question.

19 JUDGE PLISKA: Well, he's entitled to explain even
20 a "yes" or "no" answer.

21 MR. GREENE: Q. All right.

22 A. The only formal rules are that there should be no
23 drinking, no drugs, and that they follow this path.

24 Q. Is there any written policy in the -- or withdraw
25 that.

1 At any time has there been a written policy in the
2 Ananda community that senior ministers are to admonish
3 members who have been on the property less than a year that
4 they should not engage in sex?

5 MR. PARSONS: Okay. Objection. Lack of
6 foundation of this witness, vague as to "admonishment."
7 Go ahead.

8 THE WITNESS: There is no such rule.

9 MR. GREENE: Q. So the source of the admonition
10 is you. Correct?

11 A. Say that again?

12 Q. The -- let me make it into a whole question. It
13 was truncated.

14 The source of the admonition that senior ministers
15 give individuals who have been on the property for less than
16 a year -- they should not engage in any sexual relations
17 with members, other members -- comes from you. Right?

18 MR. PARSONS: Objection. It misstates his
19 testimony, it's vague and ambiguous, no foundation.

20 THE WITNESS: I didn't understand it.

21 MR. PARSONS: Oh.

22 MR. GREENE: Q. Okay. What I'm asking you is,
23 there's no written policy that says, if you're on the
24 property for less than a year, you don't mess around
25 sexually with other people. Right?

1 MR. PARSONS: Well, misstates his testimony.

2 THE WITNESS: Again, I don't know if it's written
3 or not. But it's a general statement.

4 MR. GREENE: Q. It's a general statement. And
5 that -- the source of that general statement is you as the
6 spiritual director. Correct?

7 MR. PARSONS: Objection. Vague.

8 You may respond.

9 THE WITNESS: In this case, you'd have to say it
10 was our ministry office. Our spiritual directorate, let's
11 put it that way.

12 MR. GREENE: Q. Okay. And then the spiritual
13 directorate got that admonition originally from you,
14 correct, as the spiritual director?

15 MR. PARSONS: Objection. Vague, compound.

16 You may respond.

17 THE WITNESS: I don't resist that statement. I'm
18 trying to remember if I actually made it. So perhaps that's
19 an answer.

20 MR. GREENE: Q. Well, did you ever make such a
21 statement, or words to that effect?

22 A. Yes, I did.

23 Q. So then the spiritual directorate of the Ananda
24 community, which transmitted that statement to the general
25 new membership -- I'm using "new membership" in the sense of
1 someone who's there for a year or less --

2 A. I'm having a hard time concentrating for some
3 reason. Try it again.

4 Q. Okay. What I'm trying to have the record be clear
5 on is that the admonition to people who have been on the
6 property for less than a year that, you know, no sexual
7 messing around with other members, to them comes from the
8 spiritual directorate, correct, to the best of your
9 knowledge?

10 MR. PARSONS: Well, I object that misstates his
11 testimony. It also misstates what the what you're calling
12 the admonition was. But you can respond.

13 THE WITNESS: Inasmuch as my position is one of
14 having to bear the ultimate responsibility, I'll have to say
15 yes anyway. Whether I remember specifics or not is
16 secondary.

17 MR. GREENE: Q. Okay. Now, when you --

18 MR. PARSONS: Wait. Excuse me.

19 But he's asking you specific questions, not global
20 buck-stops-here type questions. So it's important that you
21 listen to the question he's asking and respond to that

22 question.

23 THE WITNESS: Yes, yes.

24 MR. PARSONS: Instead of jumping down to ultimate
25 responsibility.

1 MR. GREENE: Q. Mr. Walters, let me ask you

2 this: Do you have an understanding of what the term "the

3 buck stops here" means?

4 A. The best what?

5 Q. What the phrase "the buck stops here" means? Do

6 you have an understanding of that?

7 A. You know, these hearing aids are uncomfortable,

8 but I'm going to have to wear them again.

9 Q. Do you want me to speak louder?

10 A. I would like you to.

11 Q. Let me raise my voice.

12 A. But I can put them in. It's okay. I beg your

13 pardon. I just --

14 Q. Sure.

15 A. I don't want to mishear you and then answer

16 incorrectly. Yes, try again.

17 Q. How do I sound?

18 A. You sound clear.

19 Q. Okay, thanks.

20 When you earlier said that one of the requirements

21 of people on the property is that they follow the path, does

22 that include adhering to the rule which you promulgated in

23 1987?

24 A. Always it's a question of showing right spirit in

25 trying to.

1 Q. Okay. And ultimately, if an individual fails to

2 show right spirit, that is a determination that you make.

3 Correct?

4 MR. PARSONS: Objection. Vague, compound.

5 Go ahead.

6 THE WITNESS: No.

7 MR. GREENE: Q. Is that determination that

8 someone fails to show right spirit made by anyone?

9 MR. PARSONS: Objection. Speculation.

10 MR. GREENE: Q. To your knowledge?

11 A. Generally speaking, it would be made by several

12 people.

13 Q. All right. And currently, who would those several

14 people be?

15 Actually, let me withdraw that and ask you this

16 way: Wouldn't one of those people be Jyotish?

17 MR. PARSONS: Vague. It's uncertain as to the

18 circumstance.

19 THE WITNESS: And what is really meant by it. But

20 yes, I think in principle you can say yes.

21 MR. GREENE: Q. And Vidura would be one.

22 Correct?

23 MR. PARSONS: Same objection.
24 THE WITNESS: Yes.
25 MR. GREENE: Q. You would be one?
1 MR. PARSONS: Same objection.
2 THE WITNESS: Not necessary. As I said, I've
3 withdrawn from things.
4 MR. GREENE: Q. Well, let me ask you this: The
5 rules -- or the rule that you promulgated allows for someone
6 to be kicked out of the community. Correct?
7 MR. PARSONS: Objection. The rule speaks for
8 itself. Go ahead. Also vague, "allows for."
9 THE WITNESS: The rule, as I recall it, is
10 different from this rule. We have -- I can't remember an
11 instance where we have kicked anybody out of the community.
12 MR. GREENE: Q. Well, why don't we go to page 30
13 of Exhibit 3.
14 A. Exhibit 3 is --
15 Q. The rule.
16 A. 2, 3. Okay. This is something else. Okay. Page
17 what? 30.
18 Q. 30. Yes.
19 Under Article 14, "Departure or Dismissal of
20 Members"?
21 A. Yes, I'm aware of it.
22 Q. All right. Where it says, quote:
23 "Should any member fall into negativity and
24 darkness and show himself moreover to be closed to the
25 community's help, he must be asked to leave both for
1 his own sake and for the sake of those whom his
2 attitudes might otherwise infect. In such cases, the
3 greatest compassion must always be shown," close quote.
4 Now, in that paragraph you intended among other
5 things, to include when an individual's intention was not to
6 follow the rule that you promulgated. Right?
7 MR. PARSONS: Wait. I don't think that question
8 makes sense. Could I have it read back?
9 MR. GREENE: No. I'll repeat it.
10 Q. With that paragraph in mind, part of your
11 intention was to address when a member failed to have the
12 proper attitude toward following the path. Is that right?
13 A. It would have to include that.
14 Q. Okay. And the determination whether someone had
15 fallen into negativity and darkness would be made by, among
16 other people, Vidura; right?
17 MR. PARSONS: Objection. It's compound --
18 THE WITNESS: I'll answer that by --
19 MR. PARSONS: Well, wait. Objection. It's
20 compound. Vague as to circumstances.
21 THE WITNESS: In any such circumstance, we would
22 have to talk to the entire community. It could not be the
23 decision of a handful of people, even of me.

24 This is the mechanics of it. It's not written
25 into the rule. But it's never happened, and therefore it's
1 not -- at least, I can't remember it ever happening.
2 Therefore, it's not really something dynamic to my
3 consciousness at this time.
4 MR. GREENE: Q. Well, let me ask you this: Isn't
5 it true that if someone fails to manifest the proper
6 attitude toward following the path, that a lesser sanction
7 than being booted out of the community could be imposed, in
8 practice?
9 A. No, it would not be a sanction. It would be an
10 attempt to help the person.
11 Q. All right.
12 A. Help them by moving them to another community, by
13 putting them in other circumstances. It would not be a
14 sanction.
15 Q. Okay. So then when -- withdraw that.
16 You at some point in 1992 or 1993 directed
17 (the plaintiff) to leave the Ananda community, or the
18 Ananda Village; correct?
19 A. Yes. It's something we've done a number of
20 times. To another Ananda community.
21 Q. Okay. Has anyone during those number of times
22 that someone has been directed to go to another Ananda
23 community advised you in words to the effect that they felt
24 like they were banished?
25 I'm not asking for the identity of any such
1 person. I'm just asking whether or not anybody's told you
2 words to that effect.
3 A. I can remember no such circumstance.
4 Q. And the reason why someone has been directed to
5 leave the Ananda Village for another Ananda community has
6 been for their own good. Correct?
7 MR. PARSONS: Objection. Compound, vague as to
8 "circumstances," and it's argumentative.
9 THE WITNESS: For the good of everyone concerned.
10 MR. GREENE: Q. Which includes the individual's
11 own good. Correct?
12 A. Yes.
13 Q. And that acting for the individual's own good is
14 consistent with how the individual is treated throughout
15 their following the Ananda path, isn't it?
16 MR. PARSONS: Objection. It's vague, confusing,
17 vague as to "consistent with," "throughout the Ananda path,"
18 vague as to time, vague as to circumstance.
19 But you can respond.
20 THE WITNESS: It's too vague for me to understand
21 what to answer.
22 MR. GREENE: Q. Okay. It's true, isn't it, that
23 when you talked about someone following the Ananda path,
24 that --

25 MR. PARSONS: I'm sorry, when?

1 MR. GREENE: In this -- earlier in his testimony
2 this afternoon.

3 MR. PARSONS: Oh, okay.

4 MR. GREENE: Q. I'm not asking you to comment on
5 your own testimony, but you recall talking about one of the
6 requirements -- you said that there were, I believe, three
7 requirements: No drugs, no alcohol, and follow the path.
8 Right?

9 A. Correct.

10 Q. Okay. Now, when someone is following the path,
11 you as the spiritual director endeavor to whatever extent
12 you can to act in that person's best interest, don't you?

13 A. Absolutely.

14 Q. And in fact, you consider that to be part of your
15 obligation as the spiritual director, don't you?

16 A. Absolutely.

17 Q. And you also advise your senior ministers that
18 that's part of their responsibility as senior ministers, to
19 act in a person's best interest. Right?

20 MR. PARSONS: I think that's vague as to
21 circumstance, but --

22 THE WITNESS: But I do.

23 MR. GREENE: Q. And it's your intention that the
24 senior ministers in turn act that way with respect to the
25 younger Ananda members. Right?

1 And when I say younger, I don't mean like
2 children. I'm talking about younger in progression on the
3 path.

4 A. I believe they do.

5 Q. Okay. And the ministers -- it's your belief, is
6 it not, that the ministers advise the younger persons on the
7 path that they, the ministers, are acting in those younger
8 persons' best interest. Correct?

9 MR. PARSONS: Object. There's no foundation for
10 that. Also calls for this witness's testimony concerning
11 third-party actions.

12 You may respond.

13 THE WITNESS: It's my understanding that they do.

14 MR. GREENE: Q. Okay. And it's your intention
15 that they do as well, isn't it?

16 A. Quite right.

17 Q. And it was your intention that Daniel Levin act
18 that way towards (the plaintiff). Isn't that right?

19 MR. PARSONS: Objection. Vague as to "that way."

20 THE WITNESS: What is that way?

21 MR. GREENE: Q. Oaky-doke. You're right. I'll
22 build it right into the question, which is, it was your
23 intention, wasn't it, that Senior Lightbearer Minister Levin
24 act in the best interests of younger member
25 (the plaintiff). Right?

1 A. When people's emotions are involved, as his were
2 and as hers were, you can't speak of abstract intentions.
3 You have to talk of actual desires.

4 Q. Well, let me ask you this, Mr. Walters. Let's
5 take --

6 A. It would have been unreal for me to make that
7 demand of him.

8 Q. No, no, no. That's not what I'm talking about,
9 though, so let me try to make myself more clear.

10 What I'm talking about is not any kind of sexual
11 action between Lightbearer Levin and (the plaintiff).
12 What I'm talking about is the relationship between
13 Lightbearer Levin and (the plaintiff) before there was
14 any kind of sex stuff that was involved.

15 Your expectation of Lightbearer Levin would be
16 that he act in the best interests of younger member
17 (the plaintiff). Right?

18 MR. PARSONS: Okay. I object to the extent that
19 it assumes facts not in evidence; i.e., that there was any
20 intention whatsoever with respect to these two named
21 individuals.

22 You may respond, however.

23 THE WITNESS: My expectation is not limited to
24 Lightbearers. It would include (the plaintiff). It would
25 include everybody. That people living there understand that
1 this is our basic -- one of the basic, again, unwritten
2 rules of Ananda is that people are more important than
3 things. And that therefore, every member be concerned with
4 the welfare, spiritually above all, of every other member.

5 MR. GREENE: Q. Oh, absolutely. I have no beef
6 about that.

7 But what I need to ask you at this point, then,
8 is, do you acknowledge that individuals who first come into
9 the community are not as familiar with the ways of the
10 community as those who have been there for a longer
11 duration?

12 Do you acknowledge that?

13 MR. PARSONS: Well, I do object, in that it calls
14 for a global statement, so this witness lacks foundation. I
15 think it's misleading.

16 But you can respond.

17 THE WITNESS: You're asking about a community,
18 hypothetical, ruled entirely by rules, procedures.
19 We are not. We are human beings. I would not
20 expect Danny to think, ah, here's a novice, I'm supposed as
21 a Lightbearer to treat her this way.

22 She was a coworker, a woman who expressed interest
23 in him, and he unfortunately fell into a temptation, which I
24 do not say was one-sided; it was mutual. I don't blame
25 either party. It's just the sort of thing that happens
1 between human beings.

2 But I would not put him in the intolerable
3 position of saying that he had to guide himself by emotions
4 that were not a part of his makeup at that moment, nor in
5 the position. He was not her counselor, he was not her
6 boss; he was a coworker, and working together on -- I
7 suppose working together, I'm not sure of that, but at least
8 in the same office, on various projects.
9 So did he disappoint me in his interest in her?
10 Certainly so. But what I can demand of a fellow member or
11 fellow human being is altogether different from that
12 consideration.
13 MR. GREENE: Q. What you want to see isn't
14 necessarily what you get. Right?
15 A. That's what I'm trying to say. You've said it
16 better.
17 Q. Well, for once.
18 What I want to know now is, did Daniel Levin tell
19 you that (the plaintiff) expressed a sexual interest
20 in him first?
21 A. I don't remember the sequence, but I believe that
22 he said -- and it wasn't sexual; it was romantic. I didn't
23 know about the sexual side for some time.
24 But he expressed a romantic attachment for her
25 that he felt was very strong. As I recall, and my memory is
1 not necessarily accurate, but I recall that I then asked to
2 speak to her.
3 She told me, I find him very magnetic, those were
4 her words -- not "I find him," but "very magnetic" were her
5 words. "He is very magnetic," were the actual words.
6 It was very obvious that the attraction was
7 mutual. I didn't want to betray their confidence by talking
8 to Padma, who was in charge, in such a way as to tell her
9 what was going on, and I wanted to give them a chance to
10 work it out on their own.
11 So I asked her if we could not in some way
12 separate them, if we could not put her in another department.
13 Padma, who relied heavily on the work that
14 (the plaintiff) was doing at that time, balked at that, as I
15 recall -- again, I have to put that caveat there -- and I
16 didn't feel it was time yet to tell her my strong reasons,
17 which, without that explanation, would have seemed -- would
18 have given a lot of offense to Padma, thinking that I was
19 just taking her away for no reason she could understand.
20 Later, when it became obvious that they were not
21 on their own breaking off that attachment, then I had to
22 tell her that it really had to happen.
23 Now, whether I told her more than that, I don't
24 recall. I do recall talking to Vidura and saying that I
25 feel that we must move her out of that department into
1 another department -- which, incidentally, paid better.
2 And so he set the ball rolling, and it was a

3 sacrifice for Crystal Clarity, but we felt that people are
4 more important than the work we were doing, and therefore
5 she had to agree.

6 Now, when she became cognizant of it --

7 MR. GREENE: Your Honor, I would -- the question
8 that I asked was a direct question that was susceptible of a
9 "yes" or "no" answer.

10 What I'm getting is an ongoing, self-serving
11 narrative. And I would request that the witness simply stop
12 talking and let me ask a question.

13 I didn't ask him to tell me his whole version of
14 the story of what happened --

15 THE WITNESS: Forgive me.

16 MR. GREENE: -- with (the plaintiff). I
17 asked him whether or not he first -- if Danny Levin told him
18 that (the plaintiff) --

19 MR. PARSONS: I think he's willing to stop talking.

20 MR. GREENE: -- went after him first.

21 JUDGE PLISKA: He's willing to stop talking.

22 THE WITNESS: I'm willing to stop talking. But I
23 felt I was answering your question.

24 MR. GREENE: Q. Let me ask you this: What you
25 felt you were doing was giving me your entire position in
1 this lawsuit.

2 MR. PARSONS: He said he thought he was answering
3 your question.

4 MR. GREENE: I'm asking him another question,
5 Mr. Parsons.

6 MR. PARSONS: It's argumentative.

7 MR. GREENE: I just did.

8 THE WITNESS: What was it?

9 MR. GREENE: Q. Is what you thought you were
10 doing when giving me that long answer, was giving me your
11 entire position in this lawsuit?

12 A. By no means. We have much more.

13 Q. Okay. But the entire position with respect to the
14 alleged sexual harassment.

15 MR. PARSONS: May we move on, please? Ask him a
16 question.

17 THE WITNESS: The answer is no.

18 MR. GREENE: Q. Now, Mr. Walters, you made a
19 distinction in your long-winded answer about a romantic
20 interest as compared to a sexual interest.

21 What is the distinction in that regard which you
22 drew in the course of giving me that answer?

23 A. That the one was romantic and the other was sexual.

24 Q. What's the difference between romantic and sexual
25 in your mind?

1 A. Romantic can mean being attracted or in love,
2 without being sexual.

3 Q. Okay. So then in your mind, a romantic interest

4 does not necessarily imply any sexual component. Is that
5 what you're saying?

6 A. I think that's correct.

7 Q. Okay. Now, would you characterize --

8 A. Well, wait a minute. When you say any sexual
9 components, I don't know the answer to that one.

10 But actually, making physical love, I would say
11 that's not necessarily a part of romantic.

12 Q. What about masturbation? Is that a part of
13 romantic?

14 A. I would not think of it necessarily as that.

15 Q. Okay. Then if you would not think of it
16 necessarily as that, do you -- would you say that it could
17 be included?

18 A. So could sex also be included.

19 MR. PARSONS: Objection. It's argumentative,
20 compound.

21 Go ahead.

22 THE WITNESS: Yes.

23 MR. GREENE: Q. That's what I'm trying to find
24 out.

25 So then what you're telling me is that sex can be
1 included in a romantic relationship? Is that what you're
2 saying?

3 MR. PARSONS: If now you're asking for this
4 witness's definition of the distinction he drew, then it's
5 mischaracterizing his testimony.

6 MR. GREENE: That's what I'm asking, based on the
7 other answers he's given me since he drew that distinction
8 initially.

9 MR. PARSONS: Okay. But I believe the question
10 before him now is different, and it's a hypothetical of
11 could it be.

12 So I would just like this witness to be presented
13 with a clear question so that it's clear what he's supposed
14 to be answering.

15 MR. GREENE: Q. The question is this,
16 Mr. Parsons, and Mr. Walters: Do you exclude necessarily
17 sex from romance?

18 A. Certainly not.

19 Q. Okay. Now, do you include sex with romance?

20 A. Not necessarily.

21 Q. When Danny Levin told you -- I'll withdraw that.

22 Did Danny Levin tell you that he had a romantic
23 interest in (the plaintiff)?

24 A. He did.

25 Q. When Danny Levin told you that, did it cross your
1 mind that such romantic interest might include sex?

2 A. I didn't think about that.

3 Q. It never crossed your mind?

4 A. I can't say what crossed my mind.

5 Q. So you can't recall?

6 A. Right.

7 Q. Did you take any action -- withdraw that.

8 Did you make any inquiry of anyone to find out
9 anything further about the nature of the relationship
10 between Danny Levin and (the plaintiff), aside from
11 talking to (the plaintiff)?

12 A. To Danny.

13 Q. And aside from talking to Danny?

14 A. Not for quite some time.

15 Q. In your experience as spiritual director of the
16 Ananda community since 1968, have you had to deal with
17 difficulties among members that involved sex?

18 A. Yes.

19 Q. Had you -- did you have ever during that time
20 period to deal with situations where someone who was in a
21 superior position was sexually involved with someone who was
22 in a lesser position?

23 MR. PARSONS: Okay. Objection. Vague as to
24 "superior" and "lesser."

25 You may respond.

1 THE WITNESS: Yes, that's vague. I don't accept
2 that definition, because I treat them as human beings.

3 MR. GREENE: Q. Well, Mr. Walters, there are
4 Lightbearers, and then there are novices. Correct?

5 MR. PARSONS: Well, also vague as to time now.

6 THE WITNESS: Go ahead.

7 MR. GREENE: Q. Period. Isn't that right?

8 A. Yes. You said that.

9 Q. And someone who's a Lightbearer is someone who you
10 have ordained personally. Right?

11 A. What I've tried to say is that they are human
12 beings acting as human beings, not acting as Lightbearers.
13 I try to address it on that level, because the
14 other is artificial and unreal.

15 Q. Do you think that it is artificial and unreal for
16 a counselor to be expected not to use his counseling
17 position to seduce someone he's counseling?

18 MR. PARSONS: Objection. Argumentative,
19 hypothetical, calls for speculation.

20 Go ahead.

21 THE WITNESS: It does call for speculation. It
22 calls for a lot of things. It's a leading kind of question --

23 MR. GREENE: Q. Well, this is cross-examination,
24 and I do want an answer to the question, please.

25 MR. PARSONS: Well, it's not cross, but it's
1 examination. And he's entitled to ask leading questions.

2 THE WITNESS: Yes, I know that. But I want it
3 understood that that's what it amounts to.

4 Did I ever --

5 MR. PARSONS: Do you have the question in mind?

6 THE WITNESS: I think so. I'll try to answer, and
7 you can tell me if it's wrong.
8 MR. PARSONS: Well, I don't know if you have the
9 question in mind.
10 Why don't you have the question read back so it's
11 clear to you.
12 (Record read.)
13 THE WITNESS: Any counselor whom I found to be
14 using it that way, I would no longer allow him to be that
15 person's counselor.
16 MR. GREENE: Q. Have you taken any action to
17 reprimand Danny Levin on any level for the way that he
18 treated (the plaintiff)?
19 A. You're -- that's what I mean by leading question.
20 I do not accept that he treated her. It was mutual, it was
21 consensual. I do not speak of that as treating.
22 No, I talked to him -- if you want to know what I
23 asked him, it was, when he came to me and talked about this,
24 I said, but you have a wife. And is it proper --
25 Q. Mr. Walters, actually, I don't want another
1 speech, because I've heard this speech before.
2 A. I have no other answer.
3 MR. PARSONS: Wait a minute. This witness is
4 testifying as to what he did in response --
5 JUDGE PLISKA: That wasn't the question. The
6 question was, did he reprimand him. His answer can be "yes"
7 or "no." Then he can explain.
8 THE WITNESS: No, the answer cannot be "yes" or
9 "no," with all respect to you, sir.
10 The answer has to be that I asked him --
11 MR. GREENE: This is the same thing, this is a
12 speech.
13 JUDGE PLISKA: Mr. Walters, the word "reprimand"
14 has a common English usage. Okay? And your answer can be
15 "yes" or "no" initially, and then you can explain what you
16 did.
17 But you should be able to answer "yes" or "no" to
18 that question, did you reprimand.
19 THE WITNESS: Put in those terms, no.
20 May I explain what I mean by no?
21 JUDGE PLISKA: Sure. Then you can go on.
22 THE WITNESS: All right. I said to him, you
23 realize you have a wife, you realize that you have a
24 backward daughter, you realize this cannot be the right way
25 to behave?
1 That I don't call reprimand. I was trying to goad
2 his conscience.
3 I said, it has to be your decision, but I will
4 tell you that I will do what I can to break up your
5 attachment to (the plaintiff) and to preserve your marriage.
6 MR. GREENE: Q. In consequence, did --

7 A. Is that all right?

8 Q. In consequence, did Mr. -- or did Lightbearer
9 Levin lose his job?

10 A. He did not.

11 Q. In consequence, was Lightbearer, minister,
12 stripped of his status as being a minister?

13 A. Not yet. He hadn't yet made a decision.

14 Q. Was Lightbearer, minister, booted out of the
15 community in consequence?

16 MR. PARSONS: Vague as to "booted out."

17 THE WITNESS: Neither of them was.

18 MR. GREENE: Q. When you say that Lightbearer
19 Levin has not yet been stripped of his ministry because he
20 hasn't yet made a decision, what do you mean?

21 A. You said has. You meant had, I presume.

22 I meant that he had not yet clearly decided which
23 direction he was going to go, nor was the whole situation
24 clear. It was too soon to act.

25 Q. I'm talking about now, not then.

1 A. Now, he's not functioning as a minister for now.

2 Q. And did you have anything to do with that?

3 A. With what?

4 MR. PARSONS: Objection. Vague.

5 MR. GREENE: Q. With Lightbearer Levin presently
6 not functioning as a minister?

7 A. That's correct.

8 Q. You did; correct?

9 A. I had something to do with it.

10 Q. Yes. And has that been made public in the Ananda
11 community?

12 MR. PARSONS: And I'm sorry, "that" being --

13 MR. GREENE: Q. I'm sorry. Has the fact that
14 Lightbearer minister is not currently acting as minister
15 been made public in the Ananda Village?

16 A. You're asking, am I willing to or have I submitted
17 him to public disgrace? I have not.

18 Q. Okay. Are there any unwritten codes of ethics in
19 the Ananda community regarding sexual misconduct by
20 ministers?

21 MR. PARSONS: Objection. Vague.

22 THE WITNESS: No rules.

23 MR. GREENE: Q. Have there ever been any rules in
24 the Ananda community pertaining to sexual misconduct by
25 ministers?

1 A. I don't believe so.

2 MR. PARSONS: Objection. Go ahead. It's vague.

3 MR. GREENE: Q. What in specific did you have to
4 do with the fact that Lightbearer Levin is currently not
5 functioning as a minister?

6 A. What did -- what what?

7 Q. What did you have to do with that?

8 A. I spoke to a few of the people in the directorate
9 in saying that I think for now he should not be active as a
10 minister.

11 Q. All right. And you spoke to individuals in the
12 directorate about your thought that Levin should not be
13 acting as a minister first. You brought that idea to them;
14 they didn't bring it to you. Right?

15 MR. PARSONS: Objection. Compound.

16 THE WITNESS: This I don't remember.

17 MR. GREENE: Q. Did Daniel Levin cease acting as
18 a minister after Ms. (the plaintiff) had filed her lawsuit?

19 A. This I don't remember.

20 Q. When you came up with the idea that it would be
21 better for Lightbearer Levin to cease acting as a minister,
22 you spoke with Vidura about it; correct?

23 MR. PARSONS: Okay. Objection. That misstates
24 his testimony. It assumes facts therefore not in evidence.

25 You may respond.

1 THE WITNESS: Yes, it was not Vidura who spoke to
2 me. I didn't speak to them.

3 I think it was Jyotish and Devi, I believe, but
4 I'm not certain.

5 MR. GREENE: Q. And Devi, that's Sonia Wiberg?

6 MR. PARSONS: No.

7 THE WITNESS: No.

8 MR. GREENE: I'm confused. I just have to check
9 myself. I have to learn all the names and all the
10 language --

11 A. Devi is Jyotish's wife.

12 Q. Did you engage in any meeting with the specific
13 purpose of making the determination whether or not
14 Lightbearer Levin should cease acting as a minister?

15 A. Levin decided absolutely that he would not break
16 his marriage, so I did not decide before that.

17 MR. GREENE: Q. Mr. Walters --

18 Your Honor, it's a "yes" or "no" answer.

19 JUDGE PLISKA: Yes, it is.

20 THE WITNESS: State it again.

21 MR. GREENE: Q. And I want a "yes" or "no" answer
22 from you, please.

23 A. State it again please.

24 MR. GREENE: Read it back, please.

25 (Record read.)

1 THE WITNESS: Did I engage in a meeting. Is that
2 what it was?

3 MR. GREENE: Q. With the specific purpose.

4 A. No.

5 Q. Now, what is your best estimate of when the
6 determination was made that Lightbearer Levin should cease
7 acting as a minister?

8 A. That was what I was trying to answer before. I'll

9 answer it now.

10 It was not because of his relationship, it was not

11 because of his dis -- it was --

12 MR. GREENE: Again, Your Honor, I'd ask --

13 JUDGE PLISKA: No, he's answering this question,

14 Mr. Greene. Go ahead.

15 MR. GREENE: All right.

16 THE WITNESS: I could not -- I did not make that

17 decision at the time that it came to light that he and

18 (the plaintiff) were involved, because he made the statement that

19 he did not intend to follow that.

20 So now I'm answering an earlier question of yours

21 that was basically, that because of the lawsuit --

22 MR. GREENE: Q. Mr. Walters --

23 A. Wait a minute. You've asked me this question; I'm

24 answering it.

25 Q. I want an answer to my pending question, which is,

1 when can you give me your -- please give me your best

2 estimation when it was that Lightbearer Levin ceased acting

3 as a minister.

4 A. I answered -- I'm answering your question that you

5 asked me before, which is integral to this, did you do it

6 before or after the lawsuit was initiated.

7 MR. PARSONS: Wait --

8 MR. GREENE: Q. That is not the present

9 question, Mr. Walters, and I would like you to answer the

10 present question.

11 A. Then I don't have an answer.

12 Q. What's your best estimation of when it was that

13 Lightbearer Levin ceased acting as a minister?

14 A. I don't have an answer.

15 MR. PARSONS: Okay. Let me -- if you can

16 formulate an answer to his question, then you should do that

17 and respond to his question.

18 If you want to clarify or expand on an answer

19 you've given so that that prior answer --

20 THE WITNESS: Yes, that's what it is.

21 MR. PARSONS: Okay. But that's separate.

22 So in other words, answer his question, and then

23 you can say words to the effect of, I'd like to clarify some

24 prior response.

25 But you should keep those two responses distinct

1 in your mind.

2 THE WITNESS: Well, the timing I don't know, but

3 it would be -- and this is what I was trying to say, but you

4 keep interrupting me -- after the initiation of the lawsuit,

5 after the illness of his wife.

6 It was not so much in answer to actions which he

7 had resolved on the right side, as far as I was concerned;

8 it was in answer to circumstances in his life which made it

9 a period of such confusion that I thought he should not

10 serve as a minister.

11 MR. GREENE: Q. In your opinion, do you believe
12 that (the plaintiff) -- that --

13 MR. PARSONS: Excuse me. Let me -- I'd like to
14 take a break now.

15 MR. GREENE: I want to ask one question here,
16 Mr. Parsons.

17 MR. PARSONS: Okay.

18 MR. GREENE: Q. In your opinion, Mr. Walters, was
19 (the plaintiff)'s participation in whatever took place between
20 her and Danny Levin a consequence of delusion?

21 MR. PARSONS: Objection. Vague, argumentative,
22 calls for speculation.

23 THE WITNESS: Certainly.

24 MR. GREENE: All right. Take a break.

25 MR. PARSONS: Off the record?

1 MR. GREENE: Yes, and what -- 10 minutes?

2 THE VIDEO OPERATOR: We're going off the record at
3 3:01 p.m.

4 (Recess from 3:01 p.m. to 3:13 p.m.)

5 THE VIDEO OPERATOR: We're back on the record at
6 1:13 -- excuse me, 3:13 p.m.

7 THE WITNESS: I would like to say that my heart
8 and brain are both tired to the point where I wasn't
9 answering as clearly as I would have liked to. And I just
10 want to go on the record as having to deal with that.

11 MR. GREENE: Okay. Well, thank you for sharing
12 that with us.

13 Before I ask Mr. Walters any more questions, there
14 is a rather substantial housekeeping matter that I'm going
15 to need the referee's assistance on, and yours as well,
16 Mr. Parsons.

17 The first one -- first such housekeeping matter is
18 that there are a number of people in the Ananda community
19 concerning whose -- whom we want to depose. And my
20 understanding of the geographical rule with respect to such
21 depositions is that it's a 75-mile rule. And Sacramento is
22 like 82.

23 So what I first would like to know from you,
24 Mr. Parsons, is whether or not you would agree to stipulate
25 that the depositions of individuals who reside in the Ananda
1 community can take place in Sacramento.

2 MR. PARSONS: Well, yeah. I think -- I'd also
3 have to involve those particular people in the decision.
4 I think we actually, though, might be able to do
5 them down here.

6 We might actually be able -- which would be closer
7 for you; right?

8 MR. GREENE: No, that's fine. Down here would be
9 preferable.

10 MS. RUSH: It depends on the person, too.

11 MR. PARSONS: Exactly.

12 MR. GREENE: That's issue number one.

13 And then issue number two is, what I would like is
14 a stipulation from you, Mr. Parsons, that you will accept
15 service for these various party-affiliated witnesses so that
16 we don't have to have a team of process servers crawling all
17 over the Ananda Village seeking to serve them.

18 MR. PARSONS: Sure. I have no problem with that.

19 There are, however, certain people who are not I think
20 affiliated -- whatever that term means.

21 In other words, there are some witnesses who I
22 think the Ananda -- my client can talk into coming down; and
23 then there are certain people who I think are beyond their
24 persuasion. People in Italy, for example, I don't think --

25 MR. GREENE: No, of course. I mean, we'll be
1 reasonable here.

2 So let's go through it and do it like this. Let
3 me just serve you with the notices, and you can tell me how
4 they go. Okay?

5 MR. PARSONS: Okay.

6 MR. GREENE: Number one, which you can accept
7 service for without any question, is for Defendant Levin.

8 MR. PARSONS: Sure. Okay. Now, you want to --

9 MR. GREENE: Lightbearer.

10 And so what I would like to do is this: I would
11 like to get these things served, and then you and
12 Mr. Stillman and I and the referee will have to have a
13 conference call all with our calendars and work out the
14 actual dates. There are dates here that my co-counsel has
15 noticed, and we'll have to deal with those.

16 I mean, I don't think -- I mean, do you have to be
17 present for all the depositions?

18 JUDGE PLISKA: No.

19 MR. GREENE: I don't think so.

20 MR. PARSONS: I would suggest --

21 JUDGE PLISKA: So far I've just been coming to
22 Mr. Walters'. It's up to you.

23 MR. PARSONS: I would suggest that we certainly
24 try it without the referee present, and hopefully we won't
25 need you at any of them.

1 MR. GREENE: Okay.

2 MR. PARSONS: Okay. So I've got a notice here
3 concerning Danny Levin.

4 MR. GREENE: That's Danny Levin set for the 30th
5 of October.

6 MR. PARSONS: Of October.

7 THE WITNESS: Will this take long? May I go to
8 the bathroom?

9 MR. PARSONS: Why don't do you.

10 MR. GREENE: Here we have a depo notice for John
11 E. "Jyotish" Novak for October 20.

12 And you accept service of that, Mr. Parsons?

13 MR. PARSONS: Oh, sure.

14 MR. GREENE: And likewise, do you accept service
15 for a depo notice of Vidura Smallen for October 16?

16 MR. PARSONS: Okay. Hold on. We're not talking
17 dates yet. We're just talking notices which we're
18 acknowledging receipt of.

19 MR. GREENE: And stipulate that this is effective
20 service, right, on these notices?

21 MR. PARSONS: Well, I mean, I'm --

22 MR. GREENE: That's what I'm trying to get from
23 you. What I want from you is a stipulation that you'll
24 accept service. Not that I'm just giving you the papers. I
25 know that I'm doing that.

1 MR. PARSONS: I am accepting that I am receiving a
2 notice on behalf of these individuals. I'm not waiving -- I
3 haven't looked at these things. I'm not waiving any defect
4 in the notice.

5 MR. GREENE: That's fine. And I'm not asking you
6 to do that.

7 I'm just asking you whether or not in lieu of
8 serving these people personally with a deposition subpoena,
9 my handing you each one of these notices now will have the
10 legal effect of being in lieu of such service.

11 MR. PARSONS: Right. As we go over them item by
12 item, yes.

13 The first three, Defendant Levin, John "Jyotish"
14 Novak and Vidura Smallen, I acknowledge receipt and service
15 on these individuals.

