

Deposition of Mr. J. Donald Walters: November 30, 1995

Note:

This is the last of seven days of the deposition of Mr. J. Donald Walters. This part is dated November 30, 1995. Many subjects are covered in a random manor. Oftentimes, the same subject is brought up again in other sections.

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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. 390230

7 ANANDA CHURCH OF GOD

REALIZATION, a California

8 not-for-profit corporation,
et al, Defendants.

_____ /

13 DEPOSITION

14 OF

15 J. DONALD WALTERS

16 VOLUME VII

17 Pages 1059 to 1293

18 _____

19 November 30, 1995

20

21 REPORTED BY:

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1 I N D E X

2 EXAMINATION PAGE

3 BY MR. FLYNN 1063

4 ---oOo---

5 E X H I B I T S

PLAINTIFFS FOR

6 IDENTIFICATION DESCRIPTION PAGE

7 48 Declaration of (woman #3) 1239

in Support of

8 Cross-Defendants' Special Motion to Strike Cross-Complaint

49 The Ananda Villager, Nov. 10, 1289

10 Dwapara 295

1 BE IT REMEMBERED that on Thursday November 30,

2 1995 commencing at the hour of 10:00 o'clock a.m., at the

3 Offices of Tooker & Antz, 131 Steuart Street, Suite 201 San

4 Francisco, California, before me, PATRICIA STEELE, a

5 Certified Shorthand Reporter in and for the County of Contra

6 Costa, State of California, personally appeared

7 J. DONALD WALTERS,

8 called as a witness herein, who, being previously duly sworn,

9 was thereupon examined and interrogated as hereinafter set

10 forth.

11 --o0o--

12 FLYNN, SHERIDAN & TABB, P.O. Box 690, 6125 El

13 Tordo, Rancho Santa Fe, California 92067, represented by

14 MICHAEL J. FLYNN, Attorney at Law, appeared as counsel on

15 behalf of the plaintiff.

16 HUB LAW OFFICES, 711 Sir Francis Drake Boulevard,

17 San Anselmo, California 94960, represented by FORD GREENE,

18 Attorney at Law, appeared as co-counsel on behalf of the

19 plaintiff.

20 JOHN R. PARSONS, 2501 Park Boulevard, Suite 207,

21 Palo Alto, California 94306-1925, represented by JOHN R.

22 PARSONS, Attorney at Law, appeared as counsel on behalf of

23 the defendant.

24 EDWARD W. PLISKA, Judge (Retired), Attorney at

25 Law, COREY, LUZAICH, GEMELLO, MANOS & PLISKA, 700 El Camino

1 Real, Millbrae, California 94030, was present as the Referee.

2 Also Present: Sheila Rush, Dr. Peter Van Houten,

3 John Novak.

4 Videotaped by Kevin Foor, Dan Mottaz Video

5 Productions, One Lansdale Avenue, San Francisco, California

6 94127. (415) 731-1300.01063

1 P R O C E E D I N G S

2 THE VIDEOGRAPHER: Good morning. This is the

3 beginning of videotape No. 17 in the continuation of the

4 deposition of Donald J. Walters --

5 THE WITNESS: J. Donald.

6 THE VIDEOGRAPHER: -- J. Donald Walters in the

7 matter of (the plaintiff) v. Ananda Church of God, et

8 al. Today's date is November 30, 1995 and the time is

9 approximately 10:06 a.m. All other aspects as indicated on

10 the previous tape remain the same and the witness is

11 respectfully reminded he remains under oath.

12 EXAMINATION BY MR. FLYNN

13 BY MR. FLYNN: Q. You understand you are under

14 oath, Mr. Walters?

15 A. I do.

16 Q. During the last 60 days, sir, you have been

17 traveling in India and Italy; is that correct?

18 A. Yes.

19 Q. And are there any other places you have gone other
20 than India or Italy?

21 A. India, Italy, Switzerland, England.

22 Q. And during your travels did you experience any
23 health problems?

24 A. Some.

25 Q. What health problems did you experience?

1 A. Well, mainly stomach problems.

2 Q. Were you treated --

3 A. No.

4 Q. Well, let me finish the question.

5 Were you treated in any way for any condition
6 during the last 60 days for your -- during your travels?

7 A. No.

8 Q. Did you have a doctor monitoring you while you were
9 traveling?

10 A. I did not.

11 Q. Okay. Now let me show you what has been marked as
12 Exhibit 43.

13 This is the original. If I can get a copy for

14 Judge Pliska; I know I have got one somewhere.

15 MR. PARSONS: Is this it right here?

16 MR. FLYNN: Oh, yeah, yeah, thanks.

17 And you have got one? Okay.

18 JUDGE PLISKA: What is the number on that one?

19 MR. FLYNN: This is 43, Judge.

20 JUDGE PLISKA: Thank you.

21 BY MR. FLYNN: Q. Now you are the author of

22 Exhibit 43, Mr. --

23 A. I am.

24 Q. -- Walters?

25 And when did you author it?

1 A. The date's written, I believe. Is it? Yes.

2 Q. Okay. Well, is that the date of distribution or is

3 that the date of your authorship?

4 A. Date, date of completion. Date of authorship,

5 probably.

6 Q. The date that you completed writing the document?

7 A. I have to say I've answered as well as I can. I

8 don't remember whether I completed it that date or wrote it

9 all in one day. It's quite possible I wrote it in one day.

10 Q. Okay. Now do you know whether it was distributed

11 on September 23rd?

12 A. No, it would have been distributed later.

13 Q. Okay. It's got a date of 295 Dwapara on it. I

14 take it that's, that's 1995 --

15 A. Correct.

16 Q. -- per the Western method of dating; is that

17 correct?

18 A. Correct.

19 Q. And 295 Dwapara is the Yuga method of dating based

20 on Sri Yukteswar's analysis of the Yugas --

21 A. Correct.

22 Q. -- as found in "The Holy Science"?

23 A. Correct.

24 Q. Is that correct?

25 MR. PARSONS: Excuse me one second.

1 (Attorney-client conference.)

2 MR. PARSONS: Thank you.

3 BY MR. FLYNN: Q. And Dwapara is the Yoga -- are

4 we in the ascending or the descending cycle, if you know, of

5 the Yoga?

6 A. Ascending.

7 Q. And Dwapara follows Kali?

8 A. Yes.

9 Q. Is that correct?

10 And so we're in the 295th year of the Dwapara Yoga;

11 is that correct?

12 A. Yes.

13 Q. According to -- And that's why you put that date

14 down there?

15 A. Exactly.

16 Q. And there's a 200 year transition period for

17 Dwarpara in the ascending cycle; is that correct?

18 A. Correct.

19 Q. And 100 years transition for Kali?

20 A. Correct.

21 Q. Is that correct?

22 MR. PARSONS: Mr. Flynn, this is the seventh day of
23 this witness' deposition. I, I really don't think the
24 Yoga-Kali type calendar system is at all relevant and I'd ask
25 that we move on so we that can get these depositions over
1 with.

2 MR. FLYNN: Well, the jury may need to know what
3 295 Dwapara means in the event that Mr. Walters is not
4 present and I have to use the videotape.

5 MR. PARSONS: Well, it means 1995.

6 BY MR. FLYNN: Q. Okay. But what it means is that
7 it's a system that you use for dating that you adopted from
8 Sri Yukteswar that he discourses about in the book "The Holy
9 Science"?

10 A. Correct, but I don't think that we need to go into
11 detail to explain it all to the jury.

12 Q. Okay. Well, most people use the 1995 method of
13 dating things in 1995.

14 Now what I would like to know is what is your best
15 memory of when this document was distributed?

16 A. I've no recollection.

17 Q. Would it in the normal routine have been
18 distributed within a few days of the completion of the
19 document by you?

20 A. I believe that it was.

21 Q. And who did it get distributed to?

22 A. This I don't know.

23 Q. In the normal course, when you write documents like

24 this, who do they get distributed to?

25 A. It depends on whom they're written to.

1 Q. Who did you write this to?

2 A. I wrote it to the community members.

3 Q. Okay. Which community?

4 A. Ananda community.

5 Q. Does that include the world-wide Ananda community?

6 A. Yes.

7 Q. So this was distributed throughout the world?

8 A. No.

9 Q. Where was it distributed to?

10 A. It was distributed to our colonies, our

11 communities.

12 Q. And where are they located?

13 A. They're located, they're located in Nevada City,

14 Sacramento, Palo Alto, Portland, Seattle, Dallas, and Assisi

15 in Italy.

16 Q. Okay. Now you write in the last paragraph of the

17 first page, quote, "What about the thousands of people

18 who have been brought to Master's teachings,

19 and changed for the better, by their contact

20 with Ananda? What about all of you who have

21 had your lives changed for the better by

22 living here? What about the things I have

23 done in my life that, many have told me,

24 inspired them?"

25 Now the Master you are talking about in that

1 sentence, is that Yogananda?

2 A. Yes.

3 Q. And the people that live in the Ananda communities,

4 are they disciples of Yogananda?

5 A. We've covered this before.

6 Q. Well, I'd like to have your testimony on this

7 point.

8 A. Again, yes.

9 Q. Okay. And Yogananda is their guru?

10 A. Yes.

11 MR. PARSONS: Excuse me.

12 THE WITNESS: I'll go more slowly. Sorry.

13 MR. PARSONS: Excuse me, yes.

14 Objection. That's compound as phrased. I don't

15 know if this witness can testify as to who these people's

16 guru is.

17 So give me an opportunity to object and then you

18 can respond.

19 THE WITNESS: All right.

20 BY MR. FLYNN: Q. Well, to your knowledge is

21 Yogananda the guru of people who live at, the disciples of

22 Ananada who live at Ananda?

23 A. This is correct.

24 Q. And you are not a guru?

25 A. That also is correct. Excuse me.

1 Q. Would you consider the people who live in Ananda to

2 be your disciples or Yogananda's disciples?

3 A. I've answered that.

4 Q. And the answer is?

5 A. That they're Yogananda's.

6 Q. Okay. Now on the second page you categorize three

7 classifications or categories of attackers. I believe that's

8 the word you use, "attackers"; is that correct?

9 A. Where are we?

10 Q. On the second page. You say, "I have looked next

11 at who our attackers are: They fall into three categories."

12 A. Yes.

13 Q. One is (the plaintiff); is that correct?

14 A. May I just look at this here?

15 (the plaintiff) is listed, yes.

16 Q. And you say that she, quote, "lied repeatedly in

17 her complaint"?

18 A. I do.

19 Q. Yes. And what lies are you referring to there?

20 A. I'd have to look at her complaint again to brush up

21 on it. There are so many it's hard to recognize the truth.

22 Q. Okay. Can you name one?

23 A. Yes, I certainly can.

24 Q. When you were writing this, can you name one lie

25 that you had in mind?

1 A. I certainly can. One lie was that she was harassed

2 by Danny Levin.

3 Q. Okay. Can you name another?

4 A. That she was harassed by me.

5 Q. Can you name another?

6 A. This is enough. I'd have to look at her thing and

7 go through it point by point; otherwise, we could go on

8 saying, "Can you name another?"

9 MR. PARSONS: Excuse me one moment.

10 THE WITNESS: I don't hear you.

11 (Attorney-client conference.)

12 THE WITNESS: Okay.

13 MR. PARSONS: Okay.

14 BY MR. FLYNN: Q. Can you name another lie that

15 you had in mind when you wrote this?

16 A. I just came back from India; it's a little hard.

17 I'll have to think about it. But it had to do with her

18 complaints about unfair treatment, about women's unfair --

19 unfair treatment of women, which is a lie.

20 I don't think I can, without reference to her

21 complaints, come up with more right now.

22 Q. Okay. Now what I'd like to do is ask you about

23 facts as opposed to like characterized conclusions, like you

24 said "harassed by Levin," "harassed by Walters," "complaints

25 about unfair treatment of women." Can you specify any

1 statement that Ms. (the plaintiff) has made which you deem to be a
2 lie?

3 MR. PARSONS: Any statement at any time?

4 BY MR. FLYNN: Q. At any time that you may have
5 had in mind when you wrote this?

6 A. Well, the statement that I watched an obscene
7 movie. I did not watch an obscene movie.

8 Q. Okay. Now is that what she said, in your memory,
9 that you watched an obscene movie with her?

10 A. Yes, in my memory. But again, I, I think I'd have
11 to look at the complaint to get more details.

12 Q. Well --

13 A. Yes, yes, it's what I remember, that, if you are
14 asking that, the fact is I remember it.

15 Q. Well, let me see if I can refresh your memory.

16 Didn't she specify that she watched a movie with you in which
17 a woman was performing oral sex on a male?

18 A. Okay, specifically that?

19 Q. Yes.

20 A. That's a lie.

21 Q. Okay, your testimony is, sir, that no such movie
22 was watched by you and (the plaintiff) together?

23 A. Exactly.

24 Q. Is that correct?

25 A. That is correct.

1 Q. Did you watch a movie with (the plaintiff)?

2 A. This I don't recall, but I don't deny.

3 Q. Do you recall the name of the movie?

4 A. No.

5 Q. Do you recall where you got the movie?

6 A. It would either be one in my library or one that

7 somebody brought from town.

8 Q. When you say "brought from town," you mean rented

9 from a video store?

10 A. Exactly.

11 Q. Who would have rented it from a video store?

12 A. Any one of a number of friends. I mean --

13 Q. Can you identify who they would be?

14 A. No.

15 Q. How many movies do you keep in your library?

16 A. Over a hundred.

17 Q. Can you recall the general subject matter of what

18 the movie was about?

19 A. What movies are about that I have or --

20 Q. No, this movie that you watched with (the plaintiff)?

22 A. No.

23 Q. Can you characterize it as an adventure, a comedy,

24 an action movie, drama, documentary?

25 A. Probably comedy.

1 Q. Comedy?

2 A. Probably.

3 Q. Okay. And do you remember any scene in the movie

4 which had at least a sexual connotation in it about oral sex?

5 A. No.

6 Excuse me, I've got to go to the bathroom. Be

7 right back.

8 (Whereupon, witness left the room.)

9 THE VIDEOGRAPHER: Shall we go off the record?

10 MR. FLYNN: Why don't we just wait rather than stop

11 the camera.

12 How long do you think Mr. Walters will be?

13 MR. PARSONS: Well, based on what I have heard, I

14 expect he will be two or three minutes.

15 MR. FLYNN: Why don't we just keep the cameras

16 rolling.

17 THE VIDEOGRAPHER: Okay.

18 (Short pause in proceedings.)

19 THE WITNESS: Okay.

20 BY MR. FLYNN: Q. In paragraph No. 2 on page 2 of

21 Exhibit 43, sir, you classify the next, second category of

22 attack as being, quote, "A small but vocal handful of

23 people who have, as nearly as I can tell,

24 accomplished nothing in their lives; whose

25 actions seem to be centered solely in the

1 desire to battle" -- "to belittle, to mock,

2 and to destroy."

