

SUPREME COURT OF THE STATE OF NEW YORK  
COUNTY OF NASSAU : TRIAL TERM PART 15

-----X  
EDWARD KELLEY a/k/a ADARSI DAS, THE  
INTERNATIONAL SOCIETY FOR KRISHNA  
CONSCIOUSNESS, INC., and THE  
GOVERNING BODY COMMISSION OF THE  
INTERNATIONAL SOCIETY FOR KRISHNA  
CONSCIOUSNESS,

Index No.  
007016/04

Plaintiffs,

-against-

ARUNA GARUDA a/k/a ARUNA DEVI DAS,  
VISWA GARUDA a/k/a VISWA PRANA DASA,  
VIJAW SHAW, WYNDELL WYNTER a/k/a  
ARAVINDAKSA DAS and SHALINI AGARWAL,

Defendants.  
-----X

July 19, 2004  
Mineola, New York

MINUTES OF HEARING

B E F O R E : HON. ROY S. MAHON,

Justice.

A P P E A R A N C E S :

LAW OFFICES OF STEVEN M. LESTER  
By: STEVEN M. LESTER, ESQ.  
JEAN M. SMYTH, ESQ.  
For the Plaintiffs

CHITTUR & ASSOCIATES, P.C.  
By: KRISHNAN CHITTUR, ESQ.  
For the Defendants

**COPY**

Lisa M. Porteus, RPR  
Official Court Reporter

Morrill - for Plfs. - Direct

eccliaistical.

Q Mr. Morrill --

(BADRINARAYAN DAS)

A I hope that wasn't too long-winded.

Q Not at all.

I'm going to show you what I'd like to be  
marked as Plaintiffs' Exhibit 12 for identification.

(ISKCON letter was marked as Plaintiffs'  
Exhibit 12 for identification.)

Q Mr. Morrill, I'm showing you what's been  
marked as Plaintiffs' Exhibit 12 for identification and  
ask you to take a look at this document. And when  
you're finished, tell me if you recognize it.

A Yes, I do.

Q And what is it?

A This, as I said, in 1970, this is Prabhupada,  
the founder of our society, founding the GBC. It's a  
letter inviting them all to come together and start this  
GBC, Governing Body Commission. It's when he set up the  
ultimate managing authority.

MR. LESTER: I move Plaintiffs' Exhibit 12  
into evidence.

MR. CHITTUR: Objection, Judge. This witness  
was not even a member of the GBC until 17 years  
later, number one. Number two, the document is

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2                   signed by a whole bunch of other people, none of  
3                   which is him. And, number three, it's on the issue  
4                   -- both authenticity as well as relevance.  
5                   Somebody told something else to somebody else in  
6                   1977.

7                   We object to the introduction of this document  
8                   on all three grounds.

9                   MR. LESTER: Your Honor, this is the direction  
10                  of management that establishes the GBC and talks  
11                  about its authority. It can come in under a number  
12                  of different bases. I think the easiest one is  
13                  under the ancient documents rule -- it is a  
14                  document that is over 30 years old -- as a  
15                  certificate of authenticity of the keeper of the  
16                  documents in the archives. And --

17                  THE WITNESS: I was living in L.A. when  
18                  Prabhupada mentioned that this was happening. I  
19                  was there when it happened.

20                  MR. LESTER: And, again, it's directly  
21                  relevant to the authority of the Governing Body  
22                  Commission, which is a plaintiff in this action,  
23                  over the religious corporation. It comes in under  
24                  the ancient documents, rule without a doubt.

25                  THE COURT: May I see the document, please?

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2                   (There was a pause in the proceedings.)

3                   THE COURT: Well, this document is notarized,  
4                   apparently, by the --

5                   MR. LESTER: By the keeper of the documents.

6                   THE COURT: -- the director of preservation,  
7                   who identifies himself as the keeper of these  
8                   documents; is that right?

9                   MR. LESTER: Yes, your Honor.

10                  MR. CHITTUR: Judge --

11                  MR. LESTER: These are archive documents.

12                  MR. CHITTUR: Your Honor, it is a document  
13                  concerning another corporation in California. It's  
14                  International Society of Krishna Consciousness,  
15                  Inc. It's in Los Angeles, California.

16                  THE COURT: We'll accept it into evidence for  
17                  whatever relevance it may have here. You'll have  
18                  an opportunity to cross-examine the witness on the  
19                  document and, obviously, any other aspect of his  
20                  testimony.

21                  Mark it into evidence, please.

22                  (Plaintiffs' Exhibit 12, previously marked for  
23                  identification, was received and marked into  
24                  evidence.)

25                  MR. LESTER: Could you show it to the witness,

1                   Morrill - for Plfs. - Direct

2           please.

3           Q     Mr. Morrill, if you could turn to the fourth  
4 page of the direction of management part of that  
5 document. Directing your attention to paragraph number  
6 1 where it's under the title particulars of the  
7 Governing Body Commission. Do you see that?

