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 13 Art of Living Foundation

14 **UNITED STATES DISTRICT COURT**
 15 **NORTHERN DISTRICT OF CALIFORNIA**

16 **ART OF LIVING FOUNDATION, a**
 17 California corporation,

18 Plaintiff,

19 vs.

20 **DOES 1-10, inclusive,**

21 Defendants.

Case No. 10-cv-5022 LHK-HRL

**DECLARATION OF ASHWANI
 DHALL IN OPPOSITION TO
 DEFENDANTS DOE/KLIM AND
 DOE/SKYWALKER'S MOTION TO
 DISMISS, SPECIAL MOTION TO
 STRIKE UNDER CAL. C.C.P. 425.16
 & EVIDENTIARY OBJECTIONS, AND
 MOTION TO QUASH OR MODIFY
 SUBPOENAS & EVIDENTIARY
 OBJECTIONS**

Date: May 12, 2011
 Time: 1:30 PM
 Judge: The Honorable Lucy H. Koh
 Ctrm: Courtroom 4, 5th Floor

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1 I, Ashwani Dhall, declare as follows:

2 1. I am currently the Chairperson of the Board of Directors for Art of Living
3 Foundation, a Goleta, California-based non-profit corporation and the plaintiff in this
4 action (“Art of Living”). Unless otherwise stated, I have personal knowledge of the
5 matters stated herein.

6 2. I have broad knowledge about Art of Living, including its activities, its
7 teachings, its humanitarian efforts, its finances, and its student-teacher relationships.

8 3. I have reviewed the following statement, which I understand is at issue in
9 this litigation:

The truth is more disgruntled people should come out to do something about all the illegal activities that occur thru and in his organization, ranging from exploitation, to swindling, to cheating, to physical abuse, to sexual harassment and fondling, etc.

10 The above-referenced statement is false. Based on my knowledge and experience, Art
11 of Living has not engaged in any illegal activities. Specifically, I am aware of no
12 incidents in which Art of Living or its teachers have exploited, swindled, cheated,
13 physically abused, or sexually harassed students or members of the organization.

14 4. I have reviewed the following statement, which I understand is at issue in
15 this litigation:

16 Unfortunately, there are even stories of male teachers raping female students or teachers, and other forms of perversion. The inner circle knew about this.

17 The above-referenced statement is false. In my experience with Art of Living, I have
18 never learned of any incidents in which male teachers raped female students or
19 teachers, or engaged in any other form of perversion. As the current Chairperson of Art
20 of Living, I serve in the “inner circle” of the organization and would expect to know about
21 any such misconduct.

22 5. I have reviewed the following statement, which I understand is at issue in
23 this litigation:

24 Many teachers, especially senior teachers take advantage of their

status. Women fall for them like bees for honey, not knowing they are just being used for sex.

The above-referenced statement is false. In my experience with Art of Living, I have never learned of any incidents in which teachers took sexual advantage of their students. As the current Chairperson of Art of Living, I would expect to know about any such misconduct.

6. I have reviewed the following statement, which I understand is at issue in this litigation:

If you are yourself a rich business man and want to launder your black money or show your competitors that oh I have a Guru then ART OF LIVING is for you.

The above-referenced statement is false. Art of Living does not launder money or engage in other financial misconduct.

7. I have reviewed the following statement, which I understand is at issue in this litigation:

There are many cases that companies, individuals give money to ART OF LIVING organisation for specific projects, but the money never reaches those projects. It is then left to poor ART OF LIVING teacher or volunteer to explain to the company/donors WHY THE PROJECT IS NOT COMPLETED & SAY WHERE THE MONEY WENT TO! These people are just shameless & have huge appetite for \$\$\$! ART OF LIVING volunteers & members, for God's sake wake up & stop giving money to SriSri & his lackeys. None of this money goes toward helping any poor or disadvantaged people. ALL ends up in SriSri & family & Lackey's coffers.

