

Deposition of J. Donald Walters; Wednesday, September 6, 1995.

**note:**

This is the second of seven (7) parts of the deposition of Mr. J. Donald Walters. This part is dated Monday, September 11, 1995. Many subjects are covered in a random manor.

Oftentimes, the same subject is brought up again in other sections.

One method for finding a particular topic is to use the "find/change" feature in the "edit" menu of most wordprocessing programs:

Type in your topic or key word in "find", and also in "change". (to avoid erasing or changing the word)

Then by clicking the "find next" feature, you will be taken instantly to the area where that particular word is first used. Each time the "find next" button is clicked, it will take you to the next place where that word or phrase is used.

This may be slightly different with different computer systems and programs.

To download: Simply use the "save" feature under your file menu.

**Important Note:**

**All questions, accusations, and allegations, implied or otherwise, have not yet been ruled upon in a court of law. Some of them may never be. In the United States, defendents are innocent until proven guilty. These are public documents available at the San Mateo county courthouse, in California, USA. Mr. Walters is a public figure, and these documents are presented here for informational purposes.**

1 IN THE SUPERIOR COURT OF THE STATE OF CALIFORNIA

2 IN AND FOR THE COUNTY OF SAN MATEO

3 --o0o--

4 (the plaintiff),

5 Plaintiff,

6 vs. No. 390 230

7 ANANDA CHURCH OF GOD  
8 REALIZATION, a California

8 not-for-profit corporation, Defendants.

10 \_\_\_\_\_/

13 DEPOSITION OF

14 DONALD WALTERS

15

Volume II; Pages 215 to 350 Monday, September 11, 1995

19 REPORTED BY:

20 HOLLY THUMAN, CSR NO. 6834, RPR TOOKER & ANTZ

24 CERTIFIED SHORTHAND REPORTERS STEUART STREET, SUITE 201  
25 SAN FRANCISCO, CALIFORNIA 94105

1 I N D E X

2 EXAMINATION BY: PAGE

3 MR. FLYNN (Resumed): 240

4 --o0o--

5 EXHIBITS

6 PLAINTIFF'S FOR IDENTIFICATION PAGE

4 Letter dated July 3, 295 Dwapara, from 239

8 Asha Prayer to Daya Mata

9 Gurus, Spiritual Authority, and Celibacy Photocopy of envelope addressed  
11 "(the plaintiff)"

12 Photocopy of typewritten note dated November 29, 293 Dwapara, "Dear

13 Annemarie"

14 Flyer advertizing The Green Door

15 Document headed "More History of Ananda"

16 June 29, 1995 All Community Satsang by Donald Walters, transcribed by Yvonne

17 Hanchett

18 1-page letter on Crystal Hermitage letterhead dated April 18, 295 Dwapara to

19 "Dear Ones"

20 Declaration of J. Donald Walters in Opposition to Special Motion to Strike

13 Cross-Complaint of Ananda Church of

22 Self-Realization, Denny Levin, and J.Donald Walters for Defamation Against

23 (the plaintiff)

1 --o0o--

2 INDEX OF INSTRUCTIONS NOT TO ANSWER

3 Page Line Page Line

8 --o0o--

9 BE IT REMEMBERED that on Monday, September 11,  
10 1995 commencing at 11:00 a.m., thereof, at Tooker & Antz,  
11 131 Steuart Street, Suite 201, San Francisco, California,  
12 before me, HOLLY THUMAN, duly authorized to administer oaths  
13 pursuant to Section 2093(b) of the California Code of Civil  
14 Procedure, personally appeared  
15 DONALD WALTERS,  
16 called as a witness, who, having been previously duly sworn,  
17 was examined and testified as hereinafter set forth.

18 --o0o--

1 --o0o--

## 2 APPEARANCES

3 FLYNN, SHERIDAN & TABB, One Boston Place, 26th  
4 Floor, Boston, Massachusetts 02108, represented by MICHAEL  
5 J. FLYNN and PHILIP H. STILLMAN, Attorneys at Law, appeared  
6 as counsel on behalf of the Plaintiff.

7 HUB LAW OFFICES, 711 Sir Francis Drake Boulevard,  
8 San Anselmo, California 94960, represented by FORD GREENE,  
9 Attorney at Law, appeared as counsel on behalf of the  
10 Plaintiff.

11 JON R. PARSONS, Attorney at Law, 2501 Park  
12 Boulevard, Suite 207, Palo Alto, California 94306-1925,  
13 represented by JON R. PARSONS, Attorney at Law, appeared as  
14 counsel on behalf of the Defendants.

15 EDWARD W. PLISKA, Judge (Retired), Attorney at  
16 Law, Corey, Luzaich, Gemello, Manos & Pliska, 700 El Camino

17 Real, Millbrae, California 94030, was present as the

18 referee. (Afternoon session only.)

19 Also present when indicated were DR. PETER VAN

20 HOUTEN; ASHA PRAVER; JOHN SMALLEN; SHEILA RUSH; and the

21 videographer, KATHRYN FILLEY.

22 --o0o--

1 September 11, 1995 11:00 a.m.

2 --o0o--

3 PROCEEDINGS

4 (The witness is not present in the deposition

5 room.)

6 THE VIDEO OPERATOR: Good morning. This is the

7 beginning of videotape number 4 in the deposition of Donald

8 Walters in the case of (the plaintiff) versus Ananda

9 Church of God.

10 All aspects as on tape number 1 remain the same.

11 Thank you.

12 MR. FLYNN: Now, this is the continuation of the

13 deposition of Donald Walters.

14 Mr. Parsons unilaterally and without seeking a

15 protective order walked out of the deposition last

16 Wednesday.

17 Thereafter, Mr. Parsons contacted Mr. Ford Greene,

18 who is sitting in the deposition here, and told Mr. Greene

19 that the discovery referee, Judge Ed Pliska, would not be

20 available until Tuesday.

21 MR. GREENE: At 1:30 in the afternoon.

22 MR. FLYNN: At 1:30 in the afternoon, of this

23 week, which is tomorrow --

24 MR. GREENE: Or all day Wednesday.

25 MR. FLYNN: -- or all day Wednesday, in order to

1 review the propriety of Mr. Parsons' unilateral action in

2 walking out of the deposition.

3 We had our secretary call Judge Pliska immediately

4 after the deposition. We found out that he in fact was

5 available, even later that afternoon, he was available the

6 entire next day, and was available on Friday,

7 notwithstanding Mr. Parsons' misrepresentation to

8 Mr. Greene.

9 We then endeavored to get Mr. Parsons and

10 Mr. Stillman and myself on a conference call with Judge

11 Pliska, which we succeeded in doing at approximately 10:30

12 a.m. on Friday.

13 At that time, Judge Pliska reprimanded Mr. Parsons

14 for misrepresenting his availability, "his" being Judge

15 Pliska's availability.

16 MR. PARSONS: I contest that. I'll let you speak,

17 but that is incorrect. And I want to state at this point,

18 that's incorrect.

19 MR. FLYNN: Mr. Parsons, please.

20 MR. PARSONS: Continue.

21 MR. FLYNN: He basically reprimanded Mr. Parsons.

22 Mr. Parsons then sought to continue the deposition

23 indefinitely so he could file papers on Thursday of this  
24 week with respect to some of his specious reasons for  
25 disrupting the deposition in the first place.

1 Over Mr. Parsons' objections, Judge Pliska ordered  
2 the deposition to proceed at 10 o'clock this morning, and  
3 indicated that he would be available to come in and referee  
4 the deposition sometime this afternoon.

5 We were prepared to go at 10 o'clock this  
6 morning. Unfortunately, the videographer was not present  
7 for some reason unbeknownst to me, and perhaps a mistake on  
8 someone's part. And as a result, the deposition was  
9 continued until now, while the videographer appeared and  
10 prepared her equipment. It's now approximately 11 o'clock.  
11 Approximately 1 minute before we went on this  
12 tape, notwithstanding that Mr. Parsons has been here for the  
13 last hour, notwithstanding the fact that he knew the  
14 videographer was rushing through San Francisco to get here,  
15 notwithstanding the fact that the court reporter was here  
16 the entire time, approximately 1 minute ago, Mr. Parsons  
17 indicated that there may be a medical situation concerning  
18 his client.

19 We had received information in our investigation  
20 that this is a favorite trick of the Swami Kriyananda, to  
21 use any excuse possible to avoid being sworn under oath and  
22 giving testimony that he is required to give by law.

23 And since the disruption of the deposition didn't  
24 work, and since Judge Pliska ordered the deposition to go

25 forward, we now understand from Mr. Parsons that he has a  
1 different reason, and an alternative reason, for why  
2 Mr. Walters may not be able to be deposed this morning.  
3 And for all of those reasons, we are going to seek  
4 sanctions and accountability of both Swami Kriyananda and  
5 Mr. Parsons.

6 MR. PARSONS: Now, let me correct a few things,  
7 first of all.

8 At no point -- and Mr. Greene is sitting here --  
9 at no point did I say that Judge Pliska was not available  
10 later that day, Friday or Monday. That subject never came  
11 up.

12 Rather, I stated I was going to be going in on  
13 Tuesday at 1:30, and I checked on that time with Mr. Greene.  
14 Mr. Greene at that point, by the way, informed me  
15 that he had planned on being out all this week in a  
16 deposition out of the county. In his apparent frustration,  
17 he never inquired at all about alternative times.

18 I volunteered that if 1:30 Tuesday was not  
19 available, that Judge Pliska would be available all day  
20 Wednesday.

21 At no point did I state that 1:30 Thursday was the  
22 first time; at no time was I asked concerning alternative  
23 times. I volunteered the additional time.

24 Now, when we had the conversation with Judge  
25 Pliska on the phone on Friday, in the morning, he did not

1 reprimand me. He stated that you had misrepresented that he  
2 wasn't available earlier, and he said he didn't want to go  
3 into it. There was no reprimand. There was also no --

4 MR. FLYNN: Pardon my chuckling. I'm glad Judge  
5 Pliska will read this. The record will speak for itself,  
6 Mr. Parsons.

7 MR. PARSONS: Yes, it will.

8 MR. FLYNN: But Judge Pliska knows what he said,  
9 sir. And apparently you're telling your client something  
10 different than what actually occurs. This is very  
11 interesting.

12 MR. PARSONS: Yes, it is interesting. It is very  
13 interesting. And Judge Pliska will be here.

14 MR. FLYNN: Yes, I know.

15 MR. PARSONS: And I invite you to raise the issue  
16 with him at that time.

17 MR. FLYNN: Rest assured, I will.

18 MR. PARSONS: Very good.

19 Now, there was no discussion also about Thursday,  
20 continuing to Thursday. So I don't know where all of this  
21 stuff is coming from. But let's get to the matter before us  
22 today.

23 I understand, by the way, the reason that the  
24 videographer wasn't here is that you dropped the ball and  
25 didn't request the presence.

1 MR. FLYNN: That's not correct. My secretary  
2 informs me she contacted the videographer's office on



3 Friday, informed the videographer that the deposition would  
4 be going forward.

5 And I would remind you, Mr. Parsons, that the  
6 court reporter was here, which would seem to suggest that my  
7 secretary did make the necessary contacts.

8 MR. FLYNN: And we offered to proceed at 10  
9 o'clock, and we were ready to proceed.

10 Now, while we were waiting, the doctor has taken  
11 Mr. Walters' blood pressure, and I'd like him to state his  
12 findings and his recommendations.

13 And after he has stated his peace, we can call  
14 Dr. Callaham or Dr. Mallory to inquire further into the  
15 deponent's medical condition.

16 MR. FLYNN: Who is this doctor? I notice that  
17 he's got a Kriya Yoga band on his wrist.

18 So is he a member of the Kriyananda community? If  
19 so, how long? What kind of a doctor is he?

20 MR. PARSONS: You inquired into that on Wednesday,  
21 and you will -- I'll permit you to examine him. So --

22 MR. FLYNN: Doctor, what kind of a doctor are you?

23 MR. PARSONS: First of all, let's state names,  
24 things like that.

25 MR. FLYNN: What is your name, sir?

1 DR. VAN HOUTEN: I'm Dr. Peter Van Houten. I'm a  
2 family practitioner, and I've worked at my family practice  
3 in Nevada City in the last 15 years.

4 MR. FLYNN: And you've been a member of Ananda for  
5 the past 15 years?

6 DR. VAN HOUTEN: 18 years total.

7 MR. FLYNN: 18 years. Are you Board certified?

8 DR. VAN HOUTEN: I'm not in family practice.

9 Many rural physicians are not. Roughly 40 percent are not.

10 MR. FLYNN: Do you have any Board certification

11 whatsoever?

12 DR. VAN HOUTEN: I have my medical degree and my

13 certification as a physician, my licensure here in

14 California.

15 MR. FLYNN: So you're an un-Board certified family

16 practitioner who is affiliated with the Ananda church, and

17 has been so affiliated for the last 18 years. Is that

18 true?

19 DR. VAN HOUTEN: That's true. And I would further

20 say that the cardiologists I've worked with I've worked with

21 about 5 years, and 2 years ago they recommended me for

22 Country Doctor of the Year.

23 MR. FLYNN: Have you ever sought certification?

24 DR. VAN HOUTEN: No. There's no point in a rural

25 area. You only do it for financial reasons in big cities,

1 just so you'll know.

2 It's a long process to go through --

3 MR. FLYNN: I appreciate your edification. I

4 happen to represent doctors, and I vigorously and

5 aggressively dispute your representation that it's not

6 necessary in rural areas, particularly given the climate in  
7 the family practice of the last 10 years where there has  
8 been a movement afoot, Doctor, to aggressively have un-Board  
9 certified physicians seek certification all over this  
10 country in the family practice area.

11 So I disagree with your representation. I don't  
12 believe it to be true.

13 Now, is the Doctor, the cardiologist you've  
14 mentioned -- what's his name?

15 DR. VAN HOUTEN: There are two cardiologists that  
16 we work with. One is Dr. Peter Callaham, the other is  
17 Dr. John Mallory.

18 And they work together as partners. Both have  
19 seen this patient; both have worked with me directly. I had  
20 a conversation yesterday with Mr. Peter Callaham concerning  
21 today's deposition.

22 MR. FLYNN: Now, I've observed Mr. Walters for the  
23 last hour walking around laughing, chuckling, joking out in  
24 your presence and in the presence of Mr. Parsons.

25 As a matter of fact, his demeanor seems to be even  
1 better than it was last Wednesday.

2 So for that reason, I would suggest, Mr. Parsons,  
3 that we at least put the video camera on Mr. Walters so that  
4 we can get a look at his --

5 DR. VAN HOUTEN: I adamantly refuse. Hypertension  
6 is known as the silent killer, as you well know, sir and

7 usually people won't become symptomatic until they often get  
8 into the 120, 120 diastolic ranges, and you well know.  
9 And so at the ranges at which the cardiologist has  
10 said we are to wait, give medication, see if his blood  
11 pressure comes down, he's not at a range where I would  
12 expect him to be symptomatic, sir.

13 MR. FLYNN: What medication are you giving him?

14 DR. VAN HOUTEN: He's on several medications. The  
15 medications he's taking right now -- to review his medical  
16 history, currently he is a gentleman in his late 60s who had  
17 diabetes type II mellitus, also has hypertension, also has a  
18 new St. Jude's valve, which he received in December, and  
19 he's on anticoagulation with a drug called Coumadin, as you  
20 know, which is a very potent blood-thinning agent.

21 MR. FLYNN: I'm familiar with Coumadin.

22 What other medication is he on? Coumadin is not  
23 for hypertension.

24 DR. VAN HOUTEN: It's not, very good.

25 MR. FLYNN: What other medication is he on for the  
1 hypertension?

2 DR. VAN HOUTEN: He's taking Accupril, 20  
3 milligrams QAM.

4 MR. FLYNN: Accupril?

5 THE WITNESS: Accupril.

6 MR. FLYNN: And that's for the hypertension?

7 THE WITNESS: Yes. It's an ACE inhibitor,  
8 excellent for diabetics.

9 And he's also taking Glucophage, which is an  
10 antidiabetic agent. He takes sotalolol, which is a medication  
11 to control heart rhythm.

12 MR. FLYNN: So for the hypertension, he takes the  
13 Accupril?

14 DR. VAN HOUTEN: Yes.

15 MR. FLYNN: What's the dosage?

16 DR. VAN HOUTEN: The dosage is 20 milligrams.

17 MR. FLYNN: How often?

18 DR. VAN HOUTEN: Once daily.

19 MR. FLYNN: Who prescribed it?

20 DR. VAN HOUTEN: I did. In consultation with the  
21 cardiologist.

22 MR. PARSONS: I'd also like the record to  
23 reflect --

24 MR. FLYNN: I'm not finished, Mr. Parsons.

25 MR. PARSONS: Excuse me. I want the record to  
1 reflect the blood pressure readings which were taken today,  
2 too.

3 DR. VAN HOUTEN: All right. At 10 o'clock, when  
4 we arrived, I asked Mr. Walters if I could take his blood  
5 pressure to monitor it before the start of the session  
6 today. His blood pressure in the both arms was 190 over  
7 110.

8 In my discussion with Dr. Peter Callahan  
9 yesterday, the patient's cardiologist, we talked about

10 several issues, including his risk for ventricular  
11 tachycardia, which in fact was my main concern. But we also  
12 discussed blood pressure as a risk as well.

13 The level that we discussed as a reasonable cutoff  
14 above which additional medication should be given was  
15 diastolic blood pressure of 105. At 105 or above, he should  
16 be given additional medication.

17 It was recommended that he be given Procardia or  
18 another calcium channel blocker, short-acting form, and at  
19 that point to wait until his blood pressure came down to an  
20 acceptable level, which we would expect it to do probably  
21 within 45 minutes to an hour, would be a reasonable time  
22 frame to wait.

23 MR. FLYNN: Are you aware, Doctor, that Judge  
24 Pliska indicated he'd probably be able to get here about 1,  
25 1:30?

1 DR. VAN HOUTEN: I don't know what time he was  
2 planning on being here. I had no --

3 MR. FLYNN: Did you discuss that with  
4 Mr. Parsons?

5 DR. VAN HOUTEN: I didn't know what time he was  
6 coming for sure. I knew it was going to be this afternoon.

7 MR. FLYNN: Did you bring the Procardia with you?

8 DR. VAN HOUTEN: I brought one capsule -- I didn't  
9 bring Procardia. I had one capsule of Cardizem in the  
10 office.

11 Frankly, I only brought one because I didn't think

12 we were going to need it. This gentleman's blood pressure  
13 has been under excellent control recently.

14 MR. FLYNN: Did you give him the Procardia?

15 DR. VAN HOUTEN: I've given him -- No. As I told  
16 you, I gave him Cardizem. I gave him 90 milligrams of  
17 short-acting Cardizem. I gave him that dose at 10:10. I  
18 repeated his blood pressure at 10:30, which was 190 over 105  
19 to 107 in both arms.