16 MR. GREENE: Okay, great.

17 MR. PARSONS: Because I'm sure they are going to
18 permit me to receive it on their behalf.

19 MR. GREENE: Okay, good.

20 Now, the next is for Devi Novak on October 19.

21 MR. PARSONS: Yes, I don't see any problem with
22 that.

23 MR. GREENE: Same agreement with respect to Devi
24 Novak; right?

25 MR. PARSONS: Correct.

1 MR. GREENE: And the next is for Agni Ferraro on
2 October 26.

3 MR. PARSONS: Okay. Now, hold on one second. I
4 don't know about Agni.

5 MS. RUSH: I think we can accept for him.

6 MR. PARSONS: Okay. And this is for October 26.

7 MR. GREENE: Q. Now, next is for Victoria Kelly.

8 MR. PARSONS: Okay. I -- I cannot accept on her
9 behalf.

10 MR. GREENE: She's no longer a part of Ananda?

11 MR. PARSONS: Apparently. That's what I'm
12 informed.

13 MR. GREENE: All right. Next is for Tom Oesterle,
14 on October 9.
15 MR. PARSONS: I don't see any problem with that.
16 MR. GREENE: All right.
17 MR. PARSONS: And again, I'm not agreeing to the
18 dates, because I haven't checked with these people. But I'm
19 acknowledging effective service on me of the Notice of
20 Deposition.
21 MR. GREENE: So we have got them under subpoena
22 power of the Court.
23 Then next is Sonia "Seva" Wiberg for October 10.
24 MR. PARSONS: Yes. Service on her.
25 MR. GREENE: Correct. And finally, we have, again
1 on October 10, Elizabeth Barrett.
2 MR. PARSONS: Okay. And so we also receive on
3 Elizabeth Barrett.
4 MR. GREENE: Okay. And then there's one --
5 MR. PARSONS: Hold on one second. Just give me a
6 second. Okay.
7 MR. GREENE: How did we miss Asha?
8 MR. PARSONS: That's right.
9 MR. GREENE: There's one where I believe there is
10 a typo because it was -- the date was September 11, and I
11 just don't think that would work. So --
12 MR. PARSONS: You could hand-write in --
13 MR. GREENE: No, but I'm having (the plaintiff) call
14 Flynn, Sheridan and find out what date it was that they had
15 in mind with respect to that.
16 So good. So then to recapitulate, you accept
17 service on behalf of Elizabeth Barrett, Sonia Wiberg, Tom
18 Oesterle, Agni Ferraro, Devi Novak, Vidura Smallen, Danny
19 Levin, and John Novak.
20 MR. PARSONS: Correct. As to all of those.
21 MR. GREENE: Okay, great. Thank you. I really
22 appreciate your cooperation.
23 MR. PARSONS: Any more at this time?
24 MR. GREENE: There will be another one in a
25 minute, but I just don't know --
1 MR. PARSONS: Asha.
2 MR. GREENE: I just forgot. But Victoria Kelly is
3 no longer an Ananda member, so we can't do her.
4 MR. PARSONS: Correct. I feel I cannot accept on
5 her behalf.
6 MR. GREENE: All right.
7 MR. PARSONS: Do we want to go ahead and start
8 talking about dates? Because some of these dates -- I think
9 I'd prefer to get going actually sooner than the first one,
10 which is --
11 MR. GREENE: I tell you what. What I'd like to do
12 is proceed with examining Mr. Walters, and then there's
13 going to just have to be a conference call among Palo Alto,

14 San Anselmo and San Diego.
15 MR. PARSONS: Okay. Because the first one is more
16 than 2 weeks away, and we would prefer to move sooner than
17 that.
18 But we'll -- but I understand that you say we've
19 just got to talk about that. So we've stated our desire to
20 move forward more quickly.
21 A couple more for me?
22 MR. GREENE: One more. Anne McFarlane.
23 MR. PARSONS: Okay. We'll accept service for Anne
24 McFarlane.
25 MR. GREENE: You do, okay.
1 MR. PARSONS: And this is noticed for --
2 MR. GREENE: October 11.
3 MR. PARSONS: October 11. And I see the October
4 is handwritten in. No problem with that, the
5 interlineation.
6 MR. GREENE: All right.
7 MR. PARSONS: Now, there is one thing, and let me
8 go on the record with this at the time.
9 There is a pilgrimage to India -- in fact, the
10 plaintiff went on that pilgrimage in the past -- that
11 leaves, what, October 16?
12 Okay. So apparently they get on the plane on
13 October 17.
14 We mentioned this actually when we had our first
15 meeting before Judge Pliska. And I think, if my memory
16 serves, at that time you indicated you would take their
17 depositions before they left.
18 So I want to go on record -- and the pilgrimage
19 lasts a month, as it does every year.
20 MR. GREENE: Which of these individuals are
21 pilgrims?
22 MR. PARSONS: Vidura -- well, Asha hasn't been
23 noticed.
24 MR. GREENE: Asha is an omission. She should be
25 included here in this batch.
1 MS. RUSH: We can arrange to that. We'll just
2 consent to that.
3 MR. GREENE: You'll just consent to Asha --
4 MR. PARSONS: Yes, but we want a letter or
5 whatever.
6 MR. GREENE: Yes, something a little bit more than
7 -- but I do have your representation here on the record that
8 with respect to the production of Asha Praver, you're
9 willing to do that?
10 MR. PARSONS: Correct.
11 MR. GREENE: For her deposition? All right.
12 MR. PARSONS: Okay. So Asha Praver, Vidura -- who
13 else is going on the pilgrimage?
14 Okay. Well, David also hasn't been noticed. Do

15 you want to take David? And Durga is also going, who is
16 Vidura's wife -- as you know, Vidura's wife.

17 MR. GREENE: Right.

18 MR. PARSONS: So two of the people for whom I've
19 received notices are going to be leaving -- getting on the
20 plane October 17.

21 And therefore, October 16 -- as Sheila is pointing
22 out to me, October 16 really wouldn't work for them, because
23 that's the day they leave for a month.

24 MR. GREENE: I don't know. That's something that
25 we're going to have to talk about on the telephone.

1 JUDGE PLISKA: And I do recall that there was a
2 proceeding in which you said you would not interfere with
3 that.

4 MR. GREENE: I do recall that. That's my
5 recollection also.

6 JUDGE PLISKA: Okay.

7 MR. GREENE: So --

8 MR. PARSONS: Can we say anything more about it
9 right now?

10 MR. GREENE: Not without the participation of my
11 co-counsel.

12 MR. PARSONS: We are prepared, by the way, to go
13 forward on these next week.

14 MR. GREENE: All right.

15 MR. PARSONS: So in other words, what I'm saying
16 is, I can prepare and have the witness -- or some of these
17 witnesses ready to proceed next week.

18 So let's talk as soon as we can about this. Okay?

19 MR. GREENE: You're not available over the
20 weekend, are you?

21 MR. PARSONS: Well, I'm not.

22 MR. GREENE: Hey, Sheila, get him available, will
23 you?

24 JUDGE PLISKA: They got you on vacation. Why not
25 over the weekend?

1 MR. PARSONS: That's fine. We can all meet over
2 at the soccer field. It's Field One down there. Then the
3 birthday party that I take my son too, and -- but, we will
4 be willing to work on it and get an answer.

5 MR. GREENE: Because if what you're talking about
6 is you want to do it next week, if you would consent to me
7 coordinating with Sheila over the weekend, then -- because
8 it's just not going to happen today, and today is Friday.

9 MR. PARSONS: I mean, I can -- I can rearrange
10 pretty much any day, except the clients who expect me to be
11 there Monday at 8:30 are going to be disappointed that they
12 get a call instead of my warm body Monday morning.

13 MR. GREENE: So Tuesday through Friday are open?

14 MR. PARSONS: Right. I can rearrange.

15 MS. RUSH: So would you like to call me or should

16 I call you.

17 MR. GREENE: You know my number. What's yours?

18 MS. RUSH: I'll call you. Actually, you might as

19 well call me. When would you want to call me?

20 MR. GREENE: Don't ask me now. I don't know. But

21 sometime tomorrow.

22 MS. RUSH: Okay.

23 MR. GREENE: In the morning.

24 MS. RUSH: We'll talk about that after.

25 MR. GREENE: Let me also, Mr. Parsons, before I

1 get -- serve you with form interrogatories for Crystal

2 Clarity, Ananda Church, Mr. Walters, Mr. Levin, Mr. Levin on

3 the cross-complaint, Ananda Church on the cross, Walters on

4 the cross-complaint, and Crystal Clarity on the

5 cross-complaint.

6 MR. PARSONS: So multiple form interrogatories to

7 the same parties, based upon complaint versus

8 cross-complaint. Is that it?

9 MR. GREENE: Yes. That's right.

10 MR. PARSONS: Okay. Well, I --

11 MR. GREENE: You're served. Whatever you do with

12 them, you do with them.

13 MR. PARSONS: Exactly. I acknowledge that I have

14 received these documents.

15 MR. GREENE: Q. Okay. All right. With all that

16 said and done, Mr. Walters.

17 The Hindu term for delusion is maya; correct?

18 A. Yes.

19 Q. And maya is a concept that is included in the

20 teachings which you convey; right?

21 A. Correct.

22 Q. Okay. Are you familiar with something called the

23 Ananda Spiritual Family?

24 MR. PARSONS: Objection, "familiar." Go ahead.

25 THE WITNESS: I don't think we use that term

1 anymore, but we did use it at one time.

2 MR. GREENE: Q. Okay. And when did you stop

3 using the term "Ananda Spiritual Family"?

4 A. I don't know.

5 Q. Okay. Can you give me a best estimation?

6 A. I cannot.

7 Q. In your position as spiritual director of the

8 Ananda Church, do you consider all of your senior ministers

9 to be on the same level that you described as dedication, in

10 terms of the levels of a holy man, earlier in your

11 testimony?

12 MR. PARSONS: Objection. Vague, ambiguous.

13 THE WITNESS: I would consider anybody who has

14 dedicated his life to spiritual practice to belong in that

15 category. That includes, I hope, all our members, not just

16 our Lightbearers, and anyone else in the world who has that

17 goal.

18 MR. GREENE: Okay. I would like to mark this as

19 next in order. 33?

20 (Exhibit 33 was marked.)

21 MR. GREENE: Q. Okay, Mr. Walters. Directing

22 your attention to Exhibit 33, have you ever seen Exhibit 33

23 before?

24 A. I don't think so.

25 Q. Okay. Are you familiar with something called a

1 Ministers' Retreat?

2 A. Yes.

3 Q. And do you recall having or participating in a

4 Ministers' Retreat in January of 1994?

5 A. I think I did.

6 Q. Okay. Now, the first paragraph reads:

7 "Dear Ones: These are notes excerpted from a

8 talks Swami gave during the Ministers' Retreat of

9 January 26-29. Many have asked to hear more of what

10 Swami shared at that time. His comments about the

11 development of other Ananda communities is of interest

12 to us all. Joy to you, Ananda Central Ministry."

13 Do you recognize the format of that paragraph that

14 I just read into the record, Mr. Walters?

15 MR. PARSONS: Objection. Vague as to "format."

16 THE WITNESS: You mean, did I read this before?

17 MR. PARSONS: No.

18 MR. GREENE: Q. The format. You know, how the

19 letter is structured, how things are shaped?

20 A. Yes, surely.

21 Q. You recognize --

22 MR. PARSONS: I don't know what you mean, but go

23 ahead.

24 THE WITNESS: What do you mean?

25 MR. GREENE: Q. Well, you know, like when you

1 write a letter, you have a particular style how you set the

2 letter up?

3 A. Uh-huh.

4 MR. PARSONS: You mean like a paragraph, that this

5 is a paragraph?

6 THE WITNESS: I think I know what he means.

7 MR. PARSONS: Oh, okay.

8 THE WITNESS: "Dear Ones," I call people "Dear

9 Ones." "Joy to you," that's a standard greeting.

10 MR. PARSONS: Okay.

11 MR. GREENE: Q. And Ananda Central Ministry?

12 A. Ananda Central Ministry, yes.

13 Q. And "Swami's comments about future directions"

14 is --

15 THE WITNESS: Yes.

16 MR. PARSONS: Wait, is what?

17 THE WITNESS: It's a format.

18 MR. PARSONS: Excuse me, you've got to wait for
19 his question.

20 THE WITNESS: Yes, I forgot. Okay.

21 I should emphasize again that my brain is getting
22 quite tired.

23 MR. GREENE: Q. All right. Now, turning to the
24 second page, where it says "Other thoughts from Swami," the
25 paragraph reads, quote:

1 "Swami's definition of a minister," internal
2 quote, "people who are not just schooled in the
3 teachings, but people who have passed tests. Their
4 spirituality has been demonstrated and refined in the
5 fire of tests. When you are going through a test, a
6 minister will think more of other people than of
7 himself. This is the test of a minister. I don't want
8 ever to make a Lightbearer for any reason other than he
9 is a Lightbearer," close quote.

10 Now, do you recognize that paragraph as something
11 which you have said in the past?

12 A. It's a pretty fair statement of what I said.

13 Q. And do you adopt that statement that I just read
14 into the record?

15 A. If I were to sit down and edit it, I probably
16 would. But otherwise, yes.

17 MR. PARSONS: Well, again, vague as to "adopt,"
18 but --

19 THE WITNESS: Yes.

20 MR. PARSONS: I don't know what that means.

21 MR. GREENE: Q. Is there anything that you --
22 well, let me ask you this, Mr. Walters.

23 In fact, the internally quoted part, the part that
24 says "People who are not just schooled," that's your
25 definition of a minister. Correct?

1 A. That's a negative part of a definition. That's
2 not an entire definition.

3 Q. Okay. But I mean -- I'm sorry, I was incomplete.

4 The whole portion there that's in quotes that
5 follows "Swami's definition of a minister" is what your
6 definition is of a minister; correct?

7 A. Yes, with qualifications, if I may explain
8 further, that my definition has not been clearly stated
9 there as I would if I were writing it down myself.

10 And my definition is that people have to go
11 through tests in life, whoever they are. Some people are
12 beaten down by their tests; others work through them, learn
13 lessons, become stronger spiritually and so on.

14 And I was asked that question by a visitor from
15 another ashram. And she said, yes, people who have gone
16 through the fire of test with courage, and so on.

17 I said, no, there's more. And this more is what I
18 really was trying to say, did say, and it was paraphrased in

19 this paragraph here.

20 What I said was that a minister who, even while
21 going through personal tests, is able to rise above his
22 self-involvement to think of others' needs and to help them,
23 such a person is one who bears light to others and doesn't
24 just take it into himself.

25 Q. Okay. Now, Mr. Walters, when you give talks to
1 groups of persons in the community, do you know whether the
2 practice -- or rather, whether there is a common practice of
3 tape recording those talks?

4 MR. PARSONS: Okay. Objection. It's vague as to
5 time; it's also vague in that it assumes a universal
6 practice.

7 THE WITNESS: It's also a vague practice.

8 Sometimes yes, sometimes no, with no special --

9 MR. GREENE: Q. Okay. But people in the
10 community have told you that they place value on what you
11 say. Isn't that true?

12 A. Surely.

13 Q. And you have observed people in the community to
14 want to be able to hear again what you communicate when you
15 give talks, and make tape recordings so they can do that.

16 Isn't that right?

17 MR. PARSONS: Well, objection. It's vague,
18 argumentative, it assumes -- it calls for speculation.
19 Go ahead.

20 THE WITNESS: Of course they would like to. The
21 question is whether we do or not.

22 MR. GREENE: Q. Okay. Let me ask you this: Do
23 you know whether when such a tape is made, it, the tape,
24 goes into either the archives or the ministry office?

25 A. I think it goes to the ministry office. It may go
1 into the archives.

2 MR. PARSONS: It's also vague as to who is making
3 the tape, though.

4 THE WITNESS: Yes.

5 MR. GREENE: Q. I understand.

6 Do you know whether presently there is a committee
7 which is in charge of membership?

8 A. I have to presume. Therefore, I'd better say I
9 don't know.

10 Q. Do you have any information that there is a
11 committee that is in charge of membership?

12 A. Well, somebody has to be. Whether it's a
13 committee or not, I don't know.

14 Q. All right. Who in your mind is the person most
15 likely to be currently in charge of such function?

16 A. I don't know.

17 Q. Directing your attention back to Exhibit 33 --

18 A. Is that the latest one?

19 Q. That's the latest one. And the last part of the

20 latest one, where it says, quote:

21 "On Swami's role at Ananda (the Spiritual
22 Director's role): 1, See that the individual's rights are
23 protected; 2, See that the work is going in a spiritual
24 direction; 3, Act as a corrective force," close quote.

25 Do you consider that your role at Ananda includes
1 those three things?

2 MR. PARSONS: Objection. Compound.

3 THE WITNESS: Yes, it does.

4 MR. GREENE: Q. Did -- withdraw that.

5 Do you have any recollection whether or not you
6 were consulted with respect to the publication of Exhibit 33
7 before such publication took place?

8 A. My permission would be presumed and correctly
9 presumed. That's all I can really say.

10 Q. Okay. So --

11 MR. PARSONS: Excuse me.

12 THE WITNESS: Do I have a recollection? I don't.

13 MR. PARSONS: He asked you -- it is important that
14 you listen to the question and answer that question.

15 THE WITNESS: Okay, sorry.

16 MR. PARSONS: Instead of making assumptions.

17 THE WITNESS: No, I don't.

18 MR. GREENE: Q. However, you do have no objection
19 to Exhibit 33. Correct?

20 MR. PARSONS: Well, "objection"?

21 THE WITNESS: If I have to read the whole thing
22 before answering, I can do that.

23 MR. PARSONS: And also, vague as to "objection."
24 I mean, I don't know what you mean by "objection."

25 THE WITNESS: I've already edited that one
1 paragraph, for example.

2 MR. GREENE: Q. Well, let me put it this way,

3 Mr. Walters.

4 You don't have any substantive disagreement with
5 the first paragraph that I read into the record, which is
6 "Swami's definition of a minister," do you?

7 A. No.

8 Q. And you don't have any substantive disagreement
9 with the second paragraph that I read into the record, the
10 one that starts, "On Swami's role at Ananda (the Spiritual
11 Director's role)," do you?

12 A. No.

13 Q. And in fact, you agree with both those definitions
14 as you sit here today, don't you?

15 MR. PARSONS: Well, except his testimony has
16 already been to clarify the definition of "minister," so I
17 object.

18 THE WITNESS: This is correct, with his objection
19 in mind.

20 MR. GREENE: Q. Okay. Well, and with your --

21 adopting your clarification.

22 A. Yes, yes. And if I were to sit at a computer, I'd
23 probably clarify it further.

24 But I think the meaning would be there. All I'd
25 do is express it more clearly.

1 Q. Would you agree that your ability to express
2 yourself is superior when you write than when you speak?

3 A. Always.

4 MR. GREENE: Now, I would like to mark this as
5 Exhibit 34.

6 (Exhibit 34 was marked.)

7 THE WITNESS: Thank you. Is there no date on this?

8 MR. GREENE: Q. I did not see a date on it.

9 A. You want me to read the entire thing?

10 Q. Well, before reading it, and without reading it,
11 can you tell me whether or not you recognize this?

12 And if you can't, then I would like you to read it.

13 A. I think I recognize it. I did not write it.

14 Q. Okay. And do you recognize Exhibit 34 as being a
15 press release?

16 A. A which?

17 Q. Press release?

18 A. No. It was not a press release.

19 Q. Okay. What was it?

20 A. It was a letter to our members in the community.

21 Q. Okay. And this was a letter to -- now, let me ask
22 you this:

23 You would agree, would you not, that Exhibit 34,
24 the letter to the members of your community, is in a
25 substantially different format than any other letter that's
1 ever been distributed to the community, to your knowledge?

2 MR. PARSONS: Okay. Objection. It's

3 argumentative, it's vague and ambiguous, format, it requires
4 -- it compares it with who knows how many other --

5 MR. GREENE: I'll withdraw that.

6 THE WITNESS: Well, I would like to answer
7 something here.

8 MR. PARSONS: Well, you can answer --

9 THE WITNESS: To correct my prior testimony.

10 MR. GREENE: Q. Oh, okay. Certainly.

11 A. I stated that it was not a press release. I don't
12 know whether it was or not. It might have been to the paper
13 article that came out in the Union some time ago, or in the
14 San Jose Mercury.

15 It could have been that. This I don't know.

16 Q. Okay. Now, did you participate in developing the
17 language in Exhibit 34?

18 A. I did not.

19 Q. Okay. Did you participate in the construction, in
20 any way, of Exhibit 34?

21 A. I did not. And I can explain further, if you like.

22 Q. No. Well, yeah. Go ahead.

23 A. I was having severe heart troubles, which led to
24 my being in the hospital and having heart surgery. I was
25 totally out of things during this period.

1 Q. Okay. Now, when -- you have seen Exhibit 34
2 before; right?

3 A. Not that I know of.

4 Q. This is the first time you've ever seen it?

5 A. I believe it is, but I'm not sure.

6 Q. All right. Has anyone in the Ananda community
7 ever told you that a press release originated from the
8 Ananda community that was in response to any newspaper
9 article regarding Ms. (the plaintiff)'s lawsuit?

10 A. I'll go further. I'm sure they gave me this.

11 Q. All right.

12 MR. PARSONS: Well, but excuse me one sec.

13 MR. GREENE: Q. When you say --

14 MR. PARSONS: Excuse me one second.

15 MR. GREENE: Mr. Parsons, he answered the
16 question.

17 THE WITNESS: He has a right to talk to me.

18 MR. PARSONS: That's right, and he didn't answer
19 your question. He instead said, quote, "I'll go further."
20 That's not responsive.

21 It is important -- I know you're getting tired.

22 It is important to listen to the question to formulate a
23 response which is responsive to that question and to give
24 that response.

25 THE WITNESS: And Mr. Parsons, if you don't want
1 to object, I can object.

2 There were several assumptions in your statement
3 that, if I were to pull them apart, I would have to say I
4 can't answer for this reason.

5 MR. GREENE: Q. Well, let me ask you another
6 question, and maybe you won't find such assumptions in this
7 question:

8 Is the reason that you said you are sure that
9 someone gave you Exhibit 34 because Exhibit 34 is such an
10 action that it would not ever be taken without you knowing,
11 at least after the fact?

12 MR. PARSONS: Objection. Calls for speculation,
13 no foundation for this witness. Argumentative.
14 Go ahead.

15 THE WITNESS: I can't answer it exactly, but if
16 you'll allow me to answer it somewhat.

17 It isn't that they have to make me aware. They
18 have to put it in a position they would feel obligated, or
19 duty-bound, to give it to me so that I could read it.

20 I was not in a position to read anything or do any
21 work at that time.

22 MR. GREENE: Q. Right. And the reason --

23 A. But they would submit it to me.
24 Q. Okay. And the reason that you say they would
25 submit Exhibit 34 to you is because, at least in part, you
1 are the spiritual director of the Ananda community; right?
2 MR. PARSONS: Okay. Objection. Calls for
3 speculation and third-parties' intentions and motivations.
4 But you can testify.
5 THE WITNESS: More specifically, because my
6 actions and decisions were being challenged by (the plaintiff).
7 MR. GREENE: Q. Okay. And Exhibit --
8 A. Otherwise, probably not.
9 Q. And Exhibit 34 constitutes, does it not, the
10 Ananda community's response, initially, to the challenge
11 made?
12 A. I don't know.
13 MR. PARSONS: Wait, objection. Exactly, you don't
14 know. There's no foundation for this witness to testify
15 what this is.
16 MR. GREENE: Okay. I'd like to mark this as
17 Exhibit 35.
18 (Exhibit 35 was marked.)
19 MR. GREENE: Q. Mr. Walters, let me direct your
20 attention back to 34 for a moment, which is the prior
21 exhibit.
22 Do you know whether or not Exhibit 34 was written
23 by Asha Praver?
24 A. I do not know.
25 Q. Do you have any information that Exhibit --
1 A. Exhibit 34, you said?
2 Q. Yes, the one that says "Ananda Refutes Smear
3 Campaign."
4 Do you have any information that that was written
5 by Asha Praver?
6 A. I do not.
7 Q. Does the Ananda ministry maintain a committee from
8 time to time that deals with publicity?
9 A. We do not.
10 Q. Okay. Now, directing your attention to number 35,
11 the first paragraph reads:
12 "Members of Ananda dismissed a lawsuit filed
13 against them by a former member as a smear campaign in a
14 written response released this morning," close quote.
15 Do you have any information that the written
16 response referred to in the first paragraph of Exhibit 35 is
17 Exhibit 34?
18 A. I do not. And I have to explain again, this is
19 the very time when I was worst off physically.
20 Q. All right. Do you know whether there is a vow
21 that is taken by life members at Ananda?
22 A. That's a question?
23 Q. Yes.

24 MR. PARSONS: Objection. Vague as to time, vague
25 as to definition.
1 Go ahead.
2 THE WITNESS: Yes.
3 MR. GREENE: Q. There is such a vow; correct?
4 A. There is.
5 Q. And in fact, you wrote it, didn't you?
6 A. If it's the one that appears in the Rules of
7 Conduct, I think it does, yes.
8 Q. Okay. And it's correct, is it not, that a life
9 member is a label which reflects the most extensive
10 commitment an Ananda member can make?
11 A. Not by any means.
12 Q. Okay. It's correct, is it not, that a life
13 member's commitment is greater than the commitment of a
14 postulant?
15 MR. PARSONS: Objection. It's vague, ambiguous.
16 THE WITNESS: You see, you've got -- yes, but I'd
17 like to explain.
18 MR. GREENE: Q. I got myself confused again.
19 A. Or no, but I'd like to explain. I'm not even sure
20 which, but one or the other.
21 I've told you, my brain is getting quite tired,
22 and in fact, I'm not going to be able to go till 5:00.
23 Let's explain that my meaning is that you have the
24 true commitment between the individual and God, which is
25 something we cannot intrude upon. Therefore, we can't
1 really gauge the gradations of commitment. It's a very
2 private thing.
3 The assumption is that somebody who has taken his
4 life vow has at least made public a commitment that may be
5 even more intense in a novice, but he hasn't yet been given
6 the opportunity to make the public statement.
7 MR. GREENE: I think we're getting very close
8 here to tape change time, so why don't we take a brief
9 break.
10 THE VIDEO OPERATOR: This is the end of videotape
11 number 16 in the deposition of Donald Walters. We're going
12 off the record at 3:54 p.m.
13 (Discussion off the record.)
14 MR. GREENE: We'll go on the record here.
15 I have been advised by Mr. Parsons that his
16 client, James Donald Walters, is too tired to continue. So
17 in deference thereto, I am now suspending, not terminating,
18 Mr. Walters' deposition.
19 It will resume at least on October 12 with
20 Mr. Flynn, and continue thereafter as is necessary.
21 So for today's proceedings, with respect to
22 Mr. Walters, we're done. And then we can go off the record
23 now, and then we'll go back on when I serve you with the
24 other subpoenas that -- or depo notices that are coming in.

25 MR. PARSONS: And one other thing before we do go
1 off, though, is that we will have a conference call then on
2 Tuesday instead of Saturday between you and Sheila Rush?

3 MR. GREENE: I can commit for me, and I can say
4 that there's a pretty darn good likelihood that Flynn,
5 Sheridan & Tabb will be available to be involved.
6 I can't say with a hundred percent certainty, and
7 I don't want to determine any dates without their
8 participation.

9 So with that caveat, yes.

10 MR. PARSONS: I understand that. So then I guess
11 I'll call you early Tuesday.

12 MR. GREENE: Let's go off the record now.

13 MS. RUSH: I guess one more thing on the record.

14 MR. PARSONS: Oh, that's right. We are also very
15 concerned setting up Danny Levin's depo for October 30,
16 because we don't see how you can possibly file your response
17 in response to the motion taking the defendant's deposition
18 that late.

19 MR. GREENE: This wisdom comes from the south. I
20 cannot say.

21 MR. PARSONS: Well, it seems to me that this is
22 not a good-faith effort to comply with the Court's order to
23 file your papers November 2.

24 MR. GREENE: I offer you no current response, but
25 I reject any inference about it.

1 MR. PARSONS: All right. Thank you very much.

2 JUDGE PLISKA: Good. Thank you, we'll see you I
3 guess October 11 --

4 MR. PARSONS: 12.

5 MR. PARSONS: Off the record.

6 (Discussion off the record.)

7 MR. GREENE: Okay. On the record.

8 Depo notice for Padma McGilloway.

9 MR. PARSONS: Okay. We can -- I think we can
10 accept service for her. Yes. Hold on.

11 Padma McGilloway. And the date on the notice is
12 October 26. Okay. And again, "okay" doesn't mean I'm
13 agreeing to the date or waiving any objections as to form.

14 MR. GREENE: You're just accepting service.

15 Sally "Durga" Smallen, for October 18.

16 MS. RUSH: She's one of the India people.

17 MR. PARSONS: Right. She's leaving for the
18 pilgrimage. But nonetheless, accept service of the depo
19 notice.

20 MR. GREENE: November 6 for Shivani Lucki.

21 MS. RUSH: We can't accept for her.

22 MR. GREENE: Well, how about, can you accept and
23 we can go to Italy and not have to go through --

24 MR. PARSONS: No. I don't think we can accept for
25 her.

1 MR. GREENE: Terry McGilloway?
2 MR. PARSONS: Yes. Accept for him, date stated
3 October 27.
4 MR. GREENE: David Praver.
5 MR. PARSONS: Accept service for David Praver.
6 Date stated, October 25.
7 MS. RUSH: He'll be in India, so he has to go
8 sooner.
9 MR. GREENE: Asha Praver, October 23.
10 MR. PARSONS: Okay. We can certainly accept for
11 her. And again, she was one of the people going to India.
12 MR. GREENE: Kalyani Deranja.
13 MR. PARSONS: What about Kalyani? Can we accept
14 for her?
15 MS. RUSH: I think so.
16 MR. GREENE: October 11.
17 MR. PARSONS: Okay. We will accept for her.
18 MR. GREENE: And last but not least, for October
19 25, Sheila Rush.
20 MR. PARSONS: Okay. And I --
21 MR. GREENE: October 25. So your motion will be
22 heard before that.
23 MR. PARSONS: Okay. And again, of course,
24 accepting service is in no way a waiver of our objection to
25 taking Sheila Rush's deposition.
1 MR. GREENE: Right.
2 MR. PARSONS: Or any other objections, other than
3 to the form of the service itself, without respect to the
4 content of the notice.
5 MR. GREENE: I understand.
6 But the understanding is that also with respect to
7 all of these, that San Francisco is where we're going to do
8 it?
9 MR. PARSONS: Well, I'm going to have to check
10 with each individual one. But I expect we'll take all or
11 nearly all of them in San Francisco, that they'll agree to
12 that.
13 MR. GREENE: In any event, you're not making any
14 objection based on the 75-mile rule. Right?
15 MR. PARSONS: If we take it in San Francisco as
16 agreed, I make no objection to the 75-mile rule.
17 MR. GREENE: What about Sacramento, as to the
18 Ananda people?
19 MR. PARSONS: Well, that might be different,
20 because that involves a hassle for me to get to Sacramento,
21 and Sheila Rush.
22 MR. GREENE: Oh, so you want them to come down
23 here?
24 MR. PARSONS: You've got it. So in other words,
25 what we're saying is, if we can do it in San Francisco,
1 because these people agree to it, the balance of the

2 hardships is such that we will waive the 75-mile rule for
3 taking in San Francisco.

4 MR. GREENE: I'm sure we'll do it here. Thank you
5 very much. I appreciate your cooperation.

6 (Time noted, 4:16 p.m.)

7 --o0o--

9

10 _____
Signature of the Witness

Chapter 7) Part 7 of 7 November 30, 1995

1 I N D E X

2 EXAMINATION PAGE

3 BY MR. FLYNN

4 ---oOo---

5 E X H I B I T S PLAINTIFFS FOR

6 IDENTIFICATION DESCRIPTION PAGE

7 Declaration of (woman #3) in Support of 1239

8 Cross-Defendants' Special Motion to Strike Cross-Complaint

The Ananda Villager, Nov. 10, 1289

10 Dwapara 295

1 BE IT REMEMBERED that on Thursday November 30,

2 1995 commencing at the hour of 10:00 o'clock a.m., at the

3 Offices of Tooker & Antz, 131 Steuart Street, Suite 201 San

4 Francisco, California, before me, PATRICIA STEELE, a

5 Certified Shorthand Reporter in and for the County of Contra

6 Costa, State of California, personally appeared

7 J. DONALD WALTERS,

8 called as a witness herein, who, being previously duly sworn,

9 was thereupon examined and interrogated as hereinafter set

10 forth.

11 --oOo--

12 FLYNN, SHERIDAN & TABB, P.O. Box 690, 6125 El

13 Tordo, Rancho Santa Fe, California 92067, represented by

14 MICHAEL J. FLYNN, Attorney at Law, appeared as counsel on

15 behalf of the plaintiff.

16 HUB LAW OFFICES, 711 Sir Francis Drake Boulevard,

17 San Anselmo, California 94960, represented by FORD GREENE,

18 Attorney at Law, appeared as co-counsel on behalf of the

19 plaintiff.

20 JOHN R. PARSONS, 2501 Park Boulevard, Suite 207,

21 Palo Alto, California 94306-1925, represented by JOHN R.

22 PARSONS, Attorney at Law, appeared as counsel on behalf of

23 the defendant.

24 EDWARD W. PLISKA, Judge (Retired), Attorney at

25 Law, COREY, LUZAICH, GEMELLO, MANOS & PLISKA, 700 El Camino

1 Real, Millbrae, California 94030, was present as the Referee.

2 Also Present: Sheila Rush, Dr. Peter Van Houten,

3 John Novak.

4 Videotaped by Kevin Foor, Dan Mottaz Video

5 Productions, One Lansdale Avenue, San Francisco, California

6 94127. (415) 731-1300.01063

1 P R O C E E D I N G S

2 THE VIDEOGRAPHER: Good morning. This is the

3 beginning of videotape No. 17 in the continuation of the

4 deposition of Donald J. Walters --

5 THE WITNESS: J. Donald.

6 THE VIDEOGRAPHER: -- J. Donald Walters in the
7 matter of (the plaintiff) v. Ananda Church of God, et
8 al. Today's date is November 30, 1995 and the time is
9 approximately 10:06 a.m. All other aspects as indicated on
10 the previous tape remain the same and the witness is
11 respectfully reminded he remains under oath.

12 EXAMINATION BY MR. FLYNN

13 BY MR. FLYNN: Q. You understand you are under
14 oath, Mr. Walters?

15 A. I do.

16 Q. During the last 60 days, sir, you have been
17 traveling in India and Italy; is that correct?

18 A. Yes.

19 Q. And are there any other places you have gone other
20 than India or Italy?

21 A. India, Italy, Switzerland, England.

22 Q. And during your travels did you experience any
23 health problems?

24 A. Some.

25 Q. What health problems did you experience?

1 A. Well, mainly stomach problems.

2 Q. Were you treated --

3 A. No.

4 Q. Well, let me finish the question.

5 Were you treated in any way for any condition
6 during the last 60 days for your -- during your travels?

7 A. No.

8 Q. Did you have a doctor monitoring you while you were
9 traveling?

10 A. I did not.

11 Q. Okay. Now let me show you what has been marked as
12 Exhibit 43.

13 This is the original. If I can get a copy for
14 Judge Pliska; I know I have got one somewhere.

15 MR. PARSONS: Is this it right here?

16 MR. FLYNN: Oh, yeah, yeah, thanks.

17 And you have got one? Okay.

18 JUDGE PLISKA: What is the number on that one?

19 MR. FLYNN: This is 43, Judge.

20 JUDGE PLISKA: Thank you.

21 BY MR. FLYNN: Q. Now you are the author of
22 Exhibit 43, Mr. --

23 A. I am.

24 Q. -- Walters?

25 And when did you author it?

1 A. The date's written, I believe. Is it? Yes.

2 Q. Okay. Well, is that the date of distribution or is
3 that the date of your authorship?

4 A. Date, date of completion. Date of authorship,
5 probably.

- 6 Q. The date that you completed writing the document?
7 A. I have to say I've answered as well as I can. I
8 don't remember whether I completed it that date or wrote it
9 all in one day. It's quite possible I wrote it in one day.
10 Q. Okay. Now do you know whether it was distributed
11 on September 23rd?
12 A. No, it would have been distributed later.
13 Q. Okay. It's got a date of 295 Dwapara on it. I
14 take it that's, that's 1995 --
15 A. Correct.
16 Q. -- per the Western method of dating; is that
17 correct?
18 A. Correct.
19 Q. And 295 Dwapara is the Yuga method of dating based
20 on Sri Yukteswar's analysis of the Yugas --
21 A. Correct.
22 Q. -- as found in "The Holy Science"?
23 A. Correct.
24 Q. Is that correct?
25 MR. PARSONS: Excuse me one second.
1 (Attorney-client conference.)
2 MR. PARSONS: Thank you.
3 BY MR. FLYNN: Q. And Dwapara is the Yoga -- are
4 we in the ascending or the descending cycle, if you know, of
5 the Yoga?
6 A. Ascending.
7 Q. And Dwapara follows Kali?
8 A. Yes.
9 Q. Is that correct?
10 And so we're in the 295th year of the Dwapara Yoga;
11 is that correct?
12 A. Yes.
13 Q. According to -- And that's why you put that date
14 down there?
15 A. Exactly.
16 Q. And there's a 200 year transition period for
17 Dwarpara in the ascending cycle; is that correct?
18 A. Correct.
19 Q. And 100 years transition for Kali?
20 A. Correct.
21 Q. Is that correct?
22 MR. PARSONS: Mr. Flynn, this is the seventh day of
23 this witness' deposition. I, I really don't think the
24 Yoga-Kali type calendar system is at all relevant and I'd ask
25 that we move on so we that can get these depositions over
1 with.
2 MR. FLYNN: Well, the jury may need to know what
3 295 Dwapara means in the event that Mr. Walters is not
4 present and I have to use the videotape.
5 MR. PARSONS: Well, it means 1995.
6 BY MR. FLYNN: Q. Okay. But what it means is that

7 it's a system that you use for dating that you adopted from
8 Sri Yukteswar that he discourses about in the book "The Holy
9 Science"?

10 A. Correct, but I don't think that we need to go into
11 detail to explain it all to the jury.

12 Q. Okay. Well, most people use the 1995 method of
13 dating things in 1995.

14 Now what I would like to know is what is your best
15 memory of when this document was distributed?

16 A. I've no recollection.

17 Q. Would it in the normal routine have been
18 distributed within a few days of the completion of the
19 document by you?

20 A. I believe that it was.

21 Q. And who did it get distributed to?

22 A. This I don't know.

23 Q. In the normal course, when you write documents like
24 this, who do they get distributed to?

25 A. It depends on whom they're written to.

1 Q. Who did you write this to?

2 A. I wrote it to the community members.

3 Q. Okay. Which community?

4 A. Ananda community.

5 Q. Does that include the world-wide Ananda community?

6 A. Yes.

7 Q. So this was distributed throughout the world?

8 A. No.

9 Q. Where was it distributed to?

10 A. It was distributed to our colonies, our
11 communities.

12 Q. And where are they located?

13 A. They're located, they're located in Nevada City,
14 Sacramento, Palo Alto, Portland, Seattle, Dallas, and Assisi
15 in Italy.

16 Q. Okay. Now you write in the last paragraph of the
17 first page, quote, "What about the thousands of people
18 who have been brought to Master's teachings,
19 and changed for the better, by their contact
20 with Ananda? What about all of you who have
21 had your lives changed for the better by
22 living here? What about the things I have
23 done in my life that, many have told me,
24 inspired them?"

25 Now the Master you are talking about in that
1 sentence, is that Yogananda?

2 A. Yes.

3 Q. And the people that live in the Ananda communities,
4 are they disciples of Yogananda?

5 A. We've covered this before.

6 Q. Well, I'd like to have your testimony on this
7 point.

8 A. Again, yes.

9 Q. Okay. And Yogananada is their guru?

10 A. Yes.

11 MR. PARSONS: Excuse me.

12 THE WITNESS: I'll go more slowly. Sorry.

13 MR. PARSONS: Excuse me, yes.

14 Objection. That's compound as phrased. I don't

15 know if this witness can testify as to who these people's

16 guru is.

17 So give me an opportunity to object and then you

18 can respond.

19 THE WITNESS: All right.

20 BY MR. FLYNN: Q. Well, to your knowledge is

21 Yogananda the guru of people who live at, the disciples of

22 Ananada who live at Ananda?

23 A. This is correct.

24 Q. And you are not a guru?

25 A. That also is correct. Excuse me.

1 Q. Would you consider the people who live in Ananda to

2 be your disciples or Yogananda's disciples?

3 A. I've answered that.

4 Q. And the answer is?

5 A. That they're Yogananda's.

6 Q. Okay. Now on the second page you categorize three

7 classifications or categories of attackers. I believe that's

8 the word you use, "attackers"; is that correct?

9 A. Where are we?

10 Q. On the second page. You say, "I have looked next

11 at who our attackers are: They fall into three categories."

12 A. Yes.

13 Q. One is (the plaintiff); is that correct?

14 A. May I just look at this here?

15 (the plaintiff) is listed, yes.

16 Q. And you say that she, quote, "lied repeatedly in

17 her complaint"?

18 A. I do.

19 Q. Yes. And what lies are you referring to there?

20 A. I'd have to look at her complaint again to brush up

21 on it. There are so many it's hard to recognize the truth.

22 Q. Okay. Can you name one?

23 A. Yes, I certainly can.

24 Q. When you were writing this, can you name one lie

25 that you had in mind?