The above-referenced statement is false. Contrary to the statement, Art of Living uses the donations it receives for its charitable and humanitarian objectives, including helping poor and disadvantaged people.

8. I have reviewed the following statement, which I understand is at issue in this litigation:

And so, some remain anonymous because of verbal and physical threats made, and others because of psychic threats made, yes, even by the precious master himself!

The above-referenced statement is false. In my experience with Art of Living, I have

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1 never learned of any incidents of verbal or physical threats made by the organization or
2 its teachers to members or students. As the Chairperson of Art of Living, I expect to
3 know of any such misconduct.

4 9. I have reviewed the following statement, which I understand is at issue in
5 this litigation:

The money raised for "service projects" get diverted to his personal
kitty - all we see is token work.

6
7
8 The above-referenced statement is false. Art of Living is dedicated to spreading the
9 teachings of His Holiness Sri Sri Ravi Shankar ("Shankar"). I understand the above-
10 referenced statement to refer to Shankar, the Art of Living Foundation, and students and
11 members of this organization. Contrary to the above-referenced statement, the money
12 raised for Art of Living's service projects does not get diverted to the "personal kitty" of
13 Shankar. Rather, the money raised for Art of Living's service projects is used for those
14 projects.

15 10. I have reviewed the following statement, which I understand is at issue in
16 this litigation:

Money from courses does not go into "service projects" it goes into
RS's [Ravi Shankar's] bank account. He uses it to start up other
businesses—ostensibly making more money for himself. The mafia
also operates this way—they fund legitimate businesses from their
ill-gotten wealth.

17
18
19
20 The above-referenced statement is false. I understand the above-referenced statement
21 to refer to Shankar, the Art of Living Foundation, and students and members of this
22 organization. Contrary to the above-referenced statement, Art of Living uses the money
23 it raises for its service projects. Art of Living does not provide its funds to Shankar to
24 start-up illegitimate businesses.

25 11. Art of Living is a California non-profit corporation based in Goleta, CA.

26 12. Art of Living is not a religious organization or a cult.

27 13. Art of Living is a non-denominational education and humanitarian
28 organization dedicated to the teachings of Shankar.

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1 14. Art of Living offers courses on breath, meditation, and yoga.

2 15. At the core of Art of Living's teachings is Sudarshan Kriya, which is a
3 rhythmic breathing exercise.

4 16. While Shankar's teachings serve as a pillar of Art of Living's courses,
5 Shankar is not an officer, employee, or director of Art of Living.

6 17. In addition to offering courses at its own facilities, Art of Living offers its
7 courses in partnership with public and private schools, corporations, and government
8 agencies.

9 18. Individuals who wish to take a course offered by Art of Living must register
10 and pay the course fee. The fee is typically \$250 for the Art of Living Course, which
11 teaches the basics of Sudarshan Kriya.

12 19. Art of Living uses the money it raises through its courses to maintain its
13 facilities, to train new teachers for its courses, and to provide humanitarian aid and
14 community service.

15 20. Organizations other than Art of Living offer courses in breathing, yoga, and
16 meditation.

17 21. Art of Living distinguishes its courses from other courses by requiring the
18 specialized training of its teachers.

19 22. The training of Art of Living's teachers results in a direct financial benefit to
20 Art of Living in the form of course fees (both from new and continuing students).

21 23. Given the importance that Art of Living places on teacher training, Art of
22 Living—in consultation with Shankar—has developed detailed processes by which its
23 courses are to be taught.

24 24. Art of Living's teaching processes are contained in several written manuals
25 developed by Art of Living in consultation with Shankar.

26 25. These manuals include a) the Training Guide Phase One Manual, b) the
27 Phase One Supplement Manual and c) the Yes! Teacher Notes (collectively, the
28 "Manuals").

1 26. A true and correct copy of the Training Guide Phase One Manual has been
2 conditionally filed under seal as Exhibit A.

3 27. A true and correct copy of the Phase One Supplement Manual has been
4 conditionally filed under seal as Exhibit B.