3 Who are those people that you are referring to in

4 that paragraph?

5 A. Well, I, I have named them before. One of them is
6 Eric Estep, another one is Don Price, another one is Steve
7 Scott, another one is Craig Doctor. There are others whose
8 names I don't, that don't come so readily to mind.

9 Q. And how do you know, sir, that these people are
10 engaged in actions designed to belittle, mock and destroy?

11 A. Well, having known them for many years, I could
12 list many, many reasons. I don't know if you want a whole
13 category?

14 Q. No. In the (the plaintiff) case, what have they done in
15 the (the plaintiff) case to indicate to you that --

16 MR. PARSONS: Wait.

17 BY MR. FLYNN: Q. -- that they're attacking you?

18 A. They've written letters to our people, they've
19 written letters to me. They've gone to The Union. They've
20 threatened to -- when I gave a lecture in Nevada City, they
21 threatened to boycott the lecture and create a scene, such
22 that the newspapers brought a photographer hoping to catch
23 some action. They've talked to different individuals about
24 the case. That's enough.

25 Q. Okay. With regard to this lecture you were going
1 to give, how does that relate to the (the plaintiff) lawsuit?

2 A. That, I think the lecture was after the filing of
3 this, and they were threatening to create a commotion outside
4 the bookshop where I lectured, but nobody showed up.

5 Q. When you say --

6 A. This was after --

7 Q. You mean no one showed up for your lecture or these
8 individuals you have enumerated didn't show up?

9 A. Well, I'd like to be able to say nobody came to the
10 lecture, but in fact, the hall was full, so it was not these
11 people that came.

12 Q. Was it filled with Ananda devotees?

13 A. Not very many, mostly public.

14 Q. Okay. But no one showed up to boycott?

15 A. That's right.

16 Q. But you were warned in advance, I take it from your
17 testimony, that they intended to show up and --

18 A. It wasn't --

19 Q. -- disturb your lecture?

20 A. Sorry, I'm going too fast.

21 It wasn't I who was warned; it was the bookstore
22 owner.

23 Q. Okay. Now in that warning, did that in some way
24 relate to the (the plaintiff) case?

25 A. Because of the timing, I have to presume that.

1 Q. Okay. So this is a presumption on your part?

2 A. Yes.

3 Q. The bookstore owner didn't say anything that
4 related to the (the plaintiff) case?

5 A. I don't remember.

6 Q. Okay. And you put "gone to The Union." I take it

7 that's a newspaper?

8 A. That's correct.

9 Q. And in what way does that relate to the (the plaintiff)

10 case?

11 A. Well, the reporter, Will Holbert, came to that

12 lecture -- I was told. I didn't know him so I wouldn't have

13 known whether he did or didn't. And then these people came

14 to him that next day, I believe. And it's just then that

15 this, this article came out in The Union pressed by them --

16 this is how The Union excused it to us.

17 Q. Okay. I'm still not clear. I take it that these

18 people that you have enumerated in some way went to The Union

19 and told them information about the (the plaintiff) case. Is that

20 what you are trying to say?

21 A. Yes.

22 Q. Okay. What information, to your knowledge, did

23 they give them?

24 A. That it had been filed.

25 Q. Anything else?

1 A. I'm sorry, I don't remember.

2 Q. Did they give them a copy of the complaint, if you

3 know?

4 A. I don't know.

5 Q. Did they give them copies of any documents?

6 A. I don't know.

7 Q. Did they give them copies of any declarations of

8 any women that had been filed?

9 A. Sooner or later they did. I don't know if they did

10 it then.

11 Q. Okay. So I take it you don't, you don't have any

12 idea what they said or gave to The Union newspaper?

13 MR. PARSONS: Objection.

14 BY MR. FLYNN: Q. At this point in time that you

15 are talking about?

16 MR. PARSONS: Objection, that misstates his

17 testimony.

18 You may respond.

19 THE WITNESS: What was the question again?

20 BY MR. FLYNN: Q. Yeah, what, what if anything to

21 your knowledge did these individuals you have enumerated or

22 others who fall into the second category give to The Union

23 that related to (the plaintiff) case?

24 A. Well, I'd have to think about it.

25 MR. PARSONS: And he's already testified, I believe

1 it's his testimony that they informed the reporter of the

2 case.

3 MR. FLYNN: Well, see, this is where I am unclear.

4 Q. Go ahead and answer, Mr. Walters, if you can.

5 A. I think they gave him the complaint itself, as I

6 think it over. They were in touch with Ford Greene. I

7 believe it wasn't quite yet then that they got in touch with

8 you, but at some point along the line the reporter talked to

9 you. It may have been that first article. You'd know that.

10 Q. Well, I didn't get involved until sometime, I think

11 it was in May or June of '95. So you are talking about a

12 period within weeks after --

13 A. I'm not able to say.

14 Q. -- filing of the complaint; is that correct?

15 A. I don't know.

16 Q. Well, what article in the newspaper are you

17 referring to?

18 A. When the court case was filed in San Jose, an

19 article came out in the San Jose Mercury News, and then these

20 people were pressing, these people that I have enumerated in

21 paragraph 2, were pressing -- this is the way the reporter

22 told it to our people -- to get an article printed in The

23 Union. And Will Holbert called us on it and said that

24 "they're pushing so hard that we have to do this."

25 And I have had no direct contact with Will Holbert

1 myself, so I can't speak from direct knowledge.

2 Q. Who are "our people" that you are referring to?

3 A. People in our office.

4 Q. Who?

5 A. Probably John Smallen, but there would be others.

6 Q. Okay. And then John Smallen told you that these

7 people, to use your words, were "pushing" The Union to

8 publish something?

9 A. Yes.

10 Q. Okay. So do you have any direct personal knowledge
11 of any documents that anyone gave to The Union relating to
12 the (the plaintiff) case?

13 A. None.

14 Q. Do you have any direct personal knowledge of any
15 information verbally that any individual gave to The Union
16 relating to the (the plaintiff) case?

17 A. It depends on how you mean, what you mean by direct
18 or personal.

19 Q. Well, that Will Holberg or someone at The Union
20 newspaper told you.

21 A. Well, I have already said that I haven't talked to
22 him.

23 Q. Okay. So this is something that Smallen and/or
24 others have told you?

25 A. Correct.

1 Q. Have they, have Smallen or anyone else, identified
2 any documents given to The Union by anybody relating to the
3 (the plaintiff) case, to you?

4 A. I don't know.

5 Q. Have they identified any information given to The
6 Union, these -- let me restate that.

7 Has Smallen or any other people in your office
8 identified any information to you given by some of these
9 people you have enumerated to The Union?

10 A. I don't recall.

11 Q. Okay. Now the other item you mentioned is that

12 they wrote letters. What letters did they write, these

13 people you have enumerated?

14 A. This is in paragraph 2 still?

15 Q. Yeah, this, I had asked you about what they did,

16 what actions they engaged in.

17 A. It isn't stated here.

18 Q. No, I know. You testified, sir --

19 A. I see.

20 Q. -- that they wrote letters, they went to The Union,

21 they boycotted a lecture, and they talked to other

22 individuals, is the way you put it. Now what letters did

23 they write?

24 A. Well, Eric Estep, possibly under the name of

25 Sundaram, wrote a letter to all the community. When, I don't

1 remember. What it was about, I didn't read it. I read

2 enough to know that it was untrue.

3 No, my memory is not very sharp on this right now.

4 I have been out of the country till just the day before

5 yesterday and my mind's been elsewhere.

6 Q. When you say the letter was untrue, did you sue

7 Mr. Estep for libel?

8 A. No.

9 Q. What in the letter was untrue?

10 A. Well, let's see, he was quoting things that were

11 supposed to have been said to me that were not said to me.

12 Q. Okay. How did that letter, if at all, relate to

13 the (the plaintiff) case?

14 A. I don't remember any more.

15 Q. Was the letter written before the (the plaintiff) case?

16 A. I don't remember.

17 Q. Do you know the approximate time of the year the

18 letter was -- well, strike that. Do you know what year the

19 letter was written?

20 A. I do not.

21 Q. Was it in 1994?

22 A. I have already said I do not know.

23 Q. Was it in 1993?

24 A. The answer is the same.

25 Q. Was it written when (the plaintiff) was still

1 a member of Ananda?

2 A. I think it was since then; it had to be since then.

3 Q. Did anything in the letter relate in any way to the

4 (the plaintiff) case?

5 A. I didn't read the letter.

6 Q. Okay. Now can you identify anything that any of

7 these people that you have enumerated, or anyone else did, to

8 attack you or your organization as it relates in some way to

9 the (the plaintiff) case?

10 A. Again my -- I'd have to -- I don't, it doesn't come

11 to mind.

12 Q. Okay. The third category of your attackers,

13 quote/unquote, is SRF. That's this other religious
14 organization that, that you believe is financing this
15 litigation, Mr. Walters?

16 A. Correct.

17 Q. And you believe that the attorneys, namely myself
18 and Flynn, Sheridan & Tabb, and Mr. Greene are receiving
19 money from this organization; is that correct?

20 A. Correct.

21 Q. Well, I will state at this point on the record
22 categorically that no attorney has ever received a nickel in
23 the (the plaintiff) matter from SRF.

24 A. Then I would say that they gave it to somebody else
25 to give to you.

1 Q. I will say categorically on the record that to my
2 knowledge SRF has not contributed a nickel to any person that
3 indirectly or in any way has ever ended up in this case.

4 A. That's an interesting statement.

5 MR. PARSONS: Yes.

6 BY MR. FLYNN: Q. Yes. And it will bear out to be
7 true, sir; that I assure you of. Now --

8 MR. PARSONS: I am interested in source of this
9 knowledge.

10 MR. FLYNN: What's that?

11 MR. PARSONS: I am interested in his ability to
12 make that statement, but never mind.

13 THE WITNESS: Yes.

14 BY MR. FLYNN: Q. What is it, sir, that, in
15 connection with the (the plaintiff) case, that SRF has done that
16 caused you to write what you wrote in paragraph 3?

17 A. We've written a whole letter on that. Perhaps we
18 could refer to that letter.

19 Q. Well, yeah, I don't know where to go fishing around
20 for a letter. Can you -- without the letter, can you tell
21 me, identify one thing that you had in mind when you wrote
22 this paragraph that SRF had done in connection with the
23 (the plaintiff) case?

24 A. Well, I can, I can refer to a number of things.

25 One -- just a moment.

1 (Attorney-client conference.)

2 THE WITNESS: Okay.

3 Well, we, we've heard, I think it's true, that
4 Anna-Marie went to Mount Washington, which is the
5 headquarters of Self-Realization Fellowship, was given lunch
6 by Daya Mata -- something she would never do normally --
7 given private interviews by a number of leaders down there,
8 allowed to meditate in Yogananda's room, which was closed to
9 the public because, I think, of earthquake repairs, I'm not
10 sure, and given all sorts of encouragement at that, that
11 meeting. Quite obviously, the inference is clear. That's
12 one very strong statement, evidence.

13 When I was in India recently, I was told that

14 somebody was talking about these depositions, which were

15 supposed to be private and confidential, and saying that I
16 admitted everything, which I have not. But where would they
17 have gotten that except -- I mean it was somebody in SRF who
18 heard it. I assume that you told them, or if not you --

19 BY MR. FLYNN: Q. "You" being Michael Flynn?

20 A. Quite right, or Ford Greene or one of your team,
21 that you told them. And although the report was untrue, it
22 could not have come without knowledge of these supposedly
23 private depositions.

24 And SRF was very happy to have this news, at least
25 we must assume their happiness, from their freedom, the
1 freedom with which they circulated these false reports.

2 Q. Okay. Who told you that Michael Flynn or Ford
3 Greene had disseminated information from your deposition to
4 SRF?

5 A. That's inference.

6 Q. On what basis are you drawing the inference?

7 A. The, the report that was being circulated in India.

8 Q. Report from who? I don't mean to interrupt you
9 but --

10 MR. PARSONS: Well, you are.

11 BY MR. FLYNN: Q. I know I am interrupting. I'd
12 like to find out who, sir, made any statement to you, and
13 then we'll get into the content.

14 A. Who?

15 Q. Who made -- I'll withdraw my prior question.

16 Who made any statement to you in this so-called,
17 quote, "report," that you referred to that information from
18 your deposition had been disseminated to SRF by Michael Flynn
19 or Ford Greene?

20 MR. PARSONS: Okay, I do have a statement here. I
21 do request that once you have asked a question and the
22 witness is responding to that question, you not stop his
23 response and ask a different question.

24 MR. FLYNN: Fine, fair enough. That's obviously
25 agreeable.

1 MR. PARSONS: Okay.

2 MR. FLYNN: But in light of the rambling nature of
3 some of the responses, I'd like to pin some of this down,
4 Mr. Parsons.

5 Q. Who, Mr. Walters, told you that, what you have
6 testified to?

7 MR. PARSONS: Vague as to what he's testified to
8 and vague as to "that."

9 BY MR. FLYNN: Q. That Michael Flynn and Ford
10 Greene gave information from your deposition to SRF?

11 A. That was not --

12 Q. Who told you that?

13 A. That was not my testimony.

14 Q. All right. You testified about a report. Who did
15 you get the report from?

16 A. The person, I'm going to claim third-party

17 confidentiality; he, he would not want his name known. The
18 person who told him was Brother Shantananda in India, who is
19 the head of the work there. And he did not mention Flynn,
20 Greene, anything, but the things that they were mentioning
21 could only have -- did only come out of this deposition.

22 Q. All right. I'd like, I'd like to know the person
23 who told you that information from this deposition had been
24 disseminated. I want that person identified --

25 A. I'm not going to give it to you.

1 Q. -- because I'd like to depose them.

2 A. I'm not going to give it to you.

3 MR. PARSONS: Excuse me one second.

4 (Attorney-client conference.)

5 THE WITNESS: I don't want to give their name
6 because, his name because I don't want him to get, to feel
7 exposed. I don't want him to feel that he can tell me
8 something in confidence and then I blurt it out to the world,
9 which is in fact what happens when I say anything in this
10 deposition.

11 BY MR. FLYNN: Q. I'm sorry, sir, but you are now
12 implicating me and my law firm --

13 A. I am.

14 Q. -- in some serious issues and I want to know who
15 the person is.

16 A. I'm not going to tell you.

17 MR. FLYNN: Your Honor, I'd like a ruling.

18 THE WITNESS: I don't feel, I don't feel I have a
19 right to break a confidence.

20 JUDGE PLISKA: I'm afraid in your deposition,
21 Mr. Walters, that you are going to have to answer this. You
22 have told about these reports; he's entitled to know who gave
23 you that information.