1 A. I certainly can. One lie was that she was harassed

2 by Danny Levin.

3 Q. Okay. Can you name another?

4 A. That she was harassed by me.

5 Q. Can you name another?

6 A. This is enough. I'd have to look at her thing and

7 go through it point by point; otherwise, we could go on

8 saying, "Can you name another?"

9 MR. PARSONS: Excuse me one moment.
10 THE WITNESS: I don't hear you.
11 (Attorney-client conference.)
12 THE WITNESS: Okay.
13 MR. PARSONS: Okay.
14 BY MR. FLYNN: Q. Can you name another lie that
15 you had in mind when you wrote this?
16 A. I just came back from India; it's a little hard.
17 I'll have to think about it. But it had to do with her
18 complaints about unfair treatment, about women's unfair --
19 unfair treatment of women, which is a lie.
20 I don't think I can, without reference to her
21 complaints, come up with more right now.
22 Q. Okay. Now what I'd like to do is ask you about
23 facts as opposed to like characterized conclusions, like you
24 said "harassed by Levin," "harassed by Walters," "complaints
25 about unfair treatment of women." Can you specify any
1 statement that Ms. (the plaintiff) has made which you deem to be a
2 lie?
3 MR. PARSONS: Any statement at any time?
4 BY MR. FLYNN: Q. At any time that you may have
5 had in mind when you wrote this?
6 A. Well, the statement that I watched an obscene
7 movie. I did not watch an obscene movie.
8 Q. Okay. Now is that what she said, in your memory,
9 that you watched an obscene movie with her?
10 A. Yes, in my memory. But again, I, I think I'd have
11 to look at the complaint to get more details.
12 Q. Well --
13 A. Yes, yes, it's what I remember, that, if you are
14 asking that, the fact is I remember it.
15 Q. Well, let me see if I can refresh your memory.
16 Didn't she specify that she watched a movie with you in which
17 a woman was performing oral sex on a male?
18 A. Okay, specifically that?
19 Q. Yes.
20 A. That's a lie.
21 Q. Okay, your testimony is, sir, that no such movie
22 was watched by you and (the plaintiff) together?
23 A. Exactly.
24 Q. Is that correct?
25 A. That is correct.
1 Q. Did you watch a movie with (the plaintiff)?
2 A. This I don't recall, but I don't deny.
3 Q. Do you recall the name of the movie?
4 A. No.
5 Q. Do you recall where you got the movie?
6 A. It would either be one in my library or one that
7 somebody brought from town.
8 Q. When you say "brought from town," you mean rented
9 from a video store?

- 10 A. Exactly.
- 11 Q. Who would have rented it from a video store?
- 12 A. Any one of a number of friends. I mean --
- 13 Q. Can you identify who they would be?
- 14 A. No.
- 15 Q. How many movies do you keep in your library?
- 16 A. Over a hundred.
- 17 Q. Can you recall the general subject matter of what
- 18 the movie was about?
- 19 A. What movies are about that I have or --
- 20 Q. No, this movie that you watched with (the plaintiff)?
- 22 A. No.
- 23 Q. Can you characterize it as an adventure, a comedy,
- 24 an action movie, drama, documentary?
- 25 A. Probably comedy.
- 1 Q. Comedy?
- 2 A. Probably.
- 3 Q. Okay. And do you remember any scene in the movie
- 4 which had at least a sexual connotation in it about oral sex?
- 5 A. No.
- 6 Excuse me, I've got to go to the bathroom. Be
- 7 right back.
- 8 (Whereupon, witness left the room.)
- 9 THE VIDEOGRAPHER: Shall we go off the record?
- 10 MR. FLYNN: Why don't we just wait rather than stop
- 11 the camera.
- 12 How long do you think Mr. Walters will be?
- 13 MR. PARSONS: Well, based on what I have heard, I
- 14 expect he will be two or three minutes.
- 15 MR. FLYNN: Why don't we just keep the cameras
- 16 rolling.
- 17 THE VIDEOGRAPHER: Okay.
- 18 (Short pause in proceedings.)
- 19 THE WITNESS: Okay.
- 20 BY MR. FLYNN: Q. In paragraph No. 2 on page 2 of
- 21 Exhibit 43, sir, you classify the next, second category of
- 22 attack as being, quote, "A small but vocal handful of
- 23 people who have, as nearly as I can tell,
- 24 accomplished nothing in their lives; whose
- 25 actions seem to be centered solely in the
- 1 desire to battle" -- "to belittle, to mock,
- 2 and to destroy."
- 3 Who are those people that you are referring to in
- 4 that paragraph?
- 5 A. Well, I, I have named them before. One of them is
- 6 Eric Estep, another one is Don Price, another one is Steve
- 7 Scott, another one is Craig Doctor. There are others whose
- 8 names I don't, that don't come so readily to mind.
- 9 Q. And how do you know, sir, that these people are
- 10 engaged in actions designed to belittle, mock and destroy?
- 11 A. Well, having known them for many years, I could

12 list many, many reasons. I don't know if you want a whole
13 category?

14 Q. No. In the (the plaintiff) case, what have they done in
15 the (the plaintiff) case to indicate to you that --

16 MR. PARSONS: Wait.

17 BY MR. FLYNN: Q. -- that they're attacking you?

18 A. They've written letters to our people, they've
19 written letters to me. They've gone to The Union. They've
20 threatened to -- when I gave a lecture in Nevada City, they
21 threatened to boycott the lecture and create a scene, such
22 that the newspapers brought a photographer hoping to catch
23 some action. They've talked to different individuals about
24 the case. That's enough.

25 Q. Okay. With regard to this lecture you were going
1 to give, how does that relate to the (the plaintiff) lawsuit?

2 A. That, I think the lecture was after the filing of
3 this, and they were threatening to create a commotion outside
4 the bookshop where I lectured, but nobody showed up.

5 Q. When you say --

6 A. This was after --

7 Q. You mean no one showed up for your lecture or these
8 individuals you have enumerated didn't show up?

9 A. Well, I'd like to be able to say nobody came to the
10 lecture, but in fact, the hall was full, so it was not these
11 people that came.

12 Q. Was it filled with Ananda devotees?

13 A. Not very many, mostly public.

14 Q. Okay. But no one showed up to boycott?

15 A. That's right.

16 Q. But you were warned in advance, I take it from your
17 testimony, that they intended to show up and --

18 A. It wasn't --

19 Q. -- disturb your lecture?

20 A. Sorry, I'm going too fast.

21 It wasn't I who was warned; it was the bookstore
22 owner.

23 Q. Okay. Now in that warning, did that in some way
24 relate to the (the plaintiff) case?

25 A. Because of the timing, I have to presume that.

1 Q. Okay. So this is a presumption on your part?

2 A. Yes.

3 Q. The bookstore owner didn't say anything that
4 related to the (the plaintiff) case?

5 A. I don't remember.

6 Q. Okay. And you put "gone to The Union." I take it
7 that's a newspaper?

8 A. That's correct.

9 Q. And in what way does that relate to the (the plaintiff)
10 case?

11 A. Well, the reporter, Will Holbert, came to that
12 lecture -- I was told. I didn't know him so I wouldn't have

13 known whether he did or didn't. And then these people came
14 to him that next day, I believe. And it's just then that
15 this, this article came out in The Union pressed by them --
16 this is how The Union excused it to us.

17 Q. Okay. I'm still not clear. I take it that these
18 people that you have enumerated in some way went to The Union
19 and told them information about the (the plaintiff) case. Is that
20 what you are trying to say?

21 A. Yes.

22 Q. Okay. What information, to your knowledge, did
23 they give them?

24 A. That it had been filed.

25 Q. Anything else?

1 A. I'm sorry, I don't remember.

2 Q. Did they give them a copy of the complaint, if you
3 know?

4 A. I don't know.

5 Q. Did they give them copies of any documents?

6 A. I don't know.

7 Q. Did they give them copies of any declarations of
8 any women that had been filed?

9 A. Sooner or later they did. I don't know if they did
10 it then.

11 Q. Okay. So I take it you don't, you don't have any
12 idea what they said or gave to The Union newspaper?

13 MR. PARSONS: Objection.

14 BY MR. FLYNN: Q. At this point in time that you
15 are talking about?

16 MR. PARSONS: Objection, that misstates his
17 testimony.

18 You may respond.

19 THE WITNESS: What was the question again?

20 BY MR. FLYNN: Q. Yeah, what, what if anything to
21 your knowledge did these individuals you have enumerated or
22 others who fall into the second category give to The Union
23 that related to (the plaintiff) case?

24 A. Well, I'd have to think about it.

25 MR. PARSONS: And he's already testified, I believe
1 it's his testimony that they informed the reporter of the
2 case.

3 MR. FLYNN: Well, see, this is where I am unclear.

4 Q. Go ahead and answer, Mr. Walters, if you can.

5 A. I think they gave him the complaint itself, as I
6 think it over. They were in touch with Ford Greene. I
7 believe it wasn't quite yet then that they got in touch with
8 you, but at some point along the line the reporter talked to
9 you. It may have been that first article. You'd know that.

10 Q. Well, I didn't get involved until sometime, I think
11 it was in May or June of '95. So you are talking about a
12 period within weeks after --

13 A. I'm not able to say.

14 Q. -- filing of the complaint; is that correct?

15 A. I don't know.

16 Q. Well, what article in the newspaper are you

17 referring to?

18 A. When the court case was filed in San Jose, an

19 article came out in the San Jose Mercury News, and then these

20 people were pressing, these people that I have enumerated in

21 paragraph 2, were pressing -- this is the way the reporter

22 told it to our people -- to get an article printed in The

23 Union. And Will Holbert called us on it and said that

24 "they're pushing so hard that we have to do this."

25 And I have had no direct contact with Will Holbert

1 myself, so I can't speak from direct knowledge.

2 Q. Who are "our people" that you are referring to?

3 A. People in our office.

4 Q. Who?

5 A. Probably John Smallen, but there would be others.

6 Q. Okay. And then John Smallen told you that these

7 people, to use your words, were "pushing" The Union to

8 publish something?

9 A. Yes.

10 Q. Okay. So do you have any direct personal knowledge

11 of any documents that anyone gave to The Union relating to

12 the (the plaintiff) case?

13 A. None.

14 Q. Do you have any direct personal knowledge of any

15 information verbally that any individual gave to The Union

16 relating to the (the plaintiff) case?

17 A. It depends on how you mean, what you mean by direct

18 or personal.

19 Q. Well, that Will Holberg or someone at The Union

20 newspaper told you.

21 A. Well, I have already said that I haven't talked to

22 him.

23 Q. Okay. So this is something that Smallen and/or

24 others have told you?

25 A. Correct.

1 Q. Have they, have Smallen or anyone else, identified

2 any documents given to The Union by anybody relating to the

3 (the plaintiff) case, to you?

4 A. I don't know.

5 Q. Have they identified any information given to The

6 Union, these -- let me restate that.

7 Has Smallen or any other people in your office

8 identified any information to you given by some of these

9 people you have enumerated to The Union?

10 A. I don't recall.

11 Q. Okay. Now the other item you mentioned is that

12 they wrote letters. What letters did they write, these

13 people you have enumerated?

14 A. This is in paragraph 2 still?

15 Q. Yeah, this, I had asked you about what they did,
16 what actions they engaged in.

17 A. It isn't stated here.

18 Q. No, I know. You testified, sir --

19 A. I see.

20 Q. -- that they wrote letters, they went to The Union,
21 they boycotted a lecture, and they talked to other
22 individuals, is the way you put it. Now what letters did
23 they write?

24 A. Well, Eric Estep, possibly under the name of
25 Sundaram, wrote a letter to all the community. When, I don't
1 remember. What it was about, I didn't read it. I read
2 enough to know that it was untrue.

3 No, my memory is not very sharp on this right now.

4 I have been out of the country till just the day before
5 yesterday and my mind's been elsewhere.

6 Q. When you say the letter was untrue, did you sue
7 Mr. Estep for libel?

8 A. No.

9 Q. What in the letter was untrue?

10 A. Well, let's see, he was quoting things that were
11 supposed to have been said to me that were not said to me.

12 Q. Okay. How did that letter, if at all, relate to
13 the (the plaintiff) case?

14 A. I don't remember any more.

15 Q. Was the letter written before the (the plaintiff) case?

16 A. I don't remember.

17 Q. Do you know the approximate time of the year the
18 letter was -- well, strike that. Do you know what year the
19 letter was written?

20 A. I do not.

21 Q. Was it in 1994?

22 A. I have already said I do not know.

23 Q. Was it in 1993?

24 A. The answer is the same.

25 Q. Was it written when (the plaintiff) was still
1 a member of Ananda?

2 A. I think it was since then; it had to be since then.

3 Q. Did anything in the letter relate in any way to the
4 (the plaintiff) case?

5 A. I didn't read the letter.

6 Q. Okay. Now can you identify anything that any of
7 these people that you have enumerated, or anyone else did, to
8 attack you or your organization as it relates in some way to
9 the (the plaintiff) case?

10 A. Again my -- I'd have to -- I don't, it doesn't come
11 to mind.

12 Q. Okay. The third category of your attackers,
13 quote/unquote, is SRF. That's this other religious
14 organization that, that you believe is financing this
15 litigation, Mr. Walters?

16 A. Correct.

17 Q. And you believe that the attorneys, namely myself
18 and Flynn, Sheridan & Tabb, and Mr. Greene are receiving
19 money from this organization; is that correct?

20 A. Correct.

21 Q. Well, I will state at this point on the record
22 categorically that no attorney has ever received a nickel in
23 the (the plaintiff) matter from SRF.

24 A. Then I would say that they gave it to somebody else
25 to give to you.

1 Q. I will say categorically on the record that to my
2 knowledge SRF has not contributed a nickel to any person that
3 indirectly or in any way has ever ended up in this case.

4 A. That's an interesting statement.

5 MR. PARSONS: Yes.

6 BY MR. FLYNN: Q. Yes. And it will bear out to be
7 true, sir; that I assure you of. Now --

8 MR. PARSONS: I am interested in source of this
9 knowledge.

10 MR. FLYNN: What's that?

11 MR. PARSONS: I am interested in his ability to
12 make that statement, but never mind.

13 THE WITNESS: Yes.

14 BY MR. FLYNN: Q. What is it, sir, that, in
15 connection with the (the plaintiff) case, that SRF has done that
16 caused you to write what you wrote in paragraph 3?

17 A. We've written a whole letter on that. Perhaps we
18 could refer to that letter.

19 Q. Well, yeah, I don't know where to go fishing around
20 for a letter. Can you -- without the letter, can you tell
21 me, identify one thing that you had in mind when you wrote
22 this paragraph that SRF had done in connection with the
23 (the plaintiff) case?

24 A. Well, I can, I can refer to a number of things.
25 One -- just a moment.

1 (Attorney-client conference.)

2 THE WITNESS: Okay.

3 Well, we, we've heard, I think it's true, that
4 Anna-Marie went to Mount Washington, which is the
5 headquarters of Self-Realization Fellowship, was given lunch
6 by Daya Mata -- something she would never do normally --
7 given private interviews by a number of leaders down there,
8 allowed to meditate in Yogananda's room, which was closed to
9 the public because, I think, of earthquake repairs, I'm not
10 sure, and given all sorts of encouragement at that, that
11 meeting. Quite obviously, the inference is clear. That's
12 one very strong statement, evidence.

13 When I was in India recently, I was told that
14 somebody was talking about these depositions, which were
15 supposed to be private and confidential, and saying that I
16 admitted everything, which I have not. But where would they

17 have gotten that except -- I mean it was somebody in SRF who
18 heard it. I assume that you told them, or if not you --

19 BY MR. FLYNN: Q. "You" being Michael Flynn?

20 A. Quite right, or Ford Greene or one of your team,
21 that you told them. And although the report was untrue, it
22 could not have come without knowledge of these supposedly
23 private depositions.

24 And SRF was very happy to have this news, at least
25 we must assume their happiness, from their freedom, the
1 freedom with which they circulated these false reports.

2 Q. Okay. Who told you that Michael Flynn or Ford
3 Greene had disseminated information from your deposition to
4 SRF?

5 A. That's inference.

6 Q. On what basis are you drawing the inference?

7 A. The, the report that was being circulated in India.

8 Q. Report from who? I don't mean to interrupt you
9 but --

10 MR. PARSONS: Well, you are.

11 BY MR. FLYNN: Q. I know I am interrupting. I'd
12 like to find out who, sir, made any statement to you, and
13 then we'll get into the content.

14 A. Who?

15 Q. Who made -- I'll withdraw my prior question.

16 Who made any statement to you in this so-called,
17 quote, "report," that you referred to that information from
18 your deposition had been disseminated to SRF by Michael Flynn
19 or Ford Greene?

20 MR. PARSONS: Okay, I do have a statement here. I
21 do request that once you have asked a question and the
22 witness is responding to that question, you not stop his
23 response and ask a different question.

24 MR. FLYNN: Fine, fair enough. That's obviously
25 agreeable.

1 MR. PARSONS: Okay.

2 MR. FLYNN: But in light of the rambling nature of
3 some of the responses, I'd like to pin some of this down,
4 Mr. Parsons.

5 Q. Who, Mr. Walters, told you that, what you have
6 testified to?

7 MR. PARSONS: Vague as to what he's testified to
8 and vague as to "that."

9 BY MR. FLYNN: Q. That Michael Flynn and Ford
10 Greene gave information from your deposition to SRF?

11 A. That was not --

12 Q. Who told you that?

13 A. That was not my testimony.

14 Q. All right. You testified about a report. Who did
15 you get the report from?

16 A. The person, I'm going to claim third-party
17 confidentiality; he, he would not want his name known. The

18 person who told him was Brother Shantananda in India, who is
19 the head of the work there. And he did not mention Flynn,
20 Greene, anything, but the things that they were mentioning
21 could only have -- did only come out of this deposition.

22 Q. All right. I'd like, I'd like to know the person
23 who told you that information from this deposition had been
24 disseminated. I want that person identified --

25 A. I'm not going to give it to you.

1 Q. -- because I'd like to depose them.

2 A. I'm not going to give it to you.

3 MR. PARSONS: Excuse me one second.

4 (Attorney-client conference.)

5 THE WITNESS: I don't want to give their name
6 because, his name because I don't want him to get, to feel
7 exposed. I don't want him to feel that he can tell me
8 something in confidence and then I blurt it out to the world,
9 which is in fact what happens when I say anything in this
10 deposition.

11 BY MR. FLYNN: Q. I'm sorry, sir, but you are now
12 implicating me and my law firm --

13 A. I am.

14 Q. -- in some serious issues and I want to know who
15 the person is.

16 A. I'm not going to tell you.

17 MR. FLYNN: Your Honor, I'd like a ruling.

18 THE WITNESS: I don't feel, I don't feel I have a
19 right to break a confidence.

20 JUDGE PLISKA: I'm afraid in your deposition,
21 Mr. Walters, that you are going to have to answer this. You
22 have told about these reports; he's entitled to know who gave
23 you that information.

24 THE WITNESS: Even if it's confidential?

25 JUDGE PLISKA: Yes.

1 THE WITNESS: That's not fair to him. I don't care
2 about telling it; it's for his sake.

3 MR. PARSONS: Well, this is -- I tell you what.

4 It's about time for the blood pressure check anyway, and it
5 might benefit --

6 JUDGE PLISKA: No, I think he needs to answer this
7 question, and then you will get your blood pressure checked.
8 You can't pick a convenient time for this.

9 MR. PARSONS: No, I was going to talk with him and
10 see --

11 THE WITNESS: Okay, let's talk it over, because I
12 honestly do not see --

13 JUDGE PLISKA: Well, Mr. Walters --

14 THE WITNESS: -- how I can betray a confidence.

15 JUDGE PLISKA: You have made allegations, you have
16 told that those allegations came from reports by somebody.
17 He is very definitely under the law entitled to know now who
18 told you this.

19 THE WITNESS: But I did tell who told this person.
20 JUDGE PLISKA: You have got to tell who told you.
21 He's entitled to know that.
22 THE WITNESS: Really?
23 JUDGE PLISKA: Yes.
24 (Attorney-client conference.)
25 THE WITNESS: Okay. Well, it's no big deal, but
1 his, I just -- when somebody tells you something in
2 confidence, you want to honor that; however, it's not going
3 to hurt --
4 MR. PARSONS: I, I should say, by, by the way, that
5 you have attempted to protect that confidentiality; you are
6 under compulsion to disclose it now.
7 THE WITNESS: Okay.
8 MR. PARSONS: There's a protective order in place,
9 which, if everyone obeys that order, this is never going to
10 get out. So, you know, I, I believe you have, you have
11 performed good faith efforts to protect them.
12 THE WITNESS: Okay, it's Devi Mukherjei.
13 BY MR. FLYNN: Q. Debi -- would you spell the last
14 name, please.
15 A. M-U-K-H-E-R-J -- something or other, either double
16 E or E-A or I.
17 Q. And where does she live?
18 A. He.
19 Q. He. Oh, Devi?
20 A. Yes.
21 Q. Devi or Debi?
22 A. Both. Either way. It's Bengali that pronounce it
23 Debi. You see, the reason -- we obviously know it's a
24 feminine name, but it's Devi Persad, which means gift of the
25 goddess.
1 Q. Regardless of the pronunciation, how is it spelled,
2 sir?
3 A. D-E-V- -- B-I, I guess.
4 Q. D-E-V-I, okay. And where does Devi Mukherjei live?
5 A. Calcutta.
6 Q. Do you have a street address?
7 A. No.
8 Q. Okay. And who did Devi Mukherjei report to who
9 reported to you? Can I have that name again? You mentioned
10 something?
11 A. Shantananda.
12 Q. Brother, did you say?
13 A. Uh-huh, or swami, I'm not sure which it is.
14 Q. Can you spell that?
15 MR. PARSONS: I believe, however, your question is
16 misstated. You asked who did Devi report to who reported to
17 Mr. Walters. That wasn't his testimony.
18 THE WITNESS: No.
19 BY MR. FLYNN: Q. Okay. How does Shantananda fit

20 into the picture here?

21 A. Shantananda told Devi.

22 Q. Okay. Can you spell Shantananda's name for me,
23 please.

24 A. S-H-A-N-T-A-N-A-N-D-A.

25 Q. And where does Brother Shantananda live?

1 A. I don't know.

2 Q. Does he live in India?

3 A. Yes.

4 Q. It sounds like he may live in India.

5 A. Yes, yes, he's in charge of the SRF work there, but
6 where he lives, I don't know.

7 Q. In charge of the SRF work in India, okay.

8 Now, just a couple more minutes and then we'll take
9 your blood pressure break.

10 As closely as you can remember or as specifically
11 as you can remember, what did Devi Mukherjei say that Brother
12 Shantananda said?

13 A. That they accused me of sexual harassment and that
14 I admitted everything --

15 Q. Who's --

16 A. -- in my deposition.

17 Q. Who's the "they"?

18 A. They, he didn't specify. They just spoke about
19 this lawsuit.

20 Q. Okay. Mukherjei did not specify who the "they"
21 were?

22 A. No. He talked about this being a lawsuit, but he
23 didn't speak of, he didn't speak of it in detail.

24 Q. Okay. And then the statement was made that you
25 admitted the sexual harassment in your deposition; is that
1 correct?

2 A. Yes.

3 Q. And who did Mukherjei say divulged that you had
4 admitted to sexual harassment in your deposition?

5 A. Say that again.

6 Q. Did Mukherjei identify anyone who had divulged the
7 admission by you of your sexual harassment --

8 MR. PARSONS: I'll --

9 BY MR. FLYNN: Q. -- in your deposition?

10 MR. PARSONS: I'll object, but I'll allow him to
11 testify as to what Mukherjei said or --

12 MR. FLYNN: Yeah, that's what I want to know.

13 MR. PARSONS: Oh, I'm sorry. Go ahead.

14 THE WITNESS: He said that Brother Anandamoy and
15 this other brother, whose name I keep getting wrong but I
16 think it's something like Vishudananda --

17 BY MR. FLYNN: Q. What was that again?

18 A. Anandamoy, A-N-A-N-D-A-M-O-Y.

19 Q. Yeah.

20 A. And Vishudananda, but I may have that name wrong,

21 and you can spell it as well as I can. I've no idea; I mean
22 I haven't seen it written.

23 Q. Okay.

24 A. That they -- Anandamoy came to India early this
25 year to dedicate the new temple in Ranchi. So he was not
1 scheduled to come to India at all, but he came, and 15 days
2 ahead of his usual schedule, the normal time that he would
3 have come. Now whatever that means, it wasn't specified.
4 But he came, and then after that, Shantananda told him these
5 things.

6 Now Devi didn't hear from Shantananda all this
7 information; he got it because he goes to the services.

8 Q. I'll try it again. What did Devi say to you?

9 A. I'm telling you what he said. These are things he
10 said.

11 Q. Okay. Did --

12 A. This isn't all that he said either.

13 Q. Well, what he else did he said?

14 A. Well, I was in middle of it and you interrupted me.

15 Q. I'm sorry, go ahead.

16 A. So he said that they came here early and their
17 great interest was to know what my movements were. He wanted
18 Devi to spy on, on me for them. He, Shantananda did. That
19 they wanted to know what my purpose in going to India was.
20 They were anxious to know what I was doing in Calcutta, whom
21 I was seeing. How they found out all the information, I
22 don't know, but they seemed to know everybody I had dinner
23 with, every home I visited. All of this was, were things
24 Devi Mukherjei told me.

25 Q. Okay. What did Mukherjei say about the (the plaintiff)
1 lawsuit?

2 A. He told me he thinks it's a total lie.

3 Q. Okay. What else did Mukherjei say about the
4 (the plaintiff) lawsuit?

5 A. That's really the extent of it.

6 Q. What did Mukherjei say about your deposition in the
7 (the plaintiff) lawsuit?

8 A. It didn't come up in the context of the deposition.

9 It only came up in the context of things that I declared
10 under oath, which was a lie but --

11 Q. Okay, what came up in the context of things you had
12 declared under oath in your conversation with Mukherjei?

13 A. The fact that, the statement that I had made these
14 admissions.

15 Q. Okay. Mukherjei said to you that in your
16 deposition you had made admissions of sexual harassment; is
17 that correct?

18 A. No.

19 Shall we take that break?

20 Q. No. Just before we take the break, what did he say
21 about your admissions in your deposition about sexual

22 harassment?

23 A. He didn't use the word "deposition"; he said under
24 oath, so what's the difference? But he didn't use the word
25 "deposition." That's what makes it -- that's what I had to
1 clarify.

2 Q. Okay. Can you tell me as closely as you can recall
3 what he said that led you to believe that the information had
4 come from Michael Flynn and/or Ford Greene about your
5 admissions?

6 A. The fact that the information came out and that we
7 would not have told it, so who else could?

8 Q. All right, I'll try it one more time. Regardless
9 of the inferences you may want to draw, what did Mukherjei
10 say, as closely as you can recall, about your admissions?

11 A. I have already told you everything.

12 Q. All right, let me see if I can recharacterize it.
13 Everything, from what I gather from what you have said, is
14 that Mukherjei said that under oath you had admitted sexual
15 harassment; is that correct?

16 A. It's not correct.

17 Q. All right. In what way is it not correct?

18 A. It's not correct because he didn't say that. He
19 said they said that, and he said he didn't believe it for a
20 moment.

21 Q. And who's the "they"?

22 A. "They" means Shantananda and whoever gave the
23 information to Shantananda.

24 Q. Okay, Mukherjei said that Shantananda said that you
25 had admitted to sexual harassment in your deposition; is that
1 correct?

2 MR. PARSONS: Again, that misstates it. The word
3 was "under oath."

4 BY MR. FLYNN: Q. Under oath, correct. Is that
5 statement correct?

6 A. I'm not entirely sure where he got this particular
7 statement because now -- I tried to get the information clear
8 from him, and he talked of having spoken with Shantananda.
9 It must be that way, that he got it, that he said he got it
10 from Shantananda, but what he was talking about more
11 specifically with Shantananda was -- now that I'm thinking
12 about it -- with regard to my movements in India.

13 Q. I think I -- I, I must confess frustration. Why
14 don't we take a break? I think I am going to have to give up
15 on this area.

16 THE VIDEOGRAPHER: It's 10:49. We're going off the
17 record.

18 (Recess taken.)

19 THE VIDEOGRAPHER: We are back on the record. It
20 is 10:55.

21 BY MR. FLYNN: Q. All right, let's go back to this
22 first, the first category; I give up on the second one.

23 With regard to Ms. (the plaintiff) going to Mount
24 Washington and meeting Daya Mata and having private
25 interviews and getting encouragement, what does that have to
1 do with the (the plaintiff) case?
2 A. The inference is very strong.
3 Q. What's the inference?
4 A. Mr. Flynn, you are not a fool, I'm not a fool. You
5 know what I am talking about.
6 Q. Just, please, sir, would you tell me what the
7 inference is.
8 A. Okay.
9 MR. PARSONS: Excuse me one moment. Wait.
10 (Attorney-client conference.)
11 MR. PARSONS: Can I have that last question read
12 back, please?
13 BY MR. FLYNN: Q. Yes, what's the inference?
14 A. The inference is that after she, while she was --
15 okay, the whole story as I knew it is, and it's been
16 explained in our declarations and so on; in her declarations,
17 I believe, but I'm not sure.
18 She went to the SRF temple, met Eric Estep; Eric
19 Estep took her down to Mount Washington after he heard about
20 her complaints, introduced her to Daya Mata. Daya Mata, who
21 never sees anybody, talked to her. Daya Mata, who wouldn't
22 have had lunch with her as a new person, had lunch with her.
23 All of this makes it clear that she's interested. Is it
24 proof? No, this is inference, but it's very clear inference.
25 Q. Inference of what?
1 A. Of their interest in (the plaintiff)'s complaints.
2 Q. Is it your testimony that it's SRF that instructed
3 (the plaintiff) to file this lawsuit?
4 A. I don't know about that.
5 Q. Well, it's your belief, sir, that SRF is
6 financially supporting this lawsuit?
7 A. Yes.
8 Q. Okay. And we already -- you have no facts to
9 support that; is that correct?
10 A. I have facts that are circumstantial.
11 Q. Okay. What are the circumstantial facts?
12 A. I have just several times stated them.
13 Q. This meeting with Daya Mata and the private
14 interviews at Mount Washington; is that correct?
15 MR. PARSONS: Well, and the other things he's
16 already explained.
17 BY MR. FLYNN: Q. What other things?
18 A. It's on all on the record; I don't need to repeat
19 it.
20 MR. PARSONS: He's given you a list.
21 BY MR. FLYNN: Q. Have you made any effort to get
22 any discovery from (the plaintiff) or from SRF as to
23 any financial contributions they've made?

24 MR. PARSONS: Objection as to whether the
25 defendants have made an effort to get discovery. That's
1 inappropriate to ask a party.

2 THE WITNESS: Yes. You see, I'm not, I'm not --

3 BY MR. FLYNN: Q. You don't know anything about
4 that?

5 A. Right.

6 Q. Okay. Let me show you a letter that Asha Praver
7 wrote, which has been marked as Exhibit 4. Asha Praver is
8 one of the -- Asha Praver is one of the leaders of the Ananda
9 community; is that correct?

10 A. Yes.

11 Q. Now in this letter Asha Praver says that (the plaintiff)
12 is mocking and blaspheming the same teachings that
13 apparently SRF holds sacred; is that correct?

14 A. How do I know if it's correct? I wasn't present.

15 Q. Well, have you read this letter before?

16 A. I have -- are you asking me is it correct that she
17 wrote it? Yes, that must be correct; I see it.

18 MR. PARSONS: Okay, yeah. And if it's a question
19 of what the letter says, I object. The letter obviously
20 speaks for itself.

21 THE WITNESS: But I wasn't at the deposition.

22 BY MR. FLYNN: Q. Well, did Asha Praver tell you
23 at any time that (the plaintiff) mocked and blasphemed
24 Yogananda's teachings?

25 A. Yes.

1 Q. She did? Okay. Now did you draw an inference from
2 that that (the plaintiff) was against Yogananda's
3 teachings and opposed to SRF?

4 MR. PARSONS: Objection, compound.

5 THE WITNESS: Objection, compound.

6 BY MR. FLYNN: Q. Did you draw any such
7 inferences?

8 A. Which inference?

9 Q. That (the plaintiff) was opposed to SRF?

10 MR. PARSONS: Was opposed to SRF?

11 BY MR. FLYNN: Q. Yes. After Asha Praver told you
12 that (the plaintiff) had blasphemed Yogananda's
13 teachings?

14 A. I don't know about the SRF. I, I, from what I have
15 heard from Asha Praver, she blasphemed the teachings. I
16 don't know what she said about the organization. I don't
17 think she said anything.

18 Q. Okay. Well, did you draw any inference that she
19 was opposed to Yogananda's teachings from what Asha Praver
20 told you?

21 A. Yes.

22 Q. And did you draw any inference that,
23 notwithstanding (the plaintiff)'s opposition to
24 Yogananda's teachings, that it would be inconsistent that SRF

25 was financially supporting her?

1 A. I don't remember.

2 Q. Okay. Can I have Exhibit 4 back, please?

3 Now let's go down to the bottom of the page. On

4 page 2 of Exhibit 43, you write, "(the plaintiff)'s legal team

5 numbers five people: a lawyer from Boston" -- is that -- you

6 mean me there; is that correct?

7 A. Yeah, I mean you; I haven't named you.

8 Q. Okay. "One from Southern California." Is that

9 Phil Stillman, my partner?

10 A. Correct.

11 Q. "Another from Marin County." Is that Ford Greene?

12 A. Correct.

13 Q. "And two paralegals from Southern California." Who

14 are they?

15 A. I don't remember their names. You could tell me.

16 Q. And you write, "Where is the money coming from to

17 pay for all this? Certainly these people are not donating

18 their labors free of charge."

19 What led you to believe that?

20 A. How am I going to answer that question? I can't

21 believe that you would do this much work free of charge.

22 Q. Did you entertain at the time that we may be doing

23 this in order to balance the playing field between you as a

24 large organization and (the plaintiff) as a single

25 woman?

1 A. No, I didn't, and it doesn't.

2 Q. Okay. "The cost of the depositions must be up to

3 \$10,000 a day." Where did you get that information?

4 A. Well, we talked about it and it seemed like it

5 added up to that, but I, I have not got an accounting sheet

6 here to tell me that.

7 Q. Okay. "Only SRF has that kind of money." Do you

8 believe that to be a truthful statement?

9 A. Who else would?

10 Q. Well, do you know anything about the net worths of

11 Flynn, Sheridan and Tabb?

12 A. Nothing.

13 Q. And do you know anything about the history of

14 Flynn, Sheridan and Tabb to participate in lawsuits where

15 they believe that justice is needed to be done?

16 A. I don't.

17 Q. And do you know anything about the history of

18 Flynn, Sheridan and Tabb to put up money in lawsuits, to

19 finance the lawsuits if they believe that justice needs to be

20 done?

21 A. Are you telling me you are financing it?

22 Q. Yes. Absolutely, Mr. Walters.

23 A. With your money?

24 Q. With my money?

25 A. Knowing nothing about this case, you put that much

1 money into it? You don't know me, you don't know Ananda. I
2 can't believe that.

3 Q. Okay. Well, that's fine. Did you do any research
4 or investigation of any nature or description before you
5 wrote this to find out where the money was coming from to
6 support this lawsuit?

7 A. I did no research.

8 Q. So when you wrote this --

9 A. It's inference.

10 Q. Then you write, "Again, SRF has shown an obsession,
11 since their own lawsuit began, with winning against us at all
12 costs." On what basis do you make that statement in
13 connection with the (the plaintiff) case?

14 A. I spoke about it in connection with the case they
15 filed against us.

16 Q. Okay. Not the (the plaintiff) case?

17 A. The inference from that is that they would do
18 anything that they can to win.

19 Q. Including pay funds from a charitable, nonprofit
20 organization to a private law firm to finance a lawsuit in
21 which they had no interest; is that correct?

22 A. That's my belief.

23 Q. Have you done anything to look at their public
24 filings with the Internal Revenue Service in connection with
25 their nonprofit status?

1 A. Not yet.

2 Q. I suggest you do.

3 "The three (the plaintiff)" -- quote, "The three
4 (the plaintiff) lawyers have shown that lying, for them, is an
5 art." Now you are accusing us of lying, Mr. Walters.

6 A. I am.

7 Q. Okay. On what basis do you make that accusation?

8 A. Well, I read your papers and they were full of
9 twistings of things that we said and turning them into
10 untruths.

11 Q. Okay. Can you begin to enumerate what you read in
12 the papers where we, where the lawyers lied?

13 A. I would have to go through it and then I'd be able
14 to answer you. It's been quite a long time now since I've
15 read it.

16 Q. What do you want to go through?

17 A. Your briefs, your papers, everything.

18 Q. When you wrote this, did you have those papers in
19 front of you?

20 A. I had had them in front of me.

21 Q. Well, when you wrote this publication did you have
22 any of the briefs in front of you?

23 A. I had had them in front of me.

24 Q. Okay. What briefs did you have in front of you
25 when you wrote this publication?

1 A. Sir, I don't know. But the briefs that come with

2 the court case. I, I can't -- I'm not a lawyer, I don't know
3 how you name these different things. But it was the, the
4 complaint, the answer, the -- and reply. I, I don't know,
5 but it was your writing.

6 Q. Okay. Can you identify one fact you deemed to be a
7 lie when you wrote this?

8 A. I would like to see that before I could make a
9 statement.

10 Q. Well, let me ask you this then. Before you would
11 approve this for publication, did you check those briefs that
12 you referred to to determine what lies you were referring to?

13 A. I knew very well how many there were; I had read
14 them myself. Did I check it again? No. I didn't have to;
15 I'd read it.

16 Q. And in what way did you determine that the papers
17 contained lies?

18 A. Sir, I, I would not answer that without seeing the
19 papers now.

20 Q. Can you identify any, can you identify one paper
21 that you need to see?

22 A. No. I'd need to see them.

23 MR. PARSONS: But he's already described the
24 category or type of papers.

25 BY MR. FLYNN: Q. Can you identify one paper that
1 you saw prior to writing this publication?

2 A. I, I can't identify things without seeing them.

3 I'm not a lawyer; I don't know how to name these things. But
4 did I see them? Yes, I did see them. Could I identify them
5 if you showed them to me? I definitely could. There wasn't
6 one; there were many.

7 Q. Can you identify, can you name one?

8 A. No.

9 Q. Okay. Quote, "They have shown themselves
10 determined to mock goodness." Let's stop there. What
11 goodness -- strike that. The "they" I assume you are
12 referring to is the three lawyers: Flynn, Greene and
13 Stillman; is that correct?

14 A. Yes.

15 Q. And what goodness are we mocking?

16 A. How can you answer a question like that? It's
17 just -- it bemuses the mind.

18 Q. Well, what did you have in mind when you wrote that
19 we were mocking goodness?

20 A. I'm convinced -- I'm convinced we're good. I'm
21 convinced I'm good. I'm convinced that we're doing a good
22 thing. You, who knew nothing about it, come on with what you
23 claim to be your private funds to attack something you don't
24 know and to defend allegations by people you don't know. I
25 call that mocking goodness.