5 28. A true and correct copy of the Yes! Teacher Notes has been conditionally
6 filed under seal as Exhibit C.

7 29. Art of Living has intentionally not memorialized the teaching processes for
8 Sudarshan Kriya in a formal manual to prevent the unlawful distribution of its Sudarshan
9 Kriya teaching principles (the "Principles").

10 30. Art of Living trains teachers of Sudarshan Kriya through oral presentations,
11 during which the student-teachers may take written notes.

12 31. A true and correct copy of teaching notes for the Sudarshan Kriya
13 Principles has been conditionally filed under seal as Exhibit D.

14 32. Art of Living keeps the Manuals and Principles strictly confidential and
15 requires its student-teachers to keep these materials confidential and use them only in
16 teaching Art of Living's courses.

17 33. Art of Living has consistently used diligent efforts to keep its Manuals and
18 Principles confidential.

19 34. Among other things, Art of Living has stored the Manuals and Principles in
20 electronic form on password protected computers and in password protected files. Art of
21 Living has limited the disclosure of these computers and files to only those persons with
22 the need to access the Manuals and Principles. Additionally, Art of Living requires all
23 persons obtaining access to the Manuals and Principles to agree to maintain the
24 confidentiality of this information and not to use it in any unauthorized way.

25 35. Thus, before student-teachers can access the Manuals and Principles, they
26 are instructed that the information they will receive must be kept in strict confidence to
27 ensure: a) the well-being of their students, b) the preservation of the integrity of Art of
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1 Living's teachings, and c) the financial benefit to Art of Living from Art of Living's
2 coursework.

3 36. Student-teachers must agree not to disclose the Manuals before they are
4 permitted to take part in Art of Living's teacher training programs. Student-teachers must
5 also agree not to disclose any notes they take during their training program.

6 37. Art of Living authored and published an informational booklet entitled the
7 Breath Water Sound Manual in 2003, which Art of Living subsequently registered with the
8 United States Copyright Office, Registration No. TX0007240203.

9 38. A true and correct copy of the Breath Water Sound Manual is attached
10 hereto as Exhibit E.

11 39. The Breath Water Sound Manual is used by Art of Living in connection with
12 its Breath Water Sound course, which is typically offered by Art of Living at no charge.

13 40. The Breath Water Sound course addresses some basic breath exercises,
14 sound relaxation methods, meditation techniques, tools for healthy living, and effective
15 processes to work together as a community.

16 41. While the Breath Water Sound course is typically offered at no charge by
17 Art of Living, many students who take the Breath Water Sound course subsequently
18 enroll in one of Art of Living's fee-based courses.

19 42. The Breath Water Sound Manual explains teaching methods for the Breath
20 Water Sound course and is used to train teachers of the Breath Water Sound course.

21 43. In or around November 2009, Defendant Klim (possibly in coordination with
22 other anonymous Defendants) started the blog entitled "Leaving the Art of Living" and
23 located at <artoflivingfree.blogspot.com> (the "Blogspot Blog").

24 44. In or before May 2010, Defendant Skywalker (in coordination with other
25 anonymous Defendants) started the blog entitled "Beyond the Art of Living" and located
26 at <aolfree.wordpress.com> (the "Wordpress Blog"; the Blogspot Blog and the
27 Wordpress Blog are referred to collectively as the "Blogs").
28

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1 45. The Blogs do not offer a two-way debate between Art of Living and Art of
2 Living's critics.

3 46. The Blogs contain numerous false and defamatory statements about Art of
4 Living.

5 47. Art of Living never authorized any person to disclose the Manuals and
6 Principles or the Breath Water Sound Manual on the Blogs.

7 48. Once Art of Living learned of the disclosure of its trade secrets (the
8 Manuals and Principles) and the Breath Water Sound Manual, Art of Living immediately
9 sought to have the materials removed.