20 MR. FLYNN: What does the Cardizem do?

21 DR. VAN HOUTEN: Cardizem is a calcium channel  
22 blocker, and it acts as an arteriolar dilator, and, by  
23 lowering peripheral resistance, drops blood pressure.

24 MR. FLYNN: So it's the same thing as Procardia?

25 DR. VAN HOUTEN: No, it's not. Procardia is a  
1 different calcium channel blocker, and surprisingly has  
2 rather different medical characteristics. It's -- the way  
3 it affects heart rhythm -- it's actually preferable.

4 In fact, if I give this patient any further  
5 medication, I've just obtained further doses of Procardia at  
6 a pharmacy, so I have them, and we can work with Procardia.

7 The one thing that's also a consideration here for  
8 you to be very aware of is, this is a gentleman on very high  
9 doses of Coumadin --

10 MR. FLYNN: What's his Coumadin --

11 DR. VAN HOUTEN: He takes 4 milligrams of day.

12 But of significance is the level to which we have him

13 anticoagulated.

14 His anticoagulation level is to be an INR, INR, of

15 3.0 to 4.5, which is standard for any heart valve

16 prophylaxis so that the patient does not have a stroke.

17 The problem with that is, as you could understand,

18 if the blood is highly anticoagulated and the person has a

19 bleed in their brain from high blood pressure, that it's

20 going to likely be fatal.

21 It's a very worrisome position for me as a

22 physician to have a patient whose blood pressure is this

23 elevated, acutely, who's highly anticoagulated. The

24 possibility of a fatal stroke, lethal stroke, I'd say, is

25 very significant.

1 MR. FLYNN: Doctor, did you take his blood

2 pressure last week?

3 DR. VAN HOUTEN: Did I not. I did not. His

4 blood pressure has been excellent. It's been 130 over 70.

5 MR. FLYNN: So Doctor, at any time during the

6 deposition day last Wednesday, as I understand your

7 testimony, you didn't take his blood pressure?

8 DR. VAN HOUTEN: I did not take his blood

9 pressure. I wasn't concerned at that point. I didn't

10 realize what his deposition was going to be like.

11 MR. FLYNN: And the thing that keyed you in to

12 concern today was his blood pressure level that you took.

13 Is that correct?

14 DR. VAN HOUTEN: Actually, it was from my



15 conversation with the cardiologist last night.

16 The cardiologist brought this up as an additional

17 factor, that even though his blood pressure has enjoyed

18 excellent control recently, had not been a point of concern

19 for me, he encouraged us to monitor that as well as his

20 heart rhythm.

21 Primarily, I'd been concerned about his level of

22 energy, was he having additional symptoms such as shortness

23 of breath, fatigue, dizziness, light-headedness, which would

24 really play more into the risk for ventricular tachycardia,

25 which frankly was my main concern, and the main reason that

1 I was here.

2 The blood pressure reason was actually something

3 the cardiologist brought up. I'm glad he did. Clearly, the

4 man has elevated blood pressure.

5 MR. FLYNN: What drugs has the cardiologist

6 prescribed for Swami Kriyananda?

7 DR. VAN HOUTEN: Sotolol, Coumadin. And

8 currently those are the only two medications he's taking

9 prescribed by the cardiologist.

10 However, I would say that the cardiologist is well

11 aware that he's taking both Accupril and Glucophage, which I

12 prescribed as his primary care physician, which would be

13 expected, and is completely in agreement that that's

14 acceptable.

15 MR. FLYNN: Did you take notes of your examination

16 of Mr. Walters this morning?

17 DR. VAN HOUTEN: I wrote down several blood

18 pressure readings with times.

19 MR. FLYNN: What did you write down?

20 DR. VAN HOUTEN: I wrote down -- is this

21 appropriate, Mr. Parsons, that I do this?

22 MR. PARSONS: I believe that is appropriate. This

23 is without waiver of the medical records generally, but for

24 purposes of his condition today, yes.

25 DR. VAN HOUTEN: Okay. I wrote down 10 o'clock,

1 190/110, both arms.

2 By the way, he had normal sinus rhythm. I did not

3 write that down. But that goes without saying, if I didn't

4 write something down, it was normal.

5 Repeat, 10:10, 190/105-107, both arms. Cardizem,

6 90 milligrams, which meant that's the point at which I asked

7 him to take a single capsule of Cardizem.

8 MR. FLYNN: 10:10.

9 THE WITNESS: At 10:10. Repeat blood pressure,

10 10:30, 195/105-107, both arms.

11 MR. PARSONS: Now, what we're proposing --

12 MR. FLYNN: It's now 11:20. Why don't you go take

13 it?

14 MR. PARSONS: Exactly. We are proposing that he

15 retake the blood pressure right now, and once we have

16 medical permission, we're prepared to proceed.

17 DR. VAN HOUTEN: I think I should talk to the

18 cardiologist again. This is enough of a surprise that it's  
19 this elevated -- boy, I'm glad it's not your blood pressure,  
20 sir.

21 MR. FLYNN: Doctor --

22 MS. RUSH: Let's go.

23 MR. PARSONS: Off the record now?

24 MR. GREENE: No, not off the record.

25 I'd also like to clarify, last Thursday at about

1 quarter to noon, that being September 7, I received a call  
2 from Mr. Parsons.

3 Mr. Parsons advised me that he had spoken with

4 Judge Pliska, and Judge Pliska was not going to be available

5 for any ruling on Mr. Parsons' leaving the deposition of the

6 prior day until Tuesday at 1:30, or all day Wednesday.

7 When I asked Mr. Parsons whether or not Mr. Pliska

8 would be available to rule any sooner than that, Mr. Parsons

9 told me no.

10 I advised Mr. Parsons that that -- that his

11 walking out of the deposition, and that Mr. Pliska's alleged

12 late availability date really messed up my schedule, because

13 I had depositions in another case scheduled for every day

14 this week.

15 MR. PARSONS: Well, I guess we disagree.

16 MR. FLYNN: You've cost us a lot of money,

17 Mr. Parsons. You've cost us a lot of money, sir.

18 MR. PARSONS: Well, I haven't cost you money. It

19 was your silly tactics on the first day that resulted in the  
20 deposition being terminated -- or suspended, more  
21 technically.

22 And Mr. Greene --

23 MR. FLYNN: Which I'll remind you, you did  
24 unilaterally.

25 MR. PARSONS: Excuse me, as we have disagreed many  
1 times on your factual representations to the Court, you are  
2 incorrect on this one again.

3 MR. GREENE: I don't think so, Mr. Parsons.

4 MR. PARSONS: I know so.

5 MR. GREENE: This is just another example of your  
6 ability and penchant for attempting to procedurally in very  
7 minute areas manipulate things, because in the bigger areas  
8 you're unable to get what you want.

9 MR. FLYNN: Right. And let me add to that by  
10 saying the following, sir.

11 At the conclusion of the deposition on Wednesday,  
12 I gave -- we had -- we have subpoenaed a whole bunch of  
13 records from this organization called Self-Realization  
14 Fellowship Church. Primarily, correspondence between your  
15 client, Kriyananda and the Self-Realization Church, as well  
16 as other correspondence from people such as Asha Praver,  
17 Vidura, Smallen, Jyotish, Devi -- this whole battery of the  
18 inner core of the Ananda church.

19 We've subpoenaed all that. We've come up with  
20 some incredibly interesting things that have been provided

21 to us, including a letter which I gave to you on -- which  
22 I'll have to locate now -- I gave it to you on Wednesday  
23 afternoon, from Asha Praver to someone called -- to this  
24 person Daya Mata.

25 In that letter, contrary to the sealing order,  
1 Asha Praver in fact violates the sealing order -- and we're  
2 going to be seeking contempt sanctions -- by disclosing the  
3 contents of the (the plaintiff) deposition to this  
4 person named Daya Mata.

5 In fact, she discloses it in a way which is  
6 extremely disparaging to Ms. -- Asha Praver discloses it in  
7 a way which is very disparaging to (the plaintiff).

8 So you, sir, and your minions, have already  
9 violated the sealing order which you sought to obtain, and  
10 we're going to seek sanctions for that.

11 MR. PARSONS: All right. I don't think the -- in  
12 fact, I know the sealing order has not been violated, and  
13 that letter doesn't support the contention it has been.  
14 But I think you've tried to unseal the sealing  
15 order two or three times already, and you'll do whatever you  
16 do.

17 MR. FLYNN: I said sanctions, Mr. Parsons. I'm  
18 going to mark that letter as soon as I find it.  
19 And is it your understanding, then, that the  
20 sealing order permits anyone to disclose the contents of a  
21 deposition to whoever and whenever one sees fit? Is that

22 your understanding of the sealing order?

23 MR. PARSONS: Well, no. I don't feel comfortable

24 discussing with you my understanding of the sealing order.

25 I will state, however, that the sealing order has not been

1 violated in any way.

2 MR. FLYNN: And what is your basis for that

3 position, Mr. Parsons?

4 MR. PARSONS: Hold on one second. The order

5 speaks for --

6 MR. FLYNN: I got it. Let's mark --

7 MR. PARSONS: The order speaks for itself. We'll

8 discuss this further when we see your papers.

9 MR. FLYNN: Let's mark as Exhibit 4 a letter dated

10 July 3, 1995. It bears at the top, "2-95 Dwapara." Per the

11 witness's testimony, that means 1995. It was apparently

12 received by this individual, Daya Mata, on July 5, 1995.

13 It starts off:

14 "I wonder if you are aware of what has been going

15 on recently in (the plaintiff)'s lawsuit against

16 Ananda?

17 "I have been present for seven of her ten days of

18 deposition. Repeatedly throughout her deposition,

19 (the plaintiff) has insulted and mocked Master's teachings,

20 with the apparent encouragement and support of her

21 lawyer. Not Ananda merely, but Master's teachings," et

22 cetera, et cetera.

23 "Eagerly, gleefully she scorns, laughs, and

24 attacks the teachings. It's a party atmosphere for her  
25 and her lawyer when she does it."

1 She accuses -- parenthetically now, she accuses

2 (the plaintiff) of blasphemy. She says:

3 "Have you ever been witness to blasphemy? Before

4 this deposition, I never had, so I didn't understand

5 what the Bible meant by the 'sin of blasphemy.' Now I

6 know blasphemy is a terrifying evil," end quote.

7 Quote, "And insofar as you are supporting this

8 lawsuit, you are supporting her blasphemy. How ironic," end

9 quote.

10 Parenthetically, again, the idea that whoever this

11 individual is or this other organization is supporting this

12 lawsuit while (the plaintiff) is allegedly denigrating the

13 teachings of this individual Yogananda is on its face

14 absurd, which apparently is the basis for the counterclaim

15 which we're going to get into today.

16 So therefore, Mr. Parsons, it's clear that your

17 client is taking steps to avoid the spirit and letter of the

18 protective order by disclosing to third parties the contents

19 of (the plaintiff)'s deposition.

20 Would you mark that, please, as Exhibit 4?

21 MR. PARSONS: I disagree with you, and we will

22 argue it --

23 (Exhibit 4 was marked.)

24 MR. FLYNN: One other thing. I'm going to take

25 this up with the master this afternoon, too.

1 MR. PARSONS: I disagree with you, and we will

2 discuss our respective positions when I see your papers.

3 MR. FLYNN: Well, as I just indicated, I'm going

4 to be taking it up with the master again this afternoon.

5 MR. PARSONS: Maybe we'll discuss it then, maybe

6 we won't.

7 MR. FLYNN: So now we wait, find out what happens

8 to the Swami's blood pressure.

9 MR. PARSONS: Off the record, or -- on the record

10 or off the record? I notice you're leaving the room.

11 MR. FLYNN: Let's go off the record. It's now

12 about 11:25.

13 THE VIDEO OPERATOR: Going off the record, 11:21.

14 (Discussion off the record.)

15 (The witness entered the deposition room.)

16 --o0o--

17 EXAMINATION BY MR. FLYNN (Resumed)

18 THE VIDEO OPERATOR: Going back on the record,

19 the time is 11:40.

20 MR. PARSONS: During the break, when we were off

21 the record, Dr. Van Houten took Mr. Walters' blood pressure.

22 What was the reading you got, Dr. Van Houten?

23 DR. VAN HOUTEN: It was 190 over 102 in both arms

24 on repeated blood pressure measurements on both arms.

25 MR. PARSONS: And did you consult with the

1 cardiologist?



2 THE WITNESS: Yes, I did. I called Dr. Peter  
3 Callaham, the cardiologist who's been following Mr. Walters,  
4 and I spoke to him at 11:30. I discussed the --  
5 MR. FLYNN: Wait a minute. Hold on. I object to  
6 all this.  
7 You've given the green light to Mr. Walters to  
8 proceed, Doctor?  
9 DR. VAN HOUTEN: Yes. I would like to make some  
10 specifications.  
11 MR. PARSONS: Yes.  
12 MR. FLYNN: You can do it on your own time. It's  
13 my deposition, and --  
14 DR. VAN HOUTEN: This patient's health is my  
15 responsibility, and I'm going to stop this deposition  
16 completely, and I'm not going to let him testify if we're  
17 not sure that his health is watched.  
18 MR. FLYNN: Oh, but you just answered, I believe,  
19 sir, that you've given him the green light.  
20 So now if you don't get your way, you're going to  
21 stop it. Is that what you just said?  
22 MR. PARSONS: No, that is not what he just said.  
23 He said what he said.  
24 Did you give this witness any additional  
25 medication, Doctor?  
1 DR. VAN HOUTEN: Yes, I did. I gave him a dose  
2 the nifedipine, which is Procardia, which is a short-acting

3 calcium channel blocker, 10 milligrams.

4 And I've been instructed by the cardiologist to  
5 repeat his blood pressure at least every 2 hours. And if  
6 his blood pressure, the lower number of his blood pressure,  
7 the diastolic reading, rises above 105, again that would be  
8 our cutoff limit.

9 Fortunately, there's no interaction between the  
10 patient's Coumadin and his anticoagulation and the blood  
11 pressure medication that we've just added.

12 MR. PARSONS: Okay, thank you. Now --

13 MR. FLYNN: Mr. Parsons, please. Your client's  
14 got the green light. It's now a quarter of 12:00. We're an  
15 hour and 45 minutes beyond the start point. Why don't we  
16 get started.

17 MR. PARSONS: Let's start with this. There's two  
18 clarifications of his testimony from last Wednesday he'd  
19 like to correct.

20 MR. FLYNN: I'm always ready to have a client, or  
21 a witness, stand up and say, I said something under oath  
22 that's not quite correct. Go ahead.

23 MR. PARSONS: Mr. Walters, you've had occasion to  
24 think about your testimony.

25 I believe you were asked on Wednesday a question  
1 concerning what you had written priorly --

2 MR. FLYNN: Wait a minute. Mr. Parsons, no, no,  
3 no, no, no. I'm not giving you permission to interrupt my  
4 interrogation of the witness. I'm giving the witness

5 permission to say whatever the witness would like to say.

6 MR. PARSONS: And so what would you like to --

7 MR. FLYNN: Q. Mr. Walters, would you like to say

8 something?

9 A. Yes. On the subject of Swami, I -- the meaning of

10 Swami is, monk. It also means teacher. Many people in

11 India are called Swami just because they are teachers.

12 MR. PARSONS: And then --

13 THE WITNESS: In my writings, I have stated that

14 it means monk. That's all I've stated.

15 MR. PARSONS: And there was also a point --

16 MR. FLYNN: Hold it. Please, Mr. Parsons.

17 MR. PARSONS: Are you going to examine him on

18 this?

19 MR. FLYNN: No.

20 Q. Do you have any anything else that you want to

21 add? I'm giving you your opportunity to say whatever you'd

22 like to say.

23 MR. PARSONS: Go ahead.

24 THE WITNESS: Yes. The question of (the plaintiff)'s

25 membership I should clarify.

1 We don't at Ananda Village use the term or know

2 much about the status of church members as such, because

3 we're all a community there.

4 So (the plaintiff) was evidently, without my knowing, a

5 church member.

6 Now, the definition of member of Ananda, my  
7 definition -- I don't know whether it's the standard  
8 definition or not, but to me, as a postulant you're not yet  
9 a member. You're a postulant applicant, you might say, to  
10 become a member.

11 And it was on that basis that I said, no, she's  
12 not a member.

13 MR. FLYNN: Q. Do the rules of conduct that you  
14 wrote that are marked as Exhibit 3 apply to postulants?

15 MR. PARSONS: Excuse me. Which -- what rules are  
16 you talking about?

17 And before you examine the witness on a document,  
18 I'd like him to have that document in front of him.

19 MR. FLYNN: There goes -- there is the problem,  
20 Mr. Parsons.

21 You were talking to the individual to your right.

22 You were not listening to the question.

23 Then you asked what the question was when the  
24 question speaks for itself. And you have a copy of Exhibit  
25 3, which I enunciated in my question. This is the type of  
1 obstructionism which is all over this record.

2 Were you not talking to the individual on your  
3 right and listening to the question, you wouldn't have just  
4 said the things that you just said.

5 Q. Please get out Exhibit 3, which I gave to you on  
6 Wednesday.

7 MR. PARSONS: Well, I want the official Exhibit 3,

8 which is part of the record, to be before the witness.

9 THE WITNESS: So what do I do with it?

10 MR. PARSONS: Are we on the record? And what

11 document are you asking him --

12 MR. FLYNN: Q. Exhibit 3, sir. I believe you

13 testified you're the author of Exhibit 3. Is that correct?

14 You might start with Article 1, "Membership

15 Defined."

16 (Discussion between the witness and his counsel.)

17 MR. FLYNN: Q. Article 1, "Membership defined."

18 Did you write that, Mr. Kriyananda?

19 MR. FLYNN: Article 1.

20 THE WITNESS: I did.

21 MR. FLYNN: Q. You did. Now, in that "Membership

22 defined," do you say anything about distinctions between

23 postulants and amount of time people have been in your

24 community?

25 MR. PARSONS: Objection. The document speaks for

1 itself. I'll permit him to respond to that question after

2 he's had an opportunity to read Article 1 before he

3 responds.

4 THE WITNESS: My position in the community is not

5 to follow up on the details. Therefore, I wrote this many

6 years ago. I have never read it since. I've assumed other

7 people are following it and obeying it.

8 I don't remember the details. However, I still

9 believe that we have -- because I think that we've evolved  
10 things beyond this rule here, I believe that we have in our  
11 monastic trainees thing, program, that we have a procedure  
12 where a person takes that as a postulant, and only after  
13 that is that person up for membership.

