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Cross-Complainants HANS KARY, VEDA GUHYA DAS
5 and DIANE MARIE CHAN, individually and as
TRUSTEES of the BHAKTIVEDANTA BOOK TRUST
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9 IN THE SUPERIOR COURT OF THE STATE OF CALIFORNIA
10 IN AND FOR THE COUNTY OF LOS ANGELES
11 CENTRAL DISTRICT

12 BHAKTIVEDANTA BOOK TRUST,) CASE NO.: BC 170617
INTERNATIONAL, INC. a)
13 California corporation; and) NOTICE OF MOTION AND MOTION TO
INTERNATIONAL SOCIETY FOR) COMPEL FURTHER RESPONSES TO SPECIAL
14 KRISHNA CONSCIOUSNESS OF) INTERROGATORIES SET NUMBER TWO
CALIFORNIA, INC., a)
15 California corporation,) DATE: January 19, 1998
16 Plaintiffs,) TIME: 8:30 a.m.
17 v.) Hon. Dion G. Morrow, Retired
Judge of the Superior Court
18 HANS KARY (aka) Court Appointed Discovery Referee
"Hamsadutta"), a California) 5101 Bedford Avenue
19 Citizen and Does 1 through) Los Angeles, CA 90056-1002
10, inclusive,)
20 Defendants.)
21 _____)
22)
23 HANS KARY, VEDA GUHYA DAS,)
and DIANE MARIE CHAN,)
24 individually, and as)
TRUSTEES of the)
25 BHAKTIVEDANTA BOOK TRUST, a)
California Trust Dated May)
26 29, 1972,)
27 Cross-Complainants,)
28 v.)

1 INTERROGATORY NO. 13:

2 State the date on which Robert Grant was appointed as a "BBT Trustee" as alleged
3 in paragraph 39 of your complaint.

4 RESPONSE TO INTERROGATORY NO. 13:

5 Discovery and investigation are ongoing in this matter and BBTI reserves the right
6 (but does not undertake) to supplement these responses as it discovers more information.
7 Subject to the foregoing objections, both general and specific, and without waiving any of
8 them, plaintiff BBTI responds to this interrogatory as follows:

9 Robert Grant was officially confirmed as BBT Trustee by the GBC in the Spring of
10 1975 during the annual GBC meetings in Mayapura, West Bengal, India. Defendant Hans
11 Kary attended the GBC meetings and approved the resolution appointing him. Upon
12 information and belief, Ramesvara dasa was previously appointed by Srila Prabhupada as
13 BBT trustee or "acting" BBT trustee some time during the twelve months before the 1975
14 GBC meetings.

15 INTERROGATORY NO. 14:

16 State precisely how ISKCON, Inc. acquired title to the various copyrights registered
17 in the name of Bhaktivedanta Book Trust.

18 RESPONSE TO INTERROGATORY NO. 14:

19 Plaintiff BBTI objects to this interrogatory on the ground that it is vague and
20 ambiguous, including specifically and without limitation with regard to the phrases "state
21 precisely", "acquired title" (which is vague as to what kind of title) and "copyrights" (which
22 is vague in that it does not specify whether it means only federal copyrights under the
23 United States Copyright Act). BBTI objects to this interrogatory to the extent that it calls
24 for the disclosure of any information protected by the attorney-client privilege or attorney
25 work product doctrine. Subject to the foregoing objections, both general and specific, and
26 without waiving any of them, plaintiff BBTI responds to this interrogatory as follows:

27 ISKCON, Inc. did business under the names "Bhaktivedanta Book Trust" and "BBT"
28 from roughly 1971 until 1976. During the relevant time period (1966 through 1976) Srila

1 Prabhupada's books, including all artwork, glossaries and elaborate purports, were "works
2 for hire" created by ISKCON, Inc. ISKCON, Inc. owned common law copyrights in them
3 from the time they were created, and became the owner of Federal copyrights as soon as
4 they were published with a copyright notice.

5 BBTI contends that the California trust document dated May 29, 1972 never created
6 a valid trust. However, if it did, and if any of the copyrights ever were owned by that
7 trust, ISKCON, Inc. owned beneficial title to such property because ISKCON, Inc. was the
8 trust beneficiary named in that document.

9 INTERROGATORY NO. 15:

10 Identify the owner of the copyrights which were registered in the name of
11 Bhaktivedanta Book Trust the day before ISKCON, Inc. first acquired title to those same
12 copyrights.