10 49. Art of Living has received numerous inquiries from viewers of the Blogs
11 who have understood the Blogs to refer to Art of Living.

12 50. Art of Living has received numerous inquiries about the truthfulness of the
13 statements on the Blogs, and particularly, whether Art of Living is a corrupt organization
14 that puts its students at risk.

15 51. Art of Living has received numerous inquiries about the Blogs, including
16 inquiries about the presence of Art of Living's Manuals, Principles, and other publications
17 on the Blogs.

18 52. Many of the people inquiring about the Blogs to Art of Living have
19 expressed anger, frustration, or outrage to Art of Living based on the Blogs' false
20 statements—particularly the Blogs' accusations of physical abuse, sexual abuse,
21 financial misconduct, and fraud.

22 53. Many of the people inquiring about the Blogs to Art of Living have informed
23 Art of Living that they would not register for Art of Living's courses as a result of the false
24 statements on the Blogs.

25 54. Art of Living's primary website is located at the domain name
26 <www.artofliving.org>.

27 55. Art of Living's officers and directors are:

- 28 • David Mc Colgin – Director and Secretary

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- 1 • Leslye Moore – Director
- 2 • Ashwani Dhall – Director and Chairman of the Board
- 3 • Baldev Thakor – Director
- 4 • Jasbir Singh – Director
- 5 • Marc Inzelstein – Director
- 6 • Frederic Poneman – Director
- 7 • Michael Fischman - President
- 8 • Jeffrey Houk - Treasurer

9 56. Art of Living has never been invited to respond to the Blogs’ posts or to
10 contribute to the Blogs.

11 57. While Art of Living’s services have been praised in several articles in the
12 national and international press, Art of Living enjoys limited media access.

13 58. While Art of Living currently seeks to establish a larger media presence,
14 this journey has proved slow and difficult for Art of Living.

15 59. Particularly as relates to the controversy at issue—i.e. the false and
16 defamatory statements on the Blogs—Art of Living has struggled to find an appropriate
17 forum to respond.

18 60. Art of Living has made no response in the media to the false and
19 defamatory statements on the Blogs.

20 61. Art of Living does not seek to limit the disclosure of the Breath Water Sound
21 Manual, and in fact, provides the Breath Water Sound Manual to teachers of the Breath
22 Water Sound course.

23 62. Art of Living did not discover Defendants’ infringement of the Breath Water
24 Sound Manual until late August 2010, and was preparing to serve a takedown notice
25 when the Breath Water Sound Manual was removed from the Blogs.

26 63. Art of Living did not know about the benefits of registering its copyright in
27 the Breath Water Sound Manual until it spoke with intellectual property counsel, and only
28 then determined that registration was in Art of Living’s best interest.

1 64. Art of Living derives revenue from its various courses.

2 65. Much of the success of Art of Living's courses derives from Art of Living's
3 teaching methods. This connection has been confirmed by feedback from Art of Living's
4 students.

5 66. A direct link exists between the secrecy of the Manuals and Principles and
6 the success of Art of Living's courses.

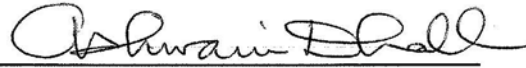
7 67. Art of Living's confidential teaching methods enable Art of Living to
8 distinguish its courses from those offered by other organizations, which has had a direct
9 effect on Art of Living's revenue.

10 68. Since the false and defamatory statements were published on the Blogs
11 and the Manuals, Principles, and Breath Water Sound Manual were disclosed, Art of
12 Living's enrollment and revenue have dropped.

13 69. A true and correct copy of Art of Living's enrollment and course revenue
14 records for 2010 and 2011 have been conditionally filed under seal as Exhibit F'.

15 70. Art of Living has never purported to offer professional medical services.

16 I declare under penalty of perjury under the laws of the United States of America
17 that the foregoing is true and correct and that this Declaration was executed on March
18 16, 2011 in San Jose, California.

19 

20 Ashwani Dhall

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