1 Q. You sued (the plaintiff) for defamation, did
2 you not? You personally?

3 A. That was a countersuit made by us, not by me.
4 Q. Would you look at Exhibit 13, please, sir.
5 That's your cross-complaint, or countersuit as you
6 characterize it, is that correct, Exhibit 13?
7 A. That's why I said "us," not "I."
8 Q. Isn't it a fact that you sued?
9 A. We did.
10 Q. You're a party, Mr. Walters.
11 A. Quite correct.
12 Q. You are aware you are a party --
13 A. Yes.
14 Q. -- who has sued (the plaintiff)?
15 A. Yes.
16 Q. And you are the head of a large religious
17 organization that numbers between 600 and 800 people?
18 A. You're -- I guess we're just playing with words.
19 Yes, I am party to this, this cross-complaint.
20 Q. Yes. And as party to the cross-complaint, you are
21 the head of a large religious organization that numbers
22 between 6- and 800 people; is that correct?
23 MR. PARSONS: Objection to the characterization.
24 As a party he's head, I mean --
25 BY MR. FLYNN: Q. Well, you are the head of the
1 Ananda community, are you not?
2 A. Yes.
3 Q. And you have sued both in your capacity as an
4 individual and in your capacity as the head of the Ananda
5 community, have you not?
6 A. No, because the head is not a monolith, so I as an
7 individual and we as a board of directors.
8 Q. Have sued a single woman for defamation; is that
9 correct?
10 A. After she defamed, not before.
11 Q. And the defamation, which is the core of the issue
12 in this case, is that you have engaged in a systematic
13 pattern of exploitation of women in your capacity at Ananda;
14 isn't that the defamation that you are complaining about?
15 MR. PARSONS: Well, objection as to the form of
16 that question which characterizes it as a core of the
17 allegation and things like that, so it is a compound and
18 ambiguous question as phrased.
19 You may answer if you can formulate a response.
20 THE WITNESS: I really can't. I don't know what
21 you are talking about.
22 BY MR. FLYNN: Q. We're going to get into the
23 declaration.
24 So the goodness you are referring to in Exhibit 43
25 is yourself and your community?
1 A. The work that we are doing is a good work. The
2 work that we are doing has helped many people. The work that
3 we are doing has not hurt people. It's, I don't call it a

4 rightful act to attack a good thing.

5 Q. Okay. In what way have the lawyers mocked
6 goodness?

7 A. You have called it sham religion, fraudulent
8 religion. You have used all sorts of terms that you yourself
9 know; I don't need to go combing through it to find them.
10 These are false allegations. There's no, there's no truth to
11 them; and so I call it defamation.

12 Q. Okay. Is there anything else? You have got that
13 we've called it a sham religion. Is there anything else that
14 you believe indicates that we have mocked goodness?

15 A. In the letter of Asher Praver, she talks about the
16 tone of absolute mockery that took place at depositions that
17 I was not present at, so I can't talk from direct experience.
18 I can talk from the tone that you have exhibited at these
19 depositions, which has been insulting and rude. I can talk
20 of the tone of your papers, which have been full of lies. I
21 can talk about the general -- even your statement at one of
22 these depositions -- well, no, I'm not going to go into that.
23 But just again and again you have shown an attitude of
24 unbelievable rudeness, unnecessary rudeness.

25 Nobody talks to me like that. I don't talk to
1 myself like that. Not out of fear but because people love
2 me. I love them. I wouldn't -- I would love you if there
3 were, if you were coming for any other reason than to destroy
4 me. But your evident determination to destroy me, obviously
5 I'm not going to support.

6 Q. And that's to you an indication that we're mocking
7 goodness? You being goodness and us being evil?

8 A. I didn't say that.

9 Q. Well, let's go on, see what else you said. Quote,
10 "They are, as nearly as we can tell, the closest thing to
11 embodiments of evil as we are likely to meet in this
12 lifetime: men of low consciousness and vicious conduct." Who
13 is the "they" you are referring to?

14 A. The impression you give -- you specifically; the
15 others I know less, but also the three of you is certainly
16 that.

17 But let me explain, too, what St. Bernadette said.

18 Q. Is certainly what?

19 A. She said that a sinner is somebody who loves evil,
20 not one who does evil. It seems to me you love evil. You
21 love to destroy. You're a sadist. This is my impression of
22 you. And I don't state it as a fact, because I can't speak
23 in facts.

24 But do you represent evil? No, I don't know that
25 you do or not; that's between you and God.

1 Q. But we are the embodiment of evil?

2 A. You appear such to me.

3 Q. And this is a judgment that you have made,
4 Mr. Walters?

5 A. It's not so much a judgment as an opinion.

6 Q. Do you know whether we have ever been, the lawyers
7 have ever been ministers of a religious organization who have
8 engaged in sexual conduct with their parishioners?

9 A. Say that again.

10 Q. We as lawyers, to your knowledge, have we ever been
11 the head or ministers of religious organizations who have
12 engaged in sexual conduct with our parishioners?

13 MR. PARSONS: I have got to object to that type of
14 question. It's obviously argumentative. You know, we are on
15 the seventh day of this depo --

16 MR. FLYNN: I'll withdraw it.

17 Q. What have we done to indicate that we are the
18 embodiment of evil, Mr. Walters?

19 A. I didn't say you were -- did I say you were the
20 embodiment of evil? Did I use that expression?

21 MR. PARSONS: It's up here: "They're the closest
22 thing to the embodiment of evil as we are likely" --

23 THE WITNESS: Oh, okay. Well, you will have to
24 give me some time to think about this. Say it again.

25 BY MR. FLYNN: Q. What have we done, the lawyers,
1 to give you the impression that we are the closest thing to
2 embodiments of evil as you are likely to meet in this
3 lifetime?

4 A. Well, the scriptures all speak of good and evil,
5 and probably the main criterion used is the wish to harm
6 other people. You have displayed a wish to harm other
7 people. You are not murderers, I don't presume. You are,
8 however, desirous and emotionally committed to destroying me
9 and us, so it appears. To that extent, this is evil. If you
10 were trying to do good, you would try to promote good, not to
11 destroy what you perceive is evil. So to that extent, I
12 think the statement is true.

13 Q. In what way are we trying to destroy you, sir?

14 A. I think this whole case speaks for that.

15 Q. In what way will this case destroy you?

16 A. It won't, but I think that's your intention.

17 Q. In what way have we manifested that intention?

18 A. By your harassment, by your lies, by your
19 determination -- when I say something, you quote it back as
20 if it were something exactly the opposite, obviously
21 determined to put me in the wrong even when I'm not. I call
22 that --

23 Q. So it's your view, I take it from this paragraph,
24 that you represent goodness and we represent the embodiment
25 of evil; is that a fair statement?

1 A. No.

2 Q. In what way is it not a fair statement?

3 A. I would not presume to say I represent goodness. I
4 will say I try to serve goodness. I try my best to be good;
5 but I will never say I represent it. Nor would it be fair to

6 say you represent evil. Each of us represents it only to the
7 extent that he does something like that. But no, you are not
8 an evil man, basically. I hope that I'm a good person to the
9 extent that I hope everybody's inherently good.

10 Q. Well, am I the embodiment of evil?

11 MR. PARSONS: Now I do want to object. Again, this
12 is so far afield from anything having to do with this
13 cross-complaint or the complaint --

14 MR. FLYNN: I disagree.

15 MR. PARSONS: We're spending the whole morning on
16 this thing as this witness' opinions that he shared with,
17 with his community, and we're going into this elaborate depth
18 of embodiments of evil, and it's a waste of time on the
19 seventh day of a deposition, and I would just request we move
20 on.

21 JUDGE PLISKA: It seems as though you have explored
22 this area pretty fully, Mr. Flynn.

23 MR. FLYNN: One or two more questions, Your Honor.

24 JUDGE PLISKA: Let's hear them. If they're
25 different, fine. He's already answered the embodiment of
1 evil question a number of times.

2 MR. FLYNN: Right. I'm not sure I have on the
3 record that I represent the embodiment of evil. I'd like to
4 see if I get an affirmative to that.

5 MR. PARSONS: Well, he has already stated, I
6 believe his words were to the effect that he wouldn't presume
7 to say who does or does not embody evil.

8 THE WITNESS: No, represent evil.

9 MR. PARSONS: Represent evil.

10 BY MR. FLYNN: Q. Well, let me ask you this. Let
11 me ask you this. When you wrote, "They are, as nearly as we
12 can tell, the closest thing to embodiments of evil," did you
13 include me?

14 A. Yes.

15 Q. So at the time you wrote that --

16 A. Do I still? Yes.

17 Q. All right. Do you believe that I represent the
18 embodiment of evil?

19 A. No, I didn't say "represent evil." That's, that's
20 playing with words.

21 Q. Strike "represent." Do you believe that I am the
22 embodiment of evil?

23 A. In your actions, you appear so to me. I do not say
24 that you may not be a good father, decent husband. I doubt
25 it, but nonetheless it's always possible. I understand that
1 you go to Mother Meera in Germany, and this may be a good
2 thing. I just don't know.

3 Q. Where did you get that information?

4 A. Hah, I won't tell you. Why should you care?

5 Q. I'd like to know where you get that information.

6 A. I'm going to the bathroom.

7 THE VIDEOGRAPHER: Shall we let the tape continue
8 to roll?

9 MR. FLYNN: Yes, leave it on.

10 (Pause in proceedings from 11:21 to 11:26 a.m.)

11 MR. PARSONS: Did we have a question pending?

12 BY MR. FLYNN: Q. Well, I am just going to ask a
13 conclusory question.

14 Are there any other facts you can specify,

15 Mr. Walters, that led you to make this statement that

16 (the plaintiff)'s lawyers are the embodiments of evil?

17 A. I think I have covered it pretty well. The main

18 points when religious and scripture talks about evil is a

19 deliberate endeavor to harm, hurt, destroy. The secondary

20 one I've covered elsewhere, and that is telling untruths.

21 But as long as people don't try to hurt other

22 people but try to help them, at least I think they're serving

23 the cause of good. I would not call them embodiments of

24 good. Nor am I sure about my, let's say, call it theological

25 correctness in saying that I think you specifically,

1 Mr. Flynn, are embodiment of evil. I wouldn't say that. But

2 I would say that in your actions and against Ananda, me,

3 Danny Levin, et cetera, et cetera, that those are evil

4 actions.

5 As I said, quoting St. Bernadette again, a sinner

6 is one who loves evil, not one who necessarily does it. It's

7 the zeal that you put into this attack, into this -- I would

8 say it's almost, that it appears to me to be a sadistic

9 nature, and that's what I would call --

10 Q. But you represented to some 600 plus people, have

11 you not, that we as the lawyers for (the plaintiff) are the

12 embodiment of evil?

13 MR. PARSONS: Objection.

14 THE WITNESS: Excuse me, I've covered that.

15 MR. FLYNN: Okay.

16 MR. PARSONS: And I also object, if you are

17 referring to the letter, that speaks for itself in the words

18 that are used.

19 BY MR. FLYNN: Q. Well, since you have made this

20 representation that we are the embodiment of evil, is it your

21 intent in this deposition to withdraw it?

22 A. No.

23 Q. So you stand by the fact that the (the plaintiff)

24 lawyers are the embodiment of evil?

25 MR. PARSONS: Wait. Objection. Stand by -- you

1 know, you are entitled to ask this witness questions of what

2 he knows and what he feels. Positions are inappropriate;

3 it's like contention questions in a deposition.

4 BY MR. FLYNN: Q. Well, is there anything that you

5 wish to retract from the statement that you have made that

6 the (the plaintiff) lawyers are the embodiment of evil?

7 MR. PARSONS: Objection.

8 BY MR. FLYNN: Q. As you have made it in this
9 document?

10 MR. PARSONS: Okay.

11 THE WITNESS: No.

12 BY MR. FLYNN: Q. Okay. Now, and the same thing
13 with regard to your statement that we are men of low
14 consciousness and vicious conduct, is there anything that you
15 wish to retract from that statement?

16 A. I don't wish to retract it. I may find -- I mean
17 it's up to you to prove yourself better. I would retract in
18 a moment if I saw you were better.

19 Q. Okay. Are those statements in part based on the
20 fact that (the plaintiff) has sued you and we're representing
21 (the plaintiff)?

22 MR. PARSONS: Objection. The statements he just
23 made or the statements in the letter?

24 BY MR. FLYNN: Q. The statements in the letter.

25 A. No, they're based on the way you are behaving.

1 Q. Okay. But not the fact of the lawsuit?

2 A. No.

3 Q. Okay. Now you have sued (the plaintiff) and
4 we've showed you the counter-claim, which I'm going to put in
5 front of you now, which is Exhibit 13.

6 MR. FLYNN: Judge, I don't know if I have got an
7 extra one.

8 JUDGE PLISKA: That's all right. I didn't bring
9 them; I should have. I probably have got --

10 MR. FLYNN: Yeah, I don't know if I have got an
11 extra one. I'm going to be going through it now.

12 Q. Okay. Did you read your cross-complaint against
13 Ms. (the plaintiff) for defamation before it was filed?

14 A. Is this question finished?

15 Q. Yes.

16 A. Yes.

17 Q. And you are a member of the litigation committee of
18 the Ananda Church of God Realization; is that correct?

19 A. It's the Church of Self-Realization, but I am.

20 Q. Okay. Well, the face of your -- okay, okay.

21 And the other members of the litigation committee
22 are who, Mr. Walters?

23 A. Let's see, John Smallen, Sally Smallen, John Novak,
24 Devi Novak, Cathy Parojinog, Asha and David Prayer, and of
25 course, our lawyers.

1 Q. Okay. Who are your lawyers?

2 A. Mr. Parsons and Ms. Rush.

3 Q. Well, Ms. Rush is a member of your community; is
4 that correct?

5 A. Yes.

6 Q. But Mr. Parsons is not a member of your community?

7 MR. PARSONS: Wait, wait. I'm going to object as
8 to my membership in the community. I don't see how that's

9 relevant and it intrudes into my right of privacy.

10 MR. FLYNN: Well, all I want to know is, on the
11 litigation committee, is Mr. Parsons an independent attorney
12 or is he one of the members of the community? Because I've
13 got all kinds of issues if he's a member of the community
14 that I relate to the attorney-client privilege in terms of
15 meetings; you know, what capacity he was acting in. But we
16 don't even have to get into all that, because if he's not a
17 member of the community, then I don't even, I don't have any
18 of those problems; I'll just adhere to all the
19 attorney-client guidelines whenever he's present. But if he
20 is a member of the community -- and I don't want to make a
21 mountain out of a mole hill -- then I have got a different
22 set of problems. That's all I need to know, is his capacity?

23 MR. PARSONS: I just don't understand how that
24 would relate.

25 MR. FLYNN: I just described it.

1 MR. PARSONS: Well, I'll object on the grounds
2 of --

3 (Conference with Ms. Rush.)

4 MR. FLYNN: It's like a lawyer being a director of
5 a corporation. That's why all our malpractice insurance
6 policies differentiate.

7 JUDGE PLISKA: Yeah, there is a problem there as to
8 whether you are acting as a lawyer or a member of the
9 community making decisions on behalf of the community but not
10 as acting as lawyer. So I think that does need to be
11 clarified.

12 MR. PARSONS: All right.

13 THE WITNESS: I have no problem answering it. I
14 have question about Sheila Rush.

15 MR. PARSONS: Hold on. Let him ask the question
16 and then --

17 THE WITNESS: Okay.

18 BY MR. FLYNN: Q. Is Mr. Parsons a member of the
19 Ananda community?

20 A. No.

21 Q. Okay, that's the end of that problem.

22 He's acting as your independent counsel?

23 A. Correct.

24 Q. Okay. And as a member of your litigation
25 committee, he's an independent attorney --

1 A. Correct.

2 Q. -- is that fair to say?

3 A. Yes.

4 Q. Okay. All right. Now did the entire litigation
5 committee approve this cross-complaint for filing against
6 Ms. (the plaintiff)?

7 A. I don't know.

8 Q. Did you vote for the filing of the complaint?

9 A. I did.

10 Q. Okay. Did anyone to your knowledge dissent from
11 the filing of the complaint?

12 A. No.

13 Q. Okay. Let's get into the complaint. Page 2,
14 paragraph 6, you allege, "After severing her association
15 with Ananda, (the plaintiff) filed the (the plaintiff)
16 Litigation, a sham lawsuit against
17 cross-complainants falsely alleging sexual
18 harassment concerning (the plaintiff)'s brief
19 consensual adulterous relationship with
20 Levin."

21 Now what facts, if any, do you know of that make
22 you believe that (the plaintiff)'s allegations of sexual
23 harassment are false?

24 A. Do you want the long answer or the short?

25 Q. All the facts you know of.

1 A. Well, I knew about her relationship with Levin. I
2 knew that she was the one that -- she was very much for it.
3 I don't know whether she instigated it or not, but I think
4 she did. She came to me for counseling about it; therefore,
5 I would have to say it was consensual.
6 I know that we had to do our best to separate her
7 from him, him from her -- I want to make it clear that it was
8 both, both were being treated equally in this respect. I
9 know that when I urged her to stay away from him, she said,
10 "It's difficult." And she also added, "He's very magnetic."
11 I know that when she went to India, my hope was
12 that in going to India, that she would break this attachment.
13 Instead, from all that I understood from her and others, she
14 prayed that God make it possible for her to marry Danny.
15 I know that what she told me personally was "I
16 would make a good mother to Alisa," who is their backward
17 daughter. She told me that she was determined to take Danny.
18 None of these things add up to harassment. She --
19 it was I, who, when I saw that she was not going to follow
20 what I was trying to say, which is "you are not going to
21 break up this marriage or I will do everything I can to stop
22 that from happening," and for that reason I wanted her to
23 move to another of our communities. It had nothing to do
24 with her work; it had entirely to do with her desire to marry
25 Danny Levin.

1 And so I, I asked her to go to one of our other
2 communities. I recommended Assisi or Seattle. She
3 determined that she wanted to go to Palo Alto and I didn't
4 obstruct that.

5 All of these things make it very clear, plus the
6 fact that she left that meeting extremely angry with me,
7 wouldn't look at me and wouldn't say goodbye because I had
8 thwarted her will. And it was strictly out of a desire, as I
9 can see it, for vengeance against Danny and against me, of
10 thwarting her will, that she instigated her lawsuit.

11 Q. Now all of the testimony that you have given, is
12 this from a counseling session that you had with
13 Ms. (the plaintiff)?

14 A. Yes.

15 Q. And when did that counseling session occur?

16 A. Well, the years are written clearly there, and I
17 don't remember them now. Was it '93? I think so.

18 Q. How many counseling sessions did you have with
19 Ms. (the plaintiff)?

20 A. At least three.

21 Q. Okay. And when, to your knowledge, was the first
22 counseling session?

23 A. I don't know the month.

24 Q. What is your best memory of the year?

25 A. Again, it's written -- if the facts in the briefs
1 contradict what I say, then the facts in the brief are
2 correct and I'm wrong. So to the best of my recollection, it
3 was in 1993.

4 Q. That the first counseling session took place?

5 A. They took place over a period of two months.

6 There was another factor involved here, and it's
7 mentioned by her, but totally distorting the facts, and this
8 was that he wanted to have a seclusion at our seclusion
9 retreat, just to get his mind straightened out, because he
10 was, he was confused on this thing himself.

11 And I said, you are not to do it while she's there.

12 And so I insisted that he not use -- he wanted to use my
13 house there. I insisted he could not go there unless she was
14 not at that community. So during that period she moved to
15 town -- now I don't remember the circumstances now -- for a
16 week.

17 After that, I don't clearly know what happened
18 because I went to the hospital for major surgery and I was
19 really not involved. I talked to John Smallen about most of
20 the things that I requested, even moving her from one job to
21 another. I didn't do any of this directly but through him as
22 the general manager.

23 And the, the -- let's see now, where am I? I'm
24 rambling on this.

25 Q. I just wanted to know when the counseling sessions
1 took place, and you said they took place in a period of two
2 months.

3 A. Two months. I think it was from April to June, if
4 I'm not mistaken. It was around June 21st that I went to the
5 hospital, so it was before that that I talked to her, at
6 least, at least then; I'm not sure about the earlier one.

7 I talked to Danny and told him not to, not to be
8 there if she was there.

9 Now I understand that she went there -- this had
10 nothing to do with me.

11 Q. I don't really mean to interrupt, but maybe -- let

12 me ask another -- are you done? I don't want to cut you off.

13 A. I'm not sure. Let me think.

14 Q. All right.

15 MR. PARSONS: I believe that you have responded to
16 the question he had in front of you. I don't know if you are
17 augmenting --

18 THE WITNESS: Yeah, I am trying to respond to that
19 first question of what things were lies in her declaration.

20 She declared things that --

21 MR. PARSONS: So you are giving additional
22 testimony?

23 THE WITNESS: Yes, to the previous -- yes, I'm
24 sorry, I should clarified.

25 MR. PARSONS: Okay.

1 THE WITNESS: But when she was trying to say that I
2 was pushing them together, I was doing my best to separate
3 them. That's, I guess that's what I was trying to say.

4 BY MR. FLYNN: Q. Okay. Where did the counseling
5 sessions take place?

6 A. I think at my home.

7 Q. In your private living quarters?

8 A. Yes, I think so. I wouldn't want to do this where
9 other people would be.

10 Q. Do what?

11 A. Counsel her.

12 Q. Was anyone else present in any of the three
13 counseling sessions?

14 A. No.

15 Q. Who --

16 A. I talked to her and Danny separately.

17 Q. Who requested the first counseling session, you or
18 Ms. (the plaintiff)?

19 A. She did.

20 Q. And in what manner did she request it? Did she
21 call you on the phone? Did she send you a letter? What did
22 she do, if you can recall?

23 A. I don't remember.

24 Q. What time of the day did the counseling session
25 take place, the first one?

1 A. The first one was in the evening just after work,
2 after her work.

3 Q. Approximately what time?

4 A. I don't know. I'd say six.

5 Q. I understand that most nights she worked till seven
6 or eight o'clock, so --

7 A. Yes, I don't remember.

8 Q. Okay. And in that first counseling session, as
9 best you can recall, did she indicate why she wanted
10 counseling from you?

11 A. Not on the phone or by letter, however she
12 contacted me. She told me when she came.

13 Q. And what did she tell you?

14 A. That she had this attraction for Danny and wanted
15 to -- probably she, as I look back now, probably she wanted
16 me to go along with that, but of course, I could not because
17 he was married. So I was trying to suggest to her ways to
18 stay away from him, not work close to him, all those things
19 that you would normally say.

20 Q. Okay. Now did she tell you in any form of words
21 that she wanted to take Levin from his wife and wanted your
22 approval?

23 MR. PARSONS: Objection, compound.

24 Go ahead.

25 THE WITNESS: Yes, that was only at the very end,
1 the last one when I told her that, that -- what she told me
2 earlier --

3 BY MR. FLYNN: Q. Let's stick with the first one,
4 if we can.

5 A. No, no, she didn't say anything about wanting to.
6 It was more on a level of my saying, this is not a good
7 thing, and her giving me the impression, but it didn't seem
8 like that's what she had in mind, but well, it was going to
9 be difficult but she would try. That's the way, that's the
10 impression I got. Try, try -- to make it clear -- try to
11 stay away from him.

12 Q. All right. Let's see if we can pin down what she
13 said and you said, okay?

14 A. Uh-huh.

15 Q. What did she say with regard to, if anything, in
16 the first counseling session, her wanting to take Levin from
17 his wife?

18 A. She didn't say that.

19 Q. Okay. What did she say, if anything, with regard
20 to her relationship with Levin vis-a-vis wanting your support
21 of it?

22 A. Shall I just tell you how it happened? Would that
23 be easier? I don't know how to answer your question.

24 Q. Well, did she ask in the first counseling session
25 for your support of her relationship with Levin?

1 A. No.

2 Q. Okay. Now --

3 A. I think, I think she would have liked that, but she
4 didn't phrase it that way, and yet it made it clear that she
5 wasn't in tune with my attempt to separate them.
6 I reminded her -- I'm talking more; I don't know if
7 I should or not. But I reminded her that he had a backward
8 child and that quite apart from the wrongness of taking a
9 husband away from his wife, the backward child made it a much
10 stronger equation there, where she needed her father. And so
11 I appealed to her human decency in not pursuing this thing.
12 All I got for an answer was, "Well, it's difficult"
13 and "He's very magnetic."

14 Now I, perhaps foolishly, assumed that she was
15 going to do her best to break it off. In retrospect, I have
16 to say I think that was not her intention, and she certainly
17 didn't say that it was.

18 Q. All right. Now did she say it was her intention
19 during the meeting, the first counseling session, to pursue
20 the relationship with Levin?

21 A. I think I have made that clear, Mr. Flynn. Try to
22 understand, these are subtle things to talk about, but I, I
23 have made it, I think, quite clear that she did not say that.
24 She said -- I got the impression she was going to do her best
25 to break it off or to stay away, but that it wasn't easy.

1 And I assumed from that that she wanted to break it off and
2 would do her best, because that would be the norm. Instead,
3 what I see in retrospect, but it's not what she said, is that
4 she intended fully to pursue that relationship.

5 Q. Okay. Now in this first counseling session did the
6 two of you sit together on your couch?

7 A. We've covered all of that. Yes, that was the
8 evening.

9 Q. Okay, it's in the first one? That's what I want
10 to --

11 A. Yes.

12 Q. -- just nail down. I know -- we're not going to go
13 back through all the details, but it was the first one, the
14 first counseling session when she came to you, where you took
15 her head and put it in your lap, which you have testified to?

16 A. Yes.

17 Q. Okay. Was it in the first counseling session when
18 you took her head and put it in your lap that a movie was
19 watched by the two of you?

20 MR. PARSONS: Okay. Again, this has been gone over
21 repeatedly in prior depositions. I do want to object. It's been
22 asked and answered. Again, you know, the seventh day with a
23 witness with medical problems --

24 MR. FLYNN: I just want to get it down which
25 counseling sessions, Mr. Parsons.

1 THE WITNESS: I want to make -- you can laugh if
2 you like. It's not a funny thing. Your allegations are
3 untrue. You are saying that I came on to her. I was very
4 definitely not trying to come on to her. I was trying to
5 keep her from Levin, not to come on as a rival. And so my
6 entire counseling was to try to get her to understand that I
7 wasn't her enemy, I wasn't judging her, I was being her
8 friend, but this was crossing a line she couldn't cross.

9 BY MR. FLYNN: Q. All right. When you were
10 providing counseling, was her head in your lap?

11 A. No.

12 Q. When you were providing counseling, were you
13 looking at a movie?

14 A. No.

15 Q. What counseling session did you look at the movie
16 in?

17 A. After the counseling session I wanted to watch a
18 movie. I don't remember what movie it was. And I didn't
19 want to send her out. I was doing my best to make her feel
20 that I was not her enemy and judging her.

21 Q. All I really need to know is whether it was the
22 first one?

23 A. I think I'm entitled to answer your question.
24 After the counseling session.

25 Q. The first one?

1 A. The first one.

2 Q. Okay. You have gone back on your testimony. I
3 just needed to pin that down. If you want to add anything,
4 go ahead. But it was the first counseling session you put
5 her head in your lap and that you watched the movie; is that
6 correct?

7 MR. PARSONS: No, that misstates it. It was after
8 the first counseling session that these events happened.
9 That's his testimony.

10 BY MR. FLYNN: Q. The same evening?

11 A. Yes.

12 Q. All right. In light of your counsel's statement,
13 first, in the first counseling session, first you counseled
14 her, then you put her head in your lap, then you watched a
15 movie?

16 A. No, I did not follow that sequence.

17 Q. Okay, what is the sequence?

18 A. The sequence was that she said she had a bad neck
19 and I offered to adjust it.

20 Q. But what I want to know, Mr. Walters, is was that
21 during the counseling session or afterwards?

22 A. Afterwards.

23 Q. How long after the counseling session ended did you
24 put her head in your lap?

25 A. I do not remember.

1 Q. An hour?

2 A. No, I don't remember, but it certainly wasn't an
3 hour.

4 Q. It was the same evening, though?

5 A. Yes. I think so, but I'm not certain about that.

6 Q. Was it the same evening that you watched the movie?

7 A. Yes, I think so, but again, I'm not sure.

8 Q. Okay. Now, and it's your testimony that in the
9 movie there was no depiction of an oral sexual act?

10 MR. PARSONS: Objection. That is his testimony;
11 you know it's his testimony. You have got it on the record
12 four or five times now.

13 THE WITNESS: This is what I mean by the
14 harassment, the sadism, all the things that I said.

15 BY MR. FLYNN: Q. Yes, but see, I don't want a

16 second movie cropping up in some way along the way in the
17 next counseling session.

18 MR. PARSONS: There has been no testimony about a
19 second movie --

20 BY MR. FLYNN: Q. Let's clear that up.

21 Is there any other movie involved other than the
22 one movie?

23 A. I don't think so.

24 Q. Okay. Now how long did the counseling session
25 last?

1 MR. PARSONS: On the first, first instance?

2 BY MR. FLYNN: Q. First counseling session.

3 A. I don't remember. I would say probably not more
4 than half an hour.

5 Q. Okay. How long were you sitting on the couch with
6 her with her head in your lap?

7 A. Five minutes.

8 MR. PARSONS: Okay.

9 BY MR. FLYNN: Q. And how long did the two of you
10 watch a movie together?

11 A. That I don't remember. I don't -- if I'm correct
12 in this, and again it's all a little vague, but I don't think
13 I liked the movie and so I think I stopped it. I do that to
14 a lot of movies.

15 Q. How long would you estimate you were with
16 Ms. (the plaintiff) that evening?

17 A. All together?

18 Q. Yes.

19 A. Hour and a half.

20 Q. Okay. Now during that hour and a half, how many
21 times did you tell her that you did not want her to pursue
22 the relationship with Levin?

23 A. I didn't tell her that.

24 Q. Let's move on to the second counseling session.

25 A. Do you want me to explain why I didn't tell her
1 that?

2 Q. If you want to explain, sure.

3 MR. PARSONS: If you feel that you need to --

4 THE WITNESS: Yes.

5 MR. PARSONS: -- to answer completely, then --

6 THE WITNESS: Yes, because otherwise it would look
7 as if I am contradicting myself, and I'm not.

8 MR. PARSONS: Then please do.

9 THE WITNESS: Yes. I did not tell her not to. I

10 said, here is what's involved. It's involving the life of
11 not just one man, but his wife, his backward child. It
12 doesn't seem to me you want to do that.

13 I talked to Danny to ask him what he wanted before
14 I would commit myself on it, but I was already trying to
15 discourage her without saying "I will not let you" or
16 anything of that nature. I respect people's free will even

17 to make mistakes, but I saw it as a mistake.

18 BY MR. FLYNN: Q. Okay. And you told her that?

19 A. Yes.

20 Q. How many times did you tell her it was a mistake?

21 A. How many times do you need to?

22 Q. I just -- can you tell me how many times you told

23 her?

24 A. No.

25 Q. Okay.

1 A. I made my point clear, that's all.

2 Q. During the first counseling session did you and she

3 discuss (woman #7)?

4 A. No.

5 Q. Did you and she discuss the relationship that you

6 had with (woman #7) when (woman #7) was married and

7 you had become sexually involved with (woman #7)?

8 MR. PARSONS: Objection. You know, that's

9 argumentative. It has --

10 BY MR. FLYNN: Q. I want to know if the discussion

11 took place about this subject?

12 A. You want to know lots of things that are totally

13 useless.

14 MR. PARSONS: Excuse me.

15 You asked him the question whether it was

16 discussed; you got a clear, unambiguous answer that it wasn't

17 discussed. To then ask a question loaded with your, you

18 know, your agenda --

19 MR. FLYNN: Please, Mr. Parsons.

20 I am entitled, Your Honor.

21 JUDGE PLISKA: He's entitled to -- I don't think

22 so, Mr. Flynn. I think he answered that question, you know.

23 I think Mr. Parsons is correct.

24 MR. FLYNN: All right.

25 MR. PARSONS: Are you going to the bathroom?

1 THE WITNESS: Bathroom, yes.

2 THE VIDEOGRAPHER: I need to change videotapes, so

3 perhaps this is a good time for that.

4 MR. PARSONS: It might be good time.

5 THE VIDEOGRAPHER: This is the end of videotape 17

6 in the deposition of J. Donald Walters. It is 11:52.

7 (Recess taken.)

8 THE VIDEOGRAPHER: This is the beginning of

9 videotape 18 in the deposition of J. Donald Walters. It is

10 11:56.

11 BY MR. FLYNN: Q. During your first counseling

12 session with Ms. (the plaintiff), did you mention to her that you

13 had become sexually involved with a married woman who was an

14 Ananda devotee?

15 A. I talked not at all about myself.

16 Q. Well, when you say you talked not at all about

17 yourself, during the evening you were with her in which the

18 first counseling session took place, did you tell her that
19 you had problems with your body that you wanted her to
20 massage?

21 A. I was having heart trouble at the time. I think I
22 asked her to rub my shoulders.

23 Q. And was that during the counseling session or after
24 the counseling session ended?

25 A. After.

1 Q. And what did you tell her about any health problems
2 that you had?

3 A. My -- this is the reason I had a heart operation a
4 year ago. My heart was giving me so little energy I could
5 hardly walk 20 feet at that time, so that's all I talked
6 about.

7 Q. Okay. You told her that?

8 A. I don't know that I did, but it seems very likely.

9 Q. Did you tell her about any other problems you were
10 having with your body?

11 A. No.

12 Q. Did you tell her that you wanted her to massage any
13 other parts of your body other than your shoulders?

14 A. I did not.

15 Q. Did you take your shirt off during the massage?

16 A. I did not.

17 Q. Did you ask her whether she wanted a massage?

18 A. I did not.

19 MR. PARSONS: Now I am going to object. We have
20 gone into tremendous detail on this single incident of
21 massage.

22 MR. FLYNN: I'm leaving that area, Mr. Parsons.

23 MR. PARSONS: Fine.

24 BY MR. FLYNN: Q. Now during this first counseling
25 session --

1 A. How was that area being left when we raise that
2 same statement?

3 Q. During this counseling session, did you know how
4 long Ms. (the plaintiff) had been a member of your community?

5 A. No.

6 Q. Did you ask her?

7 A. No.

8 Q. Did you understand that she was a student at the
9 community?

10 A. I don't -- I don't remember.

11 Q. Did you ask her where she lived in the community?

12 A. Well, she lived at the seclusion retreat; I knew
13 that.

14 Q. Did she tell you that?

15 A. I don't remember.

16 Q. Did she tell you where she worked in the community?

17 A. I knew where she worked.

18 Q. How did you know that?

19 A. Well, let me go into the details as I think they
20 happened, but I'm not sure. We needed somebody who knew
21 computers well, and she's, she was said to be very good at
22 computer programming. So they recommended that she -- and
23 this is where I'm not clear. It may have been while she was
24 living in Palo Alto that we brought her up there to work at
25 Crystal Clarity or it may be that she was at Ananda Village
1 and there somebody mentioned her name and recommended her for
2 that.

3 I didn't have anything to do with that except, as I
4 recall, they needed somebody; they said she'd be good. I
5 said, "Well, fine. Try her." But I was not actively
6 involved in that, so I don't really remember.

7 Q. All right. Do you remember whether or not she told
8 you during this counseling session that she worked at Crystal
9 Clarity?

10 A. Well, I knew by then that she did. By then I knew
11 that she did, to make it clearer.

12 Q. Okay. What was your understanding as to
13 approximately how long she had been a member of your
14 community?

15 MR. PARSONS: His understanding at the time?

16 BY MR. FLYNN: Q. At the time.

17 A. I just don't know. I'm not even sure she ever was
18 a member as such. It usually takes a year to become a
19 member, so I don't know.

20 Q. Well, did you have any sense that she had been
21 there for less than a year?

22 A. I would guess it was less than a year but -- "any
23 sense" is a vague statement and I can only answer it as
24 vaguely.

25 Q. Okay. Did she tell you that she had been there for
1 less than a year?

2 A. I don't remember.

3 MR. PARSONS: During this first session?

4 BY MR. FLYNN: Q. During this first session.

5 MR. PARSONS: All your questions are during this
6 first session?

7 MR. FLYNN: Yup.

8 THE WITNESS: I have no recollection of that.

9 BY MR. FLYNN: Q. Okay. Well, you knew personally
10 that she had not been a long-time member of the community;
11 isn't that true?

12 A. Yes, that is true.

13 Q. Now let's shift to Minister Levin in this first
14 session. You knew during the first session that Minister
15 Levin was one of your members, one of your ministers; is that
16 correct?

17 A. Of course, of course.

18 Q. And how many ministers were there at the community
19 when this first session took place?

- 20 A. Over a hundred. I don't know how many.
- 21 Q. Okay. And how many light bearers were there?
- 22 A. That I don't know.
- 23 Q. Can you give me an approximate estimate?
- 24 A. 25.
- 25 Q. Okay. And Minister Levin was one of the light
1 bearers; is that correct?
- 2 A. I think so, yes.
- 3 Q. And light bearers are viewed as, in effect, senior
4 ministers who are authorized to perform certain ceremonies;
5 is that correct?
- 6 A. Yes.
- 7 Q. Okay. What was your understanding during the first
8 counseling session as to how long Minister Levin had been in
9 the community?
- 10 A. It's been a long time, at least 15 years, probably
11 20.
- 12 Q. And what was your understanding during the first
13 counseling session as to how long he had been a minister?
- 14 A. At least 15 years, I would say, but I don't know;
15 it may be less.
- 16 Q. And is it a fair characterization that Minister
17 Levin as a minister had been on the spiritual path at Ananda
18 for 15 or 20 years and that (the plaintiff) had been on
19 the spiritual path at Ananda, to your knowledge, for less
20 than a year?
- 21 A. Yeah.
- 22 Q. Okay. Now let's shift to their employment. You
23 knew that Minister Levin during this first counseling
24 session, did you not, worked at Crystal Clarity?
- 25 A. I did.
- 1 Q. And you knew that he was a supervisor at Crystal
2 Clarity of (the plaintiff), did you not?
- 3 A. He was not.
- 4 Q. What was his position at Crystal Clarity?
- 5 A. He was salesman and he went out on the road a lot
6 selling books. That's it.
- 7 Q. Did he have any supervisory authority, to your
8 knowledge, at Crystal Clarity --
- 9 A. No, he --
- 10 Q. -- when (the plaintiff) was there?
- 11 A. He did not, to my knowledge.
- 12 Q. To your knowledge, did he give (the plaintiff)
13 any instruction with regard to her duties at
14 Crystal Clarity?
- 15 A. I -- no, not to my knowledge.
- 16 Q. Did (the plaintiff) tell you that he was her
17 supervisor in giving her instruction in her job at Crystal
18 Clarity during this first counseling session?
- 19 A. No. And I should say that the first counseling
20 session was not on the level of who has what responsibilities

21 and duties and who's a minister and who isn't a minister. It
22 was strictly on a level of her attraction for him, which
23 seemed to be reciprocated.

24 Q. Fine. I know you want --

25 A. Nothing --

1 Q. -- to repeatedly say it was consensual,

2 Mr. Walters, and you are going to have a chance to say it.

3 A. Well, I have a right to say it, that's true.

4 MR. PARSONS: Yeah, he's entitled to respond to

5 your questions.