24 THE WITNESS: Even if it's confidential?

25 JUDGE PLISKA: Yes.

1 THE WITNESS: That's not fair to him. I don't care
2 about telling it; it's for his sake.

3 MR. PARSONS: Well, this is -- I tell you what.
4 It's about time for the blood pressure check anyway, and it
5 might benefit --

6 JUDGE PLISKA: No, I think he needs to answer this
7 question, and then you will get your blood pressure checked.
8 You can't pick a convenient time for this.

9 MR. PARSONS: No, I was going to talk with him and
10 see --

11 THE WITNESS: Okay, let's talk it over, because I
12 honestly do not see --

13 JUDGE PLISKA: Well, Mr. Walters --

14 THE WITNESS: -- how I can betray a confidence.

15 JUDGE PLISKA: You have made allegations, you have
16 told that those allegations came from reports by somebody.
17 He is very definitely under the law entitled to know now who
18 told you this.

19 THE WITNESS: But I did tell who told this person.

20 JUDGE PLISKA: You have got to tell who told you.

21 He's entitled to know that.

22 THE WITNESS: Really?

23 JUDGE PLISKA: Yes.

24 (Attorney-client conference.)

25 THE WITNESS: Okay. Well, it's no big deal, but

1 his, I just -- when somebody tells you something in

2 confidence, you want to honor that; however, it's not going

3 to hurt --

4 MR. PARSONS: I, I should say, by, by the way, that

5 you have attempted to protect that confidentiality; you are

6 under compulsion to disclose it now.

7 THE WITNESS: Okay.

8 MR. PARSONS: There's a protective order in place,

9 which, if everyone obeys that order, this is never going to

10 get out. So, you know, I, I believe you have, you have

11 performed good faith efforts to protect them.

12 THE WITNESS: Okay, it's Devi Mukherjei.

13 BY MR. FLYNN: Q. Debi -- would you spell the last

14 name, please.

15 A. M-U-K-H-E-R-J -- something or other, either double

16 E or E-A or I.

17 Q. And where does she live?

18 A. He.

19 Q. He. Oh, Devi?

20 A. Yes.

21 Q. Devi or Debi?

22 A. Both. Either way. It's Bengali that pronounce it

23 Debi. You see, the reason -- we obviously know it's a

24 feminine name, but it's Devi Persad, which means gift of the

25 goddess.

1 Q. Regardless of the pronunciation, how is it spelled,

2 sir?

3 A. D-E-V- -- B-I, I guess.

4 Q. D-E-V-I, okay. And where does Devi Mukherjei live?

5 A. Calcutta.

6 Q. Do you have a street address?

7 A. No.

8 Q. Okay. And who did Devi Mukherjei report to who

9 reported to you? Can I have that name again? You mentioned

10 something?

11 A. Shantananda.

12 Q. Brother, did you say?

13 A. Uh-huh, or swami, I'm not sure which it is.

14 Q. Can you spell that?

15 MR. PARSONS: I believe, however, your question is

16 misstated. You asked who did Devi report to who reported to

17 Mr. Walters. That wasn't his testimony.

18 THE WITNESS: No.

19 BY MR. FLYNN: Q. Okay. How does Shantananda fit

20 into the picture here?

21 A. Shantananda told Devi.

22 Q. Okay. Can you spell Shantananda's name for me,

23 please.

24 A. S-H-A-N-T-A-N-A-N-D-A.

25 Q. And where does Brother Shantananda live?

1 A. I don't know.

2 Q. Does he live in India?

3 A. Yes.

4 Q. It sounds like he may live in India.

5 A. Yes, yes, he's in charge of the SRF work there, but

6 where he lives, I don't know.

7 Q. In charge of the SRF work in India, okay.

8 Now, just a couple more minutes and then we'll take

9 your blood pressure break.

10 As closely as you can remember or as specifically

11 as you can remember, what did Devi Mukherjei say that Brother

12 Shantananda said?

13 A. That they accused me of sexual harassment and that

14 I admitted everything --

15 Q. Who's --

16 A. -- in my deposition.

17 Q. Who's the "they"?

18 A. They, he didn't specify. They just spoke about

19 this lawsuit.

20 Q. Okay. Mukherjei did not specify who the "they"

21 were?

22 A. No. He talked about this being a lawsuit, but he
23 didn't speak of, he didn't speak of it in detail.

24 Q. Okay. And then the statement was made that you
25 admitted the sexual harassment in your deposition; is that
1 correct?

2 A. Yes.

3 Q. And who did Mukherjee say divulged that you had
4 admitted to sexual harassment in your deposition?

5 A. Say that again.

6 Q. Did Mukherjee identify anyone who had divulged the
7 admission by you of your sexual harassment --

8 MR. PARSONS: I'll --

9 BY MR. FLYNN: Q. -- in your deposition?

10 MR. PARSONS: I'll object, but I'll allow him to
11 testify as to what Mukherjee said or --

12 MR. FLYNN: Yeah, that's what I want to know.

13 MR. PARSONS: Oh, I'm sorry. Go ahead.

14 THE WITNESS: He said that Brother Anandamoy and
15 this other brother, whose name I keep getting wrong but I
16 think it's something like Vishudananda --

17 BY MR. FLYNN: Q. What was that again?

18 A. Anandamoy, A-N-A-N-D-A-M-O-Y.

19 Q. Yeah.

20 A. And Vishudananda, but I may have that name wrong,
21 and you can spell it as well as I can. I've no idea; I mean
22 I haven't seen it written.

23 Q. Okay.

24 A. That they -- Anandamoy came to India early this

25 year to dedicate the new temple in Ranchi. So he was not

1 scheduled to come to India at all, but he came, and 15 days

2 ahead of his usual schedule, the normal time that he would

3 have come. Now whatever that means, it wasn't specified.

4 But he came, and then after that, Shantananda told him these

5 things.

6 Now Devi didn't hear from Shantananda all this

7 information; he got it because he goes to the services.

8 Q. I'll try it again. What did Devi say to you?

9 A. I'm telling you what he said. These are things he

10 said.

11 Q. Okay. Did --

12 A. This isn't all that he said either.

13 Q. Well, what he else did he said?

14 A. Well, I was in middle of it and you interrupted me.

15 Q. I'm sorry, go ahead.

16 A. So he said that they came here early and their

17 great interest was to know what my movements were. He wanted

18 Devi to spy on, on me for them. He, Shantananda did. That

19 they wanted to know what my purpose in going to India was.

20 They were anxious to know what I was doing in Calcutta, whom

21 I was seeing. How they found out all the information, I

22 don't know, but they seemed to know everybody I had dinner

23 with, every home I visited. All of this was, were things

24 Devi Mukherjei told me.

25 Q. Okay. What did Mukherjei say about the (the plaintiff)
1 lawsuit?

2 A. He told me he thinks it's a total lie.

3 Q. Okay. What else did Mukherjei say about the
4 (the plaintiff) lawsuit?

5 A. That's really the extent of it.

6 Q. What did Mukherjei say about your deposition in the
7 (the plaintiff) lawsuit?

8 A. It didn't come up in the context of the deposition.

9 It only came up in the context of things that I declared
10 under oath, which was a lie but --

11 Q. Okay, what came up in the context of things you had
12 declared under oath in your conversation with Mukherjei?

13 A. The fact that, the statement that I had made these
14 admissions.

15 Q. Okay. Mukherjei said to you that in your
16 deposition you had made admissions of sexual harassment; is
17 that correct?

18 A. No.

19 Shall we take that break?

20 Q. No. Just before we take the break, what did he say
21 about your admissions in your deposition about sexual
22 harassment?

23 A. He didn't use the word "deposition"; he said under
24 oath, so what's the difference? But he didn't use the word

25 "deposition." That's what makes it -- that's what I had to
1 clarify.

2 Q. Okay. Can you tell me as closely as you can recall
3 what he said that led you to believe that the information had
4 come from Michael Flynn and/or Ford Greene about your
5 admissions?

6 A. The fact that the information came out and that we
7 would not have told it, so who else could?

8 Q. All right, I'll try it one more time. Regardless
9 of the inferences you may want to draw, what did Mukherjei
10 say, as closely as you can recall, about your admissions?

11 A. I have already told you everything.

12 Q. All right, let me see if I can recharacterize it.
13 Everything, from what I gather from what you have said, is
14 that Mukherjei said that under oath you had admitted sexual
15 harassment; is that correct?

16 A. It's not correct.

17 Q. All right. In what way is it not correct?

18 A. It's not correct because he didn't say that. He
19 said they said that, and he said he didn't believe it for a
20 moment.

21 Q. And who's the "they"?

22 A. "They" means Shantananda and whoever gave the
23 information to Shantananda.

24 Q. Okay, Mukherjei said that Shantananda said that you
25 had admitted to sexual harassment in your deposition; is that

1 correct?

2 MR. PARSONS: Again, that misstates it. The word

3 was "under oath."

4 BY MR. FLYNN: Q. Under oath, correct. Is that

5 statement correct?

6 A. I'm not entirely sure where he got this particular

7 statement because now -- I tried to get the information clear

8 from him, and he talked of having spoken with Shantananda.

9 It must be that way, that he got it, that he said he got it

10 from Shantananda, but what he was talking about more

11 specifically with Shantananda was -- now that I'm thinking

12 about it -- with regard to my movements in India.

13 Q. I think I -- I, I must confess frustration. Why

14 don't we take a break? I think I am going to have to give up

15 on this area.

16 THE VIDEOGRAPHER: It's 10:49. We're going off the

17 record.

18 (Recess taken.)

19 THE VIDEOGRAPHER: We are back on the record. It

20 is 10:55.

21 BY MR. FLYNN: Q. All right, let's go back to this

22 first, the first category; I give up on the second one.

23 With regard to Ms. (the plaintiff) going to Mount

24 Washington and meeting Daya Mata and having private

25 interviews and getting encouragement, what does that have to

1 do with the (the plaintiff) case?

2 A. The inference is very strong.

3 Q. What's the inference?

4 A. Mr. Flynn, you are not a fool, I'm not a fool. You

5 know what I am talking about.

6 Q. Just, please, sir, would you tell me what the

7 inference is.

8 A. Okay.

9 MR. PARSONS: Excuse me one moment. Wait.

10 (Attorney-client conference.)

11 MR. PARSONS: Can I have that last question read

12 back, please?

13 BY MR. FLYNN: Q. Yes, what's the inference?

14 A. The inference is that after she, while she was --

15 okay, the whole story as I knew it is, and it's been

16 explained in our declarations and so on; in her declarations,

17 I believe, but I'm not sure.

18 She went to the SRF temple, met Eric Estep; Eric

19 Estep took her down to Mount Washington after he heard about

20 her complaints, introduced her to Daya Mata. Daya Mata, who

21 never sees anybody, talked to her. Daya Mata, who wouldn't

22 have had lunch with her as a new person, had lunch with her.

23 All of this makes it clear that she's interested. Is it

24 proof? No, this is inference, but it's very clear inference.

25 Q. Inference of what?

1 A. Of their interest in (the plaintiff)'s complaints.

2 Q. Is it your testimony that it's SRF that instructed

3 (the plaintiff) to file this lawsuit?

4 A. I don't know about that.

5 Q. Well, it's your belief, sir, that SRF is

6 financially supporting this lawsuit?

7 A. Yes.

8 Q. Okay. And we already -- you have no facts to

9 support that; is that correct?

10 A. I have facts that are circumstantial.

11 Q. Okay. What are the circumstantial facts?

12 A. I have just several times stated them.

13 Q. This meeting with Daya Mata and the private

14 interviews at Mount Washington; is that correct?

15 MR. PARSONS: Well, and the other things he's

16 already explained.

17 BY MR. FLYNN: Q. What other things?

18 A. It's on all on the record; I don't need to repeat

19 it.

20 MR. PARSONS: He's given you a list.

21 BY MR. FLYNN: Q. Have you made any effort to get

22 any discovery from (the plaintiff) or from SRF as to

23 any financial contributions they've made?

24 MR. PARSONS: Objection as to whether the

25 defendants have made an effort to get discovery. That's

1 inappropriate to ask a party.

2 THE WITNESS: Yes. You see, I'm not, I'm not --

3 BY MR. FLYNN: Q. You don't know anything about

4 that?

5 A. Right.

6 Q. Okay. Let me show you a letter that Asha Praver

7 wrote, which has been marked as Exhibit 4. Asha Praver is

8 one of the -- Asha Praver is one of the leaders of the Ananda

9 community; is that correct?

10 A. Yes.

11 Q. Now in this letter Asha Praver says that (the plaintiff)

12 is mocking and blaspheming the same teachings that

13 apparently SRF holds sacred; is that correct?

14 A. How do I know if it's correct? I wasn't present.

15 Q. Well, have you read this letter before?

16 A. I have -- are you asking me is it correct that she

17 wrote it? Yes, that must be correct; I see it.

18 MR. PARSONS: Okay, yeah. And if it's a question

19 of what the letter says, I object. The letter obviously

20 speaks for itself.

21 THE WITNESS: But I wasn't at the deposition.

22 BY MR. FLYNN: Q. Well, did Asha Praver tell you

23 at any time that (the plaintiff) mocked and blasphemed

24 Yogananda's teachings?

25 A. Yes.

1 Q. She did? Okay. Now did you draw an inference from

2 that that (the plaintiff) was against Yogananda's

3 teachings and opposed to SRF?

4 MR. PARSONS: Objection, compound.

5 THE WITNESS: Objection, compound.

6 BY MR. FLYNN: Q. Did you draw any such
7 inferences?

8 A. Which inference?

9 Q. That (the plaintiff) was opposed to SRF?

10 MR. PARSONS: Was opposed to SRF?

11 BY MR. FLYNN: Q. Yes. After Asha Praver told you
12 that (the plaintiff) had blasphemed Yogananda's
13 teachings?

14 A. I don't know about the SRF. I, I, from what I have
15 heard from Asha Praver, she blasphemed the teachings. I
16 don't know what she said about the organization. I don't
17 think she said anything.

18 Q. Okay. Well, did you draw any inference that she
19 was opposed to Yogananda's teachings from what Asha Praver
20 told you?

21 A. Yes.

22 Q. And did you draw any inference that,
23 notwithstanding (the plaintiff)'s opposition to
24 Yogananda's teachings, that it would be inconsistent that SRF
25 was financially supporting her?

1 A. I don't remember.

2 Q. Okay. Can I have Exhibit 4 back, please?

3 Now let's go down to the bottom of the page. On
4 page 2 of Exhibit 43, you write, "(the plaintiff)'s legal team
5 numbers five people: a lawyer from Boston" -- is that -- you

6 mean me there; is that correct?

7 A. Yeah, I mean you; I haven't named you.

8 Q. Okay. "One from Southern California." Is that

9 Phil Stillman, my partner?

10 A. Correct.

11 Q. "Another from Marin County." Is that Ford Greene?

12 A. Correct.

13 Q. "And two paralegals from Southern California." Who

14 are they?