14 MR. FLYNN: Q. So what does one do to become a  
15 postulant?

16 A. I have not followed that procedure since the  
17 '70s. I don't run things.

18 Q. Does one take a vow of discipleship?

19 A. I don't --

20 MR. PARSONS: Objection. Vague as to time. The  
21 witness may answer.

22 THE WITNESS: I don't know.

23 MR. FLYNN: Q. Please find in Article 1 where  
24 there is any reference to postulancy, membership defined is  
25 taking vows, anything like that.

1 Can you find anything like that for me?

2 MR. PARSONS: Okay. I'm going to object. It's  
3 improper to ask a witness to find things, to go through to  
4 perform acts during a deposition.

5 You're here to ask him questions. Please do that.

6 MR. FLYNN: He wrote it, Mr. Parsons.

7 Q. Please find in what you wrote in Article 1 where  
8 you mention postulancy.

9 MR. PARSONS: I'm going to object. I'm going to  
10 instruct the witness not to perform any tests, any searches,

11 any action like that.

12 MR. FLYNN: Q. Mr. Walters, did you write

13 anywhere in Article 1 the word "postulancy"?

14 MR. PARSONS: Objection. The document speaks for

15 itself. The witness may testify as to his memory of what he

16 wrote.

17 THE WITNESS: My memory is not clear on this. I

18 did not write this in order to continue the operation of our

19 plan. I am not involved in the running of things.

20 MR. FLYNN: Q. When did you write the rules of

21 conduct?

22 A. I don't remember. I would assume it was about

23 1987, but I don't know.

24 Q. How long have you been no longer involved in

25 running things?

1 A. Basically, from the beginning, really.

2 Q. And when is the beginning?

3 A. That is to say, 1970, '72. In other words, I have

4 always worked through people. I've tried to train these

5 people. There's been a gradual transfer.

6 But I am not an active administrator. My role has

7 been more one of writing and teaching.

8 Q. You're the one who wrote the conduct rules for

9 members?

10 MR. PARSONS: Objection. Asked and answered.

11 You may answer again.

12 THE WITNESS: Yes.

13 MR. FLYNN: Q. In 1987 or thereabouts?

14 A. Whenever.

15 MR. PARSONS: Objection. Misstates his

16 testimony. He was vague as to the date.

17 MR. FLYNN: Q. Approximately 15 to 18 years after

18 you stopped running things administratively. Is that

19 correct?

20 A. I don't know.

21 Q. We'll be getting into that a little later.

22 I'd like to read you something and ask you if on

23 June 29, 1995, in an All Community Satsang, you said the

24 following:

25 "But now I'm feeling just great. There is no

1 worry about my feeling exhausted or poor Swami, his health,

2 he must have really suffered from this."

3 Do you remember saying that?

4 A. I do.

5 Q. Did you intend to speak the truth at the time you

6 said that?

7 A. It was my perception of the truth.

8 Q. Now, what I'm interested in knowing, aside from

9 feeling just great on June 29, do you recall referring to

10 yourself as the swami?

11 A. I did not.

12 Q. You didn't refer to yourself as the swami?

13 MR. PARSONS: Excuse me. Your question goes to



14 his memory as he sits here today, whether on that date he  
15 referred to himself as a swami?

16 MR. FLYNN: Yes.

17 THE WITNESS: I was quoting what other people call  
18 me.

19 MR. FLYNN: Q. You were quoting what other people  
20 call you. What do you mean by that?

21 A. I was quoting what other people call me.

22 Q. Okay. Let's mark as -- now, it was your testimony  
23 last Wednesday, September 6, 1995, that you haven't been a  
24 swami since 1981. Is that correct?

25 MR. PARSONS: Excuse me. Are you asking him --  
1 again, I don't want questions where you're asking him what  
2 he testified. Ask him facts, not what he testified 4 or 5  
3 days ago.

4 MR. FLYNN: Q. In 1981, did you stop using the  
5 title "Swami"?

6 A. In 1981, I stated that I am no longer a swami.

7 Q. In 1981, did you stop using the title "Swami"?

8 A. I don't think it's relevant.

9 Q. You may not, Mr. Walters. But fortunately, under  
10 our law of -- system of jurisprudence, you have to answer  
11 the question.

12 A. I don't know.

13 Q. You don't know whether you stopped using the term  
14 "Swami." Is that your testimony?

15 MR. PARSONS: In 1981, was the question.

16 MR. FLYNN: Q. In 1981.

17 A. My testimony is that I did stop, but I don't

18 remember clearly if at any time I slipped habitually into --

19 I mean, I slipped into the habit. I don't remember.

20 Q. Did you use the -- did you intend to use the title

21 "Swami" in 1982?

22 A. No.

23 Q. Did you intend to use the title "Swami" in 1983?

24 A. No.

25 Q. Did you use the title "Swami" in 1982?

1 A. This is what I've answered.

2 Q. You don't know whether you did or not? Is that

3 your testimony?

4 A. That's right. I don't know.

5 Q. In 1983, did you use the title "Swami"?

6 A. I don't know. I don't remember.

7 Q. In 1958 to 1962, did you use the title "Swami"?

8 A. Yes.

9 Q. Did you tell Ms. (woman #10) you were a swami?

10 MR. PARSONS: Excuse me. Vague as to time.

11 MR. FLYNN: Q. Between 1958 and 1962.

12 A. I was a swami. I'm sure she knew it.

13 Q. Do you recall Ms. (woman #10)?

14 A. I certainly do.

15 Q. When did you last speak with her?

16 A. Nineteen seventy something, but I don't remember

17 the date.

18 Q. Was she married or unmarried?

19 A. She was -- no, she was single.

20 Q. And where did you speak to her?

21 A. Well, in America. She came here, then she went

22 back.

23 Q. Went back to where?

24 A. To India.

25 Q. Where in India did she live?

1 A. I don't know. It was in the north somewhere.

2 Q. Well, you corresponded with her for years,

3 Mr. Walters. Is that correct?

4 A. I beg your pardon?

5 Q. You wrote and corresponded with Ms. (woman #10) for

6 years.

7 MR. PARSONS: Objection. Assumes facts not in

8 evidence.

9 MR. FLYNN: Q. Isn't that true?

10 A. Beg your pardon?

11 Q. You corresponded with Ms. (woman #10) for years. Is that

12 not true?

13 MR. PARSONS: Same objection. The witness may

14 answer.

15 THE WITNESS: I wrote some letters. I don't

16 remember more than that.

17 MR. FLYNN: Q. You wrote love letters to (woman #10)

18 . Isn't that true?

19 A. Say that again?

20 MR. PARSONS: Objection --

21 ++ MR. FLYNN: Q. You wrote love letters to (woman #10)

22 ?

23 MR. PARSONS: Objection. That inquires into

24 private matters not relevant to this case. I'm instructing

25 the witness not to answer.

1 MR. FLYNN: Q. Between 1958 and 1962, who was

2 (woman #10)?

3 MR. PARSONS: Objection. Vague, ambiguous.

4 I will permit the witness to answer to the extent

5 he can formulate a response as to who this person was.

6 THE WITNESS: She was a woman who came to my

7 classes, and that's all I really know.

8 MR. FLYNN: Q. Did you travel in India with

9 Ms. woman #10?

10 A. I did not.

11 ++ Q. Did you discuss with Daya Mata or Tara Mata your

12 relationship with (woman #10)?

13 MR. PARSONS: Objection. Vague as to time,

14 assumes facts not in evidence, and now it inquires again

15 unreasonably into the scope of privacy of this witness.

16 Instruct him not to answer.

17 MR. FLYNN: You're obstructing our discovery,

18 Mr. Parsons.

19 Now, where did Ms. woman #10 attend your classes?

20 A. I think she must have come in New Delhi.

21 Q. And for how long of a period did she attend

22 classes?

23 A. She was not really a part of my -- I didn't know

24 much about her. I don't know how long she came.

25 Q. Do you know an individual named (woman #1)?

1 Just "yes" or "no."

2 A. Yes.

3 ++ Q. Do you not know much about her also?

4 MR. PARSONS: Objection. It's argumentative. I'm

5 going to instruct the witness not to answer that question.

6 MR. FLYNN: Okay. You're obstructing.

7 MR. PARSONS: Well, just ask him a straightforward

8 question, what he knows or doesn't know. Don't put it in a

9 form of some sarcastic hypothetical.

10 MR. FLYNN: Q. Now, for how long of a period --

11 strike that.

12 How many times did Ms. woman #10 come to the US to see

13 you?

14 A. Say that again?

15 Q. On how many occasions did Ms. woman #10 come to the

16 United States to see you?

17 MR. PARSONS: Objection. It assumes facts not in

18 evidence as to the reasons for her trip to the US.

19 I will permit the witness to answer as to how many

20 times he's aware that this woman came to the United States.

21 Vague as to time.

22 THE WITNESS: She came once.

23 MR. FLYNN: Q. And that was in the 1970s?

24 A. Yes.

25 Q. What is your best memory of the year?

1 A. Hmm?

2 Q. The year?

3 A. I don't know, but I think it might have been

4 either '73 or '74.

5 ++ Q. Isn't it true that Tara Mata confronted you with

6 your sexual relationship with Ms. (woman #10) as one of the reasons

7 why you were removed from Self-Realization Fellowship?

8 MR. PARSONS: I'm going to object to the extent it

9 inquires into private and personal relationships. I'm going

10 to instruct the witness not to answer.

11 MR. FLYNN: Q. Did you take Ms. (woman #10) with you

12 when you went to meet members of the Indian government?

13 A. No.

14 Q. Did you and Ms. (woman #10) discuss the issue of creating

15 an ashram?

16 MR. PARSONS: Vague as to --

17 THE WITNESS: Say that again?

18 MR. FLYNN: Q. Did you and Ms. (woman #10) discuss the

19 issue of creating an ashram?

20 MR. PARSONS: Objection. Vague as to time.

21 The witness may answer.

22 THE WITNESS: She was one who was interested in

23 joining the ashram.

24 MR. FLYNN: Q. Now, let's go back to the swami

25 questions.

1 In 1984, did you use the term "swami"?

2 A. I did not, except in the terms that I've said. I

3 might have done it as a matter of habit, but not as a matter

4 of intention.

5 Q. Now, let me read something that you wrote in a

6 pamphlet called "Gurus, Spiritual Authority and Celibacy" by

7 Kriyananda, copyright 1994.

8 Now, this was written -- strike that.

9 Did you write this "Gurus, Spiritual Authority and

10 Celibacy" before or after the (the plaintiff) lawsuit was

11 brought?

12 MR. PARSONS: Excuse me. If you're going to ask

13 him concerning a document, I'd like him to examine that

14 document.

15 MR. FLYNN: Q. Okay. Well, let me ask you this

16 -- I've only got one copy Mr. -- no, I don't. I've got my

17 copies. Mark that one.

18 MR. PARSONS: Is this being -- do you want this

19 one marked as 5?

20 MR. FLYNN: Please, would you mark that as 5?

21 (Exhibit 5 was marked.)

22 MR. FLYNN: Q. Did you write what has been marked

23 as Exhibit 5 before or after the (the plaintiff) lawsuit was

24 brought?

25 MR. PARSONS: I'll object. It assumes facts not  
1 in evidence. He hasn't established he's written it at all  
2 yet, but I will let the witness respond.

3 THE WITNESS: Did I write it? Yes. Did I write  
4 it after? Yes.

5 MR. FLYNN: Q. Now, on page 12, you write --

6 MR. PARSONS: Excuse me. Let him catch up to you  
7 here. Page 12?

8 MR. FLYNN: Yes.

9 Q. You write, third paragraph, "A swami is a man or a  
10 woman vowed to renunciation, including the practice of  
11 celibacy," end quote.

12 Did I read that correctly?

13 A. You did.

14 MR. PARSONS: Well, I will object. The document  
15 speaks for itself.

16 MR. FLYNN: Q. Now, the swami that you referred  
17 to in your definition that I just read is the same as the  
18 swami in the monastic order in connection with which you  
19 took vows in 1955. Is that correct?

20 MR. PARSONS: Excuse me. Give me a second to make  
21 sense out of that question.

22 Could I ask the question be read back?

23 (Record read.)

24 MR. PARSONS: I'll object as confusing. I'll let  
25 the witness respond.



1 THE WITNESS: Yes.

2 MR. FLYNN: Q. Now, in 1985, did you use the term

3 "swami"?

4 MR. PARSONS: Is that the end of the question?

5 MR. FLYNN: Yes.

6 MR. PARSONS: At any time in 1985, in any context?

7 MR. FLYNN: Q. Any time in 1985, referring to

8 yourself?

9 A. I can't remember doing so.

10 MR. PARSONS: Oh, referring to yourself.

11 THE WITNESS: I can't remember doing so.

12 MR. FLYNN: Q. In 1985, did you intend to use the

13 term "swami" to refer to yourself?

14 A. I did not.

15 Q. In 1986, did you use the term "swami" referring to

16 yourself at any time?

17 A. No.

18 Q. In 1986, did you intend to use the term "swami" to

19 refer to yourself?

20 A. I think I clarified that quite well. Do you want

21 to keep asking the same question --

22 MR. PARSONS: Well, he's asking a question about

23 another year now.

24 THE WITNESS: Yes. But I've said blanketly that

25 if I used it, it was not being categorical. It's something

1 I -- people call me, it's something that -- but I haven't

2 used it intentionally.

3 In other words, if I were talking ex cathedra, I

4 would not say it.

5 MR. PARSONS: Yes, but his question is one that

6 you should respond to.

7 Could I have that question that was asked --

8 MR. FLYNN: I'll say it again.

9 MR. PARSONS: Okay.

10 MR. FLYNN: Q. In 1986, did you intend to use the

11 term "swami" --

12 A. Mr. Flynn --

13 Q. -- in reference to yourself?

14 A. In the way that I've responded, I respond.

15 Q. So the answer is no, you didn't intend. Is that

16 correct?

17 A. That's a whole year you're talking about.

18 Q. Oh, so a part of the year 1986 you might have

19 intended to use the term "swami"?

20 A. You're absurd. I've talked about my intentions.

21 I don't recollect whether as a slip of the tongue, whether

22 as an unintentional thing, whether as an informal thing.

23 Formally, I would not say so. That's all I can

24 say.

25 Q. In 1987, did you intend to use the term "swami" --

1 A. Same answer.

2 Q. -- in reference to yourself?

3 A. Same answer.

4 Q. And the answer is, for 1987, that you didn't  
5 intend to use it in reference to yourself as a formal  
6 matter. Is that correct?

7 A. Correct.

8 Q. Meaning that you didn't intend to use it in  
9 reference to yourself as a celibate monk of the monastic  
10 order. Is that correct?

11 A. Correct.

12 Q. But you allowed members of the Ananda community to  
13 refer to yourself as "swami." Is that correct?

14 MR. PARSONS: Objection. Assumes facts not in  
15 evidence.

16 MR. FLYNN: Q. In 1987?

17 MR. PARSONS: I'll permit the witness to answer.

18 THE WITNESS: Well, we answered that had one last  
19 Wednesday, when we said that it was an honorific.

20 MR. FLYNN: Q. Can you answer my question?

21 A. I did.

22 Q. You did allow people to refer to yourself as  
23 "swami" in 1987. Is that correct?

24 MR. PARSONS: Same objection. I'm permit the  
25 witness to answer.

1 THE WITNESS: I permitted people to use that  
2 honorific. In other words, "swami" means teacher as well as  
3 anything else.

4 MR. FLYNN: Q. And we know what you wrote in 1994

5 as to what the term "swami" means. Let's move on to 1988.

6 Did you intend to use the term "swami" in 1988 in

7 reference to yourself?

8 A. No.

9 Q. Did you use the term "swami" in reference to

10 yourself in 1988?

11 A. Not to the best of my recollection.

12 Q. Did -- in 1987, did you tell the members of the

13 Ananda community that you were only allowing them to use the

14 term "swami" in reference to yourself as a horrific?

15 A. Honorific.

16 MR. PARSONS: Excuse me --

17 MR. FLYNN: Q. Honorific. Slip of the tongue.

18 MR. PARSONS: Could I ask that that be read back,

19 because of the slip of the tongue?

20 (Record read.)

21 THE WITNESS: Honorific. I don't remember.

22 MR. FLYNN: Q. At any time, have you ever told

23 the members of the Ananda community that you were allowing

24 them to use the term "swami" in reference to yourself as an

25 honorific?

1 MR. PARSONS: I'll object to the extent that it

2 may call for any disclosure of a penitent-clergyman

3 communication.

4 But with that limitation, I'll permit the witness

5 to answer.

6 THE WITNESS: I don't remember.

7 MR. FLYNN: Q. Let's go to 1989. In 1989, did

8 you intend to use the term "swami" in reference to yourself?

9 A. No.

10 Q. In 1989, did you use the term "swami" in reference

11 to yourself?

12 A. Not in the formal sense. Whether I used it

13 informally, I really have no recollection.

14 Q. So on -- in the satsang you gave on June 29, 1995,

15 when you referred to yourself as a Swami, you were referring

16 to yourself as -- in the informal sense. Is that correct?

17 MR. PARSONS: Excuse me. You're asking him now

18 concerning how he used a term in a satsang?

19 I would like him to see the text of that satsang,

20 unless he can testify concerning when it happened.

21 THE WITNESS: I can. I can.

22 MR. FLYNN: Q. Please do so.

23 MR. PARSONS: Excuse me one second.

24 MR. FLYNN: These interruptions are completely

25 uncalled for. They're against the rules. There's a pending

1 question.

2 Objections are to be stated concisely and

3 succinctly, with legal grounds and nothing more.

4 Do you have an answer for me, Mr. Walters?

5 MR. PARSONS: I object. If you're asking this

6 witness concerning what he said, I want him to be presented

7 with the transcript of that.

8 MR. FLYNN: I have no obligation to --

9 THE WITNESS: Well, the point --

10 MR. FLYNN: Q. What is the point, Mr. Walters?

11 What is the point?

12 A. You make it.

13 Q. When you referred to yourself as a swami on June

14 29, 1995, just a few months ago, did you mean the formal

15 swami or the informal swami?

16 MR. PARSONS: Objection as to the occasion on

17 which he referred to himself a few months ago. What is

18 that?

19 THE WITNESS: I answered that earlier.

20 MR. PARSONS: You may not have. I don't know when

21 he's referring to. So if I don't know, I'm pretty sure you

22 don't know.

23 You may think you know what it is he thinks he's

24 thinking about, but I want the record to be clear the

25 situation he's talking about.

1 So please identify the incident you're referring

2 to.

3 MR. FLYNN: Q. In the last 6 months, have you

4 referred to yourself as a swami?

5 A. The thing was that I was quoting what other people

6 call me. It was in quotation marks. It's not a reference

7 of me to myself.

8 That's what I answered earlier, and that's what

9 the fact was.

10 MR. FLYNN: Could you read that back for me?

11 (Record read.)

12 MR. FLYNN: Q. It's not a reference to me of

13 myself. I'm satisfied with that. I think that's it right

14 there.

