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5	Attorney for Defendants				
6	Doe Klim and Doe Skywalker				
7	UNITED STATES DISTRICT COURT				
8	NORTHERN DISTRICT OF CALIFORNIA				
9	SAN FRANCISCO/OAKLAND DIVISION				
10					
12	ART OF LIVING FOUNDATION, a California corporation,) Case No.: CV 10-5022-LB			
13	Plaintiff,) DECLARATION OF) DOE/SKYWALKER			
14	v.				
15	DOES 1-10, inclusive,) Date: March 17, 2011			
16	Defendants.) Time: 11:00 am) Judge: Hon. Laurel Beeler			
17) Courtroom: 4			
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Decl. of Doe Skywalker CV 10-5022-LB

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- 1. I, _______[name redacted], declare as follows:
- 2. I am not a citizen of the United States and I do not reside in the United States. I do not have a contractual relationship with the AOL Foundation of the United States (Plaintiff).
- Living" blog on the Wordpress platform hosted by Automattic, Inc. The Wordpress platform enables persons other than the creator to comment on the BAOL blog, and enables me to edit or post articles directly. I am *not* the author of *any* of the allegedly defamatory statements specifically put at issue in the Complaint. (I am using the term "author" here to mean: "writing the words in the text" of an article or comment). In some cases, an article appears that says "by Skywalker," followed by "by [another person, i.e. "Former AOL Patient."] *See, e.g.,* RJN Exh. E2 (*The AOL Trance is Broken*). In such cases, the "by [another person]" signifies the third-party who authored the article in its entirety and who sent the article to me by email for me to post. In such a case, Wordpress automatically appends my name to the article, even though I did not author it. Other persons had editing and posting rights, granted by me, in which case Wordpress automatically generates "by [different person]." There are also occasions in which I took a comment that I considered noteworthy, and converted it into a posted article.
- 4. I am very concerned that the disclosure of my identity would expose me and my family to harassment and retaliation by loyal adherents of Ravi Shankar. I am concerned that disclosure of my identity would set a precedent that would make others fearful that if they honestly voiced their opinions concerning Shankar and/or AOL, they too would face such harassment and retaliation. AOL adherents have widely circulated statements by an AOL Swami (i.e. a person high up in the AOL hierarchy) denouncing dissidents, which identified dissidents, including, in one example the person's name and country, as well as the names and contact information for (purported) ex-boyfriends and associates that could testify that the dissident in question was mentally unstable, true and correct copies of which are attached as *Exhibit G1* to the Request for Judicial Notice. I am also very concerned that if my identity were revealed my former connection to an organization I now regard as a religious cult will be unnecessarily publicized.

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- 5. Although Ravi Shankar claims to have invented the "Sudarshan Kriya" technique, it is a technique that has long been known in the Yoga community prior to Shankar's purported invention of it. The technique is generally known now within the Yoga community and there are also a number of websites teaching the technique, true and correct copies of some of which are attached as Exhibits to the Request for Judicial Notice.
- 6. The teaching processes for Sudarshan Kriya are not kept "strictly confidential." There is no central authority imposing non-disclosure uniform rules. For example, student/teachers in some countries sign forms under which they agree "I will not *teach* any of the techniques of the course *unless*, I have been trained in full by SRI SRI RAVI SHANKAR," or similar words to that effect.
- 7. However, it *is* a central tenet of the religious belief system promulgated by Shankar's devotees that the ancient Yogic techniques taught by AOL will only work properly if transmitted under the aegis or blessing of Ravi Shankar. This belief system rests on the notion that Shankar is a special being who has achieved an enlightened state.
- 8. Attached hereto as *Exhibit A* is a true and correct copy of Guidelines on Presentation of SKP Research, authored by Fahri Saatcioglu and Ronnie Newman, that was circulated within AOL.
- 9. On June 1, 2010 I posted the post entitled "Sudarshan Kriya Download and Notes." A true and correct copy of the "Sudarshan Kriya Notes" referred to therein is attached hereto as *Exhibit B* [to be filed under seal]. On July 20, 2010, I posted the text of the document "Training Guide Phase 1," a copy of which is attached hereto as *Exhibit C* [to be filed under seal] and the text of document entitled "Yes+ Teacher Notes," a copy of which is attached as *Exhibit D* [to be filed under seal]. The document entitled "Yes+ Notes is not in fact a manual prepared by AOL but notes a person named "Diego" took of another teacher giving advice on how to best teach the Yes+ course. On July 21, 2010, I posted the text of the Breath Water Sound Manual, a true and correct copy of which is attached hereto as *Exhibit E* [to be filed under seal]. I do not understand to what the Complaint is referring by the term "Continuation Manual."