15 A. I don't remember their names. You could tell me.

16 Q. And you write, "Where is the money coming from to

17 pay for all this? Certainly these people are not donating

18 their labors free of charge."

19 What led you to believe that?

20 A. How am I going to answer that question? I can't

21 believe that you would do this much work free of charge.

22 Q. Did you entertain at the time that we may be doing

23 this in order to balance the playing field between you as a

24 large organization and (the plaintiff) as a single

25 woman?

1 A. No, I didn't, and it doesn't.

2 Q. Okay. "The cost of the depositions must be up to

3 \$10,000 a day." Where did you get that information?

4 A. Well, we talked about it and it seemed like it

5 added up to that, but I, I have not got an accounting sheet

6 here to tell me that.

7 Q. Okay. "Only SRF has that kind of money." Do you

8 believe that to be a truthful statement?

9 A. Who else would?

10 Q. Well, do you know anything about the net worths of

11 Flynn, Sheridan and Tabb?

12 A. Nothing.

13 Q. And do you know anything about the history of

14 Flynn, Sheridan and Tabb to participate in lawsuits where

15 they believe that justice is needed to be done?

16 A. I don't.

17 Q. And do you know anything about the history of

18 Flynn, Sheridan and Tabb to put up money in lawsuits, to

19 finance the lawsuits if they believe that justice needs to be

20 done?

21 A. Are you telling me you are financing it?

22 Q. Yes. Absolutely, Mr. Walters.

23 A. With your money?

24 Q. With my money?

25 A. Knowing nothing about this case, you put that much

1 money into it? You don't know me, you don't know Ananda. I

2 can't believe that.

3 Q. Okay. Well, that's fine. Did you do any research

4 or investigation of any nature or description before you

5 wrote this to find out where the money was coming from to

6 support this lawsuit?

7 A. I did no research.

8 Q. So when you wrote this --

9 A. It's inference.

10 Q. Then you write, "Again, SRF has shown an obsession,
11 since their own lawsuit began, with winning against us at all
12 costs." On what basis do you make that statement in
13 connection with the (the plaintiff) case?

14 A. I spoke about it in connection with the case they
15 filed against us.

16 Q. Okay. Not the (the plaintiff) case?

17 A. The inference from that is that they would do
18 anything that they can to win.

19 Q. Including pay funds from a charitable, nonprofit
20 organization to a private law firm to finance a lawsuit in
21 which they had no interest; is that correct?

22 A. That's my belief.

23 Q. Have you done anything to look at their public
24 filings with the Internal Revenue Service in connection with
25 their nonprofit status?

1 A. Not yet.

2 Q. I suggest you do.

3 "The three (the plaintiff)" -- quote, "The three
4 (the plaintiff) lawyers have shown that lying, for them, is an
5 art." Now you are accusing us of lying, Mr. Walters.

6 A. I am.

7 Q. Okay. On what basis do you make that accusation?

8 A. Well, I read your papers and they were full of

9 twistings of things that we said and turning them into
10 untruths.

11 Q. Okay. Can you begin to enumerate what you read in
12 the papers where we, where the lawyers lied?

13 A. I would have to go through it and then I'd be able
14 to answer you. It's been quite a long time now since I've
15 read it.

16 Q. What do you want to go through?

17 A. Your briefs, your papers, everything.

18 Q. When you wrote this, did you have those papers in
19 front of you?

20 A. I had had them in front of me.

21 Q. Well, when you wrote this publication did you have
22 any of the briefs in front of you?

23 A. I had had them in front of me.

24 Q. Okay. What briefs did you have in front of you
25 when you wrote this publication?

1 A. Sir, I don't know. But the briefs that come with
2 the court case. I, I can't -- I'm not a lawyer, I don't know
3 how you name these different things. But it was the, the
4 complaint, the answer, the -- and reply. I, I don't know,
5 but it was your writing.

6 Q. Okay. Can you identify one fact you deemed to be a
7 lie when you wrote this?

8 A. I would like to see that before I could make a
9 statement.

10 Q. Well, let me ask you this then. Before you would

11 approve this for publication, did you check those briefs that

12 you referred to to determine what lies you were referring to?

13 A. I knew very well how many there were; I had read

14 them myself. Did I check it again? No. I didn't have to;

15 I'd read it.

16 Q. And in what way did you determine that the papers

17 contained lies?

18 A. Sir, I, I would not answer that without seeing the

19 papers now.

20 Q. Can you identify any, can you identify one paper

21 that you need to see?

22 A. No. I'd need to see them.

23 MR. PARSONS: But he's already described the

24 category or type of papers.

25 BY MR. FLYNN: Q. Can you identify one paper that

1 you saw prior to writing this publication?

2 A. I, I can't identify things without seeing them.

3 I'm not a lawyer; I don't know how to name these things. But

4 did I see them? Yes, I did see them. Could I identify them

5 if you showed them to me? I definitely could. There wasn't

6 one; there were many.

7 Q. Can you identify, can you name one?

8 A. No.

9 Q. Okay. Quote, "They have shown themselves

10 determined to mock goodness." Let's stop there. What

11 goodness -- strike that. The "they" I assume you are

12 referring to is the three lawyers: Flynn, Greene and

13 Stillman; is that correct?

14 A. Yes.

15 Q. And what goodness are we mocking?

16 A. How can you answer a question like that? It's

17 just -- it bemuses the mind.

18 Q. Well, what did you have in mind when you wrote that

19 we were mocking goodness?

20 A. I'm convinced -- I'm convinced we're good. I'm

21 convinced I'm good. I'm convinced that we're doing a good

22 thing. You, who knew nothing about it, come on with what you

23 claim to be your private funds to attack something you don't

24 know and to defend allegations by people you don't know. I

25 call that mocking goodness.

1 Q. You sued (the plaintiff) for defamation, did

2 you not? You personally?

3 A. That was a countersuit made by us, not by me.

4 Q. Would you look at Exhibit 13, please, sir.

5 That's your cross-complaint, or countersuit as you

6 characterize it, is that correct, Exhibit 13?

7 A. That's why I said "us," not "I."

8 Q. Isn't it a fact that you sued?

9 A. We did.

10 Q. You're a party, Mr. Walters.

11 A. Quite correct.

12 Q. You are aware you are a party --

13 A. Yes.

14 Q. -- who has sued (the plaintiff)?

15 A. Yes.

16 Q. And you are the head of a large religious

17 organization that numbers between 600 and 800 people?

18 A. You're -- I guess we're just playing with words.

19 Yes, I am party to this, this cross-complaint.

20 Q. Yes. And as party to the cross-complaint, you are

21 the head of a large religious organization that numbers

22 between 6- and 800 people; is that correct?

23 MR. PARSONS: Objection to the characterization.

24 As a party he's head, I mean --

25 BY MR. FLYNN: Q. Well, you are the head of the

1 Ananda community, are you not?

2 A. Yes.

3 Q. And you have sued both in your capacity as an

4 individual and in your capacity as the head of the Ananda

5 community, have you not?

6 A. No, because the head is not a monolith, so I as an

7 individual and we as a board of directors.

8 Q. Have sued a single woman for defamation; is that

9 correct?

10 A. After she defamed, not before.

11 Q. And the defamation, which is the core of the issue

12 in this case, is that you have engaged in a systematic

13 pattern of exploitation of women in your capacity at Ananda;

14 isn't that the defamation that you are complaining about?

15 MR. PARSONS: Well, objection as to the form of

16 that question which characterizes it as a core of the

17 allegation and things like that, so it is a compound and

18 ambiguous question as phrased.

19 You may answer if you can formulate a response.

20 THE WITNESS: I really can't. I don't know what

21 you are talking about.

22 BY MR. FLYNN: Q. We're going to get into the

23 declaration.

24 So the goodness you are referring to in Exhibit 43

25 is yourself and your community?

1 A. The work that we are doing is a good work. The

2 work that we are doing has helped many people. The work that

3 we are doing has not hurt people. It's, I don't call it a

4 rightful act to attack a good thing.

5 Q. Okay. In what way have the lawyers mocked

6 goodness?

7 A. You have called it sham religion, fraudulent

8 religion. You have used all sorts of terms that you yourself

9 know; I don't need to go combing through it to find them.

10 These are false allegations. There's no, there's no truth to

11 them; and so I call it defamation.

12 Q. Okay. Is there anything else? You have got that

13 we've called it a sham religion. Is there anything else that

14 you believe indicates that we have mocked goodness?

15 A. In the letter of Asher Praver, she talks about the

16 tone of absolute mockery that took place at depositions that

17 I was not present at, so I can't talk from direct experience.

18 I can talk from the tone that you have exhibited at these

19 depositions, which has been insulting and rude. I can talk

20 of the tone of your papers, which have been full of lies. I

21 can talk about the general -- even your statement at one of

22 these depositions -- well, no, I'm not going to go into that.

23 But just again and again you have shown an attitude of

24 unbelievable rudeness, unnecessary rudeness.

25 Nobody talks to me like that. I don't talk to

1 myself like that. Not out of fear but because people love

2 me. I love them. I wouldn't -- I would love you if there

3 were, if you were coming for any other reason than to destroy

4 me. But your evident determination to destroy me, obviously

5 I'm not going to support.

6 Q. And that's to you an indication that we're mocking

7 goodness? You being goodness and us being evil?

8 A. I didn't say that.

9 Q. Well, let's go on, see what else you said. Quote,

10 "They are, as nearly as we can tell, the closest thing to

11 embodiments of evil as we are likely to meet in this

12 lifetime: men of low consciousness and vicious conduct." Who

13 is the "they" you are referring to?

14 A. The impression you give -- you specifically; the

15 others I know less, but also the three of you is certainly
16 that.

17 But let me explain, too, what St. Bernadette said.

18 Q. Is certainly what?

19 A. She said that a sinner is somebody who loves evil,
20 not one who does evil. It seems to me you love evil. You
21 love to destroy. You're a sadist. This is my impression of
22 you. And I don't state it as a fact, because I can't speak
23 in facts.

24 But do you represent evil? No, I don't know that
25 you do or not; that's between you and God.

1 Q. But we are the embodiment of evil?

2 A. You appear such to me.

3 Q. And this is a judgment that you have made,

4 Mr. Walters?

5 A. It's not so much a judgment as an opinion.

6 Q. Do you know whether we have ever been, the lawyers
7 have ever been ministers of a religious organization who have
8 engaged in sexual conduct with their parishioners?

9 A. Say that again.

10 Q. We as lawyers, to your knowledge, have we ever been
11 the head or ministers of religious organizations who have
12 engaged in sexual conduct with our parishioners?

13 MR. PARSONS: I have got to object to that type of
14 question. It's obviously argumentative. You know, we are on
15 the seventh day of this depo --

16 MR. FLYNN: I'll withdraw it.

17 Q. What have we done to indicate that we are the

18 embodiment of evil, Mr. Walters?

19 A. I didn't say you were -- did I say you were the

20 embodiment of evil? Did I use that expression?

21 MR. PARSONS: It's up here: "They're the closest

22 thing to the embodiment of evil as we are likely" --

23 THE WITNESS: Oh, okay. Well, you will have to

24 give me some time to think about this. Say it again.

25 BY MR. FLYNN: Q. What have we done, the lawyers,

1 to give you the impression that we are the closest thing to

2 embodiments of evil as you are likely to meet in this

3 lifetime?

4 A. Well, the scriptures all speak of good and evil,

5 and probably the main criterion used is the wish to harm

6 other people. You have displayed a wish to harm other

7 people. You are not murderers, I don't presume. You are,

8 however, desirous and emotionally committed to destroying me

9 and us, so it appears. To that extent, this is evil. If you

10 were trying to do good, you would try to promote good, not to

11 destroy what you perceive is evil. So to that extent, I

12 think the statement is true.

13 Q. In what way are we trying to destroy you, sir?

14 A. I think this whole case speaks for that.

15 Q. In what way will this case destroy you?

16 A. It won't, but I think that's your intention.

17 Q. In what way have we manifested that intention?

18 A. By your harassment, by your lies, by your

19 determination -- when I say something, you quote it back as

20 if it were something exactly the opposite, obviously

21 determined to put me in the wrong even when I'm not. I call

22 that --

23 Q. So it's your view, I take it from this paragraph,

24 that you represent goodness and we represent the embodiment

25 of evil; is that a fair statement?

1 A. No.

2 Q. In what way is it not a fair statement?

3 A. I would not presume to say I represent goodness. I

4 will say I try to serve goodness. I try my best to be good;

5 but I will never say I represent it. Nor would it be fair to

6 say you represent evil. Each of us represents it only to the

7 extent that he does something like that. But no, you are not

8 an evil man, basically. I hope that I'm a good person to the

9 extent that I hope everybody's inherently good.

10 Q. Well, am I the embodiment of evil?

11 MR. PARSONS: Now I do want to object. Again, this

12 is so far afield from anything having to do with this

13 cross-complaint or the complaint --

14 MR. FLYNN: I disagree.

15 MR. PARSONS: We're spending the whole morning on

16 this thing as this witness' opinions that he shared with,

17 with his community, and we're going into this elaborate depth

18 of embodiments of evil, and it's a waste of time on the
19 seventh day of a deposition, and I would just request we move
20 on.

21 JUDGE PLISKA: It seems as though you have explored
22 this area pretty fully, Mr. Flynn.

23 MR. FLYNN: One or two more questions, Your Honor.

24 JUDGE PLISKA: Let's hear them. If they're
25 different, fine. He's already answered the embodiment of
1 evil question a number of times.

2 MR. FLYNN: Right. I'm not sure I have on the
3 record that I represent the embodiment of evil. I'd like to
4 see if I get an affirmative to that.

5 MR. PARSONS: Well, he has already stated, I
6 believe his words were to the effect that he wouldn't presume
7 to say who does or does not embody evil.

8 THE WITNESS: No, represent evil.

9 MR. PARSONS: Represent evil.

10 BY MR. FLYNN: Q. Well, let me ask you this. Let
11 me ask you this. When you wrote, "They are, as nearly as we
12 can tell, the closest thing to embodiments of evil," did you
13 include me?

14 A. Yes.

15 Q. So at the time you wrote that --

16 A. Do I still? Yes.

17 Q. All right. Do you believe that I represent the
18 embodiment of evil?

19 A. No, I didn't say "represent evil." That's, that's
20 playing with words.

21 Q. Strike "represent." Do you believe that I am the
22 embodiment of evil?

23 A. In your actions, you appear so to me. I do not say
24 that you may not be a good father, decent husband. I doubt
25 it, but nonetheless it's always possible. I understand that
1 you go to Mother Meera in Germany, and this may be a good
2 thing. I just don't know.