15 Now, in 1990, did you intend to use the word

16 "swami"?

17 MR. PARSONS: Excuse me. '90. Have we -- as we

18 creep through the years -- object. It's been asked and

19 answered.

20 MR. FLYNN: Q. When you referred to yourself.

21 MR. PARSONS: Pardon me?

22 MR. FLYNN: Q. Yes. 1990.

23 MR. PARSONS: I guess you've modified the

24 question. Restate it.

25 MR. FLYNN: Q. In 1990, did you intend to use the

1 term "swami" in reference to yourself?

2 MR. PARSONS: I'll object. It's been asked and

3 answered. I'll permit him to answer one more time.

4 THE WITNESS: No.

5 MR. FLYNN: Q. In 1990, did you use the term

6 "swami" in reference to yourself?

7 A. Not to the best of my recollection.

8 Q. In 1991, did you intend to use the term "swami" in

9 reference to yourself?

10 A. No.

11 Q. In 1991, did you use the term "swami" in reference  
12 to yourself?

13 A. Not to the best of my recollection.

14 Q. In 1992, did you intend to use the term "swami" in  
15 reference to yourself?

16 A. No.

17 Q. In 1992, did you use the term "swami" in reference  
18 to yourself?

19 A. Not to the best of my recollection.

20 Q. In 1992, did you meet (the plaintiff)?

21 MR. PARSONS: At any time?

22 MR. FLYNN: At any time.

23 MR. PARSONS: Objection. Vague as to time. I'll

24 permit the witness to answer.

25 THE WITNESS: I don't know.

1 MR. FLYNN: Q. At any time in 1992, did

2 (the plaintiff) refer to you as Swami?

3 MR. PARSONS: Again, objection. Calls for

4 speculation.

5 I will permit the witness to answer to the extent

6 that he has knowledge of what she said.

7 THE WITNESS: What year are we talking about?

8 MR. FLYNN: Mr. Parsons, just for the sake of

9 edification, you don't permit the witness or not permit the

10 witness; the rules do.

11 You simply state an objection, sir, and then the

12 question gets answered. It's that simple. That's the way



13 the game is played. Okay? So can we have that --

14 THE WITNESS: Mr. Flynn, you are not my lawyer. I

15 listen to my lawyer.

16 MR. FLYNN: Q. I understand that, sir.

17 Mr. Walters, you're in a formal deposition proceeding.

18 MR. PARSONS: Exactly. But it's not a game.

19 MR. FLYNN: You're treating it as such,

20 Mr. Parsons, and that's the problem.

21 MR. PARSONS: No, I'm not.

22 DR. VAN HOUTEN: Mr. Walters, are you ready for a

23 lunch break? It's 12:15.

24 THE WITNESS: No, we'll wait till 12:30.

25 DR. VAN HOUTEN: Are you sure you can continue?

1 MR. FLYNN: Q. In 1982 --

2 DR. VAN HOUTEN: Excuse me.

3 MR. FLYNN: Who is this individual at the end of

4 the table?

5 DR. VAN HOUTEN: This is Dr. Van Houten speaking.

6 I'm concerned about the welfare of my patient.

7 MR. FLYNN: This is turning into a circus,

8 Mr. Parsons. Would you control your minions, please?

9 MR. PARSONS: Please, sir.

10 DR. VAN HOUTEN: Mr. Walters, you're not feeling

11 light-headed, dizzy, short of breath, sweaty?

12 MR. PARSONS: If the answer is no, the answer is

13 no.

14 THE WITNESS: The answer is no.

15 DR. VAN HOUTEN: Fine. He can continue --

16 THE WITNESS: For 15 minutes.

17 MR. FLYNN: Give him some instructions, would you?

18 MR. PARSONS: No. I'm not giving him

19 instructions. He's doing his job as a medical professional

20 watching out for his patient.

21 MR. FLYNN: If he was doing his job, he'd be in

22 Nevada City treating the horses and the cows, Mr. Parsons.

23 MR. PARSONS: Please. Oh, man. You really have

24 no sense of decency, do you?

25 MR. FLYNN: You asked for it, because you keep

1 interrupting. Now, let's proceed.

2 DR. VAN HOUTEN: Mr. Walters, would you like to

3 quit, given this situation?

4 THE WITNESS: No, I'm fine. I'm fine.

5 Mr. Flynn, you might as well accept the fact that

6 Mr. Parsons is my lawyer and Dr. Van Houten is my doctor,

7 and you just will have to play it their way.

8 MR. FLYNN: Q. Okay. Well, unfortunately, we

9 play it by the rules, not by their way or your way --

10 A. By their way and my way.

11 Q. We play by the rules under the United States

12 Government as ordained by the Constitution of this

13 country --

14 MR. PARSONS: Well, you haven't yet.

15 MR. FLYNN: And the rules of civil procedure in

16 California.

17 MR. PARSONS: It will be nice if you start.

18 MR. FLYNN: Q. In 1992, did (the plaintiff)

19 refer to you as "Swami"?

20 A. I don't remember whether it was 1992 or 1993, but

21 she would call me whatever everybody else did, which is an

22 honorific.

23 Q. Did you inform (the plaintiff) when she used the

24 honorific "Swami" that it didn't intend to convey that you

25 were celibate?

1 MR. PARSONS: Objection. Vague as to time. On

2 what occasion?

3 MR. FLYNN: On any occasion.

4 MR. PARSONS: Still vague as to time. I'll permit

5 the witness to answer.

6 THE WITNESS: No, I did not.

7 MR. FLYNN: Q. All right. Now, in 1993, did you

8 intend to use the term "swami"?

9 A. Nineteen -- what year was it?

10 MR. PARSONS: '93.

11 MR. FLYNN: '93.

12 THE WITNESS: '93. I did not.

13 MR. FLYNN: Q. In 1993, did you use the term

14 "swami"?

15 A. Not to the best of my recollection.

16 Q. In 1993, did you instruct any of the membership of

17 Ananda that the use of the term "swami" did not mean you  
18 were celibate?

19 MR. PARSONS: Objection. I'll object to the  
20 extent it calls for any clergyman-penitent communication.

21 I'll permit him to answer otherwise.

22 THE WITNESS: I have no such recollection.

23 MR. FLYNN: Now, let's mark as -- what are we up  
24 to, 6?

25 ++ Q. Mr. Walters, do you consider having sex with a  
1 parishioner to fall within the scope of the parishioner  
2 privilege?

3 MR. PARSONS: Objection. Assumes facts not in  
4 evidence, speculation, hypothetical, calls for a legal  
5 opinion by this party, and I'm instructing him not to answer  
6 that.

7 ++ MR. FLYNN: Q. Do you routinely have sex with  
8 parishioners during counseling sessions?

9 MR. PARSONS: Objection. Calls for intrusive  
10 inquiry into the privacy sphere. I'm instructing this  
11 witness not to answer.

12 MR. FLYNN: We'll see when Judge Pliska gets here.

13 MR. PARSONS: I will also state for the record --  
14 and I'm sure you'll disagree, since you disagree with  
15 everything else -- that when we had the conference call with  
16 Judge Pliska, he stated that he believed reasonable  
17 attorneys could wait and --

18 MR. FLYNN: We'll save that.

19 MR. PARSONS: All right. And other questions

20 similar to it.

21 MR. FLYNN: Would you mark this, please, Holly, as

22 next in order?

23 MR. PARSONS: Which I make number 6. Is that

24 correct?

25 (Exhibit 6 was marked.)

1 MR. FLYNN: Q. Now, this is a letterhead, the

2 original of which I have here, with the original letter

3 inside it, that you used on November 29, 1993.

4 Do you recognize that letterhead, Swami Kriyananda?

5 MR. PARSONS: Objection. The prefatory statement

6 is one of facts. You're not to take that into

7 consideration.

8 The question before you is, do you recognize

9 this?

10 THE WITNESS: I do.

11 MR. FLYNN: Q. And is that your letterhead, sir?

12 MR. PARSONS: Well, it's not on a letter. You're

13 asking, is it --

14 MR. FLYNN: Q. Well, I'm not going to let the

15 original out of my possession, but you have a copy of the

16 original which I've placed in front of the witness.

17 And is that the letterhead that you used in 1993,

18 Swami Kriyananda?

19 MR. PARSONS: Well, it's an envelope. I object

20 that -- it looks like an envelope to me.

21 MR. FLYNN: Q. Okay. An envelope. A printed

22 envelope that bears that symbol, which I believe you call

23 the symbol of joy, which we're going to get into shortly.

24 And underneath that is, "Swami Kriyananda, 14618 Tyler Foote

25 Road, Nevada City, California 95959."

1 And this envelope has on it, "(the plaintiff)."

2 MR. PARSONS: And your question is?

3 MR. FLYNN: Q. Now, is that the envelope with

4 that envelope head, if you want, that printed format that

5 I've read into the record, that you used in 1993?

6 A. Probably the explanation is that I couldn't find

7 the current one. This is old stationery, and I just used

8 whatever envelope I could find.

9 Q. Oh, so there exists what we will call current

10 stationery in 1993 that is different than this stationery.

11 Is that correct?

12 A. Yes.

13 Q. And what does that stationery say on it?

14 A. I have Crystal Hermitage, and I have Ananda --

15 probably at that time, Church of God Realization.

16 These are just a few extra envelopes that I

17 haven't finished yet.

18 ++ Q. Oh, so with regard to other people, you use a

19 different envelope; but with regard to (the plaintiff)

20 , you use an envelope that says on it, "Swami

21 Kriyananda." Is that correct?

22 MR. PARSONS: Objection. It assumes facts not in  
23 evidence, it's argumentative, and it's compound.  
24 If you want to break it down, I'll permit the  
25 witness to answer. Otherwise, I'm instructing him not to  
1 answer that question as formulated.

2 MR. FLYNN: Q. With regard to (the plaintiff)  
3 you used the envelope that says "Swami  
4 Kriyananda" on it with your symbol. Is that correct?

5 MR. PARSONS: Vague as to number of times and  
6 dates on which this occurred.

7 MR. FLYNN: Q. On or about November 29, 1993.

8 MR. PARSONS: Did he use this envelope that you've  
9 got here?

10 MR. FLYNN: Yes.

11 THE WITNESS: Really, Mr. Flynn, it was totally  
12 inadvertent, whether I used it or not. I pulled out an  
13 envelope. I can't see the point of it.

14 MR. GREENE: He didn't answer.

15 MR. FLYNN: Q. You recall as you sit here today,  
16 Mr. Walters, pulling out an envelope that says "Swami  
17 Kriyananda" and using that with regard to (the plaintiff)  
18 . Is that correct?

19 A. I don't recall that. But I don't argue that I  
20 used it.

21 Q. And how many of these envelopes do you have in  
22 stock, sir?

23 MR. PARSONS: "These envelopes" referring to what?

24 MR. FLYNN: Q. The Swami Kriyananda envelopes.

25 A. Probably about ten left, I think.

1 Q. And where do you keep them?

2 A. On -- it's so amazing to me that you would try to

3 make an issue of something --

4 Q. Where do you keep them, Mr. Walters?

5 A. They're on my desk. There were no other

6 envelopes. I took the envelope -- see, usually when I send

7 a letter, I'll just give it to my secretary.

8 But in the case of something where it was

9 confidential, I didn't want to betray her -- the

10 confidentiality. I didn't have any envelopes on my desk,

11 but I had some from years ago, and I used that envelope.

12 Q. So it was happenstance?

13 A. Exactly. And that's all it was.

14 Q. Just a coincidence?

15 A. Exactly.

16 Q. So if you had actually thought about it, you

17 wouldn't have used it?

18 MR. PARSONS: Objection. Calls for speculation.

19 I'll permit the witness to answer if he can.

20 THE WITNESS: I thought about trying -- I mean, to

21 think -- I thought about it to this extent, that I looked

22 for another envelope and didn't find one, so I used this.

23 MR. FLYNN: Q. And how commonly in the last 15

24 years since 1981 have you been using this Swami Kriyananda



25 envelope?

1 MR. PARSONS: Objection. It's vague as to time.

2 I'll permit him to answer if he can formulate a

3 response as to frequency over that period of time.

4 THE WITNESS: I really don't know.

5 MR. FLYNN: Q. How many times have you had those

6 envelopes printed since 1981?

7 A. I can't imagine that they were printed -- probably

8 in the '70s. Certainly not since then.

9 Q. Who does your printing?

10 A. I have no idea.

11 Q. Who would know who does your printing?

12 A. I don't even know that.

13 Q. You have no knowledge of who prints any of your

14 letterheads or envelopes. Is that correct, Mr. Walters?

15 A. Correct.

16 Q. And you have no knowledge of who would know that.

17 Is that correct, Mr. Walters?

18 A. That is correct.

19 Q. Between 1990 and the present, who have your

20 secretaries been? Please identify them.

21 A. Alan, A-l-a-n, Heubert, H-e-u-b-e-r-t.

22 Q. H-e-u-b-e-r-t?

23 A. Yes.

24 Q. He's the only one?

25 A. I have another one more recently, and her name is

1 Hridaya, H-r-i-d-a-y-a. I don't remember -- I don't know

2 whether she keeps her married name or has gone back to her

3 maiden name. Her married name is F-r-u-t-o-s.

4 Q. Do they order your stationery for you?

5 A. They don't order it directly. I just ask them to

6 do it, and they go to whoever does it, and I don't know whom

7 they go to.

8 So they just set the wheels in motion.

9 Q. I see. And -- but you're certain that these

10 envelopes have not been printed since sometime in the 1970s?

11 A. Yes. Virtually certain. I -- all I can say is,

12 I'm not absolutely sure, but I think.

13 Q. Now, this address that's on this envelope, is that

14 where you live?

15 A. Yes.

16 Q. So what kind of a building do you live in? Do you

17 live in a single-family residence?

18 A. It's sort of our spiritual community center, you

19 might say. I have an apartment downstairs, and that's it.

20 Q. And how long have you had that apartment

21 downstairs in this 14618 Tyler Foote Road address?

22 A. The apartment downstairs was built in 1985.

23 MR. FLYNN: Now, let me just -- why don't we mark

24 this as -- what is it, 7?

25 (Exhibit 7 was marked.)

1 MR. FLYNN: Q. Now, this is a letter dated

2 November 29, 1993 -- well, what it says is, "November 29,

3 293 Dwapara. Dear (the plaintiff): I am glad you wrote as you  
4 did. You needed to say it, and I'm relieved that you did.  
5 You know that you have my love and blessings always. I will  
6 ever help you as I can, and as Master guides me to do. God  
7 bless you. In Master's love, Swami."

8 Did you write the word "Swami" on Exhibit 7?

9 A. Yes.

10 Q. And I don't see any PS or postscript in this  
11 letter that says, "By the way, Swami doesn't mean the  
12 celibate swami, it means the not-so-celibate swami."

13 MR. PARSONS: Well --

14 MR. FLYNN: Q. There's no such instruction, is  
15 there, Mr. Walters?

16 ++ MR. PARSONS: Okay. I object that that's  
17 argumentative. The document speaks for itself.  
18 I'm going to instruct him not to answer that,  
19 because it's obvious the document speaks for itself.

20 MR. FLYNN: Q. So Mr. Walters, it's clear that in  
21 November 1993, you yourself hand-wrote to my client,  
22 (the plaintiff), the word "Swami" in reference to yourself.  
23 Isn't that true, sir?

24 A. This was not as a title, this was as a name. They  
25 call me that.

1 Q. Well, I know you've got an answer, but can you  
2 just listen to the question, regardless of what your answer  
3 might be?

4 A. I've answered it.

5 Q. Is it true that you referred to yourself as

6 "Swami" --

7 MR. PARSONS: And he's answered that question.

8 MR. FLYNN: Q. -- in November 1993?

9 MR. PARSONS: He has answered that question.

10 THE WITNESS: I have answered that question.

11 MR. FLYNN: Q. You did. Is that correct?

12 MR. PARSONS: Objection. It's been asked and

13 answered.

14 MR. FLYNN: Q. Yoo-hoo, Mr. Walters?

15 A. I have answered that question.

16 Q. Yes. But you see, I'm entitled to not your

17 explanation, which you can give after the answer; but I'm

18 entitled, under the rules, to an answer to my question.

19 Isn't it true in 1993 you referred to yourself in

20 a letter to (the plaintiff) as "Swami"?

21 A. That's my name. That's what people call me.

22 You see, there's a difference between that being a

23 name and a title.

24 DR. VAN HOUTEN: This is Dr. Van Houten speaking.

25 It's 12:30. I'm just reminding Mr. Walters that he felt 15

1 minutes felt all right.

2 THE WITNESS: Okay.

3 DR. VAN HOUTEN: And I'm suggesting that it's time

4 to break.

5 MR. FLYNN: Q. So did you want to break now,

6 Mr. Walters?

7 MR. PARSONS: We'll break for lunch now.

8 THE VIDEO OPERATOR: Going off the record, the  
9 time is 12:29.

10 (Lunch recess from 12:29 p.m. to 1:39 p.m.)

11 --o0o--

12 AFTERNOON SESSION

13 THE VIDEO OPERATOR: Going back on the record.

14 The time is 1:39.

15 MR. PARSONS: Mr. Walters would like to make an  
16 amplification on part of his testimony from this morning.

17 MR. FLYNN: Q. Do you want to say something,

18 Mr. Walters?

19 A. Yes. The question of swami, I need to clarify it.

20 There is a swami, and then Swami used as a

21 nickname.

22 I have not used the title or referred to myself as

23 a; swami, but I have referred to myself as a nickname, as

24 people call me, as Swami.

25 Q. And I take it, then --

1 A. It has no special meaning. It's just a nickname.

2 Q. So notwithstanding your representation for 15

3 years that you were not a celibate swami, you created an

4 envelope that you sent to (the plaintiff) where you say

5 "Swami Kriyananda" on it. Is that correct?

6 MR. PARSONS: Objection. That's argumentative; it

7 misstates his testimony of earlier this morning.

8 The witness may answer.

9 THE WITNESS: Well, I answered it earlier.

10 And the answer is simply that it was something in

11 the community. People knew who I was; I didn't have to

12 clarify anything. It was just an envelope that happened to

13 be there, and I have to get rid of them somehow, so I used

14 them on informal communications with people within the

15 community.

16 MR. FLYNN: Q. Now, over the lunch break, you've

17 had your opportunity to speak with counsel? Just "yes" or

18 "no." Your lawyer, Mr. Parsons?

19 A. Is that a question?

20 Q. Yes. You've spoken to him?

21 A. Yes, of course.

22 Q. And in the letter of November 29, 1993 to

23 (the plaintiff), you referred to yourself as "Swami."

24 Is that correct?

25 A. That was --

1 MR. PARSONS: Objection. It's been asked and

2 answered.