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10. On August 25, 2010, the posting functionality of the BAOL Blog was disabled,

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and I received a warning from Wordpress that it had "a concern about some of the content on your 2 Wordpress informed me that it had "received a valid DMCA Notice," and that if I believed 3 the copyright claim to be in error I could follow certain DMCA procedures to do so. A true and correct copy of the "DMCA Notice" to which Wordpress referred is attached hereto as Exhibit F. I 4 did not have the resources at that time to consult counsel or challenge to the assertion of copyright, so 5 6 I deleted the Training Guide Phase 1, Yes+ Teacher Notes, and the Breath Water Sound Manual from 7 the BAOL Blog on August 27, 2010. Since then I have policed the BAOL Blog to prevent the posting 8 of allegedly copyrighted/trade secret materials on the BAOL Blog by third party commenters. I intend 9 to continue to do so pending a determination of my legal rights and obligations. 10

- 11. The Breath Water Sound program is designed to bring the essentials of the Art of Living Course to those who do not have the financial means to pay for them, and are thus generally given free, primarily in Third World countries, but also in disaster-relief projects in the West.
- 12. The only information I have with regard to viewers of the Breath Water Sound Manual on the BAOL website is data available to me that is generated by Wordpress. My understanding of that data is that the webpage that contained the text of the Breath Water Sound Manual was viewed 147 times in July 2010, and 351 times in August 2010, the only two months during which the Breath Water Sound Manual was posted. The data does not distinguish between multiple viewers viewing the page and a single viewer viewing the page multiple times. The data does not provide information as to the countries in which the viewers reside.

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I declare under penalty of perjury under the laws of the State of California and the United States of America that the foregoing is true and correct.

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Executed on January 31, 2010 at ______[place redacted].

identifying information herein to avoid prejudice to the right of the Declarant to anonymity.

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I attest that I have on file a copy of the original signed version of this Declaration. I have redacted

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Dated: January 31, 2011

Joshua Koltun Attorney for Defendants Doe/Klim and Doe/Skywalker

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Dear Art of Living teachers and national representatives of the Art of Living University Program,

We are thrilled to be able to support you as you move Guruji's knowledge and life transforming practices into the academic world. This is an exciting time in Art of Living History: It's also a time when how we speak about our practices and the scientific research can dramatically determine how receptive or resistant audiences will be to this knowledge.

To support you in presenting this highest knowledge in the best possible manner, the following guidelines have been developed by the International Research and Health Promotion Center of the Art of Living Foundation.

A. Speaking about research:

The initial research that has been conducted on Sudarshan Kriya and related practices (SK&P) is quite exciting. When we present it accurately it will be favorably received, give confidence to the listener, and add credibility to what we have said. If we are inaccurate, misrepresent, or exaggerate our statements, people may mistrust and discredit our message. This is especially true among academic, medical, scientific/research and governmental agencies.

In these circles, words have specific meanings (sometimes different from general conversational language) which is important to be aware of. To be accurate in our speech (and to avoid accidentally misrepresenting the facts), we provide the following guidelines.

1. It is accurate to say:

Independent research has <u>demonstrated (or documented or shown)</u> that *SK* and related practices can significantly reduce cortisol (the 'stress' hormone) levels.

It is NOT accurate to say: Independent research has <u>proven</u> that SK&P can significantly reduce cortisol levels.

Explanation: In the medical/scientific community, the word proven means that the study has been replicated many times, often on thousands of research subjects.

The words demonstrated, documented or shown mean that these results were found in this particular study: it is inappropriate to generalize or assume that these results would be found beyond this particular study until its' findings are replicated.

When we use the accurate terms of *demonstrated* or *documented*, the general public will be as impressed as if we had used the word 'proven'. The scientific community will still respect us when we talk about studies that demonstrate results. And it can draw them in to look at us further (and possibly even collaborate with us on future research!). So you see, we lose nothing and gain everything by speaking precisely and honorably.

Another example: **It is accurate to say**: Research has *demonstrated* that SK&P are effective in relieving depression.

It is NOT accurate to say: research has *proven* that SK&P are effective in relieving depression.

2. We want to avoid overstating any claims: (It is always better when in doubt to understate, rather than over state or mis-state facts.)