3 Q. Where did you get that information?

4 A. Hah, I won't tell you. Why should you care?

5 Q. I'd like to know where you get that information.

6 A. I'm going to the bathroom.

7 THE VIDEOGRAPHER: Shall we let the tape continue
8 to roll?

9 MR. FLYNN: Yes, leave it on.

10 (Pause in proceedings from 11:21 to 11:26 a.m.)

11 MR. PARSONS: Did we have a question pending?

12 BY MR. FLYNN: Q. Well, I am just going to ask a
13 conclusory question.

14 Are there any other facts you can specify,

15 Mr. Walters, that led you to make this statement that
16 (the plaintiff)'s lawyers are the embodiments of evil?

17 A. I think I have covered it pretty well. The main
18 points when religious and scripture talks about evil is a
19 deliberate endeavor to harm, hurt, destroy. The secondary

20 one I've covered elsewhere, and that is telling untruths.

21 But as long as people don't try to hurt other

22 people but try to help them, at least I think they're serving

23 the cause of good. I would not call them embodiments of

24 good. Nor am I sure about my, let's say, call it theological

25 correctness in saying that I think you specifically,

1 Mr. Flynn, are embodiment of evil. I wouldn't say that. But

2 I would say that in your actions and against Ananda, me,

3 Danny Levin, et cetera, et cetera, that those are evil

4 actions.

5 As I said, quoting St. Bernadette again, a sinner

6 is one who loves evil, not one who necessarily does it. It's

7 the zeal that you put into this attack, into this -- I would

8 say it's almost, that it appears to me to be a sadistic

9 nature, and that's what I would call --

10 Q. But you represented to some 600 plus people, have

11 you not, that we as the lawyers for (the plaintiff) are the

12 embodiment of evil?

13 MR. PARSONS: Objection.

14 THE WITNESS: Excuse me, I've covered that.

15 MR. FLYNN: Okay.

16 MR. PARSONS: And I also object, if you are

17 referring to the letter, that speaks for itself in the words

18 that are used.

19 BY MR. FLYNN: Q. Well, since you have made this

20 representation that we are the embodiment of evil, is it your

21 intent in this deposition to withdraw it?

22 A. No.

23 Q. So you stand by the fact that the (the plaintiff)

24 lawyers are the embodiment of evil?

25 MR. PARSONS: Wait. Objection. Stand by -- you

1 know, you are entitled to ask this witness questions of what

2 he knows and what he feels. Positions are inappropriate;

3 it's like contention questions in a deposition.

4 BY MR. FLYNN: Q. Well, is there anything that you

5 wish to retract from the statement that you have made that

6 the (the plaintiff) lawyers are the embodiment of evil?

7 MR. PARSONS: Objection.

8 BY MR. FLYNN: Q. As you have made it in this

9 document?

10 MR. PARSONS: Okay.

11 THE WITNESS: No.

12 BY MR. FLYNN: Q. Okay. Now, and the same thing

13 with regard to your statement that we are men of low

14 consciousness and vicious conduct, is there anything that you

15 wish to retract from that statement?

16 A. I don't wish to retract it. I may find -- I mean

17 it's up to you to prove yourself better. I would retract in

18 a moment if I saw you were better.

19 Q. Okay. Are those statements in part based on the

20 fact that (the plaintiff) has sued you and we're representing

21 (the plaintiff)?

22 MR. PARSONS: Objection. The statements he just
23 made or the statements in the letter?

24 BY MR. FLYNN: Q. The statements in the letter.

25 A. No, they're based on the way you are behaving.

1 Q. Okay. But not the fact of the lawsuit?

2 A. No.

3 Q. Okay. Now you have sued (the plaintiff) and
4 we've showed you the counter-claim, which I'm going to put in
5 front of you now, which is Exhibit 13.

6 MR. FLYNN: Judge, I don't know if I have got an
7 extra one.

8 JUDGE PLISKA: That's all right. I didn't bring
9 them; I should have. I probably have got --

10 MR. FLYNN: Yeah, I don't know if I have got an
11 extra one. I'm going to be going through it now.

12 Q. Okay. Did you read your cross-complaint against
13 Ms. (the plaintiff) for defamation before it was filed?

14 A. Is this question finished?

15 Q. Yes.

16 A. Yes.

17 Q. And you are a member of the litigation committee of
18 the Ananda Church of God Realization; is that correct?

19 A. It's the Church of Self-Realization, but I am.

20 Q. Okay. Well, the face of your -- okay, okay.

21 And the other members of the litigation committee
22 are who, Mr. Walters?

23 A. Let's see, John Smallen, Sally Smallen, John Novak,
24 Devi Novak, Cathy Parojinog, Asha and David Praver, and of
25 course, our lawyers.

1 Q. Okay. Who are your lawyers?

2 A. Mr. Parsons and Ms. Rush.

3 Q. Well, Ms. Rush is a member of your community; is
4 that correct?

5 A. Yes.

6 Q. But Mr. Parsons is not a member of your community?

7 MR. PARSONS: Wait, wait. I'm going to object as
8 to my membership in the community. I don't see how that's
9 relevant and it intrudes into my right of privacy.

10 MR. FLYNN: Well, all I want to know is, on the
11 litigation committee, is Mr. Parsons an independent attorney
12 or is he one of the members of the community? Because I've
13 got all kinds of issues if he's a member of the community
14 that I relate to the attorney-client privilege in terms of
15 meetings; you know, what capacity he was acting in. But we
16 don't even have to get into all that, because if he's not a
17 member of the community, then I don't even, I don't have any
18 of those problems; I'll just adhere to all the
19 attorney-client guidelines whenever he's present. But if he
20 is a member of the community -- and I don't want to make a
21 mountain out of a mole hill -- then I have got a different
22 set of problems. That's all I need to know, is his capacity?

23 MR. PARSONS: I just don't understand how that

24 would relate.

25 MR. FLYNN: I just described it.

1 MR. PARSONS: Well, I'll object on the grounds

2 of --

3 (Conference with Ms. Rush.)

4 MR. FLYNN: It's like a lawyer being a director of

5 a corporation. That's why all our malpractice insurance

6 policies differentiate.

7 JUDGE PLISKA: Yeah, there is a problem there as to

8 whether you are acting as a lawyer or a member of the

9 community making decisions on behalf of the community but not

10 as acting as lawyer. So I think that does need to be

11 clarified.

12 MR. PARSONS: All right.

13 THE WITNESS: I have no problem answering it. I

14 have question about Sheila Rush.

15 MR. PARSONS: Hold on. Let him ask the question

16 and then --

17 THE WITNESS: Okay.

18 BY MR. FLYNN: Q. Is Mr. Parsons a member of the

19 Ananda community?

20 A. No.

21 Q. Okay, that's the end of that problem.

22 He's acting as your independent counsel?

23 A. Correct.

24 Q. Okay. And as a member of your litigation

25 committee, he's an independent attorney --

1 A. Correct.

2 Q. -- is that fair to say?

3 A. Yes.

4 Q. Okay. All right. Now did the entire litigation

5 committee approve this cross-complaint for filing against

6 Ms. (the plaintiff)?

7 A. I don't know.

8 Q. Did you vote for the filing of the complaint?

9 A. I did.

10 Q. Okay. Did anyone to your knowledge dissent from

11 the filing of the complaint?

12 A. No.

13 Q. Okay. Let's get into the complaint. Page 2,

14 paragraph 6, you allege, "After severing her association

15 with Ananda, (the plaintiff) filed the (the plaintiff)

16 Litigation, a sham lawsuit against

17 cross-complainants falsely alleging sexual

18 harassment concerning (the plaintiff)'s brief

19 consensual adulterous relationship with

20 Levin."

21 Now what facts, if any, do you know of that make

22 you believe that (the plaintiff)'s allegations of sexual

23 harassment are false?

24 A. Do you want the long answer or the short?

25 Q. All the facts you know of.

1 A. Well, I knew about her relationship with Levin. I
2 knew that she was the one that -- she was very much for it.
3 I don't know whether she instigated it or not, but I think
4 she did. She came to me for counseling about it; therefore,
5 I would have to say it was consensual.
6 I know that we had to do our best to separate her
7 from him, him from her -- I want to make it clear that it was
8 both, both were being treated equally in this respect. I
9 know that when I urged her to stay away from him, she said,
10 "It's difficult." And she also added, "He's very magnetic."
11 I know that when she went to India, my hope was
12 that in going to India, that she would break this attachment.
13 Instead, from all that I understood from her and others, she
14 prayed that God make it possible for her to marry Danny.
15 I know that what she told me personally was "I
16 would make a good mother to Alisa," who is their backward
17 daughter. She told me that she was determined to take Danny.
18 None of these things add up to harassment. She --
19 it was I, who, when I saw that she was not going to follow
20 what I was trying to say, which is "you are not going to
21 break up this marriage or I will do everything I can to stop
22 that from happening," and for that reason I wanted her to
23 move to another of our communities. It had nothing to do
24 with her work; it had entirely to do with her desire to marry
25 Danny Levin.

1 And so I, I asked her to go to one of our other

2 communities. I recommended Assisi or Seattle. She

3 determined that she wanted to go to Palo Alto and I didn't

4 obstruct that.

5 All of these things make it very clear, plus the

6 fact that she left that meeting extremely angry with me,

7 wouldn't look at me and wouldn't say goodbye because I had

8 thwarted her will. And it was strictly out of a desire, as I

9 can see it, for vengeance against Danny and against me, of

10 thwarting her will, that she instigated her lawsuit.

11 Q. Now all of the testimony that you have given, is

12 this from a counseling session that you had with

13 Ms. (the plaintiff)?

14 A. Yes.

15 Q. And when did that counseling session occur?

16 A. Well, the years are written clearly there, and I

17 don't remember them now. Was it '93? I think so.

18 Q. How many counseling sessions did you have with

19 Ms. (the plaintiff)?

20 A. At least three.

21 Q. Okay. And when, to your knowledge, was the first

22 counseling session?

23 A. I don't know the month.

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

25 A. Again, it's written -- if the facts in the briefs

1 contradict what I say, then the facts in the brief are

2 correct and I'm wrong. So to the best of my recollection, it

3 was in 1993.

4 Q. That the first counseling session took place?

5 A. They took place over a period of two months.

6 There was another factor involved here, and it's
7 mentioned by her, but totally distorting the facts, and this
8 was that he wanted to have a seclusion at our seclusion
9 retreat, just to get his mind straightened out, because he
10 was, he was confused on this thing himself.

11 And I said, you are not to do it while she's there.

12 And so I insisted that he not use -- he wanted to use my
13 house there. I insisted he could not go there unless she was
14 not at that community. So during that period she moved to
15 town -- now I don't remember the circumstances now -- for a
16 week.

17 After that, I don't clearly know what happened
18 because I went to the hospital for major surgery and I was
19 really not involved. I talked to John Smallen about most of
20 the things that I requested, even moving her from one job to
21 another. I didn't do any of this directly but through him as
22 the general manager.

23 And the, the -- let's see now, where am I? I'm
24 rambling on this.

25 Q. I just wanted to know when the counseling sessions
1 took place, and you said they took place in a period of two
2 months.

3 A. Two months. I think it was from April to June, if

4 I'm not mistaken. It was around June 21st that I went to the
5 hospital, so it was before that that I talked to her, at
6 least, at least then; I'm not sure about the earlier one.

7 I talked to Danny and told him not to, not to be
8 there if she was there.

9 Now I understand that she went there -- this had
10 nothing to do with me.

11 Q. I don't really mean to interrupt, but maybe -- let
12 me ask another -- are you done? I don't want to cut you off.

13 A. I'm not sure. Let me think.

14 Q. All right.

15 MR. PARSONS: I believe that you have responded to
16 the question he had in front of you. I don't know if you are
17 augmenting --

18 THE WITNESS: Yeah, I am trying to respond to that
19 first question of what things were lies in her declaration.

20 She declared things that --

21 MR. PARSONS: So you are giving additional
22 testimony?

23 THE WITNESS: Yes, to the previous -- yes, I'm
24 sorry, I should clarified.

25 MR. PARSONS: Okay.

1 THE WITNESS: But when she was trying to say that I
2 was pushing them together, I was doing my best to separate
3 them. That's, I guess that's what I was trying to say.

4 BY MR. FLYNN: Q. Okay. Where did the counseling

5 sessions take place?

6 A. I think at my home.

7 Q. In your private living quarters?

8 A. Yes, I think so. I wouldn't want to do this where

9 other people would be.

10 Q. Do what?

11 A. Counsel her.

12 Q. Was anyone else present in any of the three

13 counseling sessions?

14 A. No.

15 Q. Who --

16 A. I talked to her and Danny separately.

17 Q. Who requested the first counseling session, you or

18 Ms. (the plaintiff)?

19 A. She did.

20 Q. And in what manner did she request it? Did she

21 call you on the phone? Did she send you a letter? What did

22 she do, if you can recall?

23 A. I don't remember.

24 Q. What time of the day did the counseling session

25 take place, the first one?

1 A. The first one was in the evening just after work,

2 after her work.

3 Q. Approximately what time?

4 A. I don't know. I'd say six.

5 Q. I understand that most nights she worked till seven

6 or eight o'clock, so --

7 A. Yes, I don't remember.

8 Q. Okay. And in that first counseling session, as
9 best you can recall, did she indicate why she wanted
10 counseling from you?

11 A. Not on the phone or by letter, however she
12 contacted me. She told me when she came.

13 Q. And what did she tell you?

14 A. That she had this attraction for Danny and wanted
15 to -- probably she, as I look back now, probably she wanted
16 me to go along with that, but of course, I could not because
17 he was married. So I was trying to suggest to her ways to
18 stay away from him, not work close to him, all those things
19 that you would normally say.

20 Q. Okay. Now did she tell you in any form of words
21 that she wanted to take Levin from his wife and wanted your
22 approval?

23 MR. PARSONS: Objection, compound.

24 Go ahead.

25 THE WITNESS: Yes, that was only at the very end,
1 the last one when I told her that, that -- what she told me
2 earlier --

3 BY MR. FLYNN: Q. Let's stick with the first one,
4 if we can.

5 A. No, no, she didn't say anything about wanting to.

6 It was more on a level of my saying, this is not a good

7 thing, and her giving me the impression, but it didn't seem
8 like that's what she had in mind, but well, it was going to
9 be difficult but she would try. That's the way, that's the
10 impression I got. Try, try -- to make it clear -- try to
11 stay away from him.

12 Q. All right. Let's see if we can pin down what she
13 said and you said, okay?

14 A. Uh-huh.

15 Q. What did she say with regard to, if anything, in
16 the first counseling session, her wanting to take Levin from
17 his wife?

18 A. She didn't say that.

19 Q. Okay. What did she say, if anything, with regard
20 to her relationship with Levin vis-a-vis wanting your support
21 of it?