6 THE WITNESS: And there's no point in mocking my

7 response. It's the truth as I know it.

8 MR. FLYNN: Well, Mr. Parsons, to respond to you,

9 he oftentimes adds answers and or doesn't answer and just

10 says what he wants. That's why I made the statement I did

11 now.

12 Q. Mr. Walters, during the first counseling session

13 did you and Ms. (the plaintiff) discuss the fact that the two of

14 them, Minister Levin, a senior light bearer, and (the plaintiff)

15 a short-term member of the community, were

16 working in close proximity to each other at Crystal Clarity?

17 A. Inasmuch as Crystal Clarity was one large room, I

18 don't know how proximate or distant they were, but they could

19 not have been very distant; they were in the same room.

20 Q. All right. But what I needed, though, is an answer

21 to my question.

22 A. I answered as I know.

23 Q. All right. Did you discuss with (the plaintiff)

24 the fact that Minister Levin and (the plaintiff)

25 were working in close proximity to each other

1 during this first counseling session?

2 A. We didn't, and I don't think they were. She was

3 working in a department of -- in that large building but in

4 a, as I recall, in a section just with the computers. It had

5 nothing to do with him.

6 Q. Okay. On what basis do you make that statement?

7 A. Well, it's, it's vague because I didn't, I don't

8 think I had even been there at that time. But I think it was

9 Alexandra McGilloway who told me this.

10 Q. Okay. Now --

11 A. Because after the session -- this is again my

12 recollection of something that happened two and a half years

13 ago that was not central in my life and therefore not clear.

14 But my recollection was that after this I didn't want to

15 break her confidence by telling Mrs. McGilloway why I was

16 asking, but I, I asked her, "Where is she working? What is

17 the set-up there? Is there any way we can, we can have her

18 concentrate just on that?" I didn't want to go further. It

19 was later that I realized that I had to break that

20 confidence.

21 Q. Let's go back to the first counseling session, what

22 you and Ms. (the plaintiff) talked about. You mentioned a moment
23 ago that they worked in one large room together?

24 A. That largeness would --

25 MR. PARSONS: Wait. He hasn't asked you a question
1 yet.

2 THE WITNESS: Oh. Okay, sorry.

3 BY MR. FLYNN: Q. How large was the room?

4 A. That's what I was answering.

5 Approximately the size of all these rooms put
6 together without walls.

7 Q. Okay. When you say all of these rooms --

8 A. That means all of these rooms.

9 Q. Can you give me a measurement by feet or yards?

10 A. No, but it's probably larger than this, this floor.

11 Q. Okay.

12 A. That is to say, not with the bathroom, but all of
13 the, this particular, whatever you call it, office, but not
14 this room, all the offices here going way back -- I haven't
15 been back there. But it was a, it was a very large room,
16 that's all I can say. It's a building.

17 Q. Let's try it this way. What kind of a building was
18 it?

19 A. Well, it was a warehouse type. And we had cut it
20 in half so that the books were stored in one half and the
21 other half was offices.

22 Q. Was it all on one floor?

23 A. Yes.

24 Q. And can you give me the approximate size of the
25 warehouse?

1 A. Well, you have got me. I, I can guess. I'd say --

2 Q. I want your best, your best estimate.

3 A. Yeah.

4 MR. PARSONS: Exactly. Not a guess, but if you do
5 have an estimation?

6 THE WITNESS: No, I don't. I can only guess.

7 MR. PARSONS: Well, then I'd suggest you not guess.

8 THE WITNESS: Okay, I don't -- I can't say.

9 BY MR. FLYNN: Q. During the first counseling
10 session did you inquire of Ms. (the plaintiff) how closely she
11 worked with Minister Levin?

12 MR. PARSONS: By the way, the use of the term --
13 objection, vague.

14 BY MR. FLYNN: Q. Physically close -- in physical
15 proximity.

16 MR. PARSONS: Okay.

17 THE WITNESS: No, I did not. And I have already
18 said that she had to work separately because she was working
19 in a different department.

20 BY MR. FLYNN: Q. So the answer is no, you did not
21 ask in the first counseling session how physically close they
22 were working together; is that correct?

23 A. That's correct.

24 Q. Did you ask in the first counseling session what
25 work, if any, they did together?

1 A. They didn't do any work together; I didn't have to
2 ask her.

3 Q. So the answer is you didn't ask what work they did
4 together?

5 A. Correct.

6 Q. Is that correct?

7 A. They didn't work together; I should make it more
8 clear.

9 Q. Did you know that they didn't work together in the
10 first counseling session?

11 A. I knew that their works were separate.

12 Q. How did you know that in the first counseling
13 session?

14 A. Well, I knew that she had been brought in to work
15 on computers. I knew that Danny did not work in the
16 computers; he worked on sales.

17 Q. How did you know that?

18 A. Well, because I, I -- technically, I'm in charge of
19 Crystal Clarity. I don't do the actual work; I do it through
20 other people, but to this extent I knew what the set-up was.

21 Q. Well, Crystal Clarity publishes your books, right?

22 A. Yes.

23 Q. Do they publish anyone else's books?

24 A. Yes. Only books that are dealing with our
25 particular teaching.

1 MR. PARSONS: We have also had testimony on the
2 publications of Crystal Clarity. Third party authors have
3 already been identified.

4 MR. FLYNN: Not with me. Maybe in other
5 depositions, but not with me with this witness.

6 MR. PARSONS: Well, but you should know what your
7 co-counsel asked.

8 MR. FLYNN: I'm not going to get into it anyway.

9 There's so much I need to cover, okay?

10 MR. PARSONS: Please, continue.

11 BY MR. FLYNN: Q. Back to the first counseling
12 session. You knew, as I understand it from your testimony,
13 because of your position as the person in charge of Crystal
14 Clarity, that (the plaintiff) and Minister Levin worked in
15 separate departments; is that correct?

16 A. "Knew" is probably too strong, but that was my
17 impression. That was my understanding, to make it more
18 exact.

19 Q. All right. In the first counseling session -- we
20 already know what you didn't inquire -- did (the plaintiff)
21 volunteer in what physical proximity she was
22 working with Minister Levin?

23 A. Not to the best of my recollection.

24 Q. Did she tell you in the first counseling session
25 that she worked with him on a daily basis oftentimes till
1 seven or eight o'clock in the evening where the two of them
2 were alone?

3 A. No, she didn't.

4 Q. And you are sure of that testimony, Mr. Walters?

5 A. Right.

6 Q. Did she volunteer during the first counseling
7 session at all how late she commonly worked at Crystal
8 Clarity?

9 A. No.

10 Q. Now during the first counseling session did you ask
11 her whether -- strike that. Did she volunteer whether
12 Minister Levin's duties at Crystal Clarity interacted with
13 her duties in any way?

14 A. No. I really don't know. I mean she didn't speak
15 of that, but whether they did or not, I don't know.

16 Q. Okay. Didn't she tell you that, because the sales
17 figures and people to whom you were selling your books were
18 on her computer, he was constantly coming to her for her to
19 take information off her computer about sales?

20 A. She didn't tell me, but this may be the truth. I
21 don't know.

22 Q. But your testimony is in the first counseling
23 session you have no memory of her telling you that?

24 A. Correct.

25 Q. But she may have told you that?

1 A. No, I don't think she -- well, I, I can't claim, if
2 I don't remember, that it didn't happen; I just don't
3 remember it.

4 Q. Now during the first counseling session did you
5 tell her in any form of words you were going to move her to
6 another position and take her out of that building or move
7 Minister Levin to another position and take him out of the
8 building?

9 MR. PARSONS: Either of those two?

10 BY MR. FLYNN: Q. Yeah.

11 MR. PARSONS: Okay. Objection, compound.
12 Go ahead.

13 THE WITNESS: No, I didn't talk of any kind of
14 thing like that at that time. It was all on the basis of
15 trying to get her to accept that they must try to separate if
16 they could.

17 BY MR. FLYNN: Q. Now --

18 A. I didn't want to pursue it until I had talked to
19 other people on that. I wouldn't talk to her directly on
20 that; I'd do it through other people. I was even, because of
21 my health, I couldn't get involved personally. So if I heard
22 anything, then I would talk to others, ask them questions,
23 and then try to resolve it with them, not with her. It
24 wasn't my position, in other words, to put her or not put her

25 in any kind of work.

1 Q. During the first counseling session did (the plaintiff)
2 tell you that because the two of them were working
3 in close proximity, physical proximity, and because she felt
4 that Minister Levin was coming on to her, that she requested
5 you to either move her or to move him out of Crystal Clarity?

6 A. Absolutely not.

7 Q. And you are sure of that testimony?

8 A. Yes.

9 Q. At any time did (the plaintiff) request you
10 to move her or Minister Levin out of Crystal Clarity?

11 A. At no time.

12 Q. At any time did Minister Levin request you to move
13 him or her out of Crystal Clarity?

14 A. That I don't remember.

15 Q. Okay. Have you exhausted your memory of what was
16 said in the first counseling session between you and
17 Ms. (the plaintiff)?

18 A. I think so.

19 Q. So let's move on to the second counseling session.

20 MR. PARSONS: We -- yeah, if I may? We have, I
21 understand, 12:30 lunch appointments over here. I simply say
22 it now because you are going into a new area and I'd prefer
23 not to interrupt at any particular point.

24 MR. FLYNN: Let's stop at 12:30.

25 MR. PARSONS: Okay. Well, we should leave --

1 MR. FLYNN: We started a little bit late.

2 MR. PARSONS: Yeah, yeah, I mean you still get the
3 same amount of time, you know.

4 So, 20, 25 after? I'd request --

5 MR. FLYNN: 25 after?

6 MR. PARSONS: -- that we leave at 25 after.

7 MR. FLYNN: Yeah, that's fine.

8 THE WITNESS: It takes us ten minutes to get there.

9 MR. PARSONS: Ten minutes?

10 MR. FLYNN: You will be five minutes late.

11 Q. Second counseling session, Mr. Walters.

12 Approximately how long after the first counseling session did
13 the second one take place?

14 A. Well, let me say that my recollection is clear only
15 for the first and last. Whether there were others, I don't
16 really know for sure. There must have been, but them I don't
17 remember. I think I was talking more with Danny; this was
18 about his wanting to go into seclusion to straighten all this
19 thing out in his mind. I don't think I talked to her
20 directly after that until the last one. But again, I can
21 only say I don't think so.

22 Q. Okay. So there were only two counseling sessions
23 then?

24 A. That's what I said. I think -- all I recollect is
25 the first and the final one.

1 Q. Okay. During the, between the two counseling
2 sessions, do you remember any interaction with (the plaintiff)
3 of any nature or description?

4 A. Well, let's see, she was acting in a play that I
5 wrote and I, I had to criticize the way she was acting.

6 Q. What do you mean by that? What did you tell her?

7 A. Do you want me to tell you?

8 Q. Yes.

9 A. Well, I thought that she was acting in such a way
10 as to make, as to draw people to herself rather than to God,
11 and I, I just confidentially told her that, that it would be
12 better if she forgot herself and just thought of herself as a
13 devotee of God.

14 Q. Okay. Was there any other interaction other than
15 that between the first and last counseling session that you
16 recall?

17 A. I don't recall.

18 Q. Okay. When did the last counseling session take
19 place?

20 A. Well, that had to be after she came back from
21 India, and so when would that be? Probably November.

22 Q. November of?

23 A. '93, I think. Again, I'm not entirely sure, but I
24 think it was '93.

25 Q. Okay. Your best memory was that the other
1 counseling session took place between April and June of '93?

2 A. Sometime in there.

3 Q. But you also said you thought that all counseling
4 sessions were within two months of each other.

5 A. You're right. But not necessarily with (the plaintiff);
6 it was on the subject of (the plaintiff).

7 Q. Well, I, I just want to stick with you and
8 (the plaintiff) together, the counseling session.

9 A. Well, then I don't remember now. I don't remember.

10 Q. Your best memory now is in November of '93?

11 A. Yes.

12 Q. Okay. What did (the plaintiff) say to you to
13 initiate that counseling session?

14 A. I don't recall.

15 Excuse me, I do have to go to the bathroom again.

16 I'll be right back.

17 MR. PARSONS: Do you want to just break now? It's
18 20 after.

19 MR. FLYNN: All right.

20 THE VIDEOGRAPHER: It's 12:17. We're going off the
21 record.

22 (Lunch recess from 12:17 to 1:33 p.m.)

23 THE VIDEOGRAPHER: Here we go, we're back on the
24 record. It's 1:33.

25 BY MR. FLYNN: Q. After your first counseling
1 session with (the plaintiff), did you discuss -- strike

2 that. Did you contact Minister Levin about --

3 A. Yes.

4 Q. -- the counseling session?

5 A. Yes.

6 Q. Okay. What did you tell him about it?

7 A. Well, I asked Danny what, what he wanted. I mean I

8 didn't want to impose on him, but he said no, he wanted to

9 stay with his wife. Obviously, he was strongly tempted.

10 I said, "Well, I am glad you want to stay with her

11 because it's the right thing to do. And then I would suggest

12 that you do your best to be, to separate yourself, distance

13 yourself from (the plaintiff)." That was the essence of it.

14 Q. Did you tell him what (the plaintiff)'s position was

15 vis-a-vis the relationship?

16 A. What her --

17 Q. Position was as stated to you in the counseling

18 session?

19 A. You mean her attitude?

20 Q. Yeah.

21 A. No. I didn't want to encourage him in that. She

22 wanted it. She obviously -- she said, "Well, he's magnetic.

23 I'll try," et cetera. I didn't want to encourage him, so I

24 didn't say that.

25 Q. Oh, she had told you in the first counseling

1 session that she wanted the relationship?

2 A. No, she did not. But she did not say she didn't

3 want it, and she did say it was difficult. Obviously, she

4 was attracted to him. I didn't want to fan that attraction

5 by telling him that she told me she was attracted to him.

6 Q. Did you tell him anything about what she had said

7 in the counseling session?

8 A. No, no.

9 Q. After the first counseling session did you tell

10 anyone else at Ananda anything that (the plaintiff) had

11 said in the first counseling session?

12 A. No.

13 Q. Okay. Now going up to the second and last

14 counseling session, as I understand your testimony, the only

15 interaction you had with (the plaintiff) was in

16 connection with that play, and you have described that; is

17 that correct?

18 MR. PARSONS: Well, just to clarify, he, the

19 witness has testified he's not certain about any intermediary

20 counseling session.

21 MR. FLYNN: Please, I don't need your testimony,

22 Mr. Parsons. He can so state --

23 MR. PARSONS: No, no.

24 THE WITNESS: I already said the same thing.

25 BY MR. FLYNN: Q. Well, that's fine, but you can

1 say it and not Mr. Parsons.

2 MR. PARSONS: No, no, no. You have misstated his

3 testimony, is my point.

4 MR. FLYNN: Well, then he can respond, Mr. Parsons.

5 MR. PARSONS: No. And I'm entitled to make the

6 objection. You have misstated his testimony.

7 MR. FLYNN: Okay, it's stated.

8 Q. Now, Mr. Walters --

9 A. Yes, I don't remember. That doesn't mean that I

10 didn't have, but I don't remember.

11 Q. Okay.

12 A. And I, in fact, think I did not because this was

13 the time that I was going for an operation.

14 Q. Okay. Now between the first and second and last

15 counseling session did you discuss with anybody the

16 (the plaintiff)/Danny Levin problem?

17 A. Yes.

18 Q. Who did you discuss it with?

19 A. Well, first of all, I talked about it with John

20 Smallen, because I tried to get him to -- see, I'm trying to

21 construct these things again after two and a half years.

22 Obviously, at some point, whether from Danny or

23 from her, I realized that we'd have to separate her, not only

24 in the work place, but from the work place. So I asked,

25 first of all, Alexandra McGilloway. She said it would be

1 extremely difficult. And I didn't want to tell Alexandra my

2 reasons for wanting her out. And she depended heavily on

3 (the plaintiff)'s work at that time; so, I said, well, let's wait

4 a little bit.

5 Then I talked with John Smallen about the need to

6 have her away from the seclusion retreat while Danny was in

7 seclusion in my cabin there. I didn't know anything about

8 anything that happened beyond that because that's when I went

9 in the hospital.

10 I talked -- let's see, when did I -- at some point,

11 and I don't remember clearly, I realized that she had to be

12 taken out of it, so I talked to Alexandra again and told her

13 that my reason was that there was an attraction. I didn't

14 know to what extent that attraction had developed, but I told

15 her that there was something there and I felt that we had to

16 separate them. And she said she knew about it; so evidently

17 (the plaintiff) had talked to her. And so she agreed.

18 Q. What -- are you done?

19 A. I'm not sure.

20 So John Smallen came into the act by finding

21 another job for her in computer work in the community, not at

22 the publishing house. And, in fact, it was a promotion for

23 (the plaintiff) and the obvious solution.

24 In any work like that, you take the person who's

25 the most important for the work. Danny's salesmanship was a

1 permanent and long-range thing, so the question of his being

2 moved out was not an issue. We weren't talking in terms of

3 firing anybody; it was in terms of spiritual discipline, what

4 is best for the community, et cetera. On that basis I asked
5 John Smallen to take her out of Crystal Clarity and find
6 another job.

7 I am repeating myself there and I'll repeat it
8 again to say that it was a better job than she had at Crystal
9 Clarity.

10 Q. When did you ask him to do that?

11 A. That I don't remember. I would guess it was in
12 July, but that's an estimate.

13 Q. July of '93?

14 A. Uh-huh.

15 Q. Okay. And you indicated you had a conversation
16 with Alexandra McGilloway?

17 A. Yes.

18 Q. To the same effect, to move her out of the job?

19 A. (Nodding head.)

20 Q. And would that be in roughly the same time frame?

21 A. Yes.

22 Q. Okay. Are there any other individuals you spoke to
23 about the (the plaintiff)/Levin matter?

24 A. No, I don't think I spoke to anybody.

25 Q. Okay. Now when you spoke to Smallen or Alexandra
1 McGilloway, did you discuss with them anything (the plaintiff) had
2 said in the counseling session that you had had with her?

3 A. No, no. I was trying to help her at this time.

4 Q. Okay. Now between the first and second counseling
5 session, I believe you have testified you didn't discuss with
6 anyone anything that she had said in the first counseling
7 session; is that correct?

8 A. I don't remember doing so.

9 Q. Okay.

10 A. I'm pretty sure I didn't.

11 Q. Now in the second counseling session, which you
12 believe probably took place around November of '93, was there
13 anyone else present?

14 A. No.

15 Q. And what was said by Ms. (the plaintiff) to you and what
16 did you say?

17 A. Well, as I recall, it was Danny who asked me to
18 speak to her and say that he had absolutely decided that he
19 was going to stay with his wife and not go with (the plaintiff).
20 So I told her that this was his statement to me and
21 that I was going to back it, and that I was not going to
22 permit her to -- no, I didn't have to say it that way yet,
23 because I assumed she would go along with it. But when she
24 became more and more adamant that she was going to take him
25 away and going to marry him, that's when I finally became
1 equally adamant and I said, "I'm not going to let you stay
2 here and destroy their marriage and you are going to have to
3 move."

4 Then she tried a number of ploys to get me to

5 change my mind. One was self-pitying. "Oh, I'm always
6 rejected. Nobody wants me," et cetera, et cetera.

7 I said, "I'm sorry, I'm going to hold to this
8 line."

9 Then she said, "You are being unfair. You are
10 being, you are just siding him."

11 I said, "No, I'm not. I'm doing this for your
12 welfare also. It would be bad karma for you to take this man
13 away from his wife and backward child. So there's no
14 question of prefer" -- you know what I mean -- "favoritism."
15 And so she was very angry with this and was
16 starting to accuse me of being unfair and hostile, and how
17 lonely she was, that she was always being neglected and so
18 on.

19 And I said, "You are not going to get through to me
20 on this level or any level. I have made up my mind. I am
21 determined that you shall go."

22 And so I proposed to her, I said, "I'm not kicking
23 you out of Ananda, but we have a number of communities and I
24 would like you to go to one of them. I would suggest
25 Sacramen -- I mean Seattle or Assisi, but it's up to you.
1 It's just not going to be here."

2 And she kept saying, "Well, but I want to be here.
3 I like it here."

4 I said, "No, you are not going to be here."

5 So it was a very strong, not abusive, not loud, but
6 strong confrontation, because I was determined and she was
7 equally determined. And she was saying at that point, "I
8 would make a good mother to Alisa." And I said, "No, you are
9 not going to get a chance." And I would not have said that
10 if Danny hadn't appealed to me.

11 So that was the last talk. She left, not looking
12 at me, not answering, not saying goodbye, very angry. And
13 that's all I had.

14 Q. And that was all, everything you have just
15 testified about was in the context of this second and last
16 counseling session?

17 A. Yes.

18 Q. And thereafter you never had additional contact
19 with her?

20 A. No, that's not true. She wanted to come to a
21 higher Kriya initiation from Palo Alto to Ananda. And I
22 asked Danny and his wife, Karin, how they would feel about
23 it, and they said, well, they absolutely would not stay if
24 (the plaintiff) came; and so I said no, she could not.

25 There were two other times. I had heard in Palo
1 Alto that she was complaining about the way she had been
2 treated and being very negative, so I asked her to come to
3 my, where I was staying at David and Asha's, and talk to me.
4 And she said, "Oh, I have overcome it; I don't feel
5 that way anymore," and so she apologized and seemed to be

6 positive.

7 And then I heard this again, so I had that second
8 talk with her; and again, she apologized and said, oh, she
9 was going through a negative spell, but she was fine now.
10 So there were three contacts essentially: one was
11 the two talks I had at David and Asha's in the living room
12 there, and the other was by mail when she wanted to come to
13 the Kriya. And I might have said, well, Danny and Karin, you
14 don't come; I didn't have to take it on that level of
15 fairness. But I really didn't feel that (the plaintiff) was ready
16 for it, and so I told her not.

17 And so she wrote me a very angry letter saying,
18 "This is my family, you are not going to tell me how I'm
19 going to behave," and so on. That was the essence of that
20 letter.

21 And I just said, "No, you can't come."

22 Q. When were the two talks at David and Asha's house?

23 A. This I don't remember.

24 Q. Were they in the summer of '94?

25 A. Might have been.

1 Q. And were you ever present when (the plaintiff)
2 's aunt came from Australia?

3 A. I was not present.

4 Q. Were you aware that the aunt came from Australia
5 and accused your organization of sexual harassment of
6 (the plaintiff) while (the plaintiff) was still a member of the
7 community?

8 A. I was not aware of it until long after the fact.

9 Q. When did you become aware of it?

10 A. I don't know.

11 Q. Did Asha Preaver call you on the telephone after
12 meeting with (the plaintiff)'s aunt in which (the plaintiff)
13 's aunt accused you and Minister Levin of sexual
14 harassment while she was still a member?

15 MR. PARSONS: Wait. Objection, objection. There's
16 been no testimony that Mr. Walters was accused of sexual
17 harassment. The only testimony so far has been that Levin
18 was engaged in sexual harassment in the work place through
19 the aunt.

20 THE WITNESS: This is true, she never said a word
21 about me. But let me --

22 MR. FLYNN: We disagree on (the plaintiff)'s
23 testimony. I'll withdraw it.

24 Q. Let me ask you this, Mr. Walters. Did Asha Preaver
25 contact you after Asha Preaver met with (the plaintiff)
1 's aunt?

2 A. This I don't remember. That Asha told me, I, I do
3 remember that, but that she called me for that purpose, I
4 don't know.

5 Q. Now you were aware when that occurred, when Asha
6 Preaver contacted you, that (the plaintiff) was still a member of

7 your community, were you not?

8 A. I was well aware that she was on her way out.

9 Q. Well, was she still a member of the Palo Alto

10 community, if you know?

11 A. This I don't know.

12 Q. And at some point in time did you find out that

13 (the plaintiff)'s aunt took her from Palo Alto when she

14 was having a nervous breakdown and took her to a therapist?

15 MR. PARSONS: Objection. Compound. It assumes

16 facts not in evidence.

17 THE WITNESS: It's absurd, but I'll say I know

18 nothing about it.

19 BY MR. FLYNN: Q. Okay. Did you ever receive any

20 contact from a therapist regarding your treatment of

21 (the plaintiff)?

22 A. No.

23 Q. Have you ever received contact from any therapist

24 regarding your treatment of other women?

25 A. No.

1 Q. Did Asha Praver inform you that (the plaintiff)

2 was beginning to see a therapist regarding what

3 had happened to her at Ananda?

4 A. No.

5 MR. PARSONS: Again, it assumes facts not in

6 evidence.

7 You may respond.

8 THE WITNESS: Yes, and I don't know.

9 BY MR. FLYNN: Q. Okay. With regard to the second

10 and last counseling session that you had with Ms. (the plaintiff),

11 did you disclose the contents of that counseling session to

12 any third person?

13 A. I'm sure I must have at that point because I wanted

14 her moved to another community, so I called Asha about it. I

15 must have talked to Danny, because he had asked me to speak

16 to her. No doubt I spoke to John Smallen, because he would

17 have to find somebody else for the work that she was doing.

18 So I think those were the inquiries. I don't remember any

19 more.

20 Q. Now in this second and last counseling session, if

21 I understand your testimony correctly, (the plaintiff) was

22 insisting on the relationship with Levin?

23 A. Yes.

24 Q. And you were opposed to it; is that correct?

25 A. Correct.

1 Q. And then you requested that she move to another

2 Ananda community and she was opposed to moving; is that

3 correct?

4 A. I've said it.

5 Q. My statement is true; is that correct?

6 A. Yes.

7 Q. Now when she was opposed to moving to another

8 community, did she say anything to you to the effect, send
9 Minister Levin to another community and I will stay here?

10 A. Yes, she may have said that; that I don't remember.

11 But I doubt it, because she wanted to be with Levin, Levin.

12 Q. Well, Mr. Walters, how did you know in the second
13 counseling session that she wanted to be with Levin unless

14 she told you that?

15 A. She did tell me that.

16 Q. Then how did you know that she wanted Levin to be
17 sent to another community?

18 A. You are the one who said that.

19 MR. PARSONS: Objection. He hasn't said that.

20 THE WITNESS: You are the one who said it.

21 BY MR. FLYNN: Q. Right. But is your testimony
22 that she didn't say that?

23 A. I don't remember.

24 Q. Haven't you already testified under oath, sir, in
25 this deposition that that's precisely what she told you?

1 MR. PARSONS: Okay, I am going to instruct this
2 witness not to answer a question concerning what he testified
3 under oath in a prior session. It's why, it's one of the
4 reasons why I -- you know, I'm just losing patience with the
5 redundancy of these lines of questioning. His testimony is
6 whatever it is.

7 MR. FLYNN: There's no redundancy here,
8 Mr. Parsons, except my questioning of this witness in
9 connection with a statement that he made in his declaration
10 earlier on in this deposition, believe me.

11 I'll ask another question.

12 Q. Mr. Parsons --

13 A. Mr. Walters.

14 Q. Or Mr. Walters. When did you first hear that
15 (the plaintiff) wanted you to send Levin to another
16 community and have her stay there?

17 A. I really don't remember.

18 Q. Did you ever hear that, sir?

19 A. I heard it in her complaint. I don't remember
20 other than that. She was making, as far as I could see, just
21 ridiculous statements.

22 Q. What ridiculous statements?

23 A. There was no reason -- I don't, I don't remember
24 whether she said that. Let's leave it there.

25 Q. What ridiculous statements was she making?

1 A. Well, it would be, it would be one among
2 whatever -- the attitude is what I'm really talking about.

3 I --

4 It would be absurd to have Levin move when
5 (the plaintiff) could move; A, because he's older; B, because he
6 had his own house there. She didn't have a house; she was
7 single. He had a family; he was well-ensconced.

8 I do remember --

9 Q. Did she tell you that?

10 MR. PARSONS: Excuse me. "That" meaning what?

11 Yeah, there's --

12 THE WITNESS: No, I do remember the question.

13 MR. PARSONS: Wait, wait a minute. Wait a minute.

14 I'm not certain we've even got a question here. He was

15 responding and you interrupted his question.

16 MR. FLYNN: Let me ask a question.

17 MR. PARSONS: Okay.

18 BY MR. FLYNN: Q. What do you remember, if

19 anything, that Ms. (the plaintiff) said to you in the second

20 counseling session with regard to her staying at Ananda and

21 Minister Levin leaving?

22 A. Now that's what I don't remember. But the fact

23 came up, whether it was raised by her, whether it was raised

24 by Danny, whether I thought about it, the question of whether

25 we wanted to either move Danny up to Seattle or even Crystal

1 Clarity up there. There was some reason for doing that

2 because we, in fact, ended up moving the McGilloways up

3 there, and the thought of maybe the whole office could be

4 there. But no, I don't remember anything about that

5 particular session or her saying that at that session.

6 Q. When is the first time you considered the option of

7 moving her or moving Levin?

8 A. I don't remember that.

9 Q. Did you ever consider those options?

10 A. Well, I have said that I did. I think that I did.

11 I know that at that session the whole subject was her moving.

12 Q. Did she ever request you at any time to consider

13 those two options before she left the Ananda?

14 A. This I don't remember.

15 MR. PARSONS: Excuse me. "Those two options"?

16 BY MR. FLYNN: Q. Moving her or moving Levin.

17 A. Yeah, I don't remember.

18 Q. All right. Was there anything in the second

19 counseling session other than what you have testified to that

20 you have disclosed to any third person at any time?

21 A. I don't remember.

22 Q. Did you disclose her statement to you in the second

23 counseling session that Minister Levin had initiated the

24 sexual contact?

25 A. Not at all.

1 Q. Did you ever confront Minister Levin with her

2 allegation that Minister Levin, according to her, had

3 initiated the sexual contact?

4 A. Say that again.

5 Q. Did you ever confront, after the second counseling

6 session, Minister Levin with (the plaintiff)'s

7 statement that it was Minister Levin who had initiated the

8 sexual contact?

9 MR. PARSONS: Wait. I, I object there. I haven't

10 heard any testimony that she made that statement to this
11 witness.

12 THE WITNESS: You have to understand, I didn't
13 confront anybody; I was trying to help them. So there's no
14 question of who did what to whom. I was trying to help both
15 parties.

16 BY MR. FLYNN: Q. Let me ask you this. Did you
17 ever ask Minister Levin whether he initiated the sexual
18 contact with (the plaintiff)?

19 A. I didn't even know it was sexual until well into
20 this whole thing. Did I ask who initiated it? It wasn't an
21 issue. They were both involved and I wanted to get them
22 disinvolved. It's not a matter of blaming; it's a matter of
23 helping. So, no, that was not an issue in my mind.

24 Q. So the answer is you never questioned Minister
25 Levin --

1 A. Except you said confronted.

2 MR. PARSONS: Wait.

3 BY MR. FLYNN: Q. -- about who initiated the
4 sexual involvement; is that true?

5 A. No, I don't remember.

6 Q. Did Minister Levin ever tell you that it was
7 (the plaintiff) who had had initiated the sexual
8 conduct?

9 MR. PARSONS: Objection, asked and answered.

10 THE WITNESS: But I can say a little more, and that
11 is, that -- mind you, this was a small part of my life at
12 that time, but the impression that I formed was that he felt
13 she had come on to him.

14 BY MR. FLYNN: Q. How did you form that
15 impression?

16 MR. PARSONS: Now we've been into his discussions
17 with Mr. Levin concerning Mr. Levin's belief as to who
18 initiated it. We went through that already.

19 THE WITNESS: There's really nothing I can add.

20 MR. FLYNN: No, no, we haven't, Mr. Parsons.

21 Q. Mr. Walters, what I want to know is did (the plaintiff)
22 ever tell you that she was the one that came on to
23 Levin and not vice versa?

24 A. I don't think she blamed either one, and that
25 includes saying what you have said. I don't think she said
1 anything about it.

2 Q. And what about Levin, did he say to you --

3 A. I --

4 MR. PARSONS: Wait.

5 BY MR. FLYNN: Q. -- that it was her that
6 initiated the sexual contact?

7 MR. PARSONS: Objection, asked and answered.

8 THE WITNESS: Yeah, asked and answered.

9 BY MR. FLYNN: Q. I'd like an answer.

10 MR. PARSONS: Well, hold on.

11 THE WITNESS: Do I have to keep answering the same
12 questions?

13 MR. PARSONS: Why don't you answer it one more time
14 and then maybe we can move on.

15 THE WITNESS: All right. I got the impression --
16 it's nothing that I remember him saying, but I got the
17 impression that he said that she, or felt that she had come
18 on to him.

19 BY MR. FLYNN: Q. Okay. In the Cross-Complaint in
20 paragraph 6 and 7, particularly paragraph 6 where you allege
21 that is, that it was a "consensual adulterous
22 relationship --"

23 MR. PARSONS: Is that paragraph 6?

24 BY MR. FLYNN: Q. Is that something that you --

25 MR. PARSONS: Hold on, let me catch up with you
1 here. It's in paragraph 6?

2 BY MR. FLYNN: Q. Is that something you got from
3 (the plaintiff) in a counseling session or something
4 you learned on your own?

5 A. No, in a counseling --

6 MR. PARSONS: Wait, wait, wait.

7 Objection. It's a compound question as to whether
8 he got it from (the plaintiff), and then whether or not
9 he got it in a session counseling session, and then whether
10 or not he got it from someone else.

11 I'll also object, you have already asked him about
12 the source of his knowledge concerning this exact same clause
13 you are going over now again.

14 MR. FLYNN: Please, Mr. Parsons.

15 THE WITNESS: We've lots of time covered by this.
16 We're wasting time.

17 BY MR. FLYNN: Q. Did you get the information in
18 paragraph 6 from a counseling session with (the plaintiff)
19, namely, that she was involved in a consensual
20 adulterous relationship?

21 A. Absolutely.

22 Q. Thank you. Now in a counseling session with --
23 strike that. Did you have any counseling sessions with
24 Minister Levin?

25 A. Yes.

1 Q. In a counseling session with Minister Levin did you
2 get from him that it was a consensual adulterous relationship
3 between the two of them?

4 A. Let me, let me clarify. Did you use the word
5 "adulterous" before? I was not aware that it was adulterous
6 until quite long into it; in fact, just prior to that last
7 counseling session we've been talking about as number two.

8 So "adulterous" is a word to be stricken from that record.

9 Did I get the impression from Mr. Levin that there
10 was a strong attraction between them? Yes, I did.

11 Q. Did you get the impression from Minister Levin in a

12 counseling session that it was consensual?

13 A. Yes, absolutely.

14 Q. And you were acting as his counselor at the time?

15 A. Yes.

16 Q. Spiritual counselor; is that correct?

17 A. Yes.

18 Q. And before, you had been acting during these

19 counseling sessions with (the plaintiff) as her

20 spiritual counselor; is that correct?

21 A. Both.

22 Q. "Both" meaning what?

23 A. Both of them.

24 Q. Okay. Now in the talks you had with (the plaintiff)

25 at Asha and David Praver's house, did you consider

1 that to be a counseling session with Ms. (the plaintiff)?

2 A. I don't know what you mean by "counseling session."

3 I was, I had been informed that she had been talking

4 negatively to people. I asked her over to ask her what this

5 was all about. I don't know that I'd call it a counseling

6 session, but certainly it could be called that. It wasn't

7 done in a private place; it was done in the living room there

8 where anybody could walk in, so there wasn't anything

9 confidential about it. I really don't know how to say more

10 than that.

11 Q. What had you heard that (the plaintiff) was

12 saying negatively?

13 A. She was complaining at being mistreated at Ananda

14 and by the leadership at Ananda, complaining about the way

15 Padma -- I mean Alexandra McGilloway had treated her.

16 It was all, frankly, extremely paranoid in that she

17 was all right and they were all wrong. But then she recanted

18 that negativity, and I just tried to help her to feel that I

19 wasn't judging her, I was her friend, I wanted the best for

20 her. She responded in kind and seemed to appreciate that and

21 left smiling and with full assurances of good will, et

22 cetera, et cetera.

23 Then it came up again; so I called her again. I

24 happened to be down there again visiting. And each time I

25 talked to her maybe 20 minutes, and that's it.

1 Q. At any time in your counseling sessions with

2 (the plaintiff) did you tell her that you did not want

3 her to disclose to anyone in the community that she was

4 involved in a sexual relationship with one of your ministers?

5 A. It wasn't like that. No, it was for her and

6 Danny's help that I said "let's not talk about it so that you

7 can get your bearings," and I didn't want to betray what I

8 considered a confidence by talking to people. But there was

9 nothing trying to keep it secret; it wasn't for that purpose

10 at all.

11 Q. What purpose?

12 A. Of trying to keep it secret. It was to help her.

13 In other words, the more you talk about these things, the
14 more you give them energy. I was trying to withdraw energy.

15 Q. Did you tell her you wanted to keep it secret?

16 A. Why do you keep asking that question? You are
17 trying to make me say something I didn't say.

18 Q. Did you tell her you did not want her to disclose

19 to any third person --

20 A. That's not a question of not wanting her to do it,
21 if she wanted to. But I didn't, I said it would be better
22 not to talk about it because that way you can gain the
23 strength in yourself.

24 But no, there's no -- you are trying to make it
25 seem as if I wanted it to be a secret from the community.

1 No, I wanted to help her.

2 Q. When you had these conversations with her at Asha
3 and David Praver's house about the negative statements she
4 was making, did you tell her you didn't want her to disclose
5 to any members of the community her relationship with Danny
6 Levin?

7 A. I remember no such thing. I think she had been
8 talking about it with some people.

9 Q. Isn't it a fact that you went down there to see her
10 because she had been talking about it in an effort to dissuade
11 her from doing that?

12 A. No, it is not a fact.

13 Q. And is it your testimony that when you arrived at
14 Asha and David Praver's house, you did not try to dissuade her
15 from disclosing to third persons that the relationship
16 existed?

17 A. I remember no such thing.

18 MR. PARSONS: Yeah, and that's been asked and
19 answered many times now.

20 BY MR. FLYNN: Q. All right, let's go back to your
21 complaint now. Would you go to paragraph 10, page 4
22 "(the plaintiff), while in training to become a member of Ananda's
23 household monastic order, initiated a sexual relationship
24 with Levin, a married Ananda member, in the hope that Levin
25 would leave his wife and marry her." Is that anything that
1 (the plaintiff) ever told you?