3 You may answer.

4 THE WITNESS: Yes. It's been asked and answered.

5 MR. FLYNN: Q. And when you wrote "Swami" there,

6 you did not intend to mean the celibate swami that you wrote

7 about in Exhibit 5, but Swami as a nickname. Is that

8 correct?

9 MR. PARSONS: Objection. That question is

10 confusing.

11 If you're asking him to compare the use of this

12 with another document, I'd ask the witness to have an

13 opportunity to review that other document.

14 MR. FLYNN: He already did.

15 MR. PARSONS: Well, let's put it in front of him

16 so he can see how he used that term in that document --

17 MR. FLYNN: It's right in front of you there,

18 Mr. Parsons.

19 MR. FLYNN: Which exhibit number is that?

20 MR. GREENE: 5, at page 12.

21 MR. PARSONS: And I believe you were referring to

22 the third paragraph of page 12.

23 Mr. Walters, I'd ask you to read over the first

24 sentence -- few sentences there.

25 MR. FLYNN: I object to all this. The witness

1 didn't indicate any confusion to the question.

2 JUDGE PLISKA: Yes, that's correct, Mr. Parsons.

3 Please let him refer to it, and then answer the question.

4 MR. PARSONS: Could I have that question read

5 back?

6 (Discussion off the record.)

7 MR. FLYNN: Mr. Parsons, I object to you talking

8 to your client during a pending question.

9 MR. PARSONS: Well, on the record, he asked me to

10 tell him -- in fact, I should say this.

11 Mr. Walters apparently didn't hear that -- your

12 instructions, Your Honor. So if you could maybe speak a

13 little louder.

14 THE WITNESS: Or let Mr. Parsons tell me.

15 JUDGE PLISKA: I'll try to speak. Can you hear me

16 now?

17 THE WITNESS: I hear you.

18 So what was the question?

19 MR. FLYNN: Q. When you wrote "Swami" in your

20 letter to (the plaintiff) -- or strike and withdraw

21 it.

22 When you signed this letter dated November 29,

23 1993 "Swami," which was written to (the plaintiff), I

24 take it from your testimony you were referring to yourself

25 by a nickname Swami rather than the definition of swami,

1 which you gave in Exhibit 5 on page 12?

2 MR. PARSONS: Objection. Compound.

3 You can answer.

4 THE WITNESS: This is correct.

5 MR. FLYNN: Q. And so you didn't intend to convey

6 to (the plaintiff) when you signed "Swami" that, quote, "you

7 were a man or a woman vowed to renunciation, including the

8 practice of celibacy," end quote?

9 A. Not at all.

10 Q. And the letterhead that you used that said "Swami

11 Kriyananda," it's your testimony -- which is Exhibit 6 -- is



12 an envelope that you used going back to the 1970s. Is that  
13 correct?

14 A. Yes.

15 Q. Now, when did you first tell (the plaintiff), if at  
16 all, that you were not a celibate swami, but it was a  
17 nickname?

18 A. The issue never arose.

19 Q. And during your years as the spiritual director of  
20 the Ananda community, when, if ever, did you tell the  
21 community that you were using the name as a nickname and not  
22 as a celibate swami?

23 A. It was I think just general knowledge. I can't  
24 say when. It was something I always clarified as --  
25 whenever the issue came up, I made it very clear, no, I am  
1 not a swami.

2 Q. Even though it says that on your letterhead. Is  
3 that correct?

4 A. I've answered that one.

5 Q. Now, I believe you testified you went to this  
6 person Daya Mata in 1985 to dispense you of your vows as a  
7 swami. Is that correct?

8 MR. PARSONS: Objection. It's been asked and  
9 answered.

10 THE WITNESS: It's been asked and answered.

11 MR. PARSONS: But you can answer it again.

12 THE WITNESS: Hmm?

13 MR. PARSONS: You can answer it again.

14 THE WITNESS: All right. Yes, correct.

15 MR. FLYNN: Q. In 1985?

16 A. Yes.

17 Q. But you stopped being a celibate swami when,

18 Mr. Walters?

19 A. This was in 1981, when I wrote that letter to the

20 Yoga Journal stating that I had changed my status.

21 Q. Why is it that you waited 4 more years to go and

22 be dispensed of your vows as a celibate swami?

23 A. I cannot say. I don't know.

24 Q. And why is it that you continued to hold yourself

25 out on your envelope printing as a Swami Kriyananda,

1 notwithstanding the fact that you gave up your vows in 1985?

2 MR. PARSONS: Objection. Misstates his testimony.

3 You can answer.

4 THE WITNESS: But I answered that testimony

5 before. I've answered it perhaps by now ten times.

6 MR. FLYNN: Q. Well, why is it that you continued

7 to use the letterhead?

8 A. All right. I'll continue. It was just there,

9 envelopes that hadn't been thrown out yet. To the

10 community, I would use anything, blank or whatever, because

11 there was nothing formal about it.

12 I just didn't happen to have an official --

13 probably after this, I wrote to my secretary and said,

14 please send me another stack of envelopes that say Crystal

15 Hermitage, which is what I do. But this was in fact, more

16 or less, like just another piece of scrap envelope.

17 Q. Now, and the last time these envelopes were

18 printed that say Swami Kriyananda on them you're certain was

19 in the 1970s. Is that correct?

20 MR. PARSONS: Objection. Asked and answered.

21 THE WITNESS: Yes, but I'm not certain. I merely

22 think so.

23 MR. FLYNN: Q. Now, whenever the issue arose that

24 there was a distinction between your nickname Swami and your

25 celibate status as a swami pursuant to your monastic vows,

1 how did you make it clear to your followers that there was a

2 distinction?

3 MR. PARSONS: Objection. That's a compound

4 question. I'd ask to have it read back, please.

5 (Record read.)

6 MR. PARSONS: I object. I think it's ambiguous

7 and confusing.

8 I'll let the witness answer.

9 THE WITNESS: I always made it very clear, if

10 there was any question that arose, that no, I am not a

11 swami. I made that statement.

12 MR. FLYNN: Q. Did you ever issue any writing to

13 that effect?

14 A. Probably. I don't remember. I would have if it

15 had seemed apropos. I had no interest, nor did I ever

16 express interest, or did I ever say or try to give the  
17 impression that I was still a swami.

18 Q. So you would say, then, that Exhibit 6 did not  
19 intend to convey the impression that you were a Swami. Is  
20 that correct?

21 A. In no way.

22 Q. And when you wrote to (the plaintiff) on  
23 November 29, 1993, which is marked here as Exhibit 7, and  
24 you signed "Swami," you didn't intend to create the  
25 impression with (the plaintiff) that you were a  
1 Swami. Is that your testimony?

2 MR. PARSONS: Objection. Asked and answered.

3 You can answer.

4 THE WITNESS: In no way.

5 MR. FLYNN: Q. And can you direct me to any  
6 writing of any nature or description in which you've first  
7 advised (the plaintiff) that you were not a swami?

8 A. At no time did the question come up.

9 Q. So the answer is, there is no writing; is that  
10 correct, Mr. Walters? Is that your answer?

11 A. There is nothing that would have required such a  
12 writing.

13 Q. And can you identify any writing to your community  
14 in which you advise them that you were not a celibate swami,  
15 even though you were using the term "swami" on your  
16 letterhead?

17 A. I think I made it very clear. I certainly made

18 every effort to make it clear.

19 Q. Well, the question is, can you identify one

20 writing in which you made it clear?

21 A. No, I cannot.

22 Q. Now, you testified on -- strike that.

23 In your deposition on September 6, 1995, which was

24 last Wednesday, on page 95, you were asked about the symbol

25 that appears on Exhibit 6, which is the envelope that you

1 sent to (the plaintiff).

2 And you were asked, "Would you tell me what the

3 symbol is in the upper left-hand corner of Exhibit 1?"

4 Now, Exhibit 1 was another piece of stationery.

5 Do you recall that?

6 A. Yes, of course.

7 Q. And you recall the symbol, of course. Right?

8 A. Yes.

9 Q. And your answer was, "This is our symbol of

10 Ananda."

11 Do you recall that testimony?

12 MR. PARSONS: I'm going to object to the extent it

13 asks the witness to restate what his testimony was in an

14 earlier deposition.

15 MR. FLYNN: I'm just trying to orient him,

16 Mr. Parsons.

17 MR. PARSONS: Well, why don't you just make the

18 statement and then ask a question, please.

19 MR. FLYNN: Q. Well, let me ask you this:

20 Do you recall giving testimony -- and I can show

21 it to you -- where this symbol originated from?

22 And your testimony is, "Question" -- that I asked

23 on page 96 last Wednesday -- "Where did you get that

24 symbol?

25 "Answer: It came to me in meditation.

1 "Question: What meditation? When did it come to

2 you in meditation?

3 "Answer: I would estimate, but I don't know for

4 sure, about 1970, '71."

5 Now, do you want to see that testimony?

6 A. I don't. This is the truth.

7 Q. Now, let me show you what we'll mark as Exhibit 8,

8 which is a flier for something called The Green Door here in

9 San Francisco, which is a massage parlor/house of

10 prostitution.

11 (Exhibit 8 was marked.)

12 MR. PARSONS: Now, are you making a factual -- I

13 don't see anything on here that indicates the nature of it.

14 You're now making factual representations concerning

15 something that's outside the ambit of what's been introduced.

16 MR. FLYNN: Yes, I am. This is discovery,

17 Mr. Parsons. You're free to go discover whatever facts you

18 want relating to The Green Door.

19 Now, you see on what has been marked as Exhibit 8,

20 under the highlighted part, which I'll place in front of you

21 there, what appears to be pretty much the same symbol as  
22 that which appears on Exhibit 6 and Exhibit 1.

23 Do you see that, Mr. Walters?

24 A. Yes.

25 Q. Now, in 1970 or '71, did you copy your symbol from  
1 the symbol on this massage parlor?

2 MR. PARSONS: Objection. That's been asked and  
3 answered.

4 Go ahead.

5 THE WITNESS: The answer is no.

6 MR. FLYNN: Q. If I represent to you that the  
7 massage parlor began using this symbol in 1968, accepting  
8 that representation, did you have occasion between 1968 and  
9 1971 of going to The Green Door and seeing this symbol?

10 A. No.

11 Q. Approximately 4 or 5 months ago, did you or one of  
12 your representatives contact The Green Door and accuse them  
13 of infringing on your trademark which is the symbol which  
14 appears on Exhibit 6 and Exhibit 1?

15 A. I have heard that this is the case.

16 Q. Who did you hear that from?

17 A. I think it was from Asha Praver's husband David.

18 Q. What did she or he tell you?

19 A. As I recall -- mind you, it's a trivial thing for  
20 us -- as I recall, they said, oh, they didn't know. They  
21 thought it was a nice symbol; and therefore, they used it.

22 Q. Prior to when you saw it in meditation in 1970 or

23 '71, had you ever seen that symbol before?

24 A. Never.

25 Q. Now, when you just testified, "it's a trivial  
1 thing," what were you referring to?

2 A. Their kind of work is so different from our kind  
3 of work, but -- it seems trivial. I just don't think they  
4 ought to use it, and they seemed willing not to use it, and  
5 therefore I think the situation has just gone up in smoke.

6 That's as far as I know.

7 Q. Now --

8 A. It would become serious if they made a big thing  
9 of it, but it's not the case.

10 Q. Let me show you what we'll have marked as  
11 Exhibit 9.

12 (Exhibit 9 was marked.)

13 MR. FLYNN: Q. Is this something -- namely,  
14 Exhibit 9 -- that you have authored, Mr. Walters?

15 A. I've read it.

16 Q. Can you answer my question?

17 MR. PARSONS: Oh, could you --

18 THE WITNESS: Your question was, did I author it?

19 Yes, I did.

20 MR. FLYNN: Q. And did you refer to yourself as  
21 "Swamiji" in this publication?

22 A. Somebody asked me the question, and they wrote  
23 down my answer, I guess.



24 Q. And --

25 A. In other words, that was not a reference of myself  
1 to myself. So somebody's put it in quotes that way. That's  
2 all.

3 Q. Well, I don't see any quotation marks on this  
4 document.

5 A. I do.

6 MR. PARSONS: Yeah. They're there.

7 MR. FLYNN: Q. Well, strike that. I don't see  
8 any quotation marks around "Swamiji" on this document.

9 A. No. It's somebody who wrote the word "Swamiji,"  
10 and then they're putting in either what I said or what I  
11 wrote, I don't remember.

12 But it's not me calling myself Swamiji.

13 Q. It's the community calling you Swamiji?

14 A. Someone who wrote it.

15 Q. Well, what is this Exhibit 9? Does it appear in  
16 some type of a compilation of writings on the history of  
17 Ananda?

18 A. I really don't know. It's the first time I'm  
19 seeing it.

20 Q. Is there a compilation of writings called "History  
21 of Ananda"?

22 A. I assume there might be, but I am not aware of it.

23 MR. PARSONS: I'll ask you not to speculate.

24 Testify as to your knowledge. And if you don't know, state  
25 that, please.

1 THE WITNESS: To my knowledge, no.

2 MR. FLYNN: Q. Now, it says next to the symbol on  
3 Exhibit 9, "More History of Ananda," then in quotes,  
4 "Swamiji tells about," end quote. All right? Do you see  
5 that?

6 A. I do.

7 Q. Now, going back to -- this hasn't been marked yet.

8 We'll mark this now. Withdraw that preface to that  
9 question. Mark this as 10.

10 (Exhibit 10 was marked.)

11 MR. FLYNN: Q. Now, this is --

12 MR. PARSONS: Excuse me. You can ask a question,  
13 but I will ask for him to have an opportunity to read this  
14 document prior to responding.

15 MR. FLYNN: I'm just going to refer to a very  
16 small part.

17 Q. This is a transcript of a tape which is right  
18 here, which you -- of a, quote, "All Community Satsang" that  
19 you gave on June 29, 1995. And I'd refer you to page 4 of  
20 this document.

21 And you say on page 4, second paragraph, "But now  
22 I'm feeling just great. There is no worry about my feeling  
23 exhausted or poor Swami, his health, he must have really  
24 suffered from this. Fortunately, none of that."

25 Now, when you refer to yourself as "Swami" in that  
1 sentence, were you referring to yourself as the celibate

2 swami or the nickname Swami?

3 A. Nickname.

4 Q. And is this the same nickname that -- or strike

5 that.

6 And on Exhibit 9, when the community referred to

7 you as Swamiji, were they referring to you -- if you know,

8 if you have any evidence to support one way or the other --

9 as the celibate swami or the nickname Swami?

10 MR. PARSONS: Again, I'll object. And it calls

11 for speculation, the opinions of third parties.

12 If this witness does have some ground for

13 believing what other people thought, he can certainly

14 testify to that.

15 THE WITNESS: I really have no comment.

16 MR. FLYNN: Q. Now, this document, Exhibit 9,

17 says that you were sitting in meditation -- let me read it.

18 A. Where, please?

19 Q. It would be -- well, let's start at the beginning

20 after "Swamiji," quote:

21 "We had many different symbols that people came up

22 with and I felt that we needed something central.

23 Something very simple, so that it could lend itself to

24 many different functions, but not intrude heavily on

25 anything. I had been wanting to talk to somebody about

1 ideas when one day sitting in meditation, this image

2 suddenly came. It seemed perfect," end quote.

3 Now, first, let me ask you, when did you give that

4 quoted statement?

5 MR. PARSONS: Objection. Assumes facts not in

6 evidence.

7 I'll let the witness testify.

8 THE WITNESS: I don't know.

9 MR. FLYNN: Q. When was Exhibit 9 printed?

10 A. I don't know.

11 Q. Do you have an estimate as to when Exhibit 9 was

12 printed, having in mind that there is at least one reference

13 on the -- in the second paragraph of October of 1985?

14 MR. PARSONS: He's referring to this date here.

15 THE WITNESS: Beyond that, I wouldn't want to

16 guess. Nor is it even necessary that the two were spoken at

17 the same time.

18 MR. FLYNN: Q. When did you first use the symbol?

19 A. Whenever it came to me, which was, as I said, 1970

20 or '71. And I don't insist that it was then. It could have

21 been '72. It's been a long time.

22 Q. And how did you first use it?

23 A. How did I first use it?

24 Q. How did you first use the symbol?

25 MR. PARSONS: I'll object. The question is

1 ambiguous in the question, how did he use it.

2 I'll let the witness testify to the extent he

3 can.

4 THE WITNESS: Well, I introduced it to people. I

5 said, this is one that I think could be very helpful,  
6 because it's simple, it gives a message, it's something we  
7 can use in many designs.

8 I think people bit by bit -- it takes a while to  
9 get used to new ideas. Bit by bit, they picked up on it.

10 I don't suppose I used it myself for a long time,  
11 but I really don't remember.

12 MR. FLYNN: Q. Now, did you trademark it, or  
13 copyright it in any way?

14 A. I don't even know that.

15 Q. When you spoke to Asha Praver's husband about this  
16 symbol some months ago, did you see at that time any  
17 correspondence that Asha Praver's husband sent to The Green  
18 Door?

19 A. I don't remember.

20 Q. And I take it from your prior testimony that it's  
21 your understanding that The Green Door has agreed that this  
22 symbol belongs to Ananda, and that they won't use it  
23 anymore. Is that correct?

24 A. I believe this is true.

25 Q. Okay. Well, I'll represent for the record that we  
1 obtained -- we had an investigator obtain what has been  
2 marked -- the original of what has been marked as Exhibit 8  
3 on Sunday.

4 And let me ask you, have you retained counsel, if  
5 you know, to prevent The Green Door from using this symbol?

6 MR. PARSONS: I'm going to object. That calls for

7 inquiries between attorney, client; disclosure of intentions

8 with respect to litigation --

9 MR. FLYNN: I'll withdraw it. Yeah, I disagree

10 that it's protected, but that's -- rather than take the time

11 to argue it.

12 Q. How did you or your organization first learn that

13 The Green Door was using this symbol?

14 MR. PARSONS: I'll object to the extent it calls

15 for speculation, facts not in evidence.

16 This witness can testify to his knowledge.

17 THE WITNESS: It's what I said, that David Praver

18 told me about it, if it was David. I don't even remember

19 that. I'm not really running things now.

20 MR. FLYNN: Q. When you say, "I'm not really

21 running things now," how long has it been since you ran

22 things?

23 MR. PARSONS: Objection. Asked and answered.

24 You may proceed.

25 THE WITNESS: You see, my role as spiritual

1 director is not a -- an administrative, business type of

2 role.

3 Therefore, I really don't know even such things as

4 when were we incorporated, and lots of things about the

5 community I have never inquired into, because my way of

6 working has been with individuals and their spiritual life,

7 or with the community and its spiritual life, or to protect

8 the rights of an individual.

9 But the specific runnings of things has been a

10 gradually diminishing thing, until last October, I said, I'm

11 formally retiring from all but if you want to ask me for

12 directions about the general directions of things.