22 A. Shall I just tell you how it happened? Would that
23 be easier? I don't know how to answer your question.

24 Q. Well, did she ask in the first counseling session
25 for your support of her relationship with Levin?

1 A. No.

2 Q. Okay. Now --

3 A. I think, I think she would have liked that, but she
4 didn't phrase it that way, and yet it made it clear that she
5 wasn't in tune with my attempt to separate them.

6 I reminded her -- I'm talking more; I don't know if

7 I should or not. But I reminded her that he had a backward

8 child and that quite apart from the wrongness of taking a
9 husband away from his wife, the backward child made it a much
10 stronger equation there, where she needed her father. And so
11 I appealed to her human decency in not pursuing this thing.

12 All I got for an answer was, "Well, it's difficult"
13 and "He's very magnetic."

14 Now I, perhaps foolishly, assumed that she was
15 going to do her best to break it off. In retrospect, I have
16 to say I think that was not her intention, and she certainly
17 didn't say that it was.

18 Q. All right. Now did she say it was her intention
19 during the meeting, the first counseling session, to pursue
20 the relationship with Levin?

21 A. I think I have made that clear, Mr. Flynn. Try to
22 understand, these are subtle things to talk about, but I, I
23 have made it, I think, quite clear that she did not say that.
24 She said -- I got the impression she was going to do her best
25 to break it off or to stay away, but that it wasn't easy.

1 And I assumed from that that she wanted to break it off and
2 would do her best, because that would be the norm. Instead,
3 what I see in retrospect, but it's not what she said, is that
4 she intended fully to pursue that relationship.

5 Q. Okay. Now in this first counseling session did the
6 two of you sit together on your couch?

7 A. We've covered all of that. Yes, that was the
8 evening.

9 Q. Okay, it's in the first one? That's what I want

10 to --

11 A. Yes.

12 Q. -- just nail down. I know -- we're not going to go

13 back through all the details, but it was the first one, the

14 first counseling session when she came to you, where you took

15 her head and put it in your lap, which you have testified to?

16 A. Yes.

17 Q. Okay. Was it in the first counseling session when

18 you took her head and put it in your lap that a movie was

19 watched by the two of you?

20 MR. PARSONS: Okay. Again, this has been gone over

21 repeatedly in prior depositions. I do want to object. It's been

22 asked and answered. Again, you know, the seventh day with a

23 witness with medical problems --

24 MR. FLYNN: I just want to get it down which

25 counseling sessions, Mr. Parsons.

1 THE WITNESS: I want to make -- you can laugh if

2 you like. It's not a funny thing. Your allegations are

3 untrue. You are saying that I came on to her. I was very

4 definitely not trying to come on to her. I was trying to

5 keep her from Levin, not to come on as a rival. And so my

6 entire counseling was to try to get her to understand that I

7 wasn't her enemy, I wasn't judging her, I was being her

8 friend, but this was crossing a line she couldn't cross.

9 BY MR. FLYNN: Q. All right. When you were

10 providing counseling, was her head in your lap?

11 A. No.

12 Q. When you were providing counseling, were you

13 looking at a movie?

14 A. No.

15 Q. What counseling session did you look at the movie

16 in?

17 A. After the counseling session I wanted to watch a

18 movie. I don't remember what movie it was. And I didn't

19 want to send her out. I was doing my best to make her feel

20 that I was not her enemy and judging her.

21 Q. All I really need to know is whether it was the

22 first one?

23 A. I think I'm entitled to answer your question.

24 After the counseling session.

25 Q. The first one?

1 A. The first one.

2 Q. Okay. You have gone back on your testimony. I

3 just needed to pin that down. If you want to add anything,

4 go ahead. But it was the first counseling session you put

5 her head in your lap and that you watched the movie; is that

6 correct?

7 MR. PARSONS: No, that misstates it. It was after

8 the first counseling session that these events happened.

9 That's his testimony.

10 BY MR. FLYNN: Q. The same evening?

11 A. Yes.

12 Q. All right. In light of your counsel's statement,
13 first, in the first counseling session, first you counseled
14 her, then you put her head in your lap, then you watched a
15 movie?

16 A. No, I did not follow that sequence.

17 Q. Okay, what is the sequence?

18 A. The sequence was that she said she had a bad neck
19 and I offered to adjust it.

20 Q. But what I want to know, Mr. Walters, is was that
21 during the counseling session or afterwards?

22 A. Afterwards.

23 Q. How long after the counseling session ended did you
24 put her head in your lap?

25 A. I do not remember.

1 Q. An hour?

2 A. No, I don't remember, but it certainly wasn't an
3 hour.

4 Q. It was the same evening, though?

5 A. Yes. I think so, but I'm not certain about that.

6 Q. Was it the same evening that you watched the movie?

7 A. Yes, I think so, but again, I'm not sure.

8 Q. Okay. Now, and it's your testimony that in the
9 movie there was no depiction of an oral sexual act?

10 MR. PARSONS: Objection. That is his testimony;

11 you know it's his testimony. You have got it on the record

12 four or five times now.

13 THE WITNESS: This is what I mean by the

14 harassment, the sadism, all the things that I said.

15 BY MR. FLYNN: Q. Yes, but see, I don't want a

16 second movie cropping up in some way along the way in the

17 next counseling session.

18 MR. PARSONS: There has been no testimony about a

19 second movie --

20 BY MR. FLYNN: Q. Let's clear that up.

21 Is there any other movie involved other than the

22 one movie?

23 A. I don't think so.

24 Q. Okay. Now how long did the counseling session

25 last?

1 MR. PARSONS: On the first, first instance?

2 BY MR. FLYNN: Q. First counseling session.

3 A. I don't remember. I would say probably not more

4 than half an hour.

5 Q. Okay. How long were you sitting on the couch with

6 her with her head in your lap?

7 A. Five minutes.

8 MR. PARSONS: Okay.

9 BY MR. FLYNN: Q. And how long did the two of you

10 watch a movie together?

11 A. That I don't remember. I don't -- if I'm correct

12 in this, and again it's all a little vague, but I don't think

13 I liked the movie and so I think I stopped it. I do that to
14 a lot of movies.

15 Q. How long would you estimate you were with

16 Ms. (the plaintiff) that evening?

17 A. All together?

18 Q. Yes.

19 A. Hour and a half.

20 Q. Okay. Now during that hour and a half, how many

21 times did you tell her that you did not want her to pursue

22 the relationship with Levin?

23 A. I didn't tell her that.

24 Q. Let's move on to the second counseling session.

25 A. Do you want me to explain why I didn't tell her

1 that?

2 Q. If you want to explain, sure.

3 MR. PARSONS: If you feel that you need to --

4 THE WITNESS: Yes.

5 MR. PARSONS: -- to answer completely, then --

6 THE WITNESS: Yes, because otherwise it would look

7 as if I am contradicting myself, and I'm not.

8 MR. PARSONS: Then please do.

9 THE WITNESS: Yes. I did not tell her not to. I

10 said, here is what's involved. It's involving the life of

11 not just one man, but his wife, his backward child. It

12 doesn't seem to me you want to do that.

13 I talked to Danny to ask him what he wanted before

14 I would commit myself on it, but I was already trying to
15 discourage her without saying "I will not let you" or
16 anything of that nature. I respect people's free will even
17 to make mistakes, but I saw it as a mistake.

18 BY MR. FLYNN: Q. Okay. And you told her that?

19 A. Yes.

20 Q. How many times did you tell her it was a mistake?

21 A. How many times do you need to?

22 Q. I just -- can you tell me how many times you told
23 her?

24 A. No.

25 Q. Okay.

1 A. I made my point clear, that's all.

2 Q. During the first counseling session did you and she
3 discuss (woman #7)?

4 A. No.

5 Q. Did you and she discuss the relationship that you
6 had with (woman #7) when (woman #7) was married and
7 you had become sexually involved with (woman #7)?

8 MR. PARSONS: Objection. You know, that's
9 argumentative. It has --

10 BY MR. FLYNN: Q. I want to know if the discussion
11 took place about this subject?

12 A. You want to know lots of things that are totally
13 useless.

14 MR. PARSONS: Excuse me.

15 You asked him the question whether it was
16 discussed; you got a clear, unambiguous answer that it wasn't
17 discussed. To then ask a question loaded with your, you
18 know, your agenda --

19 MR. FLYNN: Please, Mr. Parsons.

20 I am entitled, Your Honor.

21 JUDGE PLISKA: He's entitled to -- I don't think

22 so, Mr. Flynn. I think he answered that question, you know.

23 I think Mr. Parsons is correct.

24 MR. FLYNN: All right.

25 MR. PARSONS: Are you going to the bathroom?

1 THE WITNESS: Bathroom, yes.

2 THE VIDEOGRAPHER: I need to change videotapes, so
3 perhaps this is a good time for that.

4 MR. PARSONS: It might be good time.

5 THE VIDEOGRAPHER: This is the end of videotape 17
6 in the deposition of J. Donald Walters. It is 11:52.

7 (Recess taken.)

8 THE VIDEOGRAPHER: This is the beginning of
9 videotape 18 in the deposition of J. Donald Walters. It is
10 11:56.

11 BY MR. FLYNN: Q. During your first counseling
12 session with Ms. (the plaintiff), did you mention to her that you
13 had become sexually involved with a married woman who was an
14 Ananda devotee?

15 A. I talked not at all about myself.

16 Q. Well, when you say you talked not at all about
17 yourself, during the evening you were with her in which the
18 first counseling session took place, did you tell her that
19 you had problems with your body that you wanted her to
20 massage?

21 A. I was having heart trouble at the time. I think I
22 asked her to rub my shoulders.

23 Q. And was that during the counseling session or after
24 the counseling session ended?

25 A. After.

1 Q. And what did you tell her about any health problems
2 that you had?

3 A. My -- this is the reason I had a heart operation a
4 year ago. My heart was giving me so little energy I could
5 hardly walk 20 feet at that time, so that's all I talked
6 about.

7 Q. Okay. You told her that?

8 A. I don't know that I did, but it seems very likely.

9 Q. Did you tell her about any other problems you were
10 having with your body?

11 A. No.

12 Q. Did you tell her that you wanted her to massage any
13 other parts of your body other than your shoulders?

14 A. I did not.

15 Q. Did you take your shirt off during the massage?

16 A. I did not.

17 Q. Did you ask her whether she wanted a massage?

18 A. I did not.

19 MR. PARSONS: Now I am going to object. We have
20 gone into tremendous detail on this single incident of
21 massage.

22 MR. FLYNN: I'm leaving that area, Mr. Parsons.

23 MR. PARSONS: Fine.

24 BY MR. FLYNN: Q. Now during this first counseling
25 session --

1 A. How was that area being left when we raise that
2 same statement?

3 Q. During this counseling session, did you know how
4 long Ms. (the plaintiff) had been a member of your community?

5 A. No.

6 Q. Did you ask her?

7 A. No.

8 Q. Did you understand that she was a student at the
9 community?

10 A. I don't -- I don't remember.

11 Q. Did you ask her where she lived in the community?

12 A. Well, she lived at the seclusion retreat; I knew
13 that.

14 Q. Did she tell you that?

15 A. I don't remember.

16 Q. Did she tell you where she worked in the community?

17 A. I knew where she worked.

18 Q. How did you know that?

19 A. Well, let me go into the details as I think they
20 happened, but I'm not sure. We needed somebody who knew
21 computers well, and she's, she was said to be very good at
22 computer programming. So they recommended that she -- and
23 this is where I'm not clear. It may have been while she was
24 living in Palo Alto that we brought her up there to work at
25 Crystal Clarity or it may be that she was at Ananda Village
1 and there somebody mentioned her name and recommended her for
2 that.

3 I didn't have anything to do with that except, as I
4 recall, they needed somebody; they said she'd be good. I
5 said, "Well, fine. Try her." But I was not actively
6 involved in that, so I don't really remember.

7 Q. All right. Do you remember whether or not she told
8 you during this counseling session that she worked at Crystal
9 Clarity?

10 A. Well, I knew by then that she did. By then I knew
11 that she did, to make it clearer.

12 Q. Okay. What was your understanding as to
13 approximately how long she had been a member of your
14 community?

15 MR. PARSONS: His understanding at the time?

16 BY MR. FLYNN: Q. At the time.

17 A. I just don't know. I'm not even sure she ever was
18 a member as such. It usually takes a year to become a

19 member, so I don't know.

20 Q. Well, did you have any sense that she had been

21 there for less than a year?

22 A. I would guess it was less than a year but -- "any

23 sense" is a vague statement and I can only answer it as

24 vaguely.

25 Q. Okay. Did she tell you that she had been there for

1 less than a year?

2 A. I don't remember.

3 MR. PARSONS: During this first session?

4 BY MR. FLYNN: Q. During this first session.

5 MR. PARSONS: All your questions are during this

6 first session?

7 MR. FLYNN: Yup.

8 THE WITNESS: I have no recollection of that.

9 BY MR. FLYNN: Q. Okay. Well, you knew personally

10 that she had not been a long-time member of the community;

11 isn't that true?

12 A. Yes, that is true.

13 Q. Now let's shift to Minister Levin in this first

14 session. You knew during the first session that Minister

15 Levin was one of your members, one of your ministers; is that

16 correct?

17 A. Of course, of course.

18 Q. And how many ministers were there at the community

19 when this first session took place?

20 A. Over a hundred. I don't know how many.

21 Q. Okay. And how many light bearers were there?

22 A. That I don't know.

23 Q. Can you give me an approximate estimate?

24 A. 25.

25 Q. Okay. And Minister Levin was one of the light

1 bearers; is that correct?

2 A. I think so, yes.

3 Q. And light bearers are viewed as, in effect, senior

4 ministers who are authorized to perform certain ceremonies;

5 is that correct?

6 A. Yes.

7 Q. Okay. What was your understanding during the first

8 counseling session as to how long Minister Levin had been in

9 the community?

10 A. It's been a long time, at least 15 years, probably

11 20.

12 Q. And what was your understanding during the first

13 counseling session as to how long he had been a minister?

14 A. At least 15 years, I would say, but I don't know;

15 it may be less.

16 Q. And is it a fair characterization that Minister

17 Levin as a minister had been on the spiritual path at Ananda

18 for 15 or 20 years and that (the plaintiff) had been on

19 the spiritual path at Ananda, to your knowledge, for less

20 than a year?

21 A. Yeah.

22 Q. Okay. Now let's shift to their employment. You
23 knew that Minister Levin during this first counseling
24 session, did you not, worked at Crystal Clarity?

25 A. I did.

1 Q. And you knew that he was a supervisor at Crystal
2 Clarity of (the plaintiff), did you not?

3 A. He was not.

4 Q. What was his position at Crystal Clarity?

5 A. He was salesman and he went out on the road a lot
6 selling books. That's it.

7 Q. Did he have any supervisory authority, to your
8 knowledge, at Crystal Clarity --

9 A. No, he --

10 Q. -- when (the plaintiff) was there?

11 A. He did not, to my knowledge.

12 Q. To your knowledge, did he give (the plaintiff)
13 any instruction with regard to her duties at
14 Crystal Clarity?

15 A. I -- no, not to my knowledge.

16 Q. Did (the plaintiff) tell you that he was her
17 supervisor in giving her instruction in her job at Crystal
18 Clarity during this first counseling session?