It is accurate to state that the research on SK&P is independent research. This lends credibility to the research without misrepresenting the truth.

It is NOT accurate to state that many studies on SK&P have been published in international journals. While many of the studies are worthy of being published in international peer reviewed journals, to date only five (of about 25) have actually been published in such journals.

See below for the explanation of what Independent Research and peer review journal is, plus a list of SK&P studies published in those journals.

- a. "<u>Peer-reviewed journal</u>"-These journals use an independent team of researchers including basic scientists, statisticians, medical doctors and clinicians to review a research study's hypotheses and methods, as well as its' findings. To be accepted for publication in such a journal, the team must verify that a study meets all current standards of scientific inquiry-- it can be trusted and is valuable. This is like the "Good Housekeeping Seal of Approval" for research.
- b. "Independent research" Such research has been conducted by an individual/institution which is NOT RELATED in any way to the organization which promotes the treatment. In this case, the research institution which conducted the research has no affiliation with, or commitment to the Art of Living. Research that is NOT independent can also be of good quality, but its findings are more suspect, and are subject to closer scrutiny.

B. Making "scientific" statements during presentations.

We know that there are two legitimate methods for gaining knowledge. The first is the Subjective method of diving deep into one's unshakable Consciousness. This is the way the Rishis and Masters of our tradition have gathered knowledge for thousands of years.

The second method of gaining knowledge is the "Modern" objective method of science. While this method is slower and may ultimately not be able to fathom the deepest truths of creation, it still yields valuable information. It is also the accepted standard of the day. It is therefore important that our statements are consistent with this current objective body of knowledge.

We can speak on our knowledge with full integrity while still being in alignment with modern science. This requires only a little skill and understanding, which is provided for you here.

1. It is commonly stated in intro and other talks that 70 to 90% of the body's impurities (don't use the word toxin here) can be eliminated through the lungs.

Comments: According to current scientific understanding of human respiratory physiology, this is not an accurate statement. Lungs are indeed one of the major sites of elimination of impurities from the body (along with the liver, bowels, kidneys, and the skin.) Even though the lungs' major function is removal of the carbon dioxide from the body, traces of other gases (such as methane from the intestines) are also found in expired air. Alcohol and acetone are also expired when present in appreciable quantities in the body. Indeed, over 250 different volatile substances have been identified in expelled

human breath. (from Review of Medical Physiology, William F. Ganong 21st edition, 2003)

Recommendation: We can use the following sentences in introducing the function of the lungs in intro talks, etc.: Lungs are one of the most important pathways/sites of elimination of impurities from the body. Not only is carbon dioxide, as the most abundant impurity produced in the body, removed through expiration, but many other waste products (around 250), albeit in smaller amounts, are also eliminated from the body through the lungs.

This statement still conveys the very key role that the breath plays in expelling impurities from the body, while still being consistent with the current medical understanding. It also preserves our credibility, which is vital if people are to trust us to guide them more deeply into this knowledge.

2. Related to this is our explanation of prana or any other yogic concept. When explaining such terms, it is very important to clarify that this term is from the Yogic Science of Breath. It is important not to infer that this is a current scientific concept, because it is not.

Recommendation: We have found a great way to speak about prana or any other concept which Sri Sri has taught us that is not part of current medical understanding by simply proceeding it with the following phrase: "According to the Yogic Science of Breath*, it is traditionally understood that ...

For example we could say, "according to the Yogic Science of Breath there are four sources of energy."

Thus we have 2 ways to make statements. The first is making our statements consistent with current scientific knowledge such as "the lungs are a major source for eliminating impurities". If we want to refer to something that has not been documented by Modern Science yet, we can simply say "according to the Yogic Science of Breath it is traditionally understood that there is a subtle aspect to air, called prana". Stating it this way informs the audience that there is an authority behind our statement, and yet we recognize that it is not the predominant understanding of our day. Doing this also disarms potential antogonizers because they cannot criticize us for any mistakes. (* a good explanation: The Yogic Science of Breath is a precise science of health promotion through practices that involve the breath. It is over 5000 years old, and perhaps the first Science to recognize the significant relationship between body, mind and emotions.)

If the audience is more open to spirituality you could say: The Yogic Science of breath is an integrated science of health promotion and spiritual development. It is a precise 5000 + year old science, and the first to recognize the interrelationship between body, mind, emotions, and spirit.)