13 But this kind of specific running, it's been a

14 long time since I really got into it.

15 Q. Now, would you define your title as spiritual

16 director of the community?

17 MR. PARSONS: Excuse me. Are you asking if he is

18 -- I'm sorry, objection. It's vague and ambiguous.

19 Is he spiritual director, or are you asking for a

20 definition of the term "spiritual director"?

21 MR. FLYNN: Q. Are you currently spiritual

22 director?

23 A. Pretty well retired. I am sort of the -- I am

24 there as a court of last appeal. People still ask me

25 questions on that level.

1 Other than that, no, it's being handled more

2 through the spiritual directorate now.

3 Q. And who comprises the spiritual directorate?

4 A. John Novak and his wife Devi.

5 Q. And what is their function?

6 A. Their function is counseling people, it's running

7 the ministry office, it's writing a lot of letters to

8 people.

9 Issues that come up regarding the spiritual rights

10 and wrongs of something. But even there, if a question  
11 arises, then they'd refer it to me. Otherwise not.

12 Q. Now, would you refer to the June 29 All Community  
13 Satsang, which I believe is Exhibit 10, on page 6?

14 A. Page 6?

15 Q. Yes. In the -- it would be the -- what starts as  
16 the first paragraph on the page, but the second paragraph,  
17 about midway down the page.

18 And you say, quote, "I would like to say, first of  
19 all, that this lawsuit is an outrageous lie" -- and this, if  
20 you want to read back, refers to the (the plaintiff) case.

21 MR. PARSONS: Yes. If you're going to ask him  
22 about that, then I would like him to read whatever it is  
23 that this is referring back to.

24 MR. FLYNN: Q. Yeah. I'll represent it that I  
25 read it, and it appears to me to refer to the (the plaintiff)  
1 case. But if you want to go back, go ahead.

2 MR. PARSONS: Could you speed it up by pointing  
3 out where the reference to the (the plaintiff) case begins?

4 MR. FLYNN: Q. Well, you say -- let's see here.  
5 "I wrote" -- on page 5, you say, "I wrote a paper, a  
6 declaration," of which we have two that you've provided to  
7 us.

8 MR. PARSONS: Well, that doesn't refer to any date  
9 or describe any declarations at all.

10 MR. FLYNN: Let's keep going.



11 Q. Then you refer to papers being twisted and pointed  
12 against you.

13 And the next page, you talk about more lies. And  
14 then on the next page, you say, on page 8, "I am not going  
15 to answer any of the charges, because you know me."

16 MR. PARSONS: Well, rather than making  
17 representations and then trying to support, why don't you  
18 ask them?

19 MR. FLYNN: Well, I was going to, but you said you  
20 wanted him to refer to the document. I have some letters  
21 here that I think relate to this document.

22 Q. But when you say the lawsuit is an outrageous  
23 lie --

24 A. Yes.

25 Q. -- what lawsuit are you referring to?

1 A. The (the plaintiff) lawsuit.

2 Q. And in what way is it an outrageous lie?

3 A. In probably most of her declarations of fact and  
4 of intention, they were misrepresentations. They were a  
5 lie.

6 In your paper, which is more recent -- shall I, or  
7 shall I not?

8 MR. PARSONS: If it's responsive to the question,  
9 you should respond.

10 THE WITNESS: The same thing.

11 MR. FLYNN: Q. Do you have more to offer,  
12 Mr. Walters?

13 A. No, Mr. Flynn.

14 Q. In what way is the lawsuit an outrageous lie?

15 A. This is a case for our lawyers to discuss with the

16 judge. It's not for me.

17 Q. Well, you made this statement to -- strike that.

18 How many people did you make this statement to on

19 June 29, 1995; to wit, "I would like to say first of all

20 that this lawsuit is an outrageous lie"?

21 How many people, sir?

22 A. To our membership. It would be at least 200,

23 maybe 400.

24 Q. 200 to 400 people. Is that correct?

25 A. Yes.

1 Q. All right. Now, when you told them that the

2 lawsuit was an outrageous lie, what were you referring to?

3 A. I was referring to her statements.

4 Q. Okay. What statements?

5 A. I think that's in our paper. I don't think I need

6 to go beyond our paper.

7 MR. PARSONS: No, it would be appropriate for you

8 to testify as to what statements you were referring to.

9 THE WITNESS: Well, the statement that -- a lot of

10 statements. There were a lot that were contradicted by our

11 own people who worked with her. Saying that Danny Levin was

12 her direct superior, saying that she was -- gosh, I can't

13 even remember all of them. Almost every statement was a

14 lie.

15 MR. FLYNN: Q. Can you identify one statement?

16 A. That was one.

17 Q. Which one?

18 A. That he was her direct supervisor. That it was

19 not consensual, when she was the one who initiated the

20 relationship, according to my understanding. That I

21 dismissed her from Ananda, when I did not. That -- she said

22 that she -- he was -- that it was a coercive relationship,

23 that he coerced her, when she told me that it was she who

24 was attracted to him. When she talked about working for

25 slave wages, when I earn less than she did.

1 When -- well, if you want to give me time, I'll

2 think about it. Do you want to give me that much time?

3 Q. Yes.

4 A. Okay.

5 THE VIDEO OPERATOR: Maybe I should change tapes.

6 MR. FLYNN: Go ahead. She's going to change

7 tapes. So before you speak, let us know.

8 MR. PARSONS: Don't say anything more until she

9 has come back on the record.

10 THE VIDEO OPERATOR: This is the end of videotape

11 number 4 in the deposition of J. Donald Walters. Going off

12 the record, the time is 2:16.

13 MR. PARSONS: The witness would like to go to the

14 bathroom during this period.

15 (Recess from 2:16 to 2:21 p.m.)

16 THE VIDEO OPERATOR: This is the beginning of  
17 videotape number 5 in the deposition of J. Donald Walters.

18 Going on the record at 2:21.

19 MR. FLYNN: Q. Do you have more to add to your  
20 answer, Mr. Walters?

21 A. Well, let me think.

22 Her claims of my intentions were a lie.

23 Q. Can I stop you there, or do you want to keep going?

24 A. I have more to say.

25 Q. Okay. Go ahead.

1 A. Her statement of having prejudicial treatment

2 against her is a lie. Her statement of discrimination

3 against women is a lie. Her statement of being demoted, I

4 believe she said, from her position is a lie.

5 Let's think. There were other things, but I don't

6 remember them off the top of my head.

7 Q. Now, during the break, did you speak to anyone

8 about this testimony you've just given?

9 A. I did not.

10 Q. And when you say there are other things but you

11 don't remember them off the top of your head, are you aware

12 that you have brought a lawsuit against (the plaintiff) for

13 defamation?

14 A. I am.

15 Q. And what is it that (the plaintiff) has said that

16 defames you?

17 MR. PARSONS: Objection. It calls for a legal

18 conclusion as to defamation.

19 You can answer.

20 THE WITNESS: Say it again then, please?

21 MR. PARSONS: Yes. Please repeat the question.

22 MR. FLYNN: Q. What is it that you claim in your

23 lawsuit against (the plaintiff) that is the basis for her

24 defaming you?

25 A. Me personally.

1 Q. Right.

2 MR. PARSONS: Do you know what defamation is?

3 THE WITNESS: I hope so.

4 MR. FLYNN: I object to this.

5 MR. PARSONS: Well, if you're asking for a

6 response to defamation, it just occurred to me, I'm not

7 certain this witness is competent by experience or training

8 to respond to that.

9 I would have no objection as to untrue statements

10 made. But once we get into defamation, the characterization

11 of it, that's my concern.

12 MR. FLYNN: I'll withdraw it.

13 Q. Why did you sue (the plaintiff)?

14 MR. PARSONS: I object to the extent that it calls

15 for you to disclose any communication between any attorney

16 and client -- between you and any attorney. Otherwise, you

17 may respond.

18 THE WITNESS: Well, no. Since it does, I won't.

19 MR. FLYNN: Q. On what basis have you sued

20 (the plaintiff)?

21 MR. PARSONS: Same objection. Same instruction.

22 MR. FLYNN: Q. Can you tell me, Mr. Walters, why

23 you have sued (the plaintiff)?

24 MR. PARSONS: Same objection, same instruction.

25 To respond, except to the extent that it would disclose

1 any --

2 THE WITNESS: Yes. Since it does disclose, I

3 won't.

4 MR. FLYNN: Q. Have you read the complaint that

5 you have filed against (the plaintiff)?

6 MR. PARSONS: And technically cross-complaint, of

7 course.

8 THE WITNESS: The cross-complaint. Yes.

9 MR. FLYNN: Q. And what is it in the

10 cross-complaint that you claim defames you?

11 ++ MR. PARSONS: I still have the problem with the

12 use of the term "defamation," because that only makes sense

13 from a legal analysis.

14 Again, I'd have no objection to untrue statements.

15 But I -- with respect to the use of the term "defamation," I

16 instruct the witness not to answer.

17 THE WITNESS: Well, my understanding of the word

18 "defamation" is not what she says in her lawsuit, her

19 complaint, which of course is protected by the court. It's

20 what she said to -- and this, again, I have not heard  
21 directly, but I have read their testimony -- of other  
22 people.

23 MR. FLYNN: Q. What is it that she said to other  
24 people that caused you to sue her?

25 A. This is what I've written in my declaration.

1 Q. Well, what is it, Mr. Walters?

2 A. My declaration?

3 Q. What is it that caused you to sue (the plaintiff)  
4 that she said to other people?

5 MR. PARSONS: Okay. Again, I object to the extent  
6 that it requires disclosure of attorney-client  
7 communications.

8 I believe the question as phrased is ambiguous,  
9 but I will permit the witness to answer with that  
10 limitation.

11 THE WITNESS: Yes. But you've said that that  
12 caused. That isn't what caused the lawsuit.

13 MR. FLYNN: Q. What is it that (the plaintiff)  
14 said to other people that you find objectionable, about you?

15 A. Well, it was a --

16 MR. PARSONS: Objection. That's vague,  
17 ambiguous. I'll permit the witness to answer.

18 THE WITNESS: Yes, but everything.

19 MR. FLYNN: Q. Identify one thing.

20 A. My declaration.

21 Q. Identify one statement (the plaintiff) has made to

22 a third person.

23 A. Would you like to look over the declaration? It

24 says it there.

25 Q. Mr. Walters, please.

1 May I have an answer, Your Honor?

2 JUDGE PLISKA: Yes, I think you need to answer

3 that question, and not refer to the declaration.

4 THE WITNESS: But we were talking about the

5 declaration, and it's all written there.

6 MR. PARSONS: He's asking for your memory,

7 independent of any declaration at this point.

8 THE WITNESS: My personal memory? I had no

9 contact with her. I'm not -- in other words, I'm not clear

10 about your question.

11 MR. PARSONS: Then I'd ask you to restate it.

12 MR. FLYNN: Q. What is it that (the plaintiff)

13 said to third persons that you have learned about that you

14 find to be untrue or objectionable?

15 A. She claimed that I -- well, one example? One

16 example.

17 Q. Yes.

18 A. That I was sexually involved with (woman #9).

19 Q. And who did she say that to?

20 A. I believe she said it to Peggy Bat -- is that her

21 name? Bat.

22 Q. Who told you that?



23 A. I read it in Peggy Bat's declaration.

24 Q. When did you read it?

25 A. I don't really remember.

1 Q. Can you identify another statement that (the plaintiff)

2 (the plaintiff) allegedly made to a third person about you that

3 you found to be untrue?

4 MR. PARSONS: Wait till his question is done.

5 Wait till his question is done before you start to respond.

6 And give me a chance to object --

7 THE WITNESS: What I need is, I need to look at

8 the declaration.

9 MR. PARSONS: Well, now, see, he's just asking you

10 questions now. And he's entitled to your best memory, good

11 faith best memory as you sit here.

12 THE WITNESS: I see.

13 MR. PARSONS: Could I ask the question be read

14 back so the witness has it fresh in his mind?

15 MR. FLYNN: Q. Yes. I simply want to know -- I

16 want him to identify another statement that (the plaintiff)

17 made to a third person that you find to be untrue or

18 objectionable.

19 A. That I raped (woman #7).

20 Q. Who is (woman #7)?

21 A. I find that highly objectionable. (woman #7).

22 Q. Raped (woman #7)?

23 A. That's what the statement said.

24 Q. And who did (the plaintiff) allegedly make that

25 statement to?

1 A. To Peggy Bat, Peg Bat. I'm not sure of her name.

2 I don't know her.

3 Q. And how did you find out about the statement of

4 (the plaintiff) to Peggy Bat?

5 A. I read it in Peggy's declaration.

6 Q. And on that basis, you filed a complaint against

7 (the plaintiff)?

8 MR. PARSONS: Objection. That's misleading, and

9 it misstates his testimony.

10 Again, I will instruct the witness to not answer

11 to the extent that --

12 MR. FLYNN: I'll withdraw it.

13 Q. Can you identify another statement?

14 A. My mind's gone blank. I don't remember them.

15 Q. Okay. We're going to get into your declaration

16 and your counterclaim.

17 But just for the sake of this series of questions,

18 are you aware that the Peggy Bat declaration is dated

19 sometime in February of 1995, and you brought your

20 cross-complaint in December of 1994?

21 MR. PARSONS: Objection. It's a compound

22 question, it's argumentative. But -- why don't you choose

23 one of those, and I'll let the witness testify.

24 MR. FLYNN: No, I want to know whether he's aware

25 of the two different dates.

1 THE WITNESS: I am not.

2 MR. FLYNN: Q. Now, going back to Exhibit 10 --

3 we're going to be getting into the cross-complaint.

4 But let me ask you this first, Mr. Walters: You

5 said, as we talked about before, that this lawsuit is an

6 outrageous lie.

7 MR. PARSONS: Now you're referring to page --

8 MR. FLYNN: Page 6.

9 Q. Have you exhausted your memory about what

10 outrageous lies are in the (the plaintiff) lawsuit?

11 A. I have spoken of all the ones I remember, and I

12 know that there are more.

13 Q. Can you identify any more?

14 A. No. I said I couldn't.

15 Q. Okay. And have you identified all the outrageous

16 lies (the plaintiff) allegedly made about you to third

17 parties at this time?

18 MR. PARSONS: Wait, I'm sorry. Objection.

19 Misstates his testimony; vague and ambiguous as to time,

20 now.

21 I'll permit him to answer, if he can formulate a

22 response to that.

23 THE WITNESS: No, I don't know the answer to that.

24 MR. FLYNN: Q. And then you say, "I say that

25 unequivocally. There is a desire and attempt to destroy

1 us."

2 Who is "us"?

3 MR. PARSONS: Now again, you're referring to  
4 the --

5 MR. FLYNN: Q. Exhibit 10. Who is "us"?

6 A. "Us" is Ananda as a community of people.

7 Q. And who has the desire to destroy Ananda?

8 MR. PARSONS: Objection. Calls for speculation,  
9 no foundation.

10 You may answer.

11 THE WITNESS: Are you asking me to make an  
12 opinion, or give a statement of fact?

13 MR. FLYNN: Q. I'm asking you who you were  
14 referring to when you made the statement.

15 A. (the plaintiff), you, all her lawyers, and  
16 Self-Realization Fellowship.

17 Q. What -- identify all facts that you're aware of  
18 that me, Michael Flynn, have perpetrated to destroy your  
19 organization.

20 A. To --

21 MR. PARSONS: Object. Excuse me, I'm going to  
22 object that it calls for a narrative and speculation, but I  
23 will permit you to answer.

24 THE WITNESS: It calls for a narrative and  
25 speculation. Therefore, I won't answer.

1 MR. FLYNN: Q. Well, I request a ruling.

2 JUDGE PLISKA: Yes, you need to answer it. Your  
3 lawyer makes objections for the record, but you should

4 answer, not in the words of your lawyer, but --

5 THE WITNESS: Okay. Say it again then, please.

6 MR. FLYNN: Q. Yes. What have I done, Michael

7 Flynn, the attorney, to attempt to destroy your

8 organization, Mr. Walters?

9 A. Your paper was about 95 percent or more lies. I

10 read it.

11 Q. What paper have you read?

12 A. The paper that was written in answer to our

13 motion, our recent motion.

14 Q. Which motion?

15 A. The motion that is under present consideration.

16 Don't ask me to name it. I can't do it.

17 Q. What lies have I written that attempt to destroy

18 you?

19 A. Sir, I don't think you told a single truth in your

20 entire paper. That was what was amazing to me.

21 Q. Can you identify one lie?

22 A. Yes. Saying that I lied, the big lie. It seemed

23 like your paper was a big lie.

24 Q. Okay. So our paper saying that you lied is one of

25 the lies. Is that correct?

1 A. Yes.

2 Q. Can you identify another?

3 A. I'd have to read it. I'm not going to just give

4 as an opinion. I'd have to read your actual statements.

5 Q. You cannot presently recall any other statements

6 that are in our papers, is that correct, that are a lie

7 according to your testimony?

8 A. I recall a very clear impression, but I do not

9 recall details. I'd have to review it, especially in the

10 course of a deposition.

11 Q. And what statements has Mr. Greene made that are

12 lies that are an attempt to destroy you?

13 A. I'm not really aware of what Mr. Greene has done

14 or said. I'm assuming this was a paper you wrote. If it

15 was a paper he wrote, then I have to address it to him. It

16 was the paper.

17 MR. FLYNN: Just for the sake of the record, I

18 don't believe my name is on any papers in this case so far,

19 Mr. Parsons, that have been filed in court.

20 THE WITNESS: It may not be.

21 MR. FLYNN: Other than the pro hac vice

22 application.

23 Q. Now, what lies has Mr. Stillman made that attempt

24 to destroy you?

25 A. I guess what I have to do is lump you all three

1 together as one sort of corporate personality, because I

2 don't know, despite the signature on the page, who actually

3 wrote the paper.

4 My assumption is that it's you, but I could be

5 wrong.

6 Q. Why did you assume that?

7 A. Do you want the brashest answer?

8 Q. I want the truth.

9 A. Because of the three of you, you're the most

10 intelligent, I think.

11 MR. STILLMAN: Well, I'm going to object to that.

12 MR. FLYNN: I agree with you, Mr. Walters. About

13 the intelligence part.

14 JUDGE PLISKA: I'd like to take that one under

15 submission.

16 MR. FLYNN: Q. Now, you mentioned, I believe, in

17 your answer, about people trying to destroy your

18 organization.

19 SRF. Is that the Self-Realization Fellowship?

20 A. It is.

21 Q. And what have they done in this lawsuit to attempt

22 to destroy you?

23 MR. PARSONS: I'm going to instruct the witness

24 not to testify concerning any communication from attorney to

25 you as client.

1 But otherwise, you may testify.

2 THE WITNESS: The fact that they've supplied you

3 with a lot of information, obviously -- misinformation, but

4 nonetheless, it's their view of it.