2 A. No.

3 MR. PARSONS: Excuse me.

4 THE WITNESS: No, it's not.

5 BY MR. FLYNN: Q. Namely, that she initiated
6 sexual relation?

7 A. This must have come from somebody else, because I
8 didn't say that.

9 Q. Okay. What facts do you have to support that
10 allegation, Mr. Walters?

11 A. I have told you.

12 Q. When you say you have told me, are you referring to
13 the impression you got from Minister Levin?

14 A. And of course, later, the fact of her insistence
15 that she wanted to marry him.
16 Q. Okay. With regard -- let's zero in on the
17 "initiated the sexual relationship."
18 A. I know nothing.
19 Q. You have no facts?
20 A. Right.
21 Q. Except an impression you got from Minister Levin?
22 A. Correct.
23 Q. And you don't remember the words of Minister Levin
24 that gave you that impression?
25 A. No.
1 Q. Did he say anything to the effect, well, it was
2 (the plaintiff)'s fault, she started it?
3 MR. PARSONS: Objection. It's been asked and
4 answered.
5 Go ahead.
6 THE WITNESS: No, I don't remember.
7 BY MR. FLYNN: Q. Okay. Now your complaint reads,
8 "Although initially response, Levin eventually repudiated the
9 relationship, told (the plaintiff) that he had told his wife about
10 the affair and was determined to stay with his wife and
11 family. (the plaintiff) nonetheless persisted in her efforts to
12 break up Levin's marriage, including sneaking into Levin's
13 house at 4:00 AM when his wife was away."
14 Do you have any facts to support the latter
15 allegation about sneaking into the house at 4:00 a.m. when
16 the wife was away?
17 A. I have the fact that he said that's what happened.
18 Q. "He" being Levin?
19 A. Yes.
20 Q. Okay.
21 A. I have the fact that I think she indicated by her
22 words and the strength of them that something strong happened
23 then. That's all I know.
24 Q. When did she indicate in the strength of her
25 words --
1 A. At that meeting.
2 Q. -- that something like that happened?
3 A. At that meeting.
4 Q. Which meeting?
5 A. The one you are calling the second meeting.
6 Q. So in the second meeting, she told you about the
7 sneaking into the house?
8 A. No, I didn't say that. Danny had told me that.
9 Now whether Danny told me before I talked to her -- he
10 probably did, but he may have told me after also.
11 But it was the strength of the bond that I was
12 addressing.
13 Q. Then your complaint alleges, "Distraught over the
14 threat that (the plaintiff)'s uninvited sexual conduct presented

15 to his marriage, Levin later called Walters, who had
16 previously counseled both parties to terminate their
17 relationship." Now --

18 A. Yes.

19 Q. Prior to Mr. Levin calling you, as referred to in
20 this allegation, did you know that he was distraught over
21 (the plaintiff)'s uninvited sexual conduct?

22 A. Yes, I did. I don't, I don't know whether I knew
23 that he had, that she had come to him that morning, but I
24 know that he was distraught because he, he phoned me and said
25 that he just had decided and he didn't want to have anything
1 -- he sounded distraught. He had decided he wanted to stay
2 with his wife, and he was pleading with me to help make
3 something happen that, that that would die down.

4 Q. And when did that conversation take place?

5 A. Before I called her for that second meeting.

6 Q. Oh, it was you who called her?

7 A. He told me; I called her.

8 Q. What time of the day was the second meeting?

9 A. I have no idea. I think it was after noon.

10 Q. Where did you call her?

11 A. I don't know.

12 Q. And then you requested her to come to your house?

13 A. Yes.

14 Q. Now --

15 A. That's the way I remember it.

16 Q. And then you told her that she was the one that was
17 going to have to leave; is that correct?

18 MR. PARSONS: Objection. You know, how many times
19 do you need to ask and get the same answer to that question?

20 MR. FLYNN: I'll withdraw that one.

21 Q. After Levin called you -- strike that. When Levin
22 called you, did he tell you that he wanted (the plaintiff)
23 to be removed from the community?

24 A. I don't remember that he did.

25 Q. During the conversation with Levin, did you
1 formulate the opinion that you had to remove (the plaintiff)
2 from the community?

3 A. I don't remember.

4 Q. What did Minister Levin indicate to you that made
5 you believe that he was distraught?

6 A. Urgency, tone of voice, pleading for help, all of
7 those things.

8 Q. What help was he pleading for?

9 A. Just what I have told you.

10 Q. "Get me out of this relationship"?

11 A. You could put it that way. Those weren't his
12 words, but he did want help because he had made this
13 decision. I don't remember more; it's been a long time.

14 Q. What help did he want?

15 A. Just what you said.

16 MR. PARSONS: Objection. This witness doesn't know
17 what he wants; you can ask him what he said he wanted.
18 BY MR. FLYNN: Q. What help did Levin say that he
19 wanted?
20 A. I have just told you.
21 Q. What?
22 A. What?
23 MR. PARSONS: Objection. Asked and answered.
24 THE WITNESS: How many times do I have to tell you?
25 MR. PARSONS: It's been asked and answered. Why
1 don't you answer it one more time; then maybe we can move on.
2 THE WITNESS: Why should I even answer it one more
3 time? I have answered it several times.
4 MR. PARSONS: I know.
5 BY MR. FLYNN: Q. I don't believe I've got an
6 answer. What help specifically did he say he wanted?
7 A. It wasn't specific. He just said, "I don't want to
8 marry her. I've made up my mind." And he wanted me to --
9 he wasn't going to tell me what to do; he was going to
10 present me with the problem and ask me to solve it.
11 I don't know how, at what point -- I think that
12 when I came to her, when I called her and had her come to me,
13 I think I had already made up my mind that she should go to
14 another community, because I saw no other solution for it.
15 Q. You had already made up your mind that she should
16 go to another community when you called her; is that correct?
17 A. I don't say that's correct. I say that's the best
18 of my recollection.
19 Q. And did you tell her that when she came to see you
20 in the second counseling session?
21 A. I'm sorry, but I cannot reconstruct word for word a
22 conversation two and a half years ago. I'm just going to say
23 I don't know.
24 MR. PARSONS: And he's already --
25 THE WITNESS: I've given you the context, I've
1 given you the gist. I can't remember the words.
2 MR. PARSONS: And he's also testified that in this
3 second or last --
4 MR. FLYNN: Please, Mr. Parsons, please, no
5 coaching.
6 JUDGE PLISKA: Mr. Flynn, I believe they're
7 correct, you have exhausted this conversation. You repeat
8 your questions over and over again.
9 MR. FLYNN: I think I have just about exhausted it,
10 Judge, but I think I have a direct contradiction on the
11 record.
12 JUDGE PLISKA: Well, I understand why they're --
13 MR. PARSONS: No.
14 JUDGE PLISKA: Well, if it's exhausted, then move
15 on.
16 MR. FLYNN: I think it is exhausted, but I believe

17 I have a direct contradiction on the record.
18 MR. PARSONS: Well, if you do --
19 JUDGE PLISKA: Well, if you have, then move on.
20 MR. PARSONS: Exactly.
21 MR. FLYNN: That's where I am going.
22 JUDGE PLISKA: Well, good.
23 MR. PARSONS: Well, please --
24 BY MR. FLYNN: Q. Now, when did you first tell
25 (the plaintiff) after the counseling session that you wanted her
1 to go to another community?
2 MR. PARSONS: Wait. Objection. The question
3 inherently contradicts what the witness has already
4 testified.
5 MR. FLYNN: He's testified to two things,
6 Mr. Parsons, believe me.
7 THE WITNESS: Oh, I don't believe you for a moment.
8 BY MR. FLYNN: Q. Well, we'll see what the record
9 indicates, sir.
10 A. Well, I'll tell you again. I told her at the
11 counseling session, not after.
12 MR. PARSONS: And the record is clear on that.
13 BY MR. FLYNN: Q. And what did you tell her,
14 Mr. Parsons?
15 A. Mr. Walters.
16 Q. Mr. Walters.
17 A. We may look like brothers but --
18 MR. PARSONS: Again, it's been asked and
19 answered --
20 JUDGE PLISKA: Yes, it has, Mr. Flynn.
21 MR. PARSONS: -- at least three times today.
22 MR. FLYNN: Okay, I'll move on. I'll move on.
23 THE WITNESS: Yeah, please do.
24 BY MR. FLYNN: Q. Now you state in your
25 allegation, sir, "Walters shortly thereafter met with
1 (the plaintiff) who defiantly refused to give up her efforts to
2 lure Levin away from his wife." Is that true, sir?
3 A. Yes.
4 MR. PARSONS: Wait. Is that true, that that's what
5 this says?
6 BY MR. FLYNN: Q. And she stated to you in the
7 second counseling session what is alleged here; is that true?
8 A. This is the second counseling session.
9 Q. "Despite Walters' attempts to persuade her to cease
10 her efforts on moral and spiritual grounds"; is that true?
11 A. Where are we?
12 Q. Paragraph 11 in the complaint, your complaint.
13 MR. PARSONS: As soon as you have finished up --
14 excuse me one second.
15 As soon as you have finished up what will hopefully
16 be a fairly brief line on this, I'd like to take a break so
17 that the doctor can just check his blood pressure, as I

18 mentioned earlier, as a routine matter.

19 THE WITNESS: Your question is just baffling to me.

20 BY MR. FLYNN: Q. Is it true that in the second
21 counseling session (the plaintiff) defiantly refused to
22 give up the relationship with Levin?

23 A. Yes.

24 Q. Is it true that in the second counseling session
25 (the plaintiff) defiantly refused to leave Levin?

1 A. Yes.

2 Q. Is it true that in the second counseling session
3 (the plaintiff) defiantly refused to leave Ananda?

4 A. That wasn't a defiant refusal, but it was certainly
5 an attempt to persuade me to let her not have to go.

6 MR. FLYNN: Okay.

7 THE WITNESS: Gosh, I can't understand all this
8 waste of time.

9 MR. FLYNN: Shall we go off the video record?

10 MR. PARSONS: Okay. It's okay with me. It's your
11 record.

12 MR. FLYNN: How long are you going to be,
13 Mr. Walters?

14 THE WITNESS: Oh, five minutes.

15 THE VIDEOGRAPHER: So what do you think, shall I
16 turn off the tape?

17 MR. FLYNN: Yeah, you can turn it off.

18 THE VIDEOGRAPHER: Okay, it's 2:13; we're going off
19 the record.

20 (Recess taken.)

21 THE VIDEOGRAPHER: We're back on the record. It's
22 2:21.

23 BY MR. FLYNN: Q. You will be happy to hear I
24 think we've got the second counseling session down.

25 A. I hope so.

1 Q. I think we've got it.

2 Now before (the plaintiff) left the
3 community, to your knowledge did she protest to anyone that
4 she was being forced to leave unfairly?

5 MR. PARSONS: Okay. Objection. Vague as to
6 "protest."

7 BY MR. FLYNN: Q. To your knowledge?

8 MR. PARSONS: You may respond.

9 And by "community" you are referring to --

10 BY MR. FLYNN: Q. Ananda, up in Nevada City.

11 A. I don't know what she's told others. She certainly
12 told that to me.

13 Q. When did she tell that to you?

14 A. At that counseling session.

15 Q. Okay. We don't want to go back into the counseling
16 session. Before she left, did she tell anyone, to your
17 knowledge, "Levin should be leaving, not me"?

18 A. I've no idea.

19 Q. Okay. And I think we've already covered your, the
20 extent of your knowledge on that issue subsequently. Let's
21 turn to page 11 of the complaint, paragraph 28:

22 "Count One - Defamation With Respect to
23 Walters.

24 "Cross-complainant Walters is informed and
25 believes and thereon alleges that beginning in
1 about October, 1994 and continuing to the
2 present, cross-defendant (the plaintiff) has
3 published oral statements to third parties
4 stating that (a), Walters sexually harassed
5 (the plaintiff)," and we'll stop there.

6 Okay, to your knowledge, sir, what oral statements
7 has (the plaintiff) made to third parties that you
8 sexually harassed her?

9 A. This was made to the two ladies who wrote
10 declarations. One was Peggy Baat and the other was Kelly
11 Coogan.

12 Q. And what statements did (the plaintiff) make
13 to these people?

14 A. I no longer remember, but they're written down as
15 declarations.

16 Q. As you sit here today under oath, you don't know?

17 A. Right.

18 Q. Okay.

19 MR. PARSONS: He doesn't remember.

20 THE WITNESS: That's right, I don't remember.

21 BY MR. FLYNN: Q. Okay. And in any way, sir, did
22 those statements to third persons harm you?

23 MR. PARSONS: Objection. Vague as to "harm."

24 BY MR. FLYNN: Q. Did they harm you?

25 MR. PARSONS: Excuse me. To the extent it calls
1 for a damages assessment, it calls for a legal conclusion.

2 You may respond.

3 THE WITNESS: I really don't know what, how to
4 answer that. I can't relate to it.

5 BY MR. FLYNN: Q. Do you know of any damages you
6 have suffered as a result of the statements that
7 Ms. (the plaintiff) made to Peggy Baat and Kelly Coogan?

8 MR. PARSONS: Same objections.

9 You may respond.

10 THE WITNESS: I really don't know how to respond to
11 that.

12 BY MR. FLYNN: Q. Why? Do you know of no damages?

13 A. I mean it's always damaging to have somebody make
14 statements against one. What the damages were, how great
15 they were, I really don't know.

16 Q. Did it damage your reputation within the Ananda
17 community?

18 A. I doubt it.

19 Q. Did it damage your reputation outside the Ananda

20 community?

21 A. Certainly.

22 Q. In what way?

23 A. Well, all the, the people in Nevada City that we've
24 been discussing at length in the morning bringing -- I think
25 that's the backbone of the whole thing, what she can get
1 against me; and so it brought you into it. You weren't into
2 it until then. How damaging? I don't think it damaged me at
3 all, but certainly the intent to damage was there.

4 Q. Has it caused you any financial damages that you
5 know of?

6 A. No. Of course, the court case.

7 Q. Other than the court case?

8 A. Not that I know of.

9 Q. Has it damaged your reputation in the Ananda
10 community, wherever Ananda communities are, not just Nevada
11 City, but Assisi and Palo Alto and Seattle and wherever these
12 other communities are?

13 A. From all I have observed, it's greatly strengthened
14 my reputation.

15 Q. Okay. What way has it strengthened it?

16 A. Because people know me and they know that this
17 isn't true, so they sort of rallied to my defense.

18 Q. Have the statements of (the plaintiff) been
19 made to any other third parties other than Baat and Coogan
20 that you know of?

21 A. Well, you know, all those declarants, she certainly
22 got in touch with them.

23 Q. Okay. What did she say?

24 A. I have no idea.

25 Q. Do you know anyone who does know what she said?

1 A. Eric Estep.

2 Q. Anyone else?

3 A. No.

4 Q. Okay. Do you have any other facts that support
5 your allegations in paragraph 28, subparagraph A, that
6 (the plaintiff) has made false oral statements to third
7 parties indicating that you sexually harassed her?

8 A. Her own statements in her, in her brief, her
9 complaint, whatever you call it.

10 Q. Okay. Anything else?

11 A. I think that's quite enough. I don't know more.

12 Q. Okay.

13 A. I mean I can't remember more, to make it more
14 specific.

15 Q. Okay. And we covered -- you don't know of any
16 statements, period, so therefore you don't know any
17 additional statements, correct?

18 A. I --

19 MR. PARSONS: Objection. That misstates his
20 testimony.

21 MR. FLYNN: I just don't want your client coming up
22 later on with new statements that I haven't heard about, so I
23 want --

24 Q. Have you exhausted your memory about any statements
25 (the plaintiff) made about you which you consider false
1 and defamatory?

2 A. Mr. Flynn, I don't know what you are getting at. I
3 have exhausted my memory today; if tomorrow I remember
4 something, I'll remember it tomorrow.

5 Q. Oh, okay. Now have you read any document other
6 than court filings in which (the plaintiff) made what
7 you considered to be a false statement about you?

8 A. I don't remember.

9 Q. Okay. Can you identify any person who has
10 contacted you and said "I believe (the plaintiff) and I
11 no longer respect you as a swami"?

12 A. I have had some anonymous letters. I have also had
13 contact with somebody who I believe has been in contact with
14 you, Pat Black and Ted Jiff, certain people who are negative
15 about Ananda anyway and therefore have leapt gleefully on
16 this possibility, this information or whatever,
17 misinformation.

18 I really I haven't given my mind to it, so I can't
19 say more.

20 Q. Where are those anonymous letters? Do you have a
21 file of them?

22 A. No.

23 Q. Did you give them to your lawyer?

24 A. No.

25 Q. Did you throw them away?

1 A. Yes.

2 Q. What did the anonymous letters say?

3 A. I don't remember.

4 Q. Okay. What did Ed Jiff say to you?

5 A. Well, it was an anonymous letter, so I just know
6 that it was he who wrote it, and his typewriter shows that he
7 wrote it. And I don't remember what he said now; it's been
8 nearly a year.

9 Q. What did Pat Black say?

10 A. Pat Black talked about -- what did she talk about?
11 We had seen her copying the Mercury News article in large
12 numbers, so somebody happened to come into a market where she
13 was copying it; she looked very guilty about having been
14 exposed. Then she came on more openly critical. And, of
15 course, she sent you things, as I know.

16 She, she wrote about how she had become disaffected
17 from Ananda; she didn't feel that Ananda was for her. It
18 was, it was -- I, I wrote her back and said that "If you were
19 living in Los Angeles, you would have the same attitude
20 towards SRF because this is your nature," but I don't
21 remember specifically, no.

22 Q. Okay. Do you know of any statements (the plaintiff)
23 made to Pat Black that defamed you?

24 A. I don't know whether -- I doubt that they had any
25 contact. They might have, but that I don't know about.

1 Q. Okay. Did the statements, did anything Pat Black
2 say or do damage you in any way?

3 A. No idea.

4 Q. Okay. The next one, subparagraph B, "Walters
5 retaliated against (the plaintiff) because of her complaint of
6 sexual harassment by Levin." Now what facts do you have to
7 support your belief that (the plaintiff) made that
8 statement to a third party, namely that you retaliated
9 against her?

10 A. I've no idea. I certainly didn't retaliate, but
11 she might have felt that it was a retaliation when I wouldn't
12 let her come to take that higher initiation.

13 Q. Do you know what third person she made this
14 statement of retaliation to?

15 A. I can only guess that it was Peggy and Kelly.

16 Q. Okay. Do you know of any other person?

17 A. I don't even know of them; I'm guessing.

18 Q. Okay. Did that statement to Peggy and Kelly damage
19 you in any way, that you retaliated against her?

20 MR. PARSONS: Again, objection. Calls for legal
21 conclusion. Vague and ambiguous.

22 You may respond.

23 THE WITNESS: No. Really, I, I don't know.

24 BY MR. FLYNN: Q. Well, has Peggy or Kelly said
25 anything to you that would indicate to you that you were
1 somehow damaged in your reputation to them by this statement
2 about retaliation?

3 MR. PARSONS: Same objection as to calls for legal
4 opinion as to damages, vague and ambiguous.

5 You may respond.

6 THE WITNESS: I didn't know those two ladies.

7 BY MR. FLYNN: Q. Well, is it also true that --
8 are they still members of the Ananda community?

9 A. I believe they are.

10 Q. Has their relationship with you been strengthened
11 since these statements of retaliation were made by, allegedly
12 by (the plaintiff)?

13 A. Well, I have to say, first of all, there was no
14 relationship. Now there's a slight relationship, but that's
15 with one of them, that's Peggy, and only just a friendly
16 offering me of some sort of aroma therapy for these
17 depositions and another one for my trip to India. And I have
18 seen her twice in my life as far as any kind of eye contact.
19 I don't know what Kelly Coogan looks like. I may
20 have met her; I'm not sure.

21 Q. So you know of no damage to your reputation that
22 comes from the two of them --

23 A. This is correct.

24 Q. -- in connection with that statement, is that
25 right?

1 How about any other third party, was this
2 retaliation statement made by Ms. (the plaintiff) allegedly made
3 to any other third party that you know of?

4 A. I don't know.

5 And speaking of damage to reputation, who's to
6 define damage? I don't know what it means.

7 Q. Well, do you know of any damage to your reputation
8 that you feel has been injurious to you?

9 MR. PARSONS: Okay. Objection, same objection,
10 legal opinion as to damage. Vague and ambiguous.

11 Go ahead.

12 THE WITNESS: Really, why -- I don't care what
13 people think about me, so I don't think in terms of damage.

14 I just don't know.

15 BY MR. FLYNN: Q. So you don't care whether
16 (the plaintiff) has made false statements about you?

17 A. It's unpleasant, but if it's a fact, I just have to
18 accept that it's a fact.

19 Q. But -- well, do you care or don't you care?

20 A. To the extent that I would rather one or the other,
21 of course I'd rather she didn't, but not more than that.

22 Q. Then why did you sue her?

23 A. Because I don't think that it's fitting that people
24 believe lies if we can say something about it. But in fact,
25 otherwise, I don't really -- it's not that I want money out
1 of her.

2 Q. So you don't want money from Ms. (the plaintiff) in this
3 lawsuit?

4 MR. PARSONS: Wait. Objection. That's asking for
5 a contention of a, of a party. We have asked for damages in
6 the cross-complaint.

7 THE WITNESS: Right, but I personally -- we are
8 talking -- you are trying to talk to me as a corporate
9 entity, and I'm understanding you on a personal level. I
10 really couldn't care less.

11 BY MR. FLYNN: Q. You don't want any damages from
12 (the plaintiff); is that your testimony?

13 A. Personally.

14 Q. Personally, okay.

15 A. No, I don't.

16 MR. PARSONS: Same objection, okay.

17 THE WITNESS: Personally, no, I don't.

18 BY MR. FLYNN: Q. And you don't feel that she's
19 damaged you reputationally; is that correct?

20 MR. PARSONS: Objection. Misstates his testimony.

21 Go ahead.

22 THE WITNESS: Honestly, I -- the way I look at
23 trials and tests in life is that they're all blessings.

24 BY MR. FLYNN: Q. Okay. So this, this case
25 against you is a blessing?
1 A. Yes.
2 Q. Have you ever considered the alleged false
3 statements of (the plaintiff) to be injurious to you?
4 MR. PARSONS: Objection. Vague as to "injurious."
5 You may respond.
6 THE WITNESS: Unpleasant. That's about all I can
7 say.
8 I really mean it when I say that I consider it a
9 blessing. I feel whatever God gives me is what he, what I
10 deserve.
11 BY MR. FLYNN: Q. So being confronted by me as the
12 embodiment of evil is a blessing?
13 A. Yes.
14 MR. PARSONS: Wait. It's argumentative. Let's
15 move on.
16 MR. FLYNN: Your client has answered, Mr. Parsons.
17 THE WITNESS: Yeah, but you, you are not
18 understanding it. That doesn't matter to me.
19 BY MR. FLYNN: Q. Right. I'm sure I'm not --
20 A. I do understand it myself; that's what really
21 matters.
22 Q. Have you ever considered the alleged false
23 statements of Ms. (the plaintiff) to be damaging to your
24 reputation?
25 MR. PARSONS: Objection. Calls for legal
1 conclusion, vague and ambiguous.
2 You may respond.
3 THE WITNESS: Yes. I don't know.
4 BY MR. FLYNN: Q. You don't know whether you ever
5 thought about it?
6 A. I don't know whether it's really an issue.
7 Q. Well, did you ever -- the question is did you ever
8 consider it, aside from your being here today, at some point
9 in the past? For example, when you filed the complaint on or
10 about December of 1994, did you consider at that time what
11 Ms. (the plaintiff) had allegedly said falsely about you to be
12 injurious to you?
13 MR. PARSONS: Okay. Again, objection. Vague,
14 ambiguous, calls for legal conclusion.
15 You may respond.
16 THE WITNESS: Yes -- I, I, I won't comment.
17 BY MR. FLYNN: Q. Well, I want an answer.
18 JUDGE PLISKA: You need to answer, Mr. Walters.
19 THE WITNESS: An answer whether I considered it
20 injurious? I don't see, I don't see what I can say on that.
21 MR. PARSONS: No, the question is whether or not
22 you considered it one way or another.
23 THE WITNESS: Well, of course, I considered it.
24 BY MR. FLYNN: Q. Okay. At the filing of the

25 complaint you considered it. In what way did you consider it
1 as to whether it was injurious to you or not?

2 A. Well, here I'm aware that you all are trying to
3 destroy me and my reputation and Ananda by forcing my
4 resignation, and I just don't see that -- I mean, obviously,
5 I would think that. But then I say, "Well, God, whatever you
6 want, I will accept gladly, and I will consider it a blessing
7 no matter what happens."

8 So I don't know what the issue is here. If I
9 understood it, maybe I could answer more clearly.

10 BY MR. FLYNN: Q. Okay, try this. Prior to the
11 filing of the complaint, other than Peggy Baat and Kelly
12 Coogan, did anyone tell you that they believed your
13 reputation had been damaged by something (the plaintiff)
14 had said about you which was false?

15 A. Not that I remember.

16 Q. All right. Okay. Now in your capacity now as the
17 leader of the Ananda community, whatever is it, spiritual
18 director, swami, I won't characterize it; I'll leave it to
19 your mind to figure out what your position is. In connection
20 with your position in the Ananda community, whatever that is,
21 has the Ananda community, to your knowledge, been damaged by
22 any false statement of (the plaintiff) about you?

23 MR. PARSONS: Objection. Calls for a legal
24 conclusion, vague and ambiguous.

25 But you may respond.

1 THE WITNESS: You see, there are two levels here,
2 and it's sensitive for me to try to answer. There's the
3 question of right spiritual attitude, which I seek and try to
4 hold; and in that, even -- no matter what happens, there's a
5 blessing if you take it with faith and just give it to God.
6 If you look at it from a worldly point of view,
7 then obviously it's been a challenge. Now is that challenge
8 damaging or not? I think that's, that's one you have to call
9 in the future. Because I've seen again and again that things
10 that look even disastrous turn out to be good.

11 So you are trying to say, in my opinion has it been
12 damaging? I really don't know. I know it's been hard;
13 there's no doubt about that.

14 BY MR. FLYNN: Q. Let me try it this way. You are
15 suing Ms. (the plaintiff) and your church is suing Ms. (the plaintiff).
16 Do we agree on that, Mr. Parsons?

17 MR. PARSONS: Well, no, we don't agree. It's not
18 his church. The Ananda church has sued and this witness has
19 sued; yes, we agree on that.

20 BY MR. FLYNN: Q. Okay. Now what damages are you
21 claiming, if any, for the false statements made by (the plaintiff)
22 for you personally?

23 MR. PARSONS: Okay. Objection. I'm objecting on
24 the grounds it calls for a legal conclusion; it calls for,
25 probably, work product. It's vague, ambiguous.

1 You have also asked and answered that -- four times
2 has it been? -- asked and answered it four times.
3 MR. FLYNN: Well, only because of his last
4 testimony where he says that he can't separate --
5 MR. PARSONS: Well --
6 THE WITNESS: I didn't say I can't; I was trying to
7 help you to separate them.
8 BY MR. FLYNN: Q. Let's try it this way: Do we
9 agree, sir, you are not claiming any damages for you
10 personally?
11 MR. PARSONS: No, no.
12 MR. FLYNN: He just said yes.
13 THE WITNESS: No, I'm not. Right, I'm not.
14 BY MR. FLYNN: Q. You are not?
15 Now what kind of damages are you claiming for the
16 church because of false statements about you?
17 MR. PARSONS: Okay. Well, that, I've got to object
18 to that. This, he's not, as far as I know, he's not claiming
19 any damages for the third-party church.
20 MR. FLYNN: I can't think of a higher
21 representative of the church than the swami, Mr. Parsons; I'm
22 sorry.
23 THE WITNESS: A swami who has retired and is no
24 longer active in these roles.
25 BY MR. FLYNN: Q. Let me ask you this, sir: Do
1 you know of any damages the church has suffered because you
2 have been allegedly defamed by Ms. (the plaintiff)?
3 MR. PARSONS: Okay. Objection, calls for a legal
4 conclusion and ambiguous.
5 You may respond.
6 THE WITNESS: And in fact, it's something my lawyer
7 would have to discuss with me.
8 BY MR. FLYNN: Q. Do you know of any damages the
9 church has suffered?
10 MR. PARSONS: Same, same objection.
11 Go ahead.
12 THE WITNESS: Mr. Flynn, most people in our
13 position would say that damages have been colossal. People
14 talking against the church, talking against things, telling
15 lies. Yes, we would have to say so.
16 So I try to put it on another level and say that
17 many times these things are blessings; and whatever is, I
18 want, I want to face it; I don't want to hide anything.
19 And so on what level are we speaking? On a legal
20 level, then I have to talk with my lawyer.
21 BY MR. FLYNN: Q. Okay. Do you know of any
22 colossal damages the church has suffered?
23 MR. PARSONS: Same objections.
24 THE WITNESS: How can you, how can you pin a thing
25 like defamation down to a specific damage? Nothing has
1 collapsed. No business has failed. Nobody has left the

2 organization. On that level I can't, I can't speak of
3 damages.

4 BY MR. FLYNN: Q. Okay. Other than --

5 A. The "other" is vague.

6 Q. Have you lost any moneys, the church? Has the
7 church lost any moneys as a result of the defamatory contents
8 of Ms. (the plaintiff) other than paying the costs in this case?

9 A. Well, that's a big "other."

10 Q. Well, leave that one aside. You have got all your
11 costs over here. Any other money damages the church has
12 suffered that you know about?

13 A. Well, there again, I'd have to talk -- I'm not
14 aware of them personally. That doesn't mean there aren't,
15 but no, I'm not aware.

16 Q. Okay. And any damages to the reputation of the
17 church that you know about, do you know of any such damages?

18 MR. PARSONS: Okay, same objection. Calls for
19 legal conclusion, vague, ambiguous, but you may respond.

20 THE WITNESS: Well, people -- there are articles
21 that have come out in the papers against us, against me
22 quoting you.

23 BY MR. FLYNN: Q. Quoting me?

24 A. Quoting Mr. -- What's your name?

25 MR. GREENE: Greene.

1 THE WITNESS: Flynn -- I mean Greene, sorry.

2 Greene. And -- well, he's always mixing us two, so forgive
3 me.

4 From all that we've had as feedback from the people
5 who have, who live in the county, people we don't, who are
6 not members, people we do business with, people -- they all
7 say, "Oh, who reads that stuff anyway? It's a bunch of
8 nonsense."

9 So has it really hurt us? I doubt it, frankly.

10 BY MR. FLYNN: Q. Okay. Now let's go on to 3.

11 "Walters has engaged" -- well, I'll put it in
12 context.

13 "(the plaintiff) has published oral
14 statements to third parties stating that (c)
15 Walters has engaged in an ongoing systematic
16 pattern of sexual exploitation, harassment,
17 and coercion of women."

18 Now who did Ms. (the plaintiff) make those allegedly
19 false statements to?

20 A. You are talking of outside her brief, her
21 complaint?

22 Q. Yeah, that caused you to file this complaint.

23 A. That was Peggy and Kelly.

24 Q. Same two people. Anyone else?

25 A. That's all I know of.

1 Q. Okay. Have you been damaged, you personally, Swami
2 Walters, been damaged in any way as a result of those

3 allegedly false statements of Ms. (the plaintiff)?
4 MR. PARSONS: Okay. Objection. Calls for legal
5 opinion, vague and ambiguous.
6 THE WITNESS: I think all the answers I have given
7 above apply to this particular sentence.
8 BY MR. FLYNN: Q. Okay. Fine, I'll accept that
9 one.
10 Have you ever considered that the oral, the
11 allegedly defamatory statements to these third parties about
12 sexual exploitation, et cetera, has caused you damages?
13 MR. PARSONS: Excuse me one second.
14 Same objections as to the last question.
15 You may respond.
16 THE WITNESS: Yes.
17 BY MR. FLYNN: Q. You have considered it?
18 A. Yes.
19 Q. And what did you consider?
20 A. Let me read this again here.
21 Read it again to me. What were you asking?
22 Q. I just want to know whether you ever thought that
23 these fault statements about the sexual, systematic pattern
24 of sexual exploitation has caused you damages?
25 MR. PARSONS: And he answered that one in the
1 question of "what did you consider."
2 BY MR. FLYNN: Q. Right. What did you consider?
3 What way did you consider caused you or didn't cause you
4 damages?
5 A. What way? Okay. Really, in the same way as the
6 others.
7 Q. Your answers would all be the same?
8 A. I think so.
9 Q. That you really don't know if it caused you any
10 damages?
11 MR. PARSONS: Well, I am going to object. I, I
12 don't want you to try to recharacterize his testimony. If he
13 says he adopts his testimony, that's one thing, but I don't
14 want you --
15 BY MR. FLYNN: Q. Okay, belay what's on there;
16 we'll leave it that way.
17 Now I'm going to stop at this one for a moment.
18 You know that -- are you aware that truth is a defense to a
19 defamation action?
20 A. I know nothing about it.
21 Q. Okay. Have you ever engaged in an ongoing
22 systematic pattern of sexual exploitation, harassment and
23 coercion of women?
24 A. Absolutely not.
25 Q. Okay. Now we've been through some of the women's
1 declarations who have filed against you where they allege
2 that, right?
3 A. Yes.

4 MR. PARSONS: Well, objection. I don't know that
5 they alleged that, so you are misstating these exhibits.
6 We've gone through --
7 BY MR. FLYNN: Q. We've gone through --
8 MR. PARSONS: -- declarations.
9 BY MR. FLYNN: Q. -- some of them. We haven't
10 gone through all of them, and they stand the way they stand.
11 But I want to now put those declarations in some context in
12 this claim for defamation.
13 Now with regard to (woman #7), have you ever
14 sexually exploited or harassed or coerced (woman #7)?
15 A. Absolutely not.
16 Q. In her declaration which is marked here, as you
17 know, she basically says you raped her.
18 MR. PARSONS: Well, wait. No, I want him to see
19 the declaration; I don't want you characterizing it.
20 MR. FLYNN: We'll take your --
21 THE WITNESS: But I know, I know what she said
22 there.
23 MR. PARSONS: Well, you have a memory of what she
24 said, but you are being deposed. With every word taken down,
25 it's worth finding out what she actually says in addressing
1 questions based on what she actually said.
2 THE WITNESS: But I remember my outrage at reading
3 that statement.
4 BY MR. FLYNN: Q. Okay. You felt that the
5 (woman #7) declaration was false?
6 A. I knew that it was.
7 Q. Okay. Okay. Is it fair for me to characterize her
8 as basically saying that you raped her?
9 MR. PARSONS: No, I, I don't --
10 BY MR. FLYNN: Q. Or do you want to reread it? Do
11 you want to come to mutual agreement on --
12 MR. PARSONS: Wait.
13 BY MR. FLYNN: Q. -- on paragraph 26 in her
14 declaration?
15 MR. PARSONS: I don't, I don't -- I've got to
16 object to this idea of coming to some agreement about what a
17 third party says. Ask him questions based on it if you want
18 to.
19 He's here to answer questions, not to come to some
20 mutual, you know, agreement on what a third party says.
21 MR. FLYNN: Mr. Parsons, I don't want to belay it;
22 I just want to know whether he considers this statement to be
23 true or false, so I can use it in the context of the
24 cross-complaint.
25 THE WITNESS: False.
1 BY MR. FLYNN: Q. Okay. Now she says on page 7,
2 line 23 of her declaration, (woman #7), your ex-spiritual
3 wife, "Then he wanted to kiss me. I resisted and kept
4 turning my face away from him. Soon my

5 blankets were thrown aside and my undies
6 pulled off, and he's holding me down while
7 having intercourse with me. I was totally
8 disgusted and in shock. I felt totally
9 violated and sickened."

10 Now --

11 MR. PARSONS: Wait. There's no question yet.

12 BY MR. FLYNN: Q. Now I take it from your
13 testimony that you believe that her declaration is false?

14 A. I know it is.

15 Q. Okay. Now to your knowledge, did she ever make
16 this statement, the statements of the way you treated her
17 sexually as she's alleged here, to any third person outside
18 her declaration?

19 A. Never.

20 Q. So the first time that you have ever seen this
21 statement of (woman #7) is in her declaration; is that correct?

22 A. That's correct.

23 Q. And it's, that declaration was filed in this case;
24 is that correct?

25 A. Yes.

1 Q. Now (woman #7) was a disciple of Yogananda, was
2 she not?

3 A. No.

4 Q. At any point in time did (woman #7) become a
5 disciple of Yogananda?

6 A. I brought her to him.

7 Q. You brought her onto the spiritual path; is that
8 correct?

9 A. Yes. Onto this path anyway.

10 Q. And before you brought her onto that, the Ananda
11 path, was she a disciple, to your knowledge, of Yogananda?

12 A. She was not.

13 Q. And she then became a disciple of Yogananda because
14 of you; is that correct?

15 A. Yes.

16 MR. PARSONS: Well, objection. Calls for
17 speculation of this witness.

18 THE WITNESS: That's correct.

19 MR. PARSONS: Lack of foundation.

20 But you may respond to the extent you know or
21 believe.

22 BY MR. FLYNN: Q. How long after she became a
23 disciple of Yogananda did you first have sex with (woman #7)
24 ?

25 A. Before.

1 Q. Before she became a disciple?

2 A. Yes.

3 Q. When she was married?

4 A. Yes.

5 Q. And after she became a disciple, did you have sex

6 with her?

7 MR. PARSONS: Okay. Now we've also gone into just
8 excruciating detail already on this witness' entire
9 relationship with --

10 MR. FLYNN: I'm just laying the foundation for
11 defamation part. I'm not going into all the relationship
12 again, believe me.

13 MR. PARSONS: Well, we're certainly into the
14 relationship again, I believe.

15 THE WITNESS: Well, how can you believe it?

16 MR. FLYNN: Well, we have your cross-complaint,
17 Mr. Parsons.

18 MR. PARSONS: Why don't you just ask him a question
19 then, instead of going through what you have already gone
20 through?

21 JUDGE PLISKA: Confine yourself to the
22 cross-complaint, Mr. Flynn.

23 MR. FLYNN: I'll try to be a little more specific.

24 JUDGE PLISKA: Good.

25 BY MR. FLYNN: Q. Now did (woman #7), to your
1 knowledge, cause you any damage in making this statement that
2 I've read and filing it in this court --

3 MR. PARSONS: Okay, objection.

4 BY MR. FLYNN: Q. -- in this court case?

5 MR. PARSONS: Hang on a second.

6 First of all, there's no allegation of any lawsuit
7 against (woman #7), so this entire line of questions
8 about any damages caused by (woman #7) is totally
9 irrelevant to the cross-complaint.

10 Second of all, you have got a string now of
11 statements, okay. There's no foundation for this witness to
12 testify.

13 I thought you were going to be, I thought you said
14 you were going to be asking questions about the
15 cross-complaint.

16 MR. FLYNN: I am.

17 MR. PARSONS: Okay. (woman #7) is not
18 concerning the cross-complaint.

19 MR. FLYNN: It is.

20 MR. PARSONS: How?

21 BY MR. FLYNN: Q. Mr. Walters, what statement did
22 (the plaintiff) make to any third party that you know
23 of with regard to what you did to (woman #7)?

24 A. Uh-huh.

25 MR. PARSONS: Okay, that has been asked and
1 answered.

2 MR. FLYNN: It has not been asked, never been
3 asked, Mr. Parsons.

4 Q. What statement, sir, did (the plaintiff) make
5 to any third party that you know of regarding what (woman #7)
6 says you did to her?