3. SK and hyperventilation: A question that occasionally comes up from the participants on a course or introtalk is whether SK is a form of hyperventilation. SK differs on a number of critical points from hyperventilation¹, and thus it would not be appropriate for us to state that it is a form of hyperventilation. This is especially important since hyperventilation is typically associated with anxiety and disease states,

and the sensation that one cannot get enough air to breath. Any association of SK to hyperventilation may make people uneasy. We might state when asked, that while some aspects may appear similar, there are many crucial differences between SK and hyperventilation. Bringing up hyperventilation from our side is not necessary and may be confusing to the audience.

By raising our expressions to the highest, most impeccable level, we can most effectively advance this highest knowledge in all sectors of society. If you have any questions or would like further clarification, please contact the research arm of our Art of Living family.

Jai Guru Dev!

Fahri Saatcioglu, Ph.D., Research Director for Europe f.saatcioglu@aoluniversity.org Ronnie Newman, Ed.M., C.A.S. International Research and Health Promotion Center rnewman@artofliving.org

¹Here is a short discussion on some of the differences between SK and hyperventilation:

- 1. It is a common experience in hyperventilation to gasp for air--i.e. not getting enough air. This is not the experience in SK.
- 2. During hyperventilation, a person typically breathes through the mouth, not the nose, as opposed to in SK.
- 3. Hyperventilation is uncontrolled by the subject, whereas each of the rhythms/rates of breathing during SK can be controlled at will.
- 4. Hyperventilation has no pattern; SK is a distinct pattern of breathing.
- 5. SK is not merely a mechanical breathing technique. Central to it is awareness of the breath during the practice. This awareness to the breath may activate different pathways in the brain than simple mechanical breathing. There is no similar awareness to the breath in hyperventilation.
- 6. The known results of SK documented by scientific research suggest a state of physiological relaxation and calm (e.g. reduced cortisol, lactate, etc.) and increased mental focus (e.g. increased brain alpha activity). This is inconsistent with hyperventilation which is normally linked to just the opposite outcomes.

EXHIBIT B [to be filed under seal]

EXHIBIT C
[to be filed under seal]

EXHIBIT D [to be filed under seal]

EXHIBIT E [to be filed under seal]



14.8.2010

Dear Blogger,

Re: Infringement of our Copyright and other rights.

We are a registered public charitable trust founded by His Holiness Sri Sri Ravishankar (His Holiness). Our head office is at No. 19, 39th A Cross, 11th Main, IV T Block, Jayanagar, Bangalore – 560 041, Karnataka, India.

Through our authorized Teachers we teach courses/programmes designed by His Holiness (popularly known as the Art of Living Courses) all over the world. Through the Course we teach a breathing technique developed by His Holiness called the Sudarshan Kriya ("the SK Technique"). The beneficial and healing effects of the SK Technique are well known and well documented.

The SK Technique is taught by us to the course participants only through authorized and trained Art Of Living Teachers. The authorised Teachers are provided an instruction manual known as the Sudarshan Kriya Notes ("the SK Notes"). These Notes are strictly confidential and are read out to authorised Teachers who copy the same in a note book. All such teachers undertake to keep these Notes strictly confidential. The Copyright in these Notes belongs exclusively to us.

You have without any authority published these SK Notes on your blog. This is an infringement of our copyright and also a serious violation of our right to keep the SK Notes Confidential. It appears that you have obtained a copy of the SK Notes in an unauthorized/illegal manner and are now misusing the access to the same. In case by any chance you are an authorized teacher, you are in serious breach of your undertaking to keep the SK Notes confidential.

We put you to notice that any misuse of the Notes by you or any visitor on your Blog could cause serious harm / injury to others, in the event any attempt is made to teach the SK Technique on the basis of and pursuant to the unauthorized publication of the SK Notes by you. You will be held personally responsible for any such harm / injury.

We hereby call upon you to forthwith:

- 1. delete the SK Notes from your Blog and to hand over all copies thereof to us; AND
- 2. disclose your complete name and residential address.



We reserve our right to institute appropriate legal proceedings against you at your entire risk as to the costs and consequences.

Lastly please note that your blog contains defamatory material which has been posted with malicious intent. We hereby call upon you to immediately remove all such defamatory material immediately, failing which we reserve our right to take appropriate legal action.

Vyakti Vikas Kendra India

(Chariman & Trustee)

Vyakti Vikas Kendra India, No. 19, 39th A Cross, 11th Main, IV T Block, Jayanagar, Bangalore – 560 041, Karnataka, India.