13 RESPONSE TO INTERROGATORY NO. 15:

14 BBTI objects to this interrogatory to the extent that it calls for the disclosure of any
15 information protected by the attorney-client privilege or attorney work product doctrine.
16 BBTI further objects to this interrogatory as compound, vague and ambiguous and
17 unintelligible. The interrogatory apparently asks BBTI to identify the person or entity who
18 owned the copyrights, on the day before ISKCON, Inc. acquired title to them, which, at
19 some time or another, were registered in the name of Bhaktivedanta Book Trust. Or
20 alternatively, it asks BBTI to identify the person or entity who owned the copyrights, on
21 the day before ISKCON, Inc. acquired title to them, which, at that same time, were
22 registered in the name of Bhaktivedanta Book Trust. Or yet alternatively, it asks BBTI to
23 identify the present owner of those copyrights which, on the day before ISKCON, Inc. first
24 acquired title to them, were registered in the name of Bhaktivedanta Book Trust. Another
25 alternative meaning, which BBTI rejects as absurd, is that the interrogatory refers to works,
26 the registrations for which were filed on the day before ISKCON, Inc. became the owner.
27 BBTI also objects to the interrogatory on the ground that it appears to be based upon an
28 erroneous assumption that someone other than ISKCON, Inc. owned certain copyrights that

1 INTERROGATORY NO. 18:

2 State all FACTS on which you base the contention contained in paragraph 41 of your
3 complaint that in July of 1976 Mr. Murphy formally executed assignments transferring
4 ownership of the intellectual property to ISKCON of California, Inc.

5 RESPONSE TO INTERROGATORY NO. 18:

6 BBTI objects to this interrogatory to the extent that it calls for the disclosure of any
7 information protected by the attorney-client privilege or attorney work product doctrine.
8 Discovery and investigation are ongoing in this matter and BBTI reserves the right (but
9 does not undertake) to supplement these responses as it discovers more information.
10 Subject to the foregoing objections, both general and specific, and without waiving any of
11 them, plaintiff BBTI responds to this interrogatory as follows:

12 Mr. Murphy recalls formally executing the assignments. BBTI is not certain that this
13 was done in July of 1976 and believes it may have been later that year. Investigation and
14 discovery is ongoing, and BBTI reserves the right (but does not undertake) to supplement
15 this answer later.

16 INTERROGATORY NO. 19:

17 State all FACTS on which you base the contention contained in paragraph 41 of the
18 complaint that ISKCON, Inc. either owned outright or owned beneficial title to various
19 copyrights registered in the name of Bhaktivedanta Book Trust.

20 RESPONSE TO INTERROGATORY NO. 19:

21 BBTI objects to this interrogatory to the extent that it calls for the disclosure of any
22 information protected by the attorney-client privilege or attorney work product doctrine.
23 Discovery and investigation are ongoing in this matter and BBTI reserves the right (but
24 does not undertake) to supplement these responses as it discovers more information.
25 Subject to the foregoing objections, both general and specific, and without waiving any of
26 them, plaintiff BBTI responds to this interrogatory as follows:

27 BBTI believes that ISKCON, Inc. owned the copyrights outright because the works
28 in question were "works for hire" created by ISKCON, Inc. ISKCON, Inc. supplied the

1 employees who worked on the books with their materials and equipment. ISKCON, Inc.
2 also supplied each of them with room and board and with a stipend for personal or family
3 expenses. Such employees included those who worked in the art department, photography
4 department, Sanskrit editors, Bengali editors, English editors, design and layout specialists,
5 and proof readers, among others.

6 BBTI contends that the California Trust Agreement dated May 29, 1972 did not
7 create a valid trust and that the book publishing and distribution operations of the
8 Movement were in fact never operated according to the provisions of that document.
9 However, in the event the Court finds that that Trust Agreement created a legally valid trust
10 which at the time in question (i.e., 1976) owned some or all of the copyrights registered
11 at that time in the name Bhaktivedanta Book Trust, ISKCON, Inc. was the beneficiary of
12 that trust, and therefore held beneficial title to those copyrights.

13 INTERROGATORY NO. 20:

14 Set forth in detail the authority by which Mr. Murphy acted when he executed
15 assignments transferring ownership of intellectual property to ISKCON of California, Inc.
16 in July of 1976 as alleged in paragraph 41 of your complaint.

17 RESPONSE TO INTERROGATORY NO. 20:

18 BBTI objects to this interrogatory to the extent that it calls for the disclosure of any
19 information protected by the attorney-client privilege or attorney work product doctrine.
20 Plaintiff BBTI objects to this interrogatory on the ground that it is vague and ambiguous
21 with respect to the phrases "set forth in detail" and "the authority by which Mr. Murphy
22 acted". Discovery and investigation are ongoing in this matter and BBTI reserves the right
23 (but does not undertake) to supplement these responses as it discovers more information.