7 MR. PARSONS: Okay. I am going to object --
8 MR. GREENE: It's time for a blood pressure break.
9 MR. PARSONS: I want to object --
10 THE WITNESS: You are having fun.
11 MR. PARSONS: No, they're obviously laughing and
12 mocking what's going on.
13 THE WITNESS: Yeah, who has mocked me? There it
14 is.
15 MR. PARSONS: I just --
16 MR. FLYNN: Please, Mr. Parsons, I just want an
17 answer.
18 Q. What statement did my client, (the plaintiff)
19, make to some third party that you know of
20 regarding this (woman #7) treatment of her by you?
21 MR. PARSONS: Okay, "this (woman #7)
22 treatment"?
23 BY MR. FLYNN: Q. That I read into the record.
24 MR. PARSONS: Okay. If, if anything -- objection,
25 it's been asked and answered.
1 You may respond to what --
2 THE WITNESS: Right.
3 MR. PARSONS: You may respond to what you
4 understand (the plaintiff) said concerning (woman #7).
5 THE WITNESS: The only recollection I have and
6 answered to was the statement that I raped her, which I did
7 not and denied it.
8 BY MR. FLYNN: Q. Okay. What third person --
9 MR. PARSONS: I'm going to take a break because --
10 BY MR. FLYNN: Q. -- did (the plaintiff) make
11 a statement to regarding (woman #7)?
12 MR. PARSONS: Excuse me. I want to take a break as
13 soon as you have -- hopefully, you can wrap up something or a
14 line in a question or two, and then I'd like to take a break.
15 MR. FLYNN: Fine.
16 MR. PARSONS: Go ahead.
17 BY MR. FLYNN: Q. Can you identify one third
18 person that (the plaintiff) made a statement to
19 regarding (woman #7) and your treatment of (woman #7)
20 ?
21 A. All of these were the same people: Peggy and
22 Kelly.
23 Q. Okay. To your knowledge, it's your testimony under
24 oath that (the plaintiff) told Peggy and Kelly that you
25 had sexually exploited or harassed or coerced (woman #7);
1 is that correct?
2 MR. PARSONS: Objection. It misstates what he has
3 said, but you may respond.
4 THE WITNESS: Does it misstate? Say it again then.
5 BY MR. FLYNN: Q. Did, to your knowledge,
6 (the plaintiff) tell Peggy or Kelly that you had
7 sexually exploited, harassed or coerced (woman #7)?

8 A. I think that's so, and that's what I was saying, I
9 did not. So I think in my, in my declaration, I addressed
10 that statement and said that that was not true.
11 Q. Okay. When did Peggy Baat and Kelly Coogan tell
12 you that (the plaintiff) had made this statement regarding
13 (woman #7)?
14 A. This I don't remember.
15 Q. Did they ever make such a statement to you?
16 A. Yes. Not to me; I didn't meet them. They
17 submitted their papers, you have them, and you know better
18 than I, because I don't have them.
19 Q. Have you been in any way damaged by any statement
20 (the plaintiff) made about your relationship with
21 (woman #7)?
22 MR. PARSONS: Okay. Object, legal conclusion,
23 vague, ambiguous, speculation.
24 You may respond.
25 THE WITNESS: I gave a long answer to this general
1 line; I can only give the same answer.
2 BY MR. FLYNN: Q. It will be the same answer? I
3 will accept that.
4 Okay, now did you want to take a break?
5 A. Take a break, yes.
6 MR. FLYNN: Okay, bathroom break.
7 THE VIDEOGRAPHER: Okay, I am also probably going
8 to have to change tapes here, so let's do that as well.
9 This is the end of videotape 18 in the deposition
10 of J. Donald Walters. It's 2:55.
11 (Recess taken.)
12 THE VIDEOGRAPHER: Time is 3:02. This is the
13 beginning of videotape 19 in the deposition of J. Donald
14 Walters. It is 3:04.
15 BY MR. FLYNN: Q. Now this statement, Mr. Walters,
16 in your complaint that, where you allege that Ms. (the plaintiff)
17 allegedly made false oral statements to third parties that
18 Mr. Walters has engaged in an ongoing systematic pattern of
19 sexual exploitation, now just focusing on "ongoing" for a
20 moment, do you have any knowledge that (the plaintiff)
21 told Peggy Baat or Kelly Coogan that you had engaged in an
22 ongoing pattern?
23 A. To the best of my knowledge, this is a direct quote
24 from what they said.
25 Q. But neither one of them told you that (the plaintiff)
1 had said "ongoing"?
2 A. I didn't meet them. I didn't know, I didn't know
3 them.
4 Q. Okay. Now your sexual involvement with (woman #7)
5 was in the 1980-81 time frame?
6 A. '81, '81.
7 Q. Okay.
8 A. Not '80.

9 Q. 1981.

10 Now let's move on to (woman #2). You know that
11 she's filed a declaration which has been marked as Exhibit 15
12 in this case, right?

13 A. Yes.

14 MR. FLYNN: And for the record, the declaration of
15 (woman #7) was --

16 MR. GREENE: 14.

17 MR. FLYNN: Was it 14?

18 Q. It was 14? Okay. Now in (woman #7)'s
19 declaration --

20 MR. PARSONS: (woman #7) or --

21 BY MR. FLYNN: Q. I mean (woman #7) -- (woman #2)

22 's declaration, I'm sorry -- (woman #2)'s

23 declaration, she says that she became a disciple of Yogananda

24 while a student at San Jose State University when she read

25 "Autobiography of a Yogi," and that then she came to Ananda.

1 Is that your memory of --

2 MR. PARSONS: Wait. Are you now asking him his
3 memory of what her declaration says?

4 BY MR. FLYNN: Q. Yeah. Well, let me ask you

5 this: Is it your memory that (woman #2) read

6 "Autobiography of a Yogi," became a disciple of Yogananda,
7 and then came to your village?

8 A. I don't know, but I have no reason to challenge
9 that.

10 Q. Okay. Then she says one day in 1981 you offered
11 her a ride in a car, and during the ride you asked her to
12 come to your house to give you a back rub. Do you recall
13 that?

14 MR. PARSONS: Okay. Objection. We've gone into
15 the (woman #2) declaration in detail.

16 BY MR. FLYNN: Q. I'll try it a different way.

17 Do you recall having sex with (woman #2) when
18 you rubbed yourself against her and ejaculated all over
19 yourself when she thought you were a father figure?

20 MR. PARSONS: Okay. Objection. We have gone into
21 that declaration before. The witness has answered in detail
22 on this. It's a compound question. It assumes those facts.

23 I'm going to request an instruction that we move on
24 to the allegations of the cross-complaint, which --

25 JUDGE PLISKA: I, I agree, Mr. Flynn. You have
1 gone through these declarations and you are asking him a
2 question --

3 MR. FLYNN: We need some foundation.

4 MR. PARSONS: Just ask him a question.

5 BY MR. FLYNN: Q. Did you sexually exploit (woman #2)?
6

7 A. Frankly, I think she exploited me.

8 Q. Did you sexually harass (woman #2)?

9 A. I did not.

10 Q. Did you sexually coerce (woman #2)?

11 A. Certainly not.

12 Q. Okay. Now what statements, to your knowledge, did
13 (the plaintiff) make to any third person that (woman #2)
14 , that you sexually exploited, harassed or coerced
15 (woman #2)?

16 A. I don't know. We'd have to look at their
17 declaration.

18 Q. Did (the plaintiff) make any statement to any
19 third party to the effect that you routinely asked (woman #2)
20 to masturbate you?

21 A. I know nothing about that.

22 Q. Did (the plaintiff), to your knowledge, make
23 any statement to any third party that (woman #2) thought
24 you were a father figure?

25 A. I don't know.

1 Q. And was sickened and dead over the fact that she
2 had to ejaculate you?

3 MR. PARSONS: Now this, this line of questioning is
4 nothing but intimidation, it's harassment, it's
5 argumentative. He's testified he knows nothing.

6 JUDGE PLISKA: I think in this case he does have a
7 right. He's dealing with, with the statements that
8 (the plaintiff), the plaintiff, may have made to other
9 parties, and getting him to, just see his knowledge.

10 THE WITNESS: All I can say is that (woman #2)
11 came on strong to me. There was no question of expressing
12 disgust, ever.

13 MR. PARSONS: No, his question goes to -- I'd ask
14 you to re-ask or read the question back.

15 BY MR. FLYNN: Q. I will ask you, do you know of
16 any third party statement, (the plaintiff) saying to
17 any person that injured you in any way, that (woman #2)
18 had been sexually exploited by you, by you as her father
19 figure, making you masturbate her?

20 A. I don't know what (the plaintiff) said.

21 Q. Making her, making her masturbate you?

22 MR. PARSONS: Okay.

23 THE WITNESS: I don't know what (the plaintiff) said.

24 MR. PARSONS: Right.

25 BY MR. FLYNN: Q. So you know of no such person
1 that (the plaintiff) made any such statement to?

2 A. No.

3 Q. Is that correct?

4 And you are aware that (woman #2) has filed a
5 declaration which is part of this case?

6 A. Yes, I am.

7 Q. Are you aware of (woman #2) making any
8 statements about you outside of this court case which defamed
9 you in any way regarding your sexual involvement with her?

10 A. I am.

11 Q. To who?

12 A. To her husband.

13 Q. What's her husband's name?

14 A. Anil, I think, but I'm not sure.

15 Q. How did you spell that?

16 A. A-N-L-A -- A-N-I-L.

17 Q. And where is he located?

18 A. Somewhere in Connecticut.

19 Q. Was he a member of the Ananda community?

20 A. No. I've never met him; he just wrote --

21 Q. To your knowledge, what did (woman #2) say to Anil?

22 A. He told, wrote to me complaining about her and her,
23 his marriage with her, saying how she lied constantly and was
24 trying her best to destroy his reputation. And he wrote that
25 she had told him things to try to destroy my reputation. He
1 didn't say specifically, but he said that she's psychotic,
2 that she's not to be trusted.

3 And I think he was trying to get me to help him,

4 but I had no way of knowing what to do.

5 Q. When you say "help him," were they going through a
6 divorce or --

7 A. That's a part of the problem, I don't remember it
8 clearly, but I think, yes, they were going through a divorce,
9 but she wasn't signing the papers. She was going public
10 against him, hiding the children from him, making -- she's
11 like an uncontrollable force of nature, and she came on that
12 way with him, just, just extreme emotional condemnation, and
13 it was, it was driving him to the point of a breakdown.

14 That's all I remember from his letter.

15 Q. Do you have that letter?

16 A. No. Oh, I do, but I don't have it on me.

17 Q. Okay. Where is the letter?

18 A. I suppose it's at Ananda. I think that the legal
19 team here has a copy of it.

20 Q. Okay. Now have you ever spoken to this fellow Anil
21 on the telephone?

22 A. I have, twice.

23 Q. And what did he say to you?

24 A. Same things.

25 Q. Did you talk about the contents of the declaration
1 that she had filed against you?

2 A. I hadn't read that yet at that time.

3 Q. Had the (the plaintiff) lawsuit been brought?

4 A. The first one, it had not, and the second one, I
5 think, but I don't know that it had been.

6 Q. When, when to your recollection were the phone
7 calls made?

8 A. No, I can't remember.

9 Q. Was it during the pendency of the (the plaintiff)
10 lawsuit?

11 A. I don't think so, but I don't remember. I think it

12 was unrelated to anything except his own suffering he was
13 going through.

14 Q. So then the (woman #2) declaration hadn't even
15 been created yet; is that correct?

16 A. The first time. The second time, I don't know
17 because I hadn't read it and I don't remember.

18 Q. Well, what did Anil tell you that (woman #2) had
19 said falsely about you?

20 A. I don't remember.

21 Q. Did she say that she had treated you --

22 A. Now you have read all those things, so you are just
23 trying to intimidate me by reading it. And no, he didn't, he
24 didn't say any of those things.

25 Q. Was there any discussion between you and Anil about
1 (woman #2) masturbating you over a period of time?

2 A. Yes, I knew you wanted to say that.

3 No, there wasn't.

4 Q. Okay. Now was there any discussion between you and
5 Anil about (woman #2)'s conversation with (the plaintiff)
6 about that subject?

7 A. No.

8 Q. Was there any discussion of any nature between you
9 and Anil about any conversations between (the plaintiff)
10 and (woman #2)?

11 A. I'm not sure. It seems to me that when I talked
12 with him, the (the plaintiff) case -- now that I'm thinking about
13 it -- hadn't come up yet. It was more in relation to
14 (woman #7), because (woman #2) and (woman #7) were in contact and
15 sort of whipping up something. So I think it was that, but
16 no, I'm not sure.

17 Q. Well, when they were "whipping up something," what,
18 if anything, does that have to do with (the plaintiff)?

19 A. I just don't know.

20 Q. So is it your testimony that before (the plaintiff)
21 ever even left the Ananda community, that (woman #2)
22 and (woman #7) were making allegedly defamatory statements
23 about you?

24 A. No, that's not my testimony.

25 Q. Okay. Were they, to your knowledge?

1 A. I don't think so. I don't know.

2 Q. Okay. What were they whipping up?

3 A. I've no idea.

4 Q. Okay. When you used the term "whipping up," what
5 did you mean?

6 A. That's what I don't know.

7 Q. Okay, you don't know what you meant.

8 Now let's move on to (woman #1). What
9 statements did (woman #1) make to any third party that
10 you know of that were false in connection with you allegedly
11 engaged in an ongoing systematic pattern of sexual
12 exploitation, harassment and coercion of women?

13 A. Well, I know she telephoned a number of people at
14 Ananda. She also telephoned one JM, talked to her
15 for three hours. JM was trying to milk her for
16 everything she could get.

17 The truth of her statements is minimal. There was
18 no exploitation at all. There was a relationship, yes. More
19 than that, I don't know what to say.

20 Q. I'm not sure you answered the question.

21 A. Yes, I'm not sure.

22 Q. What statements did (the plaintiff) make, to
23 your knowledge, about you that indicated that you sexually
24 exploited (woman #1)?

25 MR. PARSONS: That's a, a new question.

1 THE WITNESS: That's a new question. I don't know
2 the answer.

3 BY MR. FLYNN: Q. You don't know of any statements
4 that she made?

5 A. No.

6 Q. And, of course, you deny that you sexually
7 exploited (woman #1), correct?

8 A. I do.

9 Q. All right. And you are aware of her declaration
10 which has been filed in this case?

11 A. I think we went over it.

12 Q. Which we've gone over. And you are aware that she
13 alleges that you sexually exploited her and harassed her?

14 A. I'm aware of this.

15 Q. Okay. And you deny it?

16 A. I deny it.

17 Q. Okay. And you are telling the truth and she's
18 lying; is that correct?

19 MR. PARSONS: Objection. Argumentative.

20 THE WITNESS: Nonetheless, yes.

21 BY MR. FLYNN: Q. All right. Now do you know of
22 any damages that you have suffered as a result of any
23 statements (the plaintiff) has made relative to your
24 sexual exploitation of (woman #1)?

25 MR. PARSONS: Objection. Calls for legal
1 conclusion, speculation, vague, ambiguous.

2 You may respond.

3 THE WITNESS: Well, I'm going to backtrack on this
4 word "damages" to this extent, that (woman #7) -- certainly
5 there was a deep damage to my loyalty to her, to my love for
6 her, my trust in her; certainly, I felt betrayed.

7 In the same line, whereas there was no particular
8 depth of emotion regarding (woman #1), she's a nice

9 person, but her turning JM against me -- I felt

10 JM has proved herself a traitor, and that has hurt

11 me in my affection and my effective, my sentiments, whatever
12 you want to call it, but that's not a monetary damage, it's

13 not any other kind of damage, that I feel deeply betrayed by

14 both of those two women.

15 BY MR. FLYNN: Q. All right. I am trying to make
16 this simple. What does that have to do with (the plaintiff)
17 ?

18 A. Nothing.

19 Q. Okay.

20 A. You see, you didn't phrase it with (the plaintiff).

21 Maybe I should have thought that one through, because you
22 were talking about (the plaintiff).

23 Q. I believe you volunteered this new deep damage
24 statement, and I'm just trying to explore it.

25 A. Yes, because you have been asking again and again
1 what damage was done, and then I thought on this level, then
2 I'd have to say yes, that was done.

3 Q. Okay, but that has nothing to do (the plaintiff)?
4

5 A. Quite right.

6 Q. Okay, so we can leave that one there.

7 Now let me just think for a moment. Let me ask you
8 this at this point. We've gone through (woman #7),
9 (woman #2), (woman #1). Do you know of any other
10 woman that (the plaintiff) has said you sexually
11 exploited so far other than the three that we've gone
12 through?

13 A. No.

14 Q. Okay. Now what about Petrea Van Der Voort?

15 A. Certainly not.

16 MR. PARSONS: Wait.

17 Excuse me, the question "what about" is -- I mean
18 it calls for a narrative.

19 MR. FLYNN: Yes, a little vague, a little vague.

20 Q. Did you have a sexual relationship with Petrea Van
21 Der Voort?

22 A. I did not.

23 Q. And you know of no statement made by Ms. (the plaintiff)
24 about your alleged sexual exploitation of Petrea Van Der
25 Voort; is that correct?

1 MR. PARSONS: Well, again, objection. Alleged
2 sexual exploitation, I haven't heard of that yet in this
3 lawsuit.

4 THE WITNESS: The name seems to have come up
5 somewhere. I don't remember whether it was in the papers or
6 whatever, but --

7 MR. PARSONS: Don't, don't go --

8 THE WITNESS: Okay.

9 BY MR. FLYNN: Q. Did you ever have any sex of any
10 nature or description with Petrea Van Der Voort?

11 A. I did not.

12 Q. And she was a disciple of yours and Yogananda's?

13 MR. PARSONS: Wait. Objection, disciple of this
14 witness, I think misstates the testimony so far, but you may

15 respond subject to the objection.

16 THE WITNESS: No, she certainly wasn't my disciple,
17 but I don't think she was a disciple of Yogananda either.

18 BY MR. FLYNN: Q. Did she live at Ananda Village?

19 A. Yes, but she's now doing something else.

20 Q. When she was at Ananda Village, was she a disciple,

21 to your knowledge, of Yogananda?

22 A. I wouldn't call that, call her a disciple. She
23 might have declared herself; this I don't know.

24 Q. Did she take these courses that you give up
25 there --

1 MR. PARSONS: Objection.

2 BY MR. FLYNN: Q. -- of Kriya and AUM and
3 Hong-Sau?

4 MR. PARSONS: Okay, with respect to those three
5 courses.

6 THE WITNESS: I don't know.

7 BY MR. FLYNN: Q. How long did she live there?

8 A. I don't know. Roughly, I don't know, maybe two
9 years.

10 Q. Did you have any sexual contact with her of any
11 nature or description?

12 MR. PARSONS: Objection. Asked and answered two
13 times already.

14 THE WITNESS: Right.

15 BY MR. FLYNN: Q. The answer is no?

16 A. He's answered it.

17 Q. Okay. You accept his answer?

18 A. Yes.

19 Q. All right. Now, and you know of no statements made
20 by Ms. (the plaintiff) regarding your involvement with Petrea Van
21 Der Voort; is that correct?

22 MR. PARSONS: Objection, asked and answered.

23 You can answer.

24 THE WITNESS: Yeah, I, I have some vague
25 recollection of her name coming up in some context. That's
1 the best I can do for you.

2 BY MR. FLYNN: Q. Did (the plaintiff) make
3 any statement to Peggy Baat or Kelly Coogan about your sexual
4 exploitation of Petrea Van Der Voort?

5 MR. PARSONS: Again, objection. It assumes that
6 fact.

7 THE WITNESS: I, I don't remember.

8 BY MR. FLYNN: Q. Okay, let's go to Elizabeth
9 Barrett. Have you had any sexual contact of any nature or
10 description with Elizabeth Barrett?

11 A. No.

12 Q. She was your masseuse?

13 A. Yes.

14 Q. And were you naked when she massaged you?

15 A. Sometimes.

- 16 Q. And did you ever get an erection when she was
17 massaging you?
18 A. No.
19 Q. And where is Ms. Barrett now?
20 A. She's in Portland.
21 Q. She moved out of the Ananda community?
22 A. No.
23 Q. Well, she moved out of the Ananda community at
24 Nevada City?
25 A. Her husband was needing, needed up there in
1 Portland.
2 Q. So you sent them up there?
3 A. I didn't send them.
4 Q. When did she go to Portland?
5 A. I don't know. It was recently.
6 Q. How long was she your masseuse?
7 A. Oh, I don't know. Off and on -- I don't remember.
8 Q. How old a woman is she?
9 A. 40- something, 40 I think.
10 Q. And was she your masseuse for less than a year or
11 more than a year?
12 A. More than a year. So let's say off and on maybe
13 five years. I don't remember for sure.
14 Q. Five years, okay.
15 And do you know of any statement (the plaintiff)
16 made to any person, including Peggy Baat or Kelly
17 Coogan, about your alleged sexual exploitation of Elizabeth
18 Barrett?
19 A. Only what I can say so far with the others, her
20 name came up, but that's all.
21 Q. Okay. Well, she's still at Ananda, so to your
22 knowledge, has any statement been made by (the plaintiff)
23 connecting you and Elizabeth Barrett in a sexual
24 way to anyone?
25 A. I think so.
1 Q. Okay. Who?
2 A. I think it was Peggy and Kelly, but I'm not sure.
3 Q. Okay. What did, to your knowledge, what did she
4 say?
5 A. I don't know.
6 Q. What did (the plaintiff) say about your relationship
7 with Elizabeth Barrett?
8 A. I don't remember.
9 Q. Were you in any way damaged by anything that
10 (the plaintiff) said to Kelly or Peggy about your
11 relationship with Elizabeth Barrett?
12 MR. PARSONS: Okay, objection, calls for a legal
13 opinion, speculation, no foundation.
14 You may respond.
15 THE WITNESS: In no way that I can think of.
16 BY MR. FLYNN: Q. Okay. Do you know someone named

17 (woman #3)?

18 A. I do.

19 Q. Okay. We've got her declaration here. Did you in
20 any way have a sexual relationship with (woman #3)?

21

22 A. I did not.

23 Q. Did you make sexual advances to her in any way at
24 any time?

25 A. Depends on what you mean by "any way." I did not
1 make sexual advances.

2 Q. What did you do?

3 A. Well, again, this was the time after (woman #7) left,
4 and I wanted comfort, so what she wrote in her testimonial
5 was correct. In her declaration, I mean.

6 Q. Is correct?

7 A. Yes. As far as I can remember, it's correct.

8 Q. Okay. We haven't gone over this; so we might as
9 well go over it. I'll put the declaration in front of you;
10 we'll have it marked.

11 (Whereupon, Exhibit 48 marked.)

12 BY MR. FLYNN: Q. Now that says, and we'll try to
13 go as quickly as possible here, it says, paragraph 4,
14 "My first encounter with Donald Walters (he
15 was then called 'Swami' or 'Swami Kriyananda'
16 by community members) was at least six months
17 after my arrival - he had been traveling
18 before that. I tearfully approached him about
19 my divorce - at first he abruptly stated,
20 'well it's too late to worry about it now,
21 isn't it?' Then as he saw my tears he
22 relented a little, but had no time to discuss
23 it as he was on his way to speak to the
24 community.

25 "I was very dedicated in my work at Ananda" --
1 Let me stop there.

2 MR. PARSONS: Do you have any question about the
3 paragraph you have just taken the time to read into the
4 record?

5 BY MR. FLYNN: Q. Okay. Well, do you disagree
6 with anything in paragraph 4?

7 A. I don't remember any of it.

8 Q. So you have no reason to disagree with it?

9 MR. PARSONS: Well, no, he says he doesn't remember
10 it.

11 THE WITNESS: I do have reason to disagree with it.
12 If she -- but it has to be supposition. Just based on the
13 way I handle people and handle things, I would not have been
14 cold to her tears or to her grief and whatever she was
15 describing as, "as he saw my tears he relented little, but
16 had no time," I wouldn't have done that. It's something that
17 I would have certainly wanted to talk to her about, but if I

18 had to go to speak to the community, then, of course, it
19 would have had to wait until another time. But I do not
20 remember the episode.

21 BY MR. FLYNN: Q. Okay. Paragraph 5, "I was
22 very dedicated in my work at Ananda and
23 regarded Swami as my spiritual Father and the
24 community members as my spiritual family."

25 Now do you know whether she regarded you as her
1 spiritual father?

2 A. It didn't look like that to me, but that may have
3 been my error.

4 Q. Well, are you regarded in the community as the
5 spiritual father of the community?

6 MR. PARSONS: Objection. Vague. It's a global
7 statement. Regarded by whom? Third party opinion,
8 speculation, no foundation.

9 But you may respond.

10 THE WITNESS: Okay, I can't respond.

11 BY MR. FLYNN: Q. You can't? Okay.

12 "When I noticed things which made me morally
13 uncomfortable - I rationalized that whatever
14 'Swami' dictated (and his inner circle carried
15 out) was the will of God because that is what
16 they inculcated me to believe. Everything
17 said by Swami Walters and his ministers led me
18 to believe it."

19 A. Well, it sounds like a lot of nonsense.

20 MR. PARSONS: But he hasn't asked you a question
21 yet.

22 BY MR. FLYNN: Q. You disagree with all that?

23 A. Yes.

24 Q. Okay. 6. "Finally I was invited to
25 a small gathering at 'Swami's done' (his home)

1 - I was happy to be amongst those who
2 designated themselves to be 'high souls.'

3 Swami held my hand and another young nun's who
4 was also new to the group. After that
5 experience, Swami invited me over more and
6 more frequently."

7 Do you disagree with anything in there?

8 MR. PARSONS: Objection, it's compound.

9 You may respond.

10 THE WITNESS: See, she's making herself look like
11 somebody who was greatly mistreated, and I don't know whether
12 I did or not. If I did, I deeply regret it. I had no wish
13 to hurt her. I thought she was expressing just the kind of
14 friendship that I was longing for because of the pain of
15 separation from (woman #7). That was my foolishness. But
16 abusing her, using her, manipulating her, none of that -- you
17 see, she's seeing it from another point of view, which she's
18 -- I'm not going to tell, say she's lying; it may be actually

19 how she saw it. It isn't the way I understood it.
20 BY MR. FLYNN: Q. Paragraph 7, "My first time
21 alone with Swami was in San Francisco at the
22 'Ananda House' there - as I was led up the
23 back stairs to his bedroom by one of the nuns,
24 (I was also a nun at the time - we nuns were
25 considered part of the inner workings of the
1 community and took vows of celibacy and
2 simplicity - as did Swami). I was given
3 knowing looks and encouraging comments by some
4 of the inner circle who were in the back
5 kitchen of this mansion. Swami said he wanted
6 a footrub and I had been chosen. As the nun
7 left me at the door, I felt excited but humble
8 about being given this great 'opportunity' to
9 serve. Swami disrobed in a large well-lit
10 walk-in closet so quickly that I was shocked
11 that I could see his disrobing from where he
12 had asked me to wait - he looked over to see
13 if I was watching and I moved out of view so I
14 could not see. He sat briefly in a chair,
15 with only a towel on for his footrub. After
16 only a few moments he said he wanted a headrub
17 instead as he stated he had a headache and
18 'would I come over to the bed while he lay
19 down to give him a head massage?' As I began
20 to do so, he pulled me down to him and began
21 kissing me - I tried to pull away several
22 times and finally succeeded. He acted hurt
23 and surprised and answered to my explications
24 of dismay that he was only feeling a little
25 blue and wasn't sure why I was uncomfortable.
1 I left soon after."

2 Is there anything you disagree with in that
3 statement?

4 MR. PARSONS: Okay. Wait. I object to this
5 approach where you read a long declaration into the record
6 consisting of dozens of sentences and then ask if there's
7 anything the witness disagrees with.

8 MR. FLYNN: It seems to be the fastest --

9 MR. PARSONS: That is simply an unfair --

10 MR. FLYNN: It seems to be the fastest way to go
11 here. Now he can say whatever he wants --

12 MR. PARSONS: Well, faster would be just ask him
13 with respect to paragraph 7, is there anything in there you
14 disagree with? That would be faster.

15 MR. FLYNN: But we need context.

16 THE WITNESS: While you gentlemen argue this point,
17 I'm going to the bathroom for a moment.

18 THE VIDEOGRAPHER: Don't forget to take your
19 microphone off, sir.

20 THE WITNESS: Okay.

21 (Witness left the deposition room.)

22 MR. PARSONS: I will continue.

23 So therefore I object to the form of the question.

24 I, having stated my objection, I will let the witness respond

25 to your question, but I would ask that, you know, you try to
1 move on without gratuitously reading these long excerpts into
2 the record.

3 MR. FLYNN: I just think it's the fastest way to
4 go, and he can just say what he disagrees to otherwise.

5 JUDGE PLISKA: It's not the fastest way. His
6 suggestion is read this, is there anything in that one you
7 disagree with? Why do you have to read it --

8 MR. FLYNN: Because then I have no context in the
9 declaration.

10 MR. PARSONS: No, it's because the videotape is
11 going. He's hoping to get some sort of response from this
12 witness or something like that, is what's going on. It is
13 purely for an improper purpose.

14 MR. FLYNN: No, no, it's not improper at all. He's
15 quite correct, the video is going; if Mr. Walters is not
16 available, I need the context of what's in this paragraph on
17 the videotape for him to disclaim. It's either that or go
18 line by line.

19 JUDGE PLISKA: No, that's true. I can see that.

20 MR. PARSONS: I'm going to, I'm going to let him
21 respond, you know. Let's try to move this forward.
22 I expect tomorrow is the last day.

23 MR. FLYNN: Mr. Parsons, believe me, I can't help
24 it that the number of woman who are involved here are the
25 number of women.

1 MR. PARSONS: Well, no, the number of women who are
2 involved is a relatively small handful of people scattered
3 over two and a half decades. You are trying to bring in
4 third parties who aren't involved.

5 MR. FLYNN: You are quite wrong about the small
6 handful, and this is discovery and we're trying to find out
7 the extent of the women. So far we're over 30.

8 MR. PARSONS: Yeah, right.

9 MR. GREENE: However, of those 30, he may be able
10 to remember only a small percentage.

11 MR. FLYNN: Besides, the jury may conclude that an
12 ongoing systematic pattern is exactly what we're proving
13 here.

14 MR. PARSONS: Something within the last 15 years
15 would, might be significant for you, but you are dealing with
16 ancient history here.

17 MR. FLYNN: Like putting (the plaintiff)'s face in his
18 lap when he has an erection in a counseling session?

19 MR. PARSONS: That's not what she testified to.

20 MR. FLYNN: That's exactly what she testified to.

21 MR. PARSONS: No, she testified he put his -- her
22 face was in his lap; she began to feel something that she
23 thought might be an erection and immediately sat up. That's
24 what she testified to under oath.
25 MR. FLYNN: And that he turned his face toward the,
1 what was beginning to be an erection.
2 MR. PARSONS: No, she didn't testify to that.
3 MR. FLYNN: That's precisely what she said.
4 MR. PARSONS: That he turned his face, that's
5 precisely what she said?
6 MR. FLYNN: Her face.
7 MR. PARSONS: Ah, okay.
8 MR. FLYNN: Now, and if that's not sexual
9 harassment of a person who's in an unequal position to the
10 Swami in part of a counseling session, I don't know what is.
11 MR. PARSONS: Well, I, I agree with your
12 conclusion.
13 (Short pause in proceedings.)
14 THE WITNESS: Are we on the record?
15 THE VIDEOGRAPHER: Yeah. We never went off.
16 THE WITNESS: I said that I, I felt this was
17 basically true, but I must not have read it because I don't
18 remember any of this. It doesn't seem true to me.
19 Let me go back over what you were reading there of
20 these knowing --
21 MR. PARSONS: Well, hold on. I think we have a
22 question, right, and that is --
23 BY MR. FLYNN: Q. Before you do that, while you
24 were out of the room, Mr. Walters, did anyone outside the
25 room other than your lawyer tell you that you had said the
1 declaration was true and you better go back in and say it was
2 untrue?
3 A. No, no, I got no advice at all.
4 Q. Okay. This gentleman sitting here, what is his
5 name?
6 A. Which gentleman?
7 MR. PARSONS: Jyotish.
8 BY MR. FLYNN: Q. This gentlemen right here.
9 A. No, I didn't see him.
10 Q. And the gentlemen at the end of the table?
11 A. He took my blood pressure.
12 Q. Was there any discussion between you and anybody
13 out of the room that you had already testified that the
14 declaration was true?
15 A. I, what I said to Dr. Van Houten was that I, I, I
16 haven't read that thing. I thought I had, but I -- there are
17 a lot of things here that just are not the way I remember
18 them at all. He made no comment.
19 Q. You do realize, sir, that you had testified before
20 the break that you thought that (woman #3)'s
21 declaration was true?

22 A. I'm qualifying that testimony now.
23 Q. And you thought of the fact that your previous
24 testimony was inaccurate during the break; is that correct?
25 MR. PARSONS: Oh, that is not true.
1 THE WITNESS: That's not true.
2 MR. PARSONS: Wait. That is absolutely not true.
3 Before the break he had already denied the specific
4 allegations in the declaration --
5 THE WITNESS: That's right.
6 MR. PARSONS: -- when you went over them in detail.
7 MR. FLYNN: That's not the question, please,
8 Mr. Parsons.
9 MR. PARSONS: That has all happened before the
10 break.
11 MR. FLYNN: Please, Mr. Parsons, that's not the
12 question.
13 Q. The question, sir, when did you first realize that
14 you had previously given testimony that this declaration was
15 true?
16 A. Right at the beginning here when you first read
17 something that I didn't remember as being that way, and I
18 thought, wait a minute, what have I said? Then when you got
19 into this, I realized, no, I have got to really call
20 exception to this, take exception to it. That was before the
21 break.
22 Q. And before the break did you give any testimony
23 that your prior statement was per se inaccurate and you
24 wanted to correct it?
25 MR. PARSONS: Wait. Objection. You are asking him
1 now whether he gave testimony that said his prior testimony
2 was inaccurate?
3 MR. FLYNN: I'll withdraw it. The record, I am
4 comfortable with the record.
5 MR. PARSONS: The record says what it says.
6 MR. FLYNN: We've got a video going; the jury will
7 see what happens.
8 MR. PARSONS: That's right.
9 THE WITNESS: The point that happened then was
10 Mr. Parsons was challenging you on this. I thought, well,
11 while you are talking about it, I'll leave. But I was
12 planning to say what, just what I'd like to say now.
13 BY MR. FLYNN: Q. Say whatever you please.
14 MR. PARSONS: Well, let's have a question.
15 BY MR. FLYNN: Q. Okay. Is there anything in
16 paragraph 7 that you disagree with?
17 A. Quite a lot.
18 Q. Okay. Do you disagree with the whole paragraph?
19 A. Let me take it bit by bit, shall we?
20 Q. In any way, whatever way you want.
21 A. Okay. I don't remember that it was in San
22 Francisco House, but I certainly am -- I wasn't there, but I

23 cannot believe that there were "knowing looks." I think
24 she's playing to an audience here, "knowing looks,
25 encouraging comments." That's ridiculous. No one in the
1 inner circle would be capable of encouraging such a thing.
2 I cannot remember -- let's see -- her trying to
3 pull away several times. I, I just don't remember that, but
4 I'm not going to challenge it. No, I, I think that she's,
5 she's stated it very much to make her look good and me look
6 bad.

7 Q. Did you try to kiss her?

8 A. That I don't remember. But did I ever? Yes, I
9 did.

10 Q. Did you know at the time that she was a disciple of
11 Yogananda who had taken a vow of celibacy?

12 A. There is no question yet of celibacy for her that I
13 know of, but certainly, I had.

14 Q. Do you disagree with the statement in her
15 declaration that she taken, she was a nun who had taken a vow
16 of celibacy?

17 A. I don't know enough to disagree. But if she had,
18 then I will not hide behind any excuse.

19 Q. What does that mean?

20 A. That means that I was wrong if I did that.

21 Q. If you did what?

22 A. That I encouraged her -- see, I didn't ask for her
23 to have sex with me. I never, I never wanted it, I never
24 asked for it. But that intimacy I did want, in fact. And I
25 thought that she was expressing that kind of friendship
1 toward me. I was wrong in that.

2 And if she took the vow of celibacy, which I don't
3 know, but if she did, then I was very wrong in encouraging
4 her in this, and that's what I don't want to hide behind by
5 excusing that.

6 Q. Did you know she was a nun at the time you tried to
7 kiss her?

8 A. I know she lived in that area, but I didn't know
9 anything about those things then.

10 Q. Okay. Now in your mind, sir, again in light of the
11 testimony you just gave, what is the difference between sex
12 and intimacy?

13 A. Yes, intimacy in this case meant holding each
14 other -- and kissing or not, I don't remember, but holding
15 each other is what I do remember.

16 Q. Okay. Now you mentioned the inner circle and that
17 nothing like that would have ever happened. What did you
18 mean by the "inner circle"?

19 A. She calls it the inner circle. I don't have an --

20 Q. Was there such a thing?

21 A. -- inner circle.

22 Q. You don't have one? Okay, let's move on.

23 A. But none of those who were close to me as friends

24 would, would dream of encouraging a thing like that.

25 Q. Okay. Do you, do you dispute her statement that
1 you disrobed in a large, well-lit closet so that she could
2 see you?

3 MR. PARSONS: Again, that whole thing, objection,
4 compound.

5 You may respond.

6 THE WITNESS: Well, apart from the fact that there
7 was no large, well-lit closet or large closet or even closet
8 that I can recall -- was there one? There was a closet
9 there.

10 No, I don't remember.

11 BY MR. FLYNN: Q. Okay. Now, by the way, would
12 you characterize -- I happen to have met (woman #3)
13 . Would you characterize (woman #3)
14 as one of the most sincere people you have
15 ever met?

16 MR. PARSONS: Objection. It calls for an opinion.
17 Speculation, no foundation.

18 You may respond, though.

19 THE WITNESS: Forthright.

20 MR. PARSONS: Listen to the question, though, and
21 answer.

22 THE WITNESS: I heard it.

23 BY MR. FLYNN: Q. Sincere, forthright?

24 A. I said she was forthright.

25 Sincere? This doesn't show sincerity to me, but
1 forthright, yes, and to that extent also -- I, I respect her.

2 Q. Well, okay. Aside from the declaration, when you
3 knew her, did you consider her to be sincere?

4 A. I thought she was.

5 Q. So do I.

6 Paragraph 8, "This type of scene repeated itself
7 a number of times although each time it became
8 more couched in his terms of it being
9 'completely nonsexual' (as he knew that I
10 believed in the monastic vows he had given me
11 and taken himself years before). He told me
12 how sad he was about the loss of
13 'Paremeshwari' (which was the name Swami
14 directed (woman #7) to be called at
15 Ananda) and that he just 'needed the balancing
16 energy of a woman around.' I was flattered,
17 felt like I was given this role to help him
18 through a hard time, and tried to overlook my
19 confusion about his intentions. Finally one
20 evening he asked me to disrobe and lie naked
21 on top of him - he wore only underwear.
22 Although confused, I agreed because he assured
23 me it was for healing only. He put my hand
24 next to his penis at the juncture of his

25 inside thigh and crotch and stated he needed
1 to send, needed me to send 'healing energy'
2 through my hands to his arthritic hip (on the
3 inside near his penis, he said that was where
4 the pain was.) I quickly became very
5 uncomfortable, put on my clothes and said I
6 must leave - he hugged me good-bye and smiled
7 when I said that it was 'strange to feel
8 sexual energy between two monastics.' I was
9 disoriented and confused."

10 Is there anything you disagree with in that
11 paragraph?

12 MR. PARSONS: Objection, compound.

13 You may respond.

14 THE WITNESS: I can't think that it's untrue; I
15 think it is true. And I, I felt very badly that I had
16 misunderstood our relationship. I also felt that she wasn't
17 the true friend to me, but that could have been a personal
18 bias, I don't know.

