

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

eccliastical.

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

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

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

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

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

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,

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please.

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

A Yes.

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

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

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

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

Does that answer your question?

Q Yes, it does.

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Directing your attention down to paragraph
number 6 --

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

Q It's a historical document?

A Historical document that's referred to
repeatedly.

Q Look at paragraph number 6 for a moment.

A Okay.

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

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

Q What is your understanding of maintaining the
established temples?

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

MR. CHITTUR: Objection, Judge, hearsay.

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