8           A     Yes.

9           Q     And could you describe for the Court what  
10 paragraph number 1 provides?

11          A     What paragraph number provides? Should I read  
12 it or explain it?

13          Q     Just explain to the Court the meaning of that  
14 paragraph as you understand it?

15          A     It says the GBC oversees all operations and  
16 management of ISKCON. The GBC is the final Court. If  
17 someone's not satisfied with a local temple president  
18 then they refer it to the local GBC member. If the  
19 local GBC member can't resolve it, if it's in North  
20 America, it goes to our northern American GBC body,  
21 twice year. If the North American GBC can't resolve it,  
22 then it goes to the international GBC. Whatever the  
23 international GBC decides, that's it.

24                   Does that answer your question?

25          Q     Yes, it does.

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2                   Directing your attention down to paragraph  
3                   number 6 --

4                   A     And I should mention that this document is  
5                   quoted, it is referenced, it is well known. It's the  
6                   basis of the decisions, the basis of our authority.

7                   Q     It's a historical document?

8                   A     Historical document that's referred to  
9                   repeatedly.

10                  Q     Look at paragraph number 6 for a moment.

11                  A     Okay.

12                  Q     And, again, in your own words, describe for  
13                  the Court your understanding of the meaning of that  
14                  paragraph.

15                  A     This says the primary objective of the GBC is  
16                  to organize the opening of new temples and to maintain  
17                  the established temples.

18                  Q     What is your understanding of maintaining the  
19                  established temples?

20                  A     I asked Srila Prabhupada, the founder of the  
21                  Hare Krishna movement, when I was a temple president, I  
22                  said what does it mean to be one of your officers? He  
23                  said it means if anything goes --

24                         MR. CHITTUR: Objection, Judge, hearsay.

25                         THE WITNESS: It's personal experience.

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2 THE COURT: No.

3 THE WITNESS: Okay, I'm sorry.

4 THE COURT: Sustained. I'll sustain it.

5 A All right. What this means is that the GBC is  
6 responsible to establish and maintain temples. And  
7 maintain means that they're fiscally sound, that they're  
8 ministering to their congregation properly. Buildings  
9 are maintained. It's a franchise. They should --  
10 philosophically and as far as maintenance and finances  
11 should be solid. And that's their duty. And we've  
12 removed GBC members that don't do their job.

13 Q Very good.

14 Are you also familiar with a document that's  
15 known as the declaration of will of the founder?

16 A This is Prabhupada's last will and testament?

17 Q Yes.

18 A Yes, I'm well aware of it.

19 Q And could you describe for the Court what your  
20 understanding of that document is and its meaning to the  
21 Krishna Consciousness movement?

22 A Well, in that document he establishes two  
23 things. He establishes the GBC as the ultimate managing  
24 authority, his exact words, and he also establishes a  
25 trustee system, because he wanted to make sure that --

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MR. LESTER: Thank you, your Honor.

THE COURT: You're welcome.

Q Mr. Morrill, has there been other examples of litigation involving people that subscribe to the Ritvik philosophy attempting to take over other temples?

MR. CHITTUR: Objection, Judge.

THE COURT: Sustained.

MR. LESTER: No further questions, your Honor.

THE COURT: Thank you. Cross-examination?

THE WITNESS: Do I give this to somebody.

THE COURT: That will be returned to counsel.

CROSS-EXAMINATION

BY MR. CHITTUR:

Q Drawing your attention to Plaintiffs' Exhibit 12 and exhibit 13?

MR. CHITTUR: Would you please show the witness these documents, please. 12 first.

Q We have no evidence that anything that is stated in here was filed with the Secretary of State in New York; is that correct?

A I don't know.

Q We have no evidence that any part of this document was ever adopted by the plaintiff corporation in New York. Is that correct?



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1  
2 A I don't know.

3 Q Now, let's take a look at Plaintiffs' Exhibit  
4 13. Again, we have no evidence that any part of this  
5 document was filed with the Secretary of State in  
6 connection with the plaintiff corporation in New York;  
7 is that correct?

8 A We know that it was followed all around the  
9 world by all of our temples for the --

10 Q Let's answer my question. We have no evidence  
11 saying that this document or any part of this document  
12 was filed with the Secretary of State in connection with  
13 the plaintiff corporation in New York?

14 A I don't know.

15 Q We have no evidence that any portion of this  
16 document, Plaintiffs' Exhibit 13, was adopted by the  
17 plaintiff corporation in New York; is that correct?

18 A We know that it followed all of its  
19 principles.

20 Q Let's answer my question.

21 A Otherwise I never would have written that  
22 letter. So we know that it was being followed.

23 MR. CHITTUR: Move to strike, Judge.

24 Q Let's answer my question.

25 THE COURT: If you would, kindly answer the