5 The fact that they have been involved in a

6 litigation with us which they've been losing consistently,

7 and this is probably their only and last-ditch attempt to

8 rescue that.

9 I think this is really the tail wagging the dog of  
10 this particular lawsuit. I think it's their money that's  
11 paying for your -- paying your salaries.

12 MR. FLYNN: Q. On what basis -- what knowledge do  
13 you have -- strike that.

14 What facts do you have that this organization  
15 called Self-Realization Fellowship is paying Mr. Stillman's,  
16 Mr. Greene's or Mr. Flynn's salaries?

17 A. I said, I think. I do not know.

18 Q. Do you have any information of any nature or  
19 description to support your sworn testimony that you believe  
20 that Self-Realization Fellowship is paying our salaries?

21 MR. PARSONS: Again, object to the extent that it  
22 would call for the disclosure of any attorney-client  
23 communication.

24 Otherwise, you may answer.

25 THE WITNESS: Well, let's see if it does.

1 MR. FLYNN: Well, facts are not protected,  
2 Mr. Parsons.

3 THE WITNESS: What's that?

4 MR. STILLMAN: Just because you disclose the  
5 fact --

6 MR. FLYNN: Just because you disclose, it doesn't  
7 mean the fact is protected.

8 THE WITNESS: I didn't follow that reasoning.

9 MR. PARSONS: If I have told you a fact -- in



10 other words, a third party says something -- the  
11 identification of that third party is not protected. But  
12 what I say to you is protected.  
13 THE WITNESS: Right. And anyway, it didn't come  
14 from you.  
15 MR. PARSONS: Well, don't even say that.  
16 MR. STILLMAN: Good. Let's get to it.  
17 MR. FLYNN: Q. What's the rumor?  
18 A. Fairly clear. From Peggy Bat and Kelly Coogan --  
19 is that yes name? Coogan?  
20 Q. Peggy Bat, Bat --  
21 A. I don't know the lady. B-a-t, I think. And  
22 Kelly. I think her last name is Coogan, but I'm not  
23 certain. I don't know her, either.  
24 But they testified to us -- "us" means my agents,  
25 not me -- that (the plaintiff) told them that she was invited to  
1 Mt. Washington, which is the headquarters of  
2 Self-Realization Fellowship; that she was given royal  
3 treatment; that they did everything they could to show their  
4 support for her.  
5 We have the testimony of yourself in all the  
6 things that you are asking me about, letters and so on, that  
7 indicated clearly to me a misinformed, I should add, point  
8 of view, and false information that only juniors in  
9 Self-Realization Fellowship, but ministers, would have,  
10 telling them things about my past of which they have no  
11 direct knowledge. But there may be letters that one could

12 infer this or that from, as you tried to do.

13 From all of that, I see their very close

14 involvement, and concern, for this case. The rest is

15 inference.

16 Q. Let me see if I understand your testimony.

17 You have inferred from the questions I have asked

18 you that I am being paid by Self-Realization Fellowship

19 because the questions contained within them information that

20 I -- you believe I received from Self-Realization

21 Fellowship. Is that correct?

22 MR. PARSONS: I object. That misstates his

23 testimony. It wasn't concerning your compensation. It was

24 concerning SRF's involvement that he was testifying.

25 So I object that that completely misstates his

1 testimony.

2 MR. FLYNN: Q. Can you comment on my question,

3 Mr. Walters?

4 MR. PARSONS: Object. It calls for a narrative.

5 I will let him respond.

6 THE WITNESS: Wednesday, you asked me a long

7 series of questions that indicated that you had reason to

8 believe at least in the possibility of certain facts.

9 They in fact were not facts; but it gave me a very

10 clear indication that you were not beating around in the

11 dark, either.

12 MR. FLYNN: Q. Do you recall your testimony on

13 last Wednesday where you thought I was very ignorant about  
14 this whole subject and who this Yogananda and Daya Mata and  
15 Self-Realization Fellowship are?

16 MR. PARSONS: Objection. Does he recall --

17 MR. FLYNN: Q. Do you recall that testimony?

18 MR. PARSONS: Wait, wait. I'll let him testify to  
19 that question.

20 THE WITNESS: You are. That does not mean you're  
21 ignorant of letters that you might have talked to -- that I  
22 might have -- ministers you might have talked to, letters  
23 that you might have had access to.

24 But as far as a basic point, you showed ignorance.

25 MR. PARSONS: Excuse me. I --

1 MR. FLYNN: Q. And you're aware that we have  
2 subpoenaed --

3 MR. PARSONS: Excuse me, Mr. Flynn. I'd like to  
4 take a break at this time and consult with my client.

5 MR. FLYNN: I'd like two more questions, and then  
6 a break.

7 MR. PARSONS: Well, see, I don't want to take a  
8 break with what might be an important pending question on  
9 the table.

10 I don't think this is an important pending --  
11 there's no important pending question at the moment.

12 MR. FLYNN: Well, they've filed a cross-complaint  
13 naming SRF as a coconspirator.

14 JUDGE PLISKA: Is that the only reason for your

15 wanting --

16 MR. PARSONS: Yes.

17 JUDGE PLISKA: Let him ask one more question.

18 MR. FLYNN: Q. Are you aware that we have

19 obtained documents from this organization called

20 Self-Realization Fellowship relating to you?

21 A. You're telling me so. That makes me away.

22 Q. Other than my mentioning it, are you aware of that?

23 MR. PARSONS: That's assuming his statement is

24 true, Mr. Walters.

25 THE WITNESS: That's right. That's assuming your

1 statement is true. I'm aware that you've said it.

2 MR. FLYNN: Q. Other than my saying it, do you

3 have any evidence or information that we have done that?

4 A. No.

5 Q. And lastly, and then we'll take a break, do you

6 have any evidence or information that Self-Realization

7 Fellowship is paying Mr. Stillman, Mr. Green or myself?

8 MR. PARSONS: Objection. Asked and answered.

9 You may respond.

10 THE WITNESS: Inferential.

11 MR. FLYNN: Q. Inferential from what?

12 MR. PARSONS: Is this 2.5 questions now?

13 Go ahead. Inferential from what?

14 THE WITNESS: Well, I think I've answered it.

15 Their intense concern for our destruction. They have lost;

16 after 5 1/2 years of litigation, they're still losing. They  
17 see this as an opportunity to perhaps win sort of from left  
18 field, and it's inferential.

19 But I don't know who else would pay it. I can't  
20 imagine (the plaintiff) paying it. I can't imagine  
21 your doing it pro bono.

22 So in fact, I can't imagine who else would pay  
23 it. I'd be very interested, if you'd tell me.

24 MR. FLYNN: Q. Okay. Other than what you've just  
25 testified, do you have any other evidence or information?

1 A. No, no evidence.

2 MR. PARSONS: Okay. Break now?

3 MR. FLYNN: How long, Mr. Parsons?

4 MR. PARSONS: 10, 15 minutes.

5 THE VIDEO OPERATOR: Going off the record, the  
6 time is 2:44.

7 (Recess from 2:44 p.m. to 3:02 p.m.)

8 THE VIDEO OPERATOR: Going back on the record, the  
9 time is 3:02.

10 MR. FLYNN: Q. Now, Mr. Walters, would you refer  
11 to --

12 A. I should say, Mr. Flynn, I'm getting very tired.  
13 When I push my energy beyond a certain point, I don't have  
14 any reserves, so please be aware of that.

15 Q. Would you refer to Exhibit 10, please, sir?

16 Now, on the top of the -- of page 7 of Exhibit 10,  
17 second line, you have stated:

18 "What is Divine Mother trying to make happen?"

19 When this much energy comes against us, it has to be for

20 basically one of two reasons as I see it. Either Satan's

21 trying to stop us, and I'm sure he has done his best" --

22 MR. PARSONS: Excuse me, that's --

23 MR. FLYNN: Q. -- "and he sure has done his

24 best, even trying to stop me from writing this book. He has

25 done his best. Or, Divine Mother wants to stop us because

1 we are doing a wrong thing. Now if we are doing a wrong

2 thing, I don't at all exclude that possibility because I

3 want to be honest. But I don't see it for a moment."

4 Now, when --

5 MR. PARSONS: End of quote.

6 MR. FLYNN: Q. End of quote.

7 When you say in this statement, "What is Divine

8 Mother trying to make happen?" what are you referring to?

9 A. Divine Mother is how I address God.

10 Q. So are you saying, what is God trying to do in

11 connection with this (the plaintiff) lawsuit?

12 A. No. I don't think that had anything to do with it.

13 Q. Well, what are you referring to?

14 A. Well --

15 MR. PARSONS: Well, excuse me. I would request

16 that you read the context --

17 THE WITNESS: I did.

18 MR. PARSONS: Oh, you have? Okay.

19 THE WITNESS: Oh, the whole paragraph? I mean, I

20 read what he said.

21 MR. FLYNN: Q. Read whatever you like.

22 MR. PARSONS: Right. In other words, if you are

23 referring to something prior in this same statement, in this

24 letter, whatever this is, then you should read that.

25 THE WITNESS: No.

1 MR. PARSONS: Okay.

2 THE WITNESS: It follows.

3 MR. PARSONS: Okay, very good.

4 MR. FLYNN: Q. What are you referring to when you

5 say, "What is Divine Mother trying to make happen?"

6 A. Well, I'm just trying to be as conscientious as I

7 am capable of being.

8 Is this a good work, which I and many thousands of

9 other people believe it to be; or is there in some way that

10 we're deluded into thinking something is good that is not

11 good?

12 That kind -- it's sort of self-examination, that's

13 what it's about.

14 Q. So when you say -- well, let me ask you this:

15 In light of the declaration that we went into last

16 Wednesday and all of the philosophy that you put in your

17 declaration, do you see this lawsuit as being part of your

18 karma?

19 MR. PARSONS: Okay. I'm going to object, for a

20 couple grounds on this.

21 One, when you say "in light of the declaration,"

22 then I'd like you to specify what portions of that

23 declaration.

24 MR. FLYNN: All right.

25 MR. PARSONS: Second of all -- but even more,

1 because I'm going to instruct him not to answer in a second,

2 when you start talking about this witness's karma, which has

3 been identified as a spiritual concept, I believe inquiring

4 into his karma, his spiritual beliefs and opinions, is way

5 too private and privileged a matter to be the subject matter

6 of any discovery in litigation.

7 ++ So I'm going to instruct this witness not to

8 answer with respect to his karma.

9 And in addition, it's vague, ambiguous, it assumes

10 facts not in evidence, calls for speculation.

11 MR. FLYNN: Q. Let me refer you to pages 15 to

12 17, sir, of your declaration, which you filed in court --

13 A. The declaration.

14 MR. PARSONS: Which declaration?

15 MR. FLYNN: Q. That's been marked as Exhibit 2.

16 A. Page 16?

17 Q. 15, through 17.

18 First of all, you recognize Exhibit 2 as a

19 declaration that you filed in court in support of your

20 motion for summary adjudication. Is that correct?

21 A. Yes.



22 Q. And on -- in paragraph 38 on page 15, you talk  
23 about discriminating between the real in God and the unreal.  
24 And you say, "The law of karma is a fundamental part of this  
25 process," and you refer to various exhibits.

1 Do you see that?

2 A. Yes.

3 Q. All right. And you say in paragraph 40, "Karma  
4 may be described as a system by which the ego learns  
5 ultimately to manifest its innate divine nature. Suffering  
6 is the karmic result of action that is in some way out of  
7 tune with that true nature."

8 Did you read that correctly?

9 MR. PARSONS: Objection. The document speaks for  
10 itself.

11 MR. FLYNN: I want the witness to follow along  
12 here.

13 THE WITNESS: I am doing it.

14 MR. FLYNN: Q. All right. And then in paragraph  
15 41, you say, "The karmic law is quite impersonal. We can  
16 learn from our karma if we have a will to. But it is quite  
17 possible not to will to."

18 And then you give a quote from your book.

19 And in your quote, you say, "An unwise reaction,  
20 for example, to a stolen inheritance would be to try to get  
21 even with the world by cheating others. One who takes this  
22 course will only reinforce the tendency which attracted his  
23 misfortune so in the first place. Thus he will sow the

24 seeds of still greater suffering in the future."

25 Now, is this lawsuit a blessing from Divine Mother

1 to relieve you of your karmic burden, Mr. Walters?

2 ++ MR. PARSONS: I'm going to object again that --

3 obviously, there's no relevancy to this lawsuit, the subject

4 matter of the litigation. It inquires into this witness's

5 private spiritual matters.

6 I'm going to instruct him not to answer on privacy

7 grounds. And in addition it's vague, ambiguous, assumes

8 facts not in evidence.

9 MR. FLYNN: Well, I mean, there's no privacy

10 privilege, per se.

11 MR. PARSONS: Well, there is.

12 MR. FLYNN: That one just goes out.

13 JUDGE PLISKA: What legal authority do you have

14 for him not to answer that, when he puts all of this in a

15 declaration and speaks about it?

16 MR. PARSONS: Well, surely. This is, if you will,

17 a third-party description of karma and the role of karma,

18 the philosophical religious doctrine of karma.

19 This question, however, that's before the witness,

20 goes into his karma.

21 In other words, one can write, for example, about

22 salvation, or finding Christ. But then to ask a particular

23 party where they -- whether they have found Christ, or more

24 in line with this, whether this lawsuit is some divine -- do

25 you believe this lawsuit is some divine retribution for some  
1 sin you've gone -- you've experienced or something, or  
2 whatever would be the equivalent, that intrudes into some of  
3 the most sacrosanct of personal beliefs.

4 JUDGE PLISKA: I'm going to overrule your  
5 objection.

6 Would you please answer the question, Mr. Walters?

7 MR. PARSONS: Could I have it read back?

8 (Record read.)

9 THE WITNESS: How do I know what Divine Mother  
10 wants?

11 MR. FLYNN: Q. Now, when you signed this  
12 declaration under the pains and penalties of perjury, did  
13 you make this declaration based on your personal knowledge?

14 A. To the best of my ability.

15 Q. Would you turn to page 8, please?

16 MR. GREENE: Of Exhibit 10.

17 MR. FLYNN: Q. Of Exhibit 10.

18 MR. PARSONS: Oh, Exhibit 10.

19 THE WITNESS: Yes, okay.

20 MR. PARSONS: What page is this?

21 MR. FLYNN: Page 8.

22 Q. About -- let's see. One, two, three, four, five,  
23 six, seven lines down, you write, "One is that nobody could  
24 have done the kind of work I have done if he were a," and  
25 then it's apparently un --

1 THE WITNESS: Do you see where we are?

2 MR. PARSONS: Yes.

3 THE WITNESS: Okay.

4 MR. FLYNN: Q. "It just wouldn't work. The kind  
5 of energy that I have put out not one of you in this room  
6 and probably no one you have ever met could put out."  
7 Now, what were you referring to when you made that  
8 statement?

9 A. I've --

10 MR. PARSONS: Excuse me. It's vague and ambiguous  
11 as to what he was referring to.

12 He may answer. Go ahead.

13 THE WITNESS: In other words, you mean, what I was  
14 referring to?

15 I was referring to the work that I have done in my  
16 life. The founding of perhaps the only, and certainly the  
17 most successful, spiritual community of its kind in the  
18 world. Writing over 60 books, most of which would have  
19 taken people months to write; I wrote quickly. 300 pieces  
20 of music.

21 An output that's been by any normal standards  
22 extraordinary.

23 MR. FLYNN: Q. Is it your belief that no one else  
24 could have done what you have done?

25 A. Well, in a more general way, that's true for every  
1 one of us. Each one of us is the only person in the  
2 universe who could do what he does.

3 But that's not how I meant it. I meant that I  
4 have a particular blending of qualities that made it  
5 possible for me to do this particular work.

6 Q. Okay. Now, going down a few lines, you say, "You  
7 know me. I am not going to answer any of the charges  
8 because you know me."

9 What were you referring to when you made that  
10 statement?

11 MR. PARSONS: Objection. Vague, ambiguous.

12 You may answer.

13 THE WITNESS: They've -- many of the people there  
14 have been with me 20, 25, even 30 years.

15 MR. FLYNN: Q. Now, you're aware that numerous  
16 women have filed sworn declarations in this case relating to  
17 your sexual conduct with them.

18 Are you aware of that fact?

19 MR. PARSONS: Objection, the term "numerous."

20 Vague, ambiguous.

21 You may answer.

22 THE WITNESS: Exactly, I object for the same  
23 reason.

24 MR. FLYNN: Q. Well, what are you aware of with  
25 regard to declarations having been filed in this case by  
1 women who --

2 A. I'm aware --

3 MR. PARSONS: Wait, excuse me. Let him finish his  
4 question.

5 Were you done with the question?

6 MR. FLYNN: Q. What are you aware of with regard

7 to declarations having been filed in this case by women who

8 claim to have had -- to have been sexually abused by you?

9 A. I'm aware that a handful of women at a certain

10 particular period -- and that's about it.

11 Q. You're aware that (the plaintiff) is claiming that

12 she has been sexually abused by you. Is that correct?

13 A. That's one of the lies.

14 Q. Well, we're going to get into that.

15 Let me show you -- strike that.

16 How are you aware -- strike that.

17 Have you read any of the declarations of any of

18 the women that have been filed in this case?

19 A. Against me?

20 Q. Yes.

21 A. No.

22 Q. Have you read (the plaintiff)'s declaration?

23 A. I am not sure whether I've read her declaration,

24 or her paper through her lawyer.

25 Q. Have you read the lawsuit --

1 A. Yeah.

2 Q. -- the complaint?

3 A. Yes.

4 Q. You've read that?

5 Have you read any of the deposition transcript of

6 (the plaintiff)?

7 A. No.

8 MR. FLYNN: Okay. Would you mark this as 11?

9 (Exhibit 11 was marked.)

10 MR. FLYNN: Q. Is Exhibit 11 -- and after you've

11 had the chance to read it -- something that you authored on

12 or about April 18, 1995?

13 MR. PARSONS: Take a moment, look it over, and

14 then answer his question.

15 THE WITNESS: Well, in general, I'll just say, so

16 as not to read the whole thing, I'm aware that I wrote it.

17 MR. PARSONS: If he asks you a question about it,

18 I would like you to read it before you respond.

19 THE WITNESS: Okay. Okay.

20 MR. FLYNN: Q. Let me know when you're ready.

21 A. (Examining document.) I've read it.

22 Q. Okay. Now, on or about April 18 -- strike that.

23 To whom did you send Exhibit 11?

24 MR. PARSONS: Objection. Assumes facts not in

25 evidence.

1 You may testify as to your knowledge.

2 THE WITNESS: To the people living at Ananda.

3 MR. FLYNN: Q. And on or about --

4 A. Probably in our different communities, also.

5 Q. How many people would you estimate that you sent

6 this to?