19 A. No. And I should say that the first counseling
20 session was not on the level of who has what responsibilities
21 and duties and who's a minister and who isn't a minister. It

22 was strictly on a level of her attraction for him, which
23 seemed to be reciprocated.

24 Q. Fine. I know you want --

25 A. Nothing --

1 Q. -- to repeatedly say it was consensual,

2 Mr. Walters, and you are going to have a chance to say it.

3 A. Well, I have a right to say it, that's true.

4 MR. PARSONS: Yeah, he's entitled to respond to
5 your questions.

6 THE WITNESS: And there's no point in mocking my
7 response. It's the truth as I know it.

8 MR. FLYNN: Well, Mr. Parsons, to respond to you,
9 he oftentimes adds answers and or doesn't answer and just
10 says what he wants. That's why I made the statement I did
11 now.

12 Q. Mr. Walters, during the first counseling session
13 did you and Ms. (the plaintiff) discuss the fact that the two of
14 them, Minister Levin, a senior light bearer, and (the plaintiff)
15 a short-term member of the community, were
16 working in close proximity to each other at Crystal Clarity?

17 A. Inasmuch as Crystal Clarity was one large room, I
18 don't know how proximate or distant they were, but they could
19 not have been very distant; they were in the same room.

20 Q. All right. But what I needed, though, is an answer
21 to my question.

22 A. I answered as I know.

23 Q. All right. Did you discuss with (the plaintiff)

24 the fact that Minister Levin and (the plaintiff)

25 were working in close proximity to each other

1 during this first counseling session?

2 A. We didn't, and I don't think they were. She was

3 working in a department of -- in that large building but in

4 a, as I recall, in a section just with the computers. It had

5 nothing to do with him.

6 Q. Okay. On what basis do you make that statement?

7 A. Well, it's, it's vague because I didn't, I don't

8 think I had even been there at that time. But I think it was

9 Alexandra McGilloway who told me this.

10 Q. Okay. Now --

11 A. Because after the session -- this is again my

12 recollection of something that happened two and a half years

13 ago that was not central in my life and therefore not clear.

14 But my recollection was that after this I didn't want to

15 break her confidence by telling Mrs. McGilloway why I was

16 asking, but I, I asked her, "Where is she working? What is

17 the set-up there? Is there any way we can, we can have her

18 concentrate just on that?" I didn't want to go further. It

19 was later that I realized that I had to break that

20 confidence.

21 Q. Let's go back to the first counseling session, what

22 you and Ms. (the plaintiff) talked about. You mentioned a moment

23 ago that they worked in one large room together?

24 A. That largeness would --

25 MR. PARSONS: Wait. He hasn't asked you a question
1 yet.

2 THE WITNESS: Oh. Okay, sorry.

3 BY MR. FLYNN: Q. How large was the room?

4 A. That's what I was answering.

5 Approximately the size of all these rooms put
6 together without walls.

7 Q. Okay. When you say all of these rooms --

8 A. That means all of these rooms.

9 Q. Can you give me a measurement by feet or yards?

10 A. No, but it's probably larger than this, this floor.

11 Q. Okay.

12 A. That is to say, not with the bathroom, but all of
13 the, this particular, whatever you call it, office, but not
14 this room, all the offices here going way back -- I haven't
15 been back there. But it was a, it was a very large room,
16 that's all I can say. It's a building.

17 Q. Let's try it this way. What kind of a building was
18 it?

19 A. Well, it was a warehouse type. And we had cut it
20 in half so that the books were stored in one half and the
21 other half was offices.

22 Q. Was it all on one floor?

23 A. Yes.

24 Q. And can you give me the approximate size of the

25 warehouse?

1 A. Well, you have got me. I, I can guess. I'd say --

2 Q. I want your best, your best estimate.

3 A. Yeah.

4 MR. PARSONS: Exactly. Not a guess, but if you do

5 have an estimation?

6 THE WITNESS: No, I don't. I can only guess.

7 MR. PARSONS: Well, then I'd suggest you not guess.

8 THE WITNESS: Okay, I don't -- I can't say.

9 BY MR. FLYNN: Q. During the first counseling

10 session did you inquire of Ms. (the plaintiff) how closely she

11 worked with Minister Levin?

12 MR. PARSONS: By the way, the use of the term --

13 objection, vague.

14 BY MR. FLYNN: Q. Physically close -- in physical

15 proximity.

16 MR. PARSONS: Okay.

17 THE WITNESS: No, I did not. And I have already

18 said that she had to work separately because she was working

19 in a different department.

20 BY MR. FLYNN: Q. So the answer is no, you did not

21 ask in the first counseling session how physically close they

22 were working together; is that correct?

23 A. That's correct.

24 Q. Did you ask in the first counseling session what

25 work, if any, they did together?

1 A. They didn't do any work together; I didn't have to
2 ask her.

3 Q. So the answer is you didn't ask what work they did
4 together?

5 A. Correct.

6 Q. Is that correct?

7 A. They didn't work together; I should make it more
8 clear.

9 Q. Did you know that they didn't work together in the
10 first counseling session?

11 A. I knew that their works were separate.

12 Q. How did you know that in the first counseling
13 session?

14 A. Well, I knew that she had been brought in to work
15 on computers. I knew that Danny did not work in the
16 computers; he worked on sales.

17 Q. How did you know that?

18 A. Well, because I, I -- technically, I'm in charge of
19 Crystal Clarity. I don't do the actual work; I do it through
20 other people, but to this extent I knew what the set-up was.

21 Q. Well, Crystal Clarity publishes your books, right?

22 A. Yes.

23 Q. Do they publish anyone else's books?

24 A. Yes. Only books that are dealing with our
25 particular teaching.

1 MR. PARSONS: We have also had testimony on the

2 publications of Crystal Clarity. Third party authors have
3 already been identified.

4 MR. FLYNN: Not with me. Maybe in other
5 depositions, but not with me with this witness.

6 MR. PARSONS: Well, but you should know what your
7 co-counsel asked.

8 MR. FLYNN: I'm not going to get into it anyway.

9 There's so much I need to cover, okay?

10 MR. PARSONS: Please, continue.

11 BY MR. FLYNN: Q. Back to the first counseling
12 session. You knew, as I understand it from your testimony,
13 because of your position as the person in charge of Crystal
14 Clarity, that (the plaintiff) and Minister Levin worked in
15 separate departments; is that correct?

16 A. "Knew" is probably too strong, but that was my
17 impression. That was my understanding, to make it more
18 exact.

19 Q. All right. In the first counseling session -- we
20 already know what you didn't inquire -- did (the plaintiff)
21 volunteer in what physical proximity she was
22 working with Minister Levin?

23 A. Not to the best of my recollection.

24 Q. Did she tell you in the first counseling session
25 that she worked with him on a daily basis oftentimes till
1 seven or eight o'clock in the evening where the two of them
2 were alone?

3 A. No, she didn't.

4 Q. And you are sure of that testimony, Mr. Walters?

5 A. Right.

6 Q. Did she volunteer during the first counseling

7 session at all how late she commonly worked at Crystal

8 Clarity?

9 A. No.

10 Q. Now during the first counseling session did you ask

11 her whether -- strike that. Did she volunteer whether

12 Minister Levin's duties at Crystal Clarity interacted with

13 her duties in any way?

14 A. No. I really don't know. I mean she didn't speak

15 of that, but whether they did or not, I don't know.

16 Q. Okay. Didn't she tell you that, because the sales

17 figures and people to whom you were selling your books were

18 on her computer, he was constantly coming to her for her to

19 take information off her computer about sales?

20 A. She didn't tell me, but this may be the truth. I

21 don't know.

22 Q. But your testimony is in the first counseling

23 session you have no memory of her telling you that?

24 A. Correct.

25 Q. But she may have told you that?

1 A. No, I don't think she -- well, I, I can't claim, if

2 I don't remember, that it didn't happen; I just don't

3 remember it.

4 Q. Now during the first counseling session did you
5 tell her in any form of words you were going to move her to
6 another position and take her out of that building or move
7 Minister Levin to another position and take him out of the
8 building?

9 MR. PARSONS: Either of those two?

10 BY MR. FLYNN: Q. Yeah.

11 MR. PARSONS: Okay. Objection, compound.

12 Go ahead.

13 THE WITNESS: No, I didn't talk of any kind of
14 thing like that at that time. It was all on the basis of
15 trying to get her to accept that they must try to separate if
16 they could.

17 BY MR. FLYNN: Q. Now --

18 A. I didn't want to pursue it until I had talked to
19 other people on that. I wouldn't talk to her directly on
20 that; I'd do it through other people. I was even, because of
21 my health, I couldn't get involved personally. So if I heard
22 anything, then I would talk to others, ask them questions,
23 and then try to resolve it with them, not with her. It
24 wasn't my position, in other words, to put her or not put her
25 in any kind of work.

1 Q. During the first counseling session did (the plaintiff)
2 tell you that because the two of them were working
3 in close proximity, physical proximity, and because she felt
4 that Minister Levin was coming on to her, that she requested

5 you to either move her or to move him out of Crystal Clarity?

6 A. Absolutely not.

7 Q. And you are sure of that testimony?

8 A. Yes.

9 Q. At any time did (the plaintiff) request you

10 to move her or Minister Levin out of Crystal Clarity?

11 A. At no time.

12 Q. At any time did Minister Levin request you to move

13 him or her out of Crystal Clarity?

14 A. That I don't remember.

15 Q. Okay. Have you exhausted your memory of what was

16 said in the first counseling session between you and

17 Ms. (the plaintiff)?

18 A. I think so.

19 Q. So let's move on to the second counseling session.

20 MR. PARSONS: We -- yeah, if I may? We have, I

21 understand, 12:30 lunch appointments over here. I simply say

22 it now because you are going into a new area and I'd prefer

23 not to interrupt at any particular point.

24 MR. FLYNN: Let's stop at 12:30.

25 MR. PARSONS: Okay. Well, we should leave --

1 MR. FLYNN: We started a little bit late.

2 MR. PARSONS: Yeah, yeah, I mean you still get the

3 same amount of time, you know.

4 So, 20, 25 after? I'd request --

5 MR. FLYNN: 25 after?

6 MR. PARSONS: -- that we leave at 25 after.

7 MR. FLYNN: Yeah, that's fine.

8 THE WITNESS: It takes us ten minutes to get there.

9 MR. PARSONS: Ten minutes?

10 MR. FLYNN: You will be five minutes late.

11 Q. Second counseling session, Mr. Walters.

12 Approximately how long after the first counseling session did

13 the second one take place?

14 A. Well, let me say that my recollection is clear only

15 for the first and last. Whether there were others, I don't

16 really know for sure. There must have been, but then I don't

17 remember. I think I was talking more with Danny; this was

18 about his wanting to go into seclusion to straighten all this

19 thing out in his mind. I don't think I talked to her

20 directly after that until the last one. But again, I can

21 only say I don't think so.

22 Q. Okay. So there were only two counseling sessions

23 then?

24 A. That's what I said. I think -- all I recollect is

25 the first and the final one.

1 Q. Okay. During the, between the two counseling

2 sessions, do you remember any interaction with (the plaintiff)

3 of any nature or description?

4 A. Well, let's see, she was acting in a play that I

5 wrote and I, I had to criticize the way she was acting.

6 Q. What do you mean by that? What did you tell her?

7 A. Do you want me to tell you?

8 Q. Yes.

9 A. Well, I thought that she was acting in such a way

10 as to make, as to draw people to herself rather than to God,

11 and I, I just confidentially told her that, that it would be

12 better if she forgot herself and just thought of herself as a

13 devotee of God.

14 Q. Okay. Was there any other interaction other than

15 that between the first and last counseling session that you

16 recall?

17 A. I don't recall.

18 Q. Okay. When did the last counseling session take

19 place?

20 A. Well, that had to be after she came back from

21 India, and so when would that be? Probably November.

22 Q. November of?

23 A. '93, I think. Again, I'm not entirely sure, but I

24 think it was '93.

25 Q. Okay. Your best memory was that the other

1 counseling session took place between April and June of '93?

2 A. Sometime in there.

3 Q. But you also said you thought that all counseling

4 sessions were within two months of each other.

5 A. You're right. But not necessarily with (the plaintiff);

6 it was on the subject of (the plaintiff).

7 Q. Well, I, I just want to stick with you and

8 (the plaintiff) together, the counseling session.

9 A. Well, then I don't remember now. I don't remember.

10 Q. Your best memory now is in November of '93?

11 A. Yes.

12 Q. Okay. What did (the plaintiff) say to you to

13 initiate that counseling session?

14 A. I don't recall.

15 Excuse me, I do have to go to the bathroom again.

16 I'll be right back.

17 MR. PARSONS: Do you want to just break now? It's

18 20 after.

19 MR. FLYNN: All right.

20 THE VIDEOGRAPHER: It's 12:17. We're going off the

21 record.

22 (Lunch recess from 12:17 to 1:33 p.m.)

23 THE VIDEOGRAPHER: Here we go, we're back on the

24 record. It's 1:33.

25 BY MR. FLYNN: Q. After your first counseling

1 session with (the plaintiff), did you discuss -- strike

2 that. Did you contact Minister Levin about --

3 A. Yes.

4 Q. -- the counseling session?

5 A. Yes.

6 Q. Okay. What did you tell him about it?

7 A. Well, I asked Danny what, what he wanted. I mean I

8 didn't want to impose on him, but he said no, he wanted to

9 stay with his wife. Obviously, he was strongly tempted.

10 I said, "Well, I am glad you want to stay with her

11 because it's the right thing to do. And then I would suggest

12 that you do your best to be, to separate yourself, distance

13 yourself from (the plaintiff)." That was the essence of it.

14 Q. Did you tell him what (the plaintiff)'s position was

15 vis-a-vis the relationship?

16 A. What her --

17 Q. Position was as stated to you in the counseling

18 session?

19 A. You mean her attitude?

20 Q. Yeah.

21 A. No. I didn't want to encourage him in that. She

22 wanted it. She obviously -- she said, "Well, he's magnetic.

23 I'll try," et cetera. I didn't want to encourage him, so I

24 didn't say that.

25 Q. Oh, she had told you in the first counseling

1 session that she wanted the relationship?

2 A. No, she did not. But she did not say she didn't

3 want it, and she did say it was difficult. Obviously, she

4 was attracted to him. I didn't want to fan that attraction

5 by telling him that she told me she was attracted to him.

6 Q. Did you tell him anything about what she had said

7 in the counseling session?

