

1 Joshua Koltun (Bar No. 173040)
Attorney
2 101 California Street
Suite 2450, No. 500
3 San Francisco, California 94111
Telephone: 415.680.3410
4 Facsimile: 866.462.5959
joshua@koltunattorney.com

5 Attorney for Defendants
6 "Doe Klim" and "Doe Skywalker"

7
8 UNITED STATES DISTRICT COURT
9 NORTHERN DISTRICT OF CALIFORNIA
10 SAN FRANCISCO/OAKLAND DIVISION

11 ART OF LIVING FOUNDATION, a)
12 California corporation,)

13 Plaintiff,)

14 v.)

15 DOES 1-10, inclusive,)

16 Defendants.)
17)
18)
19)

Case No.: CV 10-5022-LB

DECLARATION OF DOE/KLIM

Date: March 17, 2011

Time: 11:00 am

Judge: Hon. Laurel Beeler

Courtroom: 4

Joshua Koltun ATTORNEY

Joshua Koltun ATTORNEY

1 I, _____[name redacted] , declare as follows:

2 1. I am not a citizen of the United States and I do not reside in the United States. I do not
3 have a contractual relationship with the AOL Foundation of the United States (Plaintiff).

4 2. Under the pseudonyms Klim and AOL-Free, I am the creator of the “Leaving the Art of
5 Living” (“LAOL”) Blog, hosted on Google’s “Blogger” platform at
6 (www.artoflivingfree.blogspot.com). The Blogger platform enables other persons to author
7 “comments” on the LAOL Blog, I have also posted articles authored by others, which bear
8 pseudonyms other than “Klim,” which were submitted to me for publication on the LAOL Blog. Of
9 the specific statements placed at issue in the Complaint, I am the author only of articles or comments
10 bearing the pseudonyms “Klim,” and of the comment bearing the pseudonym “Klim & Co.” (although
11 I am not the author of all comments bearing the pseudonym “Klim & Co.”). In other words, of
12 statements on the LAOL blog, I am only the author of statements A, B, D, E, I, and R but not of
13 comments M, N, or P. The Blogger software automatically affixes “Posted by AoL Free” to articles
14 that I post to the Blog. With respect to the articles and statements at issue here, where an article does
15 not bear a pseudonymous author but indicates that it was posted by “Aol-Free,” it was authored by
16 me, but where it bears another pseudonym such as JOSH or NICK, it was authored by a third party
17 who forwarded the article to me for publication on the LAOL Blog. I am not the author of any of the
18 statements at issue on the BAOL blog. Nor did I post any of the allegedly trade secret or copyrighted
19 materials, all of which were posted on the BAOL blog, not on my LAOL blog.

20 3. I am very concerned that the disclosure of my identity would expose me and my
21 families to harassment and retaliation by loyal adherents of Ravi Shankar. I am concerned that
22 disclosure of my identity would set a precedent that would make others fearful that if they honestly
23 voiced their opinions concerning Shankar and/or AOL, they too would face such harassment and
24 retaliation. AOL adherents have widely circulated statements by an AOL Swami (i.e. a person high
25 up in the AOL hierarchy) denouncing dissidents, which identified dissidents, including, in one
26 example the person’s name and country, as well as the names and contact information for (purported)
27 ex-boyfriends and associates that could testify that the dissident in question was mentally unstable,
28 true and correct copies of which are attached as Exhibit G1 to the Request for Judicial Notice. I am

1 also very concerned that if my identity were revealed my former connection to an organization I now
2 regard as a religious cult will be unnecessarily publicized.

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

5 Executed on January 30, 2010 at _____[place redacted].

6
7 *I attest that I have on file a copy of the original signed version of this Declaration. I have redacted*
8 *identifying information herein to avoid prejudice to the right of the Declarant to anonymity.*

9
10 Dated: January 31, 2011

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

Joshua Koltun ATTORNEY