7 A. 5- to 600, maybe.

8 Q. Now, is it a fair characterization of Exhibit 11

9 that you refused to defend yourself and respond to the

10 (the plaintiff) declarations?

11 Is that a fair characterization, in this document?

12 MR. PARSONS: I'm going to object. That's

13 compound. The document speaks for itself. I believe your

14 characterization misstates the -- misstates the document.

15 But I'll let the witness answer.

16 MR. FLYNN: Q. That's fine. Did I make a fair

17 characterization of this document?

18 MR. PARSONS: And do you have his characterization

19 in mind?

20 THE WITNESS: I was referring specifically to what

21 I'd heard about the declarations of those women.

22 The other would be a part of the lawsuit, so I

23 would have to defend that.

24 MR. FLYNN: Q. Okay. Is it a fair

25 characterization to say that in this document, you refuse to

1 defend the declaration -- the allegations against you as set

2 forth in the declarations of these other women?

3 MR. PARSONS: Same objection, same instruction.

4 You may answer.

5 THE WITNESS: That's correct.

6 MR. FLYNN: Q. And are you aware that you have

7 filed a declaration under oath in this case in which you

8 claim that those declarations are lies?



9 MR. PARSONS: I object. That mischaracterizes the  
10 declaration.

11 If you're going to make a representation that he's  
12 made such a declaration, then he should be presented with  
13 it, because there was no such declaration filed.

14 MR. FLYNN: I'll do it this way, Mr. Parsons.

15 I'll withdraw that.

16 Q. As you sit here today, have you read the  
17 declarations of other women that have been filed in this  
18 case?

19 A. No.

20 MR. PARSONS: Well, excuse me. That's a different  
21 question than you were asked before.

22 You're asking for any declarations by any women  
23 filed in this case, including the ones referred to in this  
24 document?

25 MR. FLYNN: Please, Mr. Parsons, I'm the one who  
1 does the examination. The question was answered.

2 Q. But in fairness, are you confused, Mr. Walters?

3 Have you read any declaration of any woman filed  
4 in this case relating to your conduct with her by the  
5 plaintiff in this case, (the plaintiff)?

6 A. I don't think so.

7 Q. Now, have you made any effort since the filing of  
8 any of the declarations by any of these women to defend  
9 yourself against any of the allegations in those  
10 declarations?

11 A. No.

12 Q. You say in this letter marked Exhibit 11, "I know  
13 generally what those declarations contain."

14 When you made that statement, what declarations  
15 were you referring to?

16 A. The ones mentioned in the lawsuit.

17 Q. Can you identify any of them?

18 A. There was (woman #7), (woman #2), (woman #1)

19 , (woman #3) -- no, she's got another name

20 now. I forget it.

21 Q. Is it now (woman #3)?

22 A. (woman #3) who?

23 Q. (woman #3).

24 A. That's right, (woman #3). That's all I remember.

25 Q. Was there a (woman #4)?

1 A. I don't know her.

2 Q. Was there a -- we'll get into them in a minute.

3 Let me ask you this: When you make the statement

4 you make in your letter, you're referring to the

5 declarations of the women you just enumerated. Is that

6 correct?

7 A. Yes.

8 Q. And then you say, "Though I have chosen not to

9 read them."

10 Is that still true?

11 A. Yes.

12 Q. "I have read your many declarations on my behalf  
13 and many deeply grateful for your support. Were I to  
14 consider those other letters useful to me -- perhaps as  
15 aids to self-understanding -- I would read them. But  
16 from what I know of them, they are merely dirt intended  
17 to harm and if possible to destroy me. As such, I am  
18 not interested in them."

19 Now, let me ask you --

20 MR. PARSONS: End of quote.

21 MR. FLYNN: Q. End of quote.

22 Now, let me ask you, if those declarations that  
23 you haven't read about your sexual conduct with these women  
24 which they claim to be harassive, abusive and perverted --  
25 if those allegations were true, would they be aids to your  
1 self-understanding?

2 MR. PARSONS: I object. The question is compound,  
3 argumentative, assumes facts not in evidence, misstates the  
4 testimony in those declarations.

5 MR. FLYNN: We're going to get into them,

6 Mr. Parsons.

7 ++ MR. PARSONS: Well, but I've objected to the form  
8 of this question.

9 I instruct this witness not to answer, because it  
10 also asks, then, for his spiritual response to these things.

11 The question is fatally vague and ambiguous as  
12 well.

13 JUDGE PLISKA: No, I would instruct the witness to

14 answer that.

15 Would you answer that, please, Mr. Walters?

16 MR. PARSONS: He's told you to go ahead and answer

17 that question.

18 THE WITNESS: Would you ask it again?

19 MR. PARSONS: Or have it read back?

20 MR. FLYNN: I'll ask it again.

21 Q. If the allegations by these women in these

22 declarations were true about your conduct being harassive

23 and abusive, et cetera, would you consider that to be an aid

24 to your self-understanding?

25 MR. PARSONS: Same objection, but you can answer.

1 THE WITNESS: Yes. The point is, if they were.

2 They are not true; therefore, I don't know. That's a

3 hypothetical question.

4 MR. FLYNN: Q. Now, you've never read the

5 declarations. Is that correct?

6 A. Correct.

7 Q. So how is it that you know that the declarations

8 are not true if you've never read them?

9 A. Because they've been told to me.

10 Q. Who has told you what the content of the

11 declarations is?

12 MR. PARSONS: Don't disclose any communication

13 between attorney and client.

14 Otherwise, you may respond.

15 THE WITNESS: I can't disclose it.

16 MR. FLYNN: Q. Excluding your attorney, did any  
17 person read to you or divulge to you the contents of any of  
18 the declarations of these women?

19 A. Not that I recall.

20 Q. Did Asha Praver disclose to you the contents of  
21 the declarations?

22 A. Not that I recall.

23 Q. Did Sheila Rush reveal to you the contents of the  
24 declarations?

25 A. Yes.

1 Q. Did Vidura Smallen reveal to you the contents of  
2 the declarations?

3 A. Not that I recall.

4 Q. And Sheila Rush is one of the members of your  
5 community?

6 A. Yes.

7 Q. What is her title?

8 A. She is a part of the legal team. She works with  
9 Jon Parsons as one of my two lawyers, our lawyers.

10 Q. Is she licensed to practice in the State of  
11 California?

12 A. That's not within my competence to answer.

13 Q. Does she perform any function at Ananda other than  
14 that of being a lawyer?

15 A. Not at present.

16 Q. At any time in the past has she?

17 A. She's done other works. I don't know exactly what.

18 Q. Can you identify any fact in any of the

19 declarations which you consider to be false?

20 A. I've already told you two. That's enough for

21 now. No, one. The (woman #7).

22 Q. Okay. What fact in the (woman #7)

23 declaration, as you understand it, do you understand to be

24 false?

25 A. There was absolutely no coercion; there was no

1 imposition on her will --

2 MR. PARSONS: Excuse me. I was flipping through

3 my notes here.

4 MR. FLYNN: You interrupted the witness in the

5 middle of an answer, Mr. Parsons.

6 MR. PARSONS: But I wanted to object to it, and

7 I'm objecting as soon as I can.

8 THE WITNESS: I'm sorry, I didn't wait. I should

9 have.

10 MR. PARSONS: The matters which pass -- the

11 personal matters between this witness and (woman #7),

12 which date from 1983 at the latest, are a matter of

13 privacy --

14 THE WITNESS: 1981.

15 MR. PARSONS: '81? '82 I think, too.

16 THE WITNESS: '81.

17 ++ MR. PARSONS: -- are matter of extreme privacy.

18 They were in a marital-like relationship, and I'm asserting

19 privacy on his behalf, as well as that of (woman #7),

20 and I'm instructing him not to answer.

21 MR. FLYNN: There is no such privilege.

22 JUDGE PLISKA: What's the legal basis for this,

23 Mr. Parsons?

24 You have cited general privacy, but what

25 particular -- you say "marital-like." If it's not a legal

1 marriage, I don't know of any privilege that exists.

2 MR. PARSONS: Yes, Your Honor. There's a

3 well-recognized privilege for sexual privacy; for

4 associations as well, associational privacy. The Nevada

5 Bank case. There are several cases. It's actually

6 well-documented and worked up significantly in the law.

7 I'd be happy to present a little brief something

8 to you on it, because the law is very clear: You can

9 inquire into matters of privacy like this, particularly

10 sexual privacy, only in the most extreme of cases.

11 Otherwise, there is no right to inquire into what

12 passed privately between two people, especially of a sexual

13 nature.

14 JUDGE PLISKA: I'm going to overrule your

15 objection. Please answer the question.

16 MR. PARSONS: Excuse me one second, Your Honor.

17 What I'd like to do at this point is confer with

18 my client, because we might have to take a position on this,

19 and I don't want to do it lightly.

20 So could I have about 2 minutes to confer with my  
21 client?

22 MR. STILLMAN: He was in the middle of the answer.

23 JUDGE PLISKA: Well, no, I'll give him -- go  
24 ahead.

25 MR. PARSONS: Thank you.

1 MR. FLYNN: Leave the video on. Stay on the  
2 record.

3 (Discussion off the written record.)

4 MR. PARSONS: Your Honor, I've consulted with my  
5 client on this. These are matters of extreme privacy. The  
6 law on the issue is I think very telling and clear.

7 I understand that you have overruled my objection,  
8 and I'm in kind of in a quandary, in a way.

9 If we proceed at this point and I let the witness  
10 testify, we will, of course -- the toothpaste will be out of  
11 the tube.

12 Therefore, what I would request is that we reserve  
13 these issues so that I can brief them to you. I believe  
14 that the legal authorities will be persuasive on this  
15 issue.

16 And I would request that we move forward with  
17 other matters, reserving these, marking them so that we can  
18 present the issue more fully, as well as making an  
19 appropriate record where the arguments have been fully  
20 briefed and argued, Your Honor.

21 MR. FLYNN: Yes. I disagree. But in order to



22 alleviate the problem, I intend to set a fuller record where  
23 it would become plain that even were there to be some  
24 legally cognizable privilege --

25 MR. STILLMAN: Which there isn't.

1 MR. FLYNN: -- which there is not for these  
2 questions and these series of questions, I will now set a  
3 record with regard to Mr. Walters' own declaration dated  
4 February 22, 1995, where he himself addresses, beginning at  
5 page 11 --

6 MR. PARSONS: Which exhibit is this?

7 MS. RUSH: It's the cross-complaint.

8 MR. FLYNN: Here, I'll give you a copy,  
9 Mr. Parsons. We'll have the court reporter mark it, after I  
10 finish my little soliloquy here.

11 Beginning at page 8, Mr. Walters addresses these  
12 issues, goes on for page after page, and specifically claims  
13 that these allegations are not true.

14 So even if there was a legally recognizable  
15 privilege, which there is not, then Mr. Walters himself has  
16 addressed this in filing, in this court, a declaration in  
17 support of an opposition -- or, strike that -- a declaration  
18 in opposition to a motion to strike.

19 That motion to strike was denied. The cross-claim  
20 has remained in the case. The cross-claim claims that  
21 Mr. Walters and his organization have been defamed as a  
22 result of the claims that he has engaged in inappropriate

23 sexual conduct with all these women. So therefore, it is a  
24 direct issue in the case anyway.

25 He saw fit to try to convince a Superior Court  
1 judge that the allegations were untrue; and therefore, even  
2 if some type of protection, which we deny exists, did exist,  
3 Mr. Parsons, your client and you have waived it.

4 MR. PARSONS: Well, I do -- I would like to have  
5 this fully presented so that you can --

6 JUDGE PLISKA: What do you have to say to his -- I  
7 mean, he -- I don't know of any such privilege, either.

8 And even if I were to allow you to brief it, what  
9 Mr. Flynn says is persuasive: That your client has denied  
10 these things, and he's entitled to inquire about that.

11 MR. PARSONS: Well, Your Honor, the line of cases  
12 goes from -- privilege is recognized. I think it's the  
13 Nevada -- Nevada Valley Bank case which is the leading  
14 California Supreme Court case. There have been numerous  
15 cases which have discussed the privacy right in light of the  
16 sexual privacy.

17 Even when -- in the case -- and this is why I'd  
18 like an opportunity, Your Honor. The cases have discussed  
19 it.

20 In the context of even when statements have been  
21 made, the privilege is still in place and protected, except  
22 for those express statements which were made.

23 JUDGE PLISKA: Well, he's inquiring about these  
24 express statements. It says that everything they say is

25 untrue. He's entitled to question him about that.

1 He makes a declaration under oath in saying all of  
2 these sexual allegations that are made are untrue. It seems  
3 to me he's eminently entitled to question the witness about  
4 those things.

5 MR. PARSONS: Well, he can ask about the specific  
6 statements made here. So in other words, quote -- one of  
7 them, quote, "had sex with numerous women since the early  
8 days of Ananda," end quote.

9 But we submit, Your Honor, that that still doesn't  
10 open a door to all of his private relationships with people,  
11 sexual or otherwise, as long as they're of a confidential,  
12 private nature.

13 JUDGE PLISKA: I think you're taking too strict of  
14 a view of this. I don't think there's any need to reap  
15 anything further. I think it's clear to me that he must  
16 answer those questions.

17 MR. PARSONS: Okay. Well, Your Honor, I do  
18 request that we be given an opportunity to at least preserve  
19 our position for the record.

20 JUDGE PLISKA: Well, you have. I think the record  
21 is clear.

22 MR. GREENE: I'd also just further add that with  
23 respect to each one of the women concerning whom Mr. Walters  
24 has made specific denials of any sexual impropriety, to a  
25 woman, each one of those individuals have filed detailed

1 declarations in this lawsuit.

2 So any kind of third-party privilege, were it

3 applicable, under the circumstances in this case, are not.

4 MR. STILLMAN: Let's get going.

5 THE WITNESS: I would like to make a statement, if

6 I may.

7 MR. PARSONS: Well, yeah.

8 THE WITNESS: I'm not feeling well, and I think I

9 need to take a break now. I need to quit.

10 MR. FLYNN: Okay. That's fine. There's a pending

11 question. After we have that question answered --

12 THE WITNESS: Yes, I'm sorry, but this is the

13 fact.

14 MR. FLYNN: Your Honor, I'd like an answer to the

15 pending question.

16 DR. VAN HOUTEN: Mr. Walters, would you like to

17 quit for health reasons?

18 THE WITNESS: Exactly.

19 DR. VAN HOUTEN: This is Dr. Houten speaking for

20 the record.

21 JUDGE PLISKA: Wait a minute. Wait a minute.

22 You're -- is this something that was discussed out there,

23 that all you need to say is, is there something wrong with

24 your health? I mean --

25 DR. VAN HOUTEN: No, sir.

1 JUDGE PLISKA: Well, why did you have to say

2 something like that? That appears to me like you're

3 coaching him to say something in a particular way so that he  
4 can get this continuance until tomorrow.

5 And I see no reason why he can't answer the one  
6 question that has already been asked.

7 MR. PARSONS: In fact, I would suggest that we get  
8 at least a resolution of what is the current situation on  
9 the table, if you will.

10 So bear with us for a moment here.

11 MR. FLYNN: I'd ask the court reporter to reread  
12 the question.

13 (Record read.)

14 MR. FLYNN: Q. Did you have a sexual  
15 relationship with (woman #7)?

16 MR. PARSONS: Okay. Now, at this point, I'm going  
17 to object on the privacy grounds.

18 I understand Judge Pliska's intended ruling. This  
19 is a matter --

20 JUDGE PLISKA: Not intended ruling. Ruling.

21 MR. PARSONS: I'm sorry, your ruling, yes. I  
22 didn't mean to misstate it. I'm clear that was a ruling.

23 Because the matter is so significant, because it  
24 intrudes so deeply, because I believe the case law is so  
25 clear on this, and because I haven't had an opportunity to

1 fully articulate and cite the cases, I'm going to instruct  
2 the witness not to answer, with all due respect, Your Honor,  
3 notwithstanding the order.

4 JUDGE PLISKA: Okay. I am instructing you to

5 answer, Mr. Walters. Please answer the question.

6 MR. PARSONS: Your Honor, what we'd like to do

7 here is preserve it for judicial review and go up on a writ

8 on this, Your Honor.

9 JUDGE PLISKA: I don't think there's any basis to

10 do that in the middle of a deposition.

11 I'm instructing the witness to answer the

12 question. And you know, I am appointed by the court, and I

13 have to make rulings, and I have to give orders.

14 And I'm ordering you to answer this question,

15 please.

16 THE WITNESS: Your Honor, I'm ruled by my lawyer.

17 You tell me.

18 JUDGE PLISKA: Well, if you don't answer the

19 question, you bear certain -- I mean, I -- I'm the arm of

20 the court at this point. And we're talking about contempt

21 of court, because I have been instructed by the judge of the

22 Superior Court to make rulings at this deposition, and I am

23 making an order that you answer the question.

24 And your disobedience to that order can be a

25 finding of contempt of court.

1 MR. PARSONS: Your Honor, if I may, because of the

2 way you've posed it to the witness -- he is tired. It is

3 quarter till 4:00 in the afternoon.

4 I would request to break at this time so we can

5 consider it and come back tomorrow morning.

6 JUDGE PLISKA: I'll have to deny that.

7 Please answer the question.

8 THE WITNESS: The answer is yes.

9 MR. FLYNN: Q. Okay. Now, you're not feeling

10 well; you wanted to take break.

11 I'd just like to do one more thing. I'd like to

12 mark the -- just so this part of the record will have in it

13 the cross-complaint of Ananda Church of Self Realization,

14 Danny Levin and J. Donald Walters for defamation against

15 (the plaintiff), would you mark that as the next

16 exhibit in order?

17 I have a copy for you, Mr. Parsons, a copy for the

18 judge.

19 MR. FLYNN: Is the declaration of Donald Walters

20 an exhibit yet?

21 (Exhibits 12 and 13 were marked.)

22 (Discussion off the record.)

23 MR. FLYNN: Back on the record. I may have

24 referred to the cross-complaint as Exhibit 12. We've

25 remarked them.

1 The cross-complaint of Mr. Walters is Exhibit 13,

2 and the declaration of Mr. Walters is Exhibit 12.

3 Now, it's apparently the wish of your client to

4 break for the day because he doesn't feel well. I'll leave

5 that up to the referee.

6 JUDGE PLISKA: Yes. No, that's fine.

7 MR. PARSONS: 10 o'clock tomorrow?

8 MR. FLYNN: 10 o'clock tomorrow.

9 THE VIDEO OPERATOR: This is the end of videotape

10 number 5 in the deposition of J. Donald Walters. Going off

11 the record, the time is 3:48.

12 (Time noted, 3:48 p.m.)

13 --o0o--

14

15 \_\_\_\_\_

16 Signature of the Witness