19 BY MR. FLYNN: Q. Did you give her the monastic
20 vow of celibacy?

21 A. That's what I don't remember, but she says so. I
22 don't know.

23 Q. Paragraph 9, "After that episode I began
24 avoiding private contact with him. I moved
25 from the living area where the nuns had their
1 residences, since that was very near his dome
2 and he had made at least two unexpected visits
3 to my trailer while I lived there."

4 Let me stop there. Did you do that?

5 A. Uh-huh.

6 MR. PARSONS: Wait. "That" being --

7 BY MR. FLYNN: Q. Two unexpected visits.

8 A. One at least, maybe two.

9 Q. For what purpose?

10 A. Well, I don't know. I mean no special purpose.

11 Q. "I spent several months praying and agonizing
12 over what this all meant - loyalty to Swami
13 and the community had been drilled into my
14 head. Seva, one of his closest" -- "oldest
15 and closest friends (and the head nun), had
16 come over to me expressing outrage and hurt
17 that I had not gone to visit Swami when he was
18 ill with influenza during that time. Others
19 spoke to me also, and slowly I became more and
20 more aware that the 'inner circle' were
21 shunning me (as I had seen them do to others
22 who disobeyed Swami). I felt I could speak to
23 no one in my confusion - besides I thought
24 they would only be shocked by my doubts."

25 A. I have no comments.

1 Q. Paragraph 10, "Finally I decided to go to a
2 psychologist whom I had come to know (as he
3 had initially come to visit the spiritual
4 services in the community on Sundays - He had
5 become estranged after a while when he
6 disagreed with Swami at times). I gingerly
7 revealed the episodes with Swami to him. I
8 asked if he thought I was misinterpreting
9 Swami's intentions. I thought he would say
10 yes - but he did not. In fact he said that
11 several other women clients had expressed
12 similar experiences to him. This confirmation
13 of my worst fears finally convinced me that I
14 must move away from the community."
15 Now did you ever talk to (woman #3)
16 about the fact that she had to go to a psychologist over her
17 involvement with you?

18 MR. PARSONS: Objection. Assuming that to be the
19 case.

20 You may respond.

21 THE WITNESS: No, it's the first time hearing of
22 it.

23 BY MR. FLYNN: Q. Well, you had read this
24 declaration before, correct?

25 A. I obviously didn't. I thought I had.

1 Q. Paragraph 11, "It took me almost another year
2 of working a side job to earn the money to
3 leave (I had given all of my money to Ananda
4 when I had become a member and earned no or
5 very little salary for the work I did there)."
6 Is that true?

7 A. Frankly --

8 MR. PARSONS: Wait.

9 BY MR. FLYNN: Q. That she had earned very little
10 money?

11 MR. PARSONS: Okay. Objection, compound. There's
12 no way this witness has a foundation to opine on the
13 statements she's made, which are subjective.

14 THE WITNESS: But the more I read, the more
15 self-serving it all sounds.

16 MR. PARSONS: But you may respond.

17 BY MR. FLYNN: Q. Okay. To your knowledge, did
18 she make little or no money?

19 MR. PARSONS: Okay. Objection, foundation.

20 You may respond.

21 THE WITNESS: Well, none of us make much money, so
22 that's not a big deal.

23 BY MR. FLYNN: Q. Did she work in the same Crystal
24 Clarity publishing your books?

25 A. I don't know where she worked.

1 Q. And we've also established that the copyrights to

2 your books are owned by you, not the community; is that
3 right?

4 A. That's right.

5 MR. PARSONS: Objection. We have indeed already
6 established that, Mr. Flynn, and you know it.

7 BY MR. FLYNN: Q. Okay. And did she work for
8 little or no salary, if you know, to publish your books?

9 A. I've no idea, but I've also testified that I don't
10 take royalties from my books; so owning the copyright or not
11 is just not a big issue.

12 Q. And we're going to find out about that.

13 MR. PARSONS: And we've gone into that already.

14 THE WITNESS: Yeah.

15 BY MR. FLYNN: Q. No, we're going to find out
16 about that.

17 A. Well, I have told you already.

18 Q. Yeah. Have you ever opened a foreign bank account
19 in which you have placed your royalties?

20 A. I talked to Mr. Greene on this.

21 MR. PARSONS: Okay. Again, this has been asked and
22 answered in detail, all about the foreign accounts,
23 supposedly.

24 BY MR. FLYNN: Q. Okay, I'll move on.

25 "I moved" -- this is paragraph 12, "I moved
1 to Southern California and was able to live
2 with a friend as I began to re-establish a
3 life on the 'outside'. I had been very
4 depressed in my last year at Ananda due to the
5 stress of my relationship with Swami and my
6 confusion about what it meant morally and
7 spiritually."

8 Now did you observe depression in (woman #3)
9 during her last year at Ananda?

10 MR. PARSONS: Okay, objection, opinion,
11 speculation, lack of foundation.

12 Go ahead.

13 THE WITNESS: I never saw her.

14 BY MR. FLYNN: Q. And she goes on to say that it
15 would be two years before she would date men. You know
16 nothing about that?

17 A. What's that again?

18 Q. You know nothing about how long it took her before
19 she would resume dating men?

20 MR. PARSONS: If at all. Objection, foundation.

21 THE WITNESS: I don't know.

22 MR. PARSONS: And that question is obviously
23 argumentative.

24 BY MR. FLYNN: Q. Okay. Now do you know of any
25 statement made by (the plaintiff) about your sexual
1 involvement with (woman #3) that she passed on to
2 a third party?

3 A. I don't know.

4 Q. And have you been damaged in any way that you know
5 of by any statement made by (the plaintiff) about your
6 involvement with (woman #3)?

7 MR. PARSONS: Okay, same objection as to legal
8 opinion.

9 THE WITNESS: And the same answers.

10 BY MR. FLYNN: Q. Okay. Now Thora McDonnell --

11 A. I don't know her.

12 Q. Well, I'm going to ask you a question. Did you
13 have a sexual relationship in any way with Thora McDonnell?

14 A. I don't know her.

15 Q. Did you ever make any sexual advances to Thora
16 McDonnell?

17 A. We've been through this one. No, I don't know her.
18 I don't know who she is. I don't know what the situation is.
19 As far as I know, it's, it's fabricated, but I don't know.

20 Q. Well, does "I don't know" mean you don't recall?

21 A. I don't know her, I don't recall her, I don't
22 recall any episode that she describes. I think that it's
23 fabricated, but I don't know even that because I just don't
24 remember anything.

25 Q. Okay. So you don't know whether or not you ever
1 grabbed her head and thrust it against your crotch?

2 MR. PARSONS: We have, we have gone through that
3 one, and I think the witness' testimony is clear on that.

4 BY MR. FLYNN: Q. Okay. Do you know whether she
5 was a student of yours at Ananda?

6 JUDGE PLISKA: He just said he didn't know her.

7 THE WITNESS: I don't know her. I don't know who
8 she is.

9 BY MR. FLYNN: Q. Okay. So therefore, do you know
10 of any statement (the plaintiff) made to any third
11 person about any sexual advances you made to Thora McDonnell?

12 A. All I know is what I've read in the papers.

13 Q. Did (the plaintiff) say anything to Peggy
14 Baat or Kelly Coogan about Thora McDonnell?

15 MR. PARSONS: That you are aware of.

16 THE WITNESS: I'm not aware.

17 BY MR. FLYNN: Q. Okay.

18 A. Unless -- I may have been aware of if I wrote
19 answers. I simply don't know, and I don't remember anything.

20 Q. Okay. (woman #6), did you ever make sexual
21 advances to (woman #6)?

22 A. I don't -- she's another one I don't remember. I
23 don't know who she is. I don't know her. I know nothing
24 about what she says.

25 Q. Okay. Do you know of any statements (the plaintiff)
1 made to any third party about your advances you
2 made to (woman #6)?

3 MR. PARSONS: Again, assuming there were any.

4 THE WITNESS: Same answers.
5 BY MR. FLYNN: Q. Okay. (woman #5), we went
6 through that in your prior declaration. Do you want to see
7 the declaration where she says you had sex with her in the
8 early '70s?
9 MR. PARSONS: Do you want to see it?
10 I'm sure he doesn't.
11 BY MR. FLYNN: Q. Do you want to see it?
12 A. I don't.
13 MR. PARSONS: You've mischaracterized what that
14 declaration says as well.
15 MR. FLYNN: Okay, let's get the declaration out.
16 Q. Let me just ask you this to set the context: Did
17 you have sex with (woman #5)?
18 A. Not in the early '70s; it was in 1969.
19 Q. Okay. And this is when she was a student of yours
20 at Ananda?
21 A. No. There were a bunch of hippies; there were no
22 students then.
23 Q. Was the Ananda Village a spiritual community then?
24 A. I was trying to make it that.
25 MR. PARSONS: Let me state the objection. We have
1 also fully explored (woman #5), going through her
2 declaration in detail, and I think you have exhausted this
3 witness' knowledge of it.
4 BY MR. FLYNN: Q. Do you have any knowledge of any
5 statement (the plaintiff) made to any third person
6 about your relationship with (woman #5)?
7 A. Same answer.
8 Q. None? You have none?
9 A. No, I didn't say that.
10 Q. What information do you have?
11 A. I say I don't remember. It might be in the
12 statements of Peggy Baat and Kelly Coogan, but I don't
13 remember.
14 Q. Okay. What damages, if any, did you suffer as the
15 result of any statements (the plaintiff) made about
16 your relationship with (woman #5)?
17 MR. PARSONS: Objection. Calls for a legal
18 opinion, speculation. No foundation.
19 You may respond.
20 THE WITNESS: Also, it assumes something I have
21 said I don't know.
22 MR. PARSONS: That's correct. Good point, thank
23 you.
24 BY MR. FLYNN: Q. Okay. So you don't know of any
25 damages? I'll accept that, fine.
1 DK's wife, did you have adultery, engage
2 in adultery with DK's wife?
3 MR. PARSONS: Object as to the characterization;
4 it's argumentative as phrased.

5 You may respond.

6 THE WITNESS: I did not have an adulterous
7 relationship with her.

8 BY MR. FLYNN: Q. Did you have any kind of sexual
9 relationship with her?

10 A. That I don't remember. I know she was in love with
11 me, and I know she was very jealous when I became involved
12 with (woman #7). That's all I know. But did I have a
13 relationship with her that way? I don't, I don't remember.

14 Q. Did you ever make any sexual advances toward her?

15 A. No.

16 Q. Did she ever make any sexual advances toward you?

17 A. No, no, but she often told me that she loved me. I
18 said, "Are you trying to say, are you saying that you are in
19 love with me?" And she said, "It's very hard to
20 distinguish." So she didn't make a clear answer there, but I
21 didn't want to get into it more deeply because I didn't want
22 a romantic relationship with her. But we were good friends,
23 no doubt about that.

24 Q. Did DK leave the community with his wife
25 because you had an adulterous, he claimed you had an
1 adulterous relationship with her?

2 MR. PARSONS: Okay. Objection. Calls for
3 third-party motivation; therefore, speculation on this
4 witness' part. No foundation.

5 You may respond.

6 THE WITNESS: Yes, I have no idea.

7 BY MR. FLYNN: Q. Did he ever say that to you?

8 A. Not to me.

9 Q. Okay. Do you know of any statement (the plaintiff)
10 ever made about your relationship with DK
11 's wife to any third party?

12 A. Again, this is all in the things that -- I don't
13 know whether she said these things to Peggy and Kelly. If
14 she did, I don't remember, but she may have.

15 Q. Okay. To your knowledge did it cause you any
16 injury if she did?

17 MR. PARSONS: Okay, same objection, legal
18 conclusion, foundation, speculation.

19 Go ahead.

20 THE WITNESS: Well, no injury that I can think of.

21 It's a very personal thing.

22 But when I heard about DK's statement, I
23 had a very clear impression of her -- see, she's dead, but I
24 have a very clear impression that she was giving me love at
25 that time and that her presence was extremely strong. So it
1 was a deep experience, but nothing you could talk about
2 openly. Nonetheless, it was, I think, real.

3 BY MR. FLYNN: Q. What was real? What was real,
4 Mr. Walters?

5 A. The experience of her presence and the love she was

6 expressing, I think probably as a regret because of what
7 DK was saying.

8 Q. What was DK saying?

9 A. What you have been telling me.

10 Q. What have I been telling you?

11 A. You have been telling me that I had a sexual

12 relationship with her.

13 He also said that she confessed to having that with

14 me.

15 Q. Where did you read that?

16 A. Huh?

17 Q. Where did you read that?

18 A. I don't know where I read it. I must have read it

19 in something of these papers, but I don't know where.

20 Q. Did DK ever confront you with her confession?

21 A. No, he never did. I wish he had.

22 Q. Me too.

23 A. I would be glad if he did.

24 Q. Okay. So, as I understand your testimony, you're

25 damaged because you had a deep relationship with DK

1 's wife?

2 A. No.

3 MR. PARSONS: Wait, wait now.

4 BY MR. FLYNN: Q. I am confused.

5 A. I didn't speak of damage.

6 Q. Oh, okay. There is no damage?

7 MR. PARSONS: No, objection.

8 BY MR. FLYNN: Q. Okay, that's fine.

9 MR. PARSONS: Objection. I had objected as to --

10 again, you are trying to sneak in a response.

11 MR. FLYNN: I won't --

12 Q. Is there any damage, Mr. Walters? I just need to

13 know if you have been damaged by anything my client said --

14 MR. PARSONS: Objection.

15 BY MR. FLYNN: Q. -- about you and DK's

16 wife?

17 MR. PARSONS: Okay, okay, objection, legal opinion,

18 foundation, speculation.

19 You may respond.

20 THE WITNESS: Yes, same answer as I have given to

21 all the other damage questions.

22 BY MR. FLYNN: Q. Okay. Well, now I'm a little

23 confused in light of what your client said.

24 MR. GREENE: Your mean what your lawyer said.

25 BY MR. FLYNN: Q. Can you identify one element of

1 damage you have suffered as a result of anything my client

2 said, (the plaintiff), about you and DK's

3 wife?

4 MR. PARSONS: Same objection.

5 THE WITNESS: No. Same answer.

6 Excuse me a moment.

7 THE VIDEOGRAPHER: Don't forget your mike, sir.

8 THE WITNESS: Thank you.

9 (Recess taken from 4:00 to 4:03 p.m.)

10 BY MR. FLYNN: Q. Okay. Seva Weiberg, did you
11 have any type of sexual involvement with her?

12 A. No.

13 Q. Did you ever make sexual advances to her?

14 A. No.

15 Q. Do you know of any statement made by (the plaintiff)
16 about your alleged relationship with Seva Weiberg?

17 A. No.

18 Q. Is Seva Weiberg --

19 A. Weiberg.

20 Q. -- Weiberg in your will?

21 A. I don't think so. In other words, in my will, I am
22 trying to remember what my will is. I think I have said all,
23 everything I own belongs to Ananda; and certain people in the
24 community, I would like to have certain things.

25 MR. PARSONS: Rather than disclose the content of
1 your will --

2 THE WITNESS: Oh, okay.

3 MR. PARSONS: Why don't you just answer his
4 particular question so we can move on.

5 THE WITNESS: I'd have to look at the will to be
6 sure now.

7 MR. PARSONS: There you go.

8 BY MR. FLYNN: Q. Do you know of any damage caused
9 by any statement allegedly made by (the plaintiff)
10 about your relationship with Seva Weiberg?

11 A. No.

12 MR. PARSONS: Objection. Speculation, legal
13 opinion.

14 Go ahead.

15 BY MR. FLYNN: Q. Kalyani, did you ever make
16 sexual advances or have any type of sexual contact with
17 Kalyani?

18 A. No.

19 Q. Is Kalyani in your will?

20 A. I doubt it.

21 Q. Did you ever, do you have any knowledge of any
22 statements made by (the plaintiff) about your alleged
23 sexual involvement with Kalyani?

24 A. I don't know.

25 Q. Have you been damaged --

1 A. When we speak of will, I'd like to add, it would
2 just mean only little objects that I have in my apartment,
3 just as a friendly thing, not money. That's the case for all
4 of these people, if --

5 Q. Ellen Mahoney --

6 A. If they're in there.

7 Q. Did you ever make sexual advances to Ellen Mahoney?

8 A. Ellen Mahoney? She's the one who is at East-West?
9 No.
10 Q. And to your knowledge, has (the plaintiff)
11 ever made any statements about your sexual advances to Ellen
12 Mahoney?
13 A. I don't know of any.
14 Q. Have you ever had any kind of a relationship with
15 Ellen Mahoney?
16 MR. PARSONS: Objection as to "any kind of
17 relationship."
18 THE WITNESS: These are third-party people, and I
19 wouldn't want to open the door to this kind of questioning
20 because it would -- she's not mentioned, she's not said
21 anything, made no declaration. I'm not going to answer
22 questions that affect the privacy of third parties.
23 BY MR. FLYNN: Q. How do you know that she hasn't
24 said anything?
25 A. I've not read anything. You would have to show me.
1 Q. How do you know that she hasn't said anything to
2 any third party about her sexual involvement with you?
3 A. Until I know that she has, I'll have to assume that
4 she hasn't.
5 Q. When did you last contact her?
6 A. Oh, it's been many years.
7 Q. Did you talk to Asha Praver about statements she
8 made to JM about her sexual involvement with you?
9 MR. PARSONS: Okay. Objection as to "she".
10 THE WITNESS: Mmm?
11 BY MR. FLYNN: Q. Ellen Mahoney.
12 A. Nothing that I know of.
13 Q. Okay. Are you refusing to testify about your
14 relationship with Ellen Mahoney?
15 MR. PARSONS: No, he's already testified he had no
16 sexual relationship with her.
17 THE WITNESS: Yes.
18 MR. FLYNN: But then I said any kind of
19 relationship and he refused to testify.
20 THE WITNESS: I had no relationship. She couldn't
21 have talked to JM.
22 MR. PARSONS: And just so the record is clear, I
23 objected to the term "any relationship" as being vague and
24 ambiguous but --
25 THE WITNESS: Well, yes, of course, that -- I mean
1 she was one of our members; I had relationship and friendship
2 with a lot of people, but it was nothing else than that.
3 BY MR. FLYNN: Q. Why couldn't she have talked to
4 JM?
5 A. I can't imagine.
6 Q. Could she have talked to Peggy or Kelly?
7 A. I can't imagine that either.
8 Q. (woman #6), did you have any kind of sexual

9 contact with (woman #6)?

10 A. I don't know (woman #6).

11 Q. You have no idea who (woman #6) is?

12 A. No idea.

13 Q. So you don't know whether you did or didn't?

14 MR. PARSONS: Well, if he doesn't know who she is,

15 how can he possibly know what he did or didn't do? I mean --

16 MR. FLYNN: Well, that's kind of the point.

17 MR. PARSONS: Right.

18 JUDGE PLISKA: No, that seems like an improper

19 question, Mr. Flynn. He says he doesn't know her.

20 BY MR. FLYNN: Q. Asha Praver, have you ever had

21 sexual contact with Asha Praver of any nature or description?

22 A. No. You are looking at me as if I were betraying

23 myself. No, and absolutely no, and the idea is ridiculous.

24 Q. Devi Novak --

25 MR. PARSONS: Excuse me just one second.

1 (Attorney-client conference.)

2 MR. PARSONS: Okay, thank you.

3 BY MR. FLYNN: Q. You do understand you are under

4 oath, Mr. Walters?

5 A. I do.

6 Q. Devi Novak, have you ever had sexual contact with

7 Devi Novak?

8 A. No.

9 Q. Nirmala Schuppe, have you ever had sexual contact

10 with Nirmala Schuppe?

11 A. No.

12 Q. VK?

13 A. Look, all these people, not unless we know that

14 those people have objected, I don't see how I could -- why

15 should I expose them? They're third parties who are not a

16 part of any motion here. Why should I answer such a

17 question?

18 Q. Because there's a court order.

19 MR. GREENE: There's a court order.

20 THE WITNESS: But third party privacy is an

21 important thing.

22 JUDGE PLISKA: You have to answer the question,

23 Mr. Walters.

24 BY MR. FLYNN: Q. VK.

25 A. No.

1 Q. Did you ever make sexual advances to VK?

2

3 A. Never.

4 Q. Did, to your knowledge, (the plaintiff) ever

5 make any statements that falsely stated that you had a sexual

6 relationship with VK?

7 A. I've not any awareness of it.

8 Q. Shirley Ward, did you make sexual advances to

9 Shirley Ward?

10 A. You are going through the whole community.
11 The answer is no.
12 Q. Did (the plaintiff) ever make --
13 A. I don't know.
14 MR. PARSONS: Wait, wait.
15 THE WITNESS: Well, he's already said it. I know
16 what he's saying.
17 MR. PARSONS: I know, but nonetheless, for purposes
18 of the record --
19 THE WITNESS: All right.
20 MR. PARSONS: -- you should wait until the question
21 is done.
22 THE WITNESS: Okay.
23 BY MR. FLYNN: Q. Karen Isaacson, did you ever
24 have any sexual contact with Karen Isaacson?
25 Q. Judy Fox, did you ever have any sexual contact with
1 Judy Fox?
2 A. No.
3 Q. Nickie Starkey, did you ever have any sexual
4 contact with Nickie Starkey?
5 A. She sure wanted it, but no.
6 Q. In what way did she want it?
7 A. Oh, you know, people come on. But I didn't want
8 it.
9 Q. In what way did she come on to you?
10 A. I am not going to go into that.
11 Q. Did she massage you?
12 A. No, I don't think so.
13 Q. You don't think so?
14 A. I don't think so.
15 Q. Were you ever in her presence naked during a
16 massage?
17 A. Never.
18 Q. When you say that she wanted it, did she ever try
19 to embrace you?
20 A. Do you want gory details? I think you do.
21 Q. Yes.
22 A. You seem to be the sort of person who does.
23 Q. Yeah, I'm the sort of person who does, in this
24 case.
25 A. Yes.
1 MR. GREENE: Vicious conduct and low character.
2 BY MR. FLYNN: Q. I'm a person of vicious conduct
3 and low character and I'd like the gory details.
4 A. Yes, yes. Put that on the record.
5 Q. It is. It's on videotape for the jury to see.
6 A. Yeah. The answer is she tried to place herself in
7 compromising positions, like leaning against me and sitting
8 there with her legs spread out, hoping I would go for her. I
9 simply didn't, so she left.
10 Q. Was this when she was a student of Ananda's?

- 11 A. I suppose you could call anybody there a student.
12 She was living there.
13 Q. And --
14 A. But I did not encourage her.
15 Q. How long was she there?
16 A. That I don't know.
17 Q. Did you ever touch her body in any way?
18 A. Never.
19 Q. And to your knowledge, did (the plaintiff)
20 ever make any statements about your involvement with Nickie
21 Starkey?
22 A. Never heard it.
23 Q. Have you ever discussed Nickie Starkey with JM?
24
25 A. Never.
1 Q. Have you ever --
2 A. JM, by the way, is a very unbalanced
3 woman, but go ahead.
4 Q. Have you ever discussed Nickie Starkey with
5 VK?
6 A. No.
7 Q. Did you have a discussion with Nickie Starkey after
8 she went to a psychotherapist to discuss your sexual
9 involvement with her?
10 MR. PARSONS: Objection. Assumes fact not in
11 evidence.
12 THE WITNESS: I don't believe she ever went to a
13 psychiatrist to discuss her involvement with me, because
14 there was no involvement. But I know nothing about these
15 things, so I can't answer.
16 BY MR. FLYNN: Q. Emily Rosen, did you ever have
17 any sex --
18 A. Who?
19 Q. Emily Rosen, did you ever have any sexual contact
20 of any nature or description with Emily Rosen?
21 A. I don't know her.
22 Huh? Patty Rosen? Patty Rosen.
23 Q. Yes, Patty Rosen.
24 A. Oh. No.
25 Q. No?
1 A. No.
2 Q. Elizabeth Ferraro, did you ever have any sexual
3 involvement with Elizabeth Ferraro?
4 A. None.
5 Q. Yolinda Barrius, did you have any sexual
6 involvement with Yolinda Barrius?
7 A. No.
8 Q. Did she ever make sexual advances to you?
9 A. Once.
10 Q. What did she do?
11 A. She made an advance; I said no.

- 12 Q. What do you mean? What kind of a way did she make
13 an advance?
14 A. Go on, Mr. Flynn.
15 Q. Was it during a massage, Mr. Walters?
16 A. She wanted to massage me. She wanted to get
17 intimate. I said, no, I don't want it.
18 Q. She massage you, Mr. Walters?
19 A. I don't think so.
20 Q. You don't think so?
21 A. No, but I don't remember.
22 Q. She may have?
23 A. Yeah.
24 Q. And during the massage, did you have her masturbate
25 you?
1 A. No.
2 Q. Did Elizabeth Ferraro ever come on to you?
3 A. No.
4 Q. Did you ever have her massage you?
5 A. I did have; she massaged my back once, but that's
6 what I know.
7 Q. Did you ever have Nickie Starkey massage you?
8 A. I don't remember doing so.
9 Q. She may have?
10 MR. PARSONS: Objection.
11 THE WITNESS: I think she may have rubbed my feet,
12 but that's all I remember.
13 BY MR. FLYNN: Q. Did you have any clothes on?
14 A. Yes.
15 Q. Did Patti, or Emily Rosen ever massage you?
16 A. No.
17 Q. How many times did Yolinda Barrius massage you?
18 A. That one time. Because she expressed interest, I
19 never let her do it again.
20 Q. Nancy Supios, did she massage you?
21 A. No.
22 Q. Did you ever any sexual contact with her?
23 A. What a joke. No.
24 Q. What's a joke, Mr. Walters?
25 A. The joke is you are trying to go through all the
1 women of the community to make something of it.
2 No, the answer is no.
3 Q. Debra Golub, did you ever have any sexual contact
4 with Deba Golub?
5 A. No.
6 Q. Did she ever massage you?
7 A. Yes.
8 Q. On how many occasions?
9 A. Twice.
10 Q. Were you naked?
11 A. I don't remember.
12 Q. Did she masturbate you?

13 A. No.

14 Q. Now are there between 1979 -- strike that.

15 Between 1969 and your marriage to (woman #7),

16 are there any women that you had a sexual relationship with
17 at Ananda?

18 A. You want me to say who?

19 Q. Yes.

20 A. I'm not going to say who. That's involving third

21 person privacy; I'm not going to say who.

22 Q. Well, you have to.

23 A. I won't.

24 JUDGE PLISKA: Mr. Walters, consider what you are
25 saying here. You are under court order to answer these
1 questions because this is an issue in this case, your sexual
2 conduct, and you need to answer them.

3 MR. PARSONS: The concern I have with that is when
4 Veal made his ruling, he left open the issue of third parties
5 who have not made any complaint or declaration.

6 Well, yeah, I mean that would be, a declaration
7 would be part of the complaint. I mean they would complain
8 in a declaration or otherwise; so there's no --

9 Here's the issue: It's a third-party privacy issue
10 for those women who have made a declaration, come forward
11 with a complaint, something like that, you could, you could
12 argue or conclude that they have waived a right of privacy
13 because they have said something admitting or denying. The
14 problem is --

15 MR. FLYNN: This is just a rehash of what we've
16 argued before Veal.

17 MR. PARSONS: But my point is Veal did not reach
18 this particular issue. That's just it; he called it
19 theoretical at the time.

20 MR. GREENE: His order is pretty clear.

21 MR. PARSONS: Well, but the problem is here we're
22 dealing with third parties where there's no indication that
23 they have waived their right of privacy.

24 Now I haven't objected to any statements concerning
25 any woman who has made any complaint, even apparently -- I'm
1 even taking this broadly, that these women have made some
2 sort of statement of some kind or other. But then to ask
3 that a third party who's otherwise totally uninvolved be
4 involved in the litigation, strips them of their right of
5 privacy to just stay uninvolved.

6 JUDGE PLISKA: No, I'm sorry, I don't see it that
7 way.

8 THE WITNESS: I think we should talk to Veal.

9 Did you want to go outside and discuss it?

10 MR. PARSONS: Yeah. When we were last in front
11 of --

12 MR. FLYNN: I want an answer.

13 MR. PARSONS: Hold on.

14 JUDGE PLISKA: Wait, let him argue it, Mr. Flynn.

15 MR. PARSONS: The last time we were in front of
16 Veal -- again maybe we can have a transcript of that
17 available?

18 MS. RUSH: In four weeks we haven't gotten it.

19 There was a computer breakdown.

20 MR. PARSONS: Okay. This, this is an issue.

21 Again, I've let the witness testify --

22 JUDGE PLISKA: You have argued it before, but it
23 seems to me, you know, the allegations in this case involve
24 the sexual conduct of Mr. Walters, and in the process of
25 discovery they're entitled to get names of other people who
1 may have had sexual contact with him because they may be
2 highly material witnesses in this case. And so he's got to
3 come forward with the names of those people, third-party
4 privacy or not. That's now an open book.

5 MR. PARSONS: Okay. Let me step outside and talk
6 with my client for a moment.

7 JUDGE PLISKA: Sure.

8 THE VIDEOGRAPHER: Don't forget to unhook those
9 mikes now.

10 Do you want to keep the tape rolling or not?

11 MR. FLYNN: Yeah, leave it going.

12 (Attorney-client conference outside room from 4:17
13 to 4:27 p.m.)

14 MR. PARSONS: I'd ask the last question be read
15 back.

16 MR. FLYNN: Do you want me to reask it?

17 THE REPORTER: I'm doing colloquy here.

18 MR. FLYNN: Right. A lot of that. I'll ask it,
19 reask it.

20 Q. Between 1969 and 1980 what women did you become
21 sexually involved with at Ananda?

22 MR. PARSONS: Okay, I'm going to state an
23 objection, and that I believe that this intrudes unreasonably
24 into the right of privacy. I want to reserve the right to go
25 in and get a ruling from Judge Veal, which might include
1 striking the testimony that the witness is about ready to
2 give, and I want to state that we're preserving this issue,
3 but given the lateness of the day, given what we've discussed
4 about before, I'm going to permit the witness to respond.

5 THE WITNESS: None then, but I had some in the
6 '60s.

7 BY MR. FLYNN: Q. Now during the break, you had
8 your opportunity to discuss this question with counsel?

9 A. Yes.

10 Q. And it's your testimony under oath that between
11 1969 and 1980 you had no sexual contact with any woman at
12 Ananda; is that correct?

13 A. I can't remember that I did, but I do remember the
14 '60s.

15 Q. All right. You may have, but you don't recall any;
16 is that your testimony?

17 MR. PARSONS: Well, that hasn't been his testimony,
18 so it misstates it.

19 But you may respond.

20 THE WITNESS: No, no, I don't -- no, I didn't.

21 MR. PARSONS: Excuse me one second. I'm not wired.

22 THE VIDEOGRAPHER: I heard everything you said.

23 MR. PARSONS: You did? Okay, thank you.

24 BY MR. FLYNN: Q. The answer was no to my last
25 question, you didn't?

1 A. Uh-huh.

2 Q. Now between 1980 and 1990 would you identify the
3 women at Ananda that you had sexual contact with?

4 MR. PARSONS: Okay, I want to state again my same
5 objection to preserve the right and the ability to go in
6 later, and subject to that objection, I'll let the witness
7 testify.

8 THE WITNESS: There was (woman #7), there was (woman #2)
9 , there was (woman #1), there was Rosanna. That's
10 it.

11 BY MR. FLYNN: Q. No one else?

12 A. Right, except to the extent we've discussed here.

13 Q. Well, I'm not sure what you mean by that. You have
14 left some names out that we've discussed here.

15 A. Well, I was talking about (woman #3) -- what's her
16 name, (woman #3) . That was an involvement, but except to
17 that extent, I can't think of anyone else.

18 Q. Okay. Now I guess we're going to have to define
19 our terms. Sexual contact, when I say sexual contact I mean
20 a female member of Ananda being naked with you.

21 A. (woman #3) would be that. That's all I can remember.

22 Q. What about kissing or touching any --

23 A. Same.

24 Q. -- female member at Ananda between '69 and '80?

25 MR. PARSONS: And is "touching" any place, on the
1 hand, on the shoulder?

2 BY MR. FLYNN: Q. Touching in an intimate way.

3 MR. PARSONS: Okay, objection. Vague.

4 BY MR. FLYNN: Q. You know what it means,
5 Mr. Walters.

6 MR. PARSONS: Well, he may have an understanding of
7 what it means to him and you may have your own understanding.

8 BY MR. FLYNN: Q. Well, touching some part of the
9 female body, including shoulders, breasts, abdomen, hips,
10 pubic area, and thighs.

11 A. No, that isn't what you mean. You mean sexual
12 touching.

13 Q. No, I mean --

14 A. Because I can embrace a woman and I am touching her
15 shoulders and that's just an embrace.

- 16 Q. At any time between '69 and '80 did you touch any
17 woman's thighs?
18 A. Sexually?
19 Q. In any way.
20 A. I don't remember doing so.
21 Q. Did you touch any woman's pubic area?
22 A. No.
23 Q. Did you touch any woman's breasts?
24 A. No.
25 Q. Now -- and you recognize you are under oath?
1 A. Uh-huh.
2 Q. Between 1980 and 1990 is there any person that you
3 have not enumerated who you touched in the thighs, the pubic
4 area or the breasts?
5 A. No.
6 Q. Between 1990 and 19 -- and the present have you
7 touched any women's breasts or pubic area?
8 A. No.
9 Q. Now between 1969 and 1980 did any woman touch your
10 penis?
11 A. I don't remember.
12 Q. They may have?
13 A. I don't think so.
14 Q. You don't think so?
15 A. Uh-uh.
16 MR. PARSONS: That's what he said.
17 BY MR. FLYNN: Q. Does "I don't think so" mean
18 that you can't recall?
19 A. Yes.
20 Q. Between 1980 and 1990 did any woman touch your
21 penis other than those you have enumerated?
22 A. No.
23 Q. Between 1990 and the present did any woman touch
24 your penis?
25 A. No.
1 Q. Now let me show you a document --
2 MR. FLYNN: Will you mark this?
3 (Whereupon, Exhibit 49 marked.)
4 BY MR. FLYNN: Q. The part that I'm interested
5 in --
6 MR. PARSONS: Hold on, wait. Let's have the marked
7 one in front of him.
8 BY MR. FLYNN: Q. "News of Swami. (From
9 Jyotish and Devi) We spoke with Swami
10 yesterday from New Delhi. He sounds
11 wonderful. He wasn't really able to have a
12 true seclusion in Rishikesh, because the
13 servants kept coming in the house, but he said
14 he was able to have long, deep meditations.
15 He said that he felt inwardly that he will
16 begin using the title 'Swami' again."

17 Is that true? Did you say that to Jyotish and
18 Devi?
19 A. I did.
20 Q. And do you, have you ever stopped using the title
21 Swami?
22 A. Yes, I did after my -- well, we've gone into all of
23 that. Until just now I didn't use it.
24 MR. PARSONS: We've gone into it.
25 JUDGE PLISKA: That seems to have been covered
1 extensively.
2 MR. FLYNN: Yes, it has been.
3 Q. Now when you say you are going to use the title
4 Swami again, in what way are you going to use it again other
5 than the way it's been used for the last 15 years?
6 MR. PARSONS: Wait. Well, objection. "Other than
7 the way it's been used for the last 15 years" implies
8 necessarily it's been used one way during the past 15 years,
9 which contradicts the extensive testimony which has already
10 been given, so I object to the form of the question.
11 I have no objection to the witness testifying how
12 he intends to use the term, though.
13 BY MR. FLYNN: Q. Fine. How do you intend to use
14 the term?
15 A. I renewed my vows as a swami, so -- but I, I go by
16 the name of Walters because it's more acceptable in this
17 country; nevertheless, I am a swami.
18 Q. When did you renew your vows?
19 A. During this trip.
20 Q. Where did you renew your vows?
21 A. In the room of Yogananda.
22 Q. What vows did you renew?
23 A. The vows of renunciation of a Swami of Sannyas.
24 Q. And what vows are those?
25 A. Vows of chastity, vows of in fact, not talking
1 about the past, past exposure to delusion. I already, I have
2 never had any difficulty with money and other attachments,
3 but giving everything that I am and have, burning my body
4 symbolically in the fire of God.
5 Q. How many times have you renewed your vows?
6 A. That once.
7 Q. Isn't it a fact that in 1984 you renewed your vows
8 after you had renounced them in 1981?
9 A. It is not.
10 Q. Okay. Did you inform anyone in 1984 that you had
11 renewed your vows as a Swami?
12 A. Not to my recollection.
13 Q. You may have, but you don't recall?
14 A. I couldn't have.
15 Q. Why couldn't you have?
16 A. Because I didn't.
17 Q. Okay. Now the vows that you renewed recently in

18 India, are those the same vows you took in 19 --

19 A. '55.

20 Q. -- '55?

21 A. Yes. No, they're more.

22 Q. In what way are they more?

23 A. They're more an actual statement of fact rather

24 than an affirmation.

25 Q. Now other than this publication, have you informed

1 all of the females at Ananda that you are now a celibate

2 Swami again?

3 MR. PARSONS: Objection. "Other than this," this

4 isn't sent to females exclusively, so it misstates it. Also,

5 it calls for speculation on the part of this witness as to

6 who has seen any publication. Given those --

7 THE WITNESS: And I think it's 4:30 and it's time

8 to go.

9 MR. PARSONS: It's past 4:30, actually.

10 THE WITNESS: Yes.

11 BY MR. FLYNN: Q. Let me just ask, have you

12 notified the Ananda community that you are now a celibate

13 swami again?

14 A. I am notifying them as I go around. I notified

15 them last night in Palo Alto; I notified them in Assisi.

16 I'll be notifying them at Ananda and later on at Portland and

17 Seattle.

18 MR. FLYNN: Okay. Want to break for the day?

19 MR. PARSONS: Okay.

20 THE VIDEOGRAPHER: This is the end of videotape 19

21 in the deposition of J. Donald Walters. It's 4:38.

22 (Whereupon, deposition adjourned at 4:38 p.m.)

23

24

25 _____
(Signature of Witness)

1 CERTIFICATE OF DEPOSITION OFFICER;

2 I, PATRICIA STEELE, duly authorized to administer

3 oaths pursuant to Section 2093(b) of the California Code of

4 Civil Procedure, hereby certify that the witness in the

5 foregoing deposition was by me duly sworn to testify the

6 truth, the whole truth and nothing but the truth in the

7 within-entitled cause; that said deposition was taken at the

8 time and place therein stated; that the testimony of the said

9 witness was reported by me and thereafter transcribed by me

10 or under my direction into typewriting; that the foregoing is

11 a full, complete and true record of said testimony; and that

12 the witness was given an opportunity to read and correct said

13 deposition and to subscribe the same.

14 I further certify that I am not of counsel nor

15 attorney for either or any of the parties in the foregoing

16 deposition and caption named, or in any way interested in the

17 outcome of the cause named in said caption.

18

19 _____

DEPOSITION OFFICER

20

21 DATE OF CERTIFICATION

22 I hereby certify this copy is a
true and exact copy of the original.

23

24

25 DEPOSITION OFFICER