8 A. No, no.

9 Q. After the first counseling session did you tell

10 anyone else at Ananda anything that (the plaintiff) had
11 said in the first counseling session?

12 A. No.

13 Q. Okay. Now going up to the second and last
14 counseling session, as I understand your testimony, the only
15 interaction you had with (the plaintiff) was in
16 connection with that play, and you have described that; is
17 that correct?

18 MR. PARSONS: Well, just to clarify, he, the
19 witness has testified he's not certain about any intermediary
20 counseling session.

21 MR. FLYNN: Please, I don't need your testimony,

22 Mr. Parsons. He can so state --

23 MR. PARSONS: No, no.

24 THE WITNESS: I already said the same thing.

25 BY MR. FLYNN: Q. Well, that's fine, but you can
1 say it and not Mr. Parsons.

2 MR. PARSONS: No, no, no. You have misstated his
3 testimony, is my point.

4 MR. FLYNN: Well, then he can respond, Mr. Parsons.

5 MR. PARSONS: No. And I'm entitled to make the
6 objection. You have misstated his testimony.

7 MR. FLYNN: Okay, it's stated.

8 Q. Now, Mr. Walters --

9 A. Yes, I don't remember. That doesn't mean that I
10 didn't have, but I don't remember.

11 Q. Okay.

12 A. And I, in fact, think I did not because this was

13 the time that I was going for an operation.

14 Q. Okay. Now between the first and second and last

15 counseling session did you discuss with anybody the

16 (the plaintiff)/Danny Levin problem?

17 A. Yes.

18 Q. Who did you discuss it with?

19 A. Well, first of all, I talked about it with John

20 Smallen, because I tried to get him to -- see, I'm trying to

21 construct these things again after two and a half years.

22 Obviously, at some point, whether from Danny or

23 from her, I realized that we'd have to separate her, not only

24 in the work place, but from the work place. So I asked,

25 first of all, Alexandra McGilloway. She said it would be

1 extremely difficult. And I didn't want to tell Alexandra my

2 reasons for wanting her out. And she depended heavily on

3 (the plaintiff)'s work at that time; so, I said, well, let's wait

4 a little bit.

5 Then I talked with John Smallen about the need to

6 have her away from the seclusion retreat while Danny was in

7 seclusion in my cabin there. I didn't know anything about

8 anything that happened beyond that because that's when I went

9 in the hospital.

10 I talked -- let's see, when did I -- at some point,

11 and I don't remember clearly, I realized that she had to be

12 taken out of it, so I talked to Alexandra again and told her
13 that my reason was that there was an attraction. I didn't
14 know to what extent that attraction had developed, but I told
15 her that there was something there and I felt that we had to
16 separate them. And she said she knew about it; so evidently
17 (the plaintiff) had talked to her. And so she agreed.

18 Q. What -- are you done?

19 A. I'm not sure.

20 So John Smallen came into the act by finding
21 another job for her in computer work in the community, not at
22 the publishing house. And, in fact, it was a promotion for
23 (the plaintiff) and the obvious solution.

24 In any work like that, you take the person who's
25 the most important for the work. Danny's salesmanship was a
1 permanent and long-range thing, so the question of his being
2 moved out was not an issue. We weren't talking in terms of
3 firing anybody; it was in terms of spiritual discipline, what
4 is best for the community, et cetera. On that basis I asked
5 John Smallen to take her out of Crystal Clarity and find
6 another job.

7 I am repeating myself there and I'll repeat it
8 again to say that it was a better job than she had at Crystal
9 Clarity.

10 Q. When did you ask him to do that?

11 A. That I don't remember. I would guess it was in
12 July, but that's an estimate.

13 Q. July of '93?

14 A. Uh-huh.

15 Q. Okay. And you indicated you had a conversation

16 with Alexandra McGilloway?

17 A. Yes.

18 Q. To the same effect, to move her out of the job?

19 A. (Nodding head.)

20 Q. And would that be in roughly the same time frame?

21 A. Yes.

22 Q. Okay. Are there any other individuals you spoke to

23 about the (the plaintiff)/Levin matter?

24 A. No, I don't think I spoke to anybody.

25 Q. Okay. Now when you spoke to Smallen or Alexandra

1 McGilloway, did you discuss with them anything (the plaintiff) had

2 said in the counseling session that you had had with her?

3 A. No, no. I was trying to help her at this time.

4 Q. Okay. Now between the first and second counseling

5 session, I believe you have testified you didn't discuss with

6 anyone anything that she had said in the first counseling

7 session; is that correct?

8 A. I don't remember doing so.

9 Q. Okay.

10 A. I'm pretty sure I didn't.

11 Q. Now in the second counseling session, which you

12 believe probably took place around November of '93, was there

13 anyone else present?

14 A. No.

15 Q. And what was said by Ms. (the plaintiff) to you and what
16 did you say?

17 A. Well, as I recall, it was Danny who asked me to
18 speak to her and say that he had absolutely decided that he
19 was going to stay with his wife and not go with (the plaintiff).
20 So I told her that this was his statement to me and
21 that I was going to back it, and that I was not going to
22 permit her to -- no, I didn't have to say it that way yet,
23 because I assumed she would go along with it. But when she
24 became more and more adamant that she was going to take him
25 away and going to marry him, that's when I finally became
1 equally adamant and I said, "I'm not going to let you stay
2 here and destroy the ir marriage and you are going to have to
3 move."

4 Then she tried a number of ploys to get me to
5 change my mind. One was self-pitying. "Oh, I'm always
6 rejected. Nobody wants me," et cetera, et cetera.

7 I said, "I'm sorry, I'm going to hold to this
8 line."

9 Then she said, "You are being unfair. You are
10 being, you are just siding him."

11 I said, "No, I'm not. I'm doing this for your
12 welfare also. It would be bad karma for you to take this man
13 away from his wife and backward child. So there's no
14 question of prefer" -- you know what I mean -- "favoritism."

15 And so she was very angry with this and was
16 starting to accuse me of being unfair and hostile, and how
17 lonely she was, that she was always being neglected and so
18 on.

19 And I said, "You are not going to get through to me
20 on this level or any level. I have made up my mind. I am
21 determined that you shall go."

22 And so I proposed to her, I said, "I'm not kicking
23 you out of Ananda, but we have a number of communities and I
24 would like you to go to one of them. I would suggest
25 Sacramen -- I mean Seattle or Assisi, but it's up to you.

1 It's just not going to be here."

2 And she kept saying, "Well, but I want to be here.
3 I like it here."

4 I said, "No, you are not going to be here."

5 So it was a very strong, not abusive, not loud, but
6 strong confrontation, because I was determined and she was
7 equally determined. And she was saying at that point, "I
8 would make a good mother to Alisa." And I said, "No, you are
9 not going to get a chance." And I would not have said that
10 if Danny hadn't appealed to me.

11 So that was the last talk. She left, not looking
12 at me, not answering, not saying goodbye, very angry. And
13 that's all I had.

14 Q. And that was all, everything you have just
15 testified about was in the context of this second and last

16 counseling session?

17 A. Yes.

18 Q. And thereafter you never had additional contact

19 with her?

20 A. No, that's not true. She wanted to come to a

21 higher Kriya initiation from Palo Alto to Ananda. And I

22 asked Danny and his wife, Karin, how they would feel about

23 it, and they said, well, they absolutely would not stay if

24 (the plaintiff) came; and so I said no, she could not.

25 There were two other times. I had heard in Palo

1 Alto that she was complaining about the way she had been

2 treated and being very negative, so I asked her to come to

3 my, where I was staying at David and Asha's, and talk to me.

4 And she said, "Oh, I have overcome it; I don't feel

5 that way anymore," and so she apologized and seemed to be

6 positive.

7 And then I heard this again, so I had that second

8 talk with her; and again, she apologized and said, oh, she

9 was going through a negative spell, but she was fine now.

10 So there were three contacts essentially: one was

11 the two talks I had at David and Asha's in the living room

12 there, and the other was by mail when she wanted to come to

13 the Kriya. And I might have said, well, Danny and Karin, you

14 don't come; I didn't have to take it on that level of

15 fairness. But I really didn't feel that (the plaintiff) was ready

16 for it, and so I told her not.

17 And so she wrote me a very angry letter saying,
18 "This is my family, you are not going to tell me how I'm
19 going to behave," and so on. That was the essence of that
20 letter.

21 And I just said, "No, you can't come."

22 Q. When were the two talks at David and Asha's house?

23 A. This I don't remember.

24 Q. Were they in the summer of '94?

25 A. Might have been.

1 Q. And were you ever present when (the plaintiff)

2 's aunt came from Australia?

3 A. I was not present.

4 Q. Were you aware that the aunt came from Australia

5 and accused your organization of sexual harassment of

6 (the plaintiff) while (the plaintiff) was still a member of the

7 community?

8 A. I was not aware of it until long after the fact.

9 Q. When did you become aware of it?

10 A. I don't know.

11 Q. Did Asha Preaver call you on the telephone after

12 meeting with (the plaintiff)'s aunt in which (the plaintiff)

13 's aunt accused you and Minister Levin of sexual

14 harassment while she was still a member?

15 MR. PARSONS: Wait. Objection, objection. There's

16 been no testimony that Mr. Walters was accused of sexual

17 harassment. The only testimony so far has been that Levin

18 was engaged in sexual harassment in the work place through
19 the aunt.

20 THE WITNESS: This is true, she never said a word
21 about me. But let me --

22 MR. FLYNN: We disagree on (the plaintiff)'s
23 testimony. I'll withdraw it.

24 Q. Let me ask you this, Mr. Walters. Did Asha Praver
25 contact you after Asha Praver met with (the plaintiff)
1 's aunt?

2 A. This I don't remember. That Asha told me, I, I do
3 remember that, but that she called me for that purpose, I
4 don't know.

5 Q. Now you were aware when that occurred, when Asha
6 Praver contacted you, that (the plaintiff) was still a member of
7 your community, were you not?

8 A. I was well aware that she was on her way out.

9 Q. Well, was she still a member of the Palo Alto
10 community, if you know?

11 A. This I don't know.

12 Q. And at some point in time did you find out that
13 (the plaintiff)'s aunt took her from Palo Alto when she
14 was having a nervous breakdown and took her to a therapist?

15 MR. PARSONS: Objection. Compound. It assumes
16 facts not in evidence.

17 THE WITNESS: It's absurd, but I'll say I know
18 nothing about it.

19 BY MR. FLYNN: Q. Okay. Did you ever receive any
20 contact from a therapist regarding your treatment of
21 (the plaintiff)?

22 A. No.

23 Q. Have you ever received contact from any therapist
24 regarding your treatment of other women?

25 A. No.

1 Q. Did Asha Praver inform you that (the plaintiff)
2 was beginning to see a therapist regarding what
3 had happened to her at Ananda?

4 A. No.

5 MR. PARSONS: Again, it assumes facts not in
6 evidence.

7 You may respond.

8 THE WITNESS: Yes, and I don't know.

9 BY MR. FLYNN: Q. Okay. With regard to the second
10 and last counseling session that you had with Ms. (the plaintiff),
11 did you disclose the contents of that counseling session to
12 any third person?

13 A. I'm sure I must have at that point because I wanted
14 her moved to another community, so I called Asha about it. I
15 must have talked to Danny, because he had asked me to speak
16 to her. No doubt I spoke to John Smallen, because he would
17 have to find somebody else for the work that she was doing.

18 So I think those were the inquiries. I don't remember any
19 more.

20 Q. Now in this second and last counseling session, if
21 I understand your testimony correctly, (the plaintiff) was
22 insisting on the relationship with Levin?

23 A. Yes.

24 Q. And you were opposed to it; is that correct?

25 A. Correct.

1 Q. And then you requested that she move to another
2 Ananda community and she was opposed to moving; is that
3 correct?

4 A. I've said it.

5 Q. My statement is true; is that correct?

6 A. Yes.

7 Q. Now when she was opposed to moving to another
8 community, did she say anything to you to the effect, send
9 Minister Levin to another community and I will stay here?

10 A. Yes, she may have said that; that I don't remember.

11 But I doubt it, because she wanted to be with Levin, Levin.

12 Q. Well, Mr. Walters, how did you know in the second
13 counseling session that she wanted to be with Levin unless
14 she told you that?

15 A. She did tell me that.

16 Q. Then how did you know that she wanted Levin to be
17 sent to another community?

18 A. You are the one who said that.

19 MR. PARSONS: Objection. He hasn't said that.

20 THE WITNESS: You are the one who said it.

21 BY MR. FLYNN: Q. Right. But is your testimony

22 that she didn't say that?

23 A. I don't remember.

24 Q. Haven't you already testified under oath, sir, in

25 this deposition that that's precisely what she told you?

1 MR. PARSONS: Okay, I am going to instruct this

2 witness not to answer a question concerning what he testified

3 under oath in a prior session. It's why, it's one of the

4 reasons why I -- you know, I'm just losing patience with the

5 redundancy of these lines of questioning. His testimony is

6 whatever it is.

7 MR. FLYNN: There's no redundancy here,

8 Mr. Parsons, except my questioning of this witness in

9 connection with a statement that he made in his declaration

10 earlier on in this deposition, believe me.

11 I'll ask another question.

12 Q. Mr. Parsons --

13 A. Mr. Walters.

14 Q. Or Mr. Walters. When did you first hear that

15 (the plaintiff) wanted you to send Levin to another

16 community and have her stay there?

17 A. I really don't remember.

18 Q. Did you ever hear that, sir?

19 A. I heard it in her complaint. I don't remember

20 other than that. She was making, as far as I could see, just

21 ridiculous statements.

22 Q. What ridiculous statements?

23 A. There was no reason -- I don't, I don't remember

24 whether she said that. Let's leave it there.

25 Q. What ridiculous statements was she making?

1 A. Well, it would be, it would be one among

2 whatever -- the attitude is what I'm really talking about.

3 I --

4 It would be absurd to have Levin move when

5 (the plaintiff) could move; A, because he's older; B, because he

6 had his own house there. She didn't have a house; she was

7 single. He had a family; he was well-ensconced.

8 I do remember --

9 Q. Did she tell you that?

10 MR. PARSONS: Excuse me. "That" meaning what?

11 Yeah, there's --

12 THE WITNESS: No, I do remember the question.

13 MR. PARSONS: Wait, wait a minute. Wait a minute.

14 I'm not certain we've even got a question here. He was

15 responding and you interrupted his question.

16 MR. FLYNN: Let me ask a question.

17 MR. PARSONS: Okay.

18 BY MR. FLYNN: Q. What do you remember, if

19 anything, that Ms. (the plaintiff) said to you in the second

20 counseling session with regard to her staying at Ananda and

21 Minister Levin leaving?

22 A. Now that's what I don't remember. But the fact

23 came up, whether it was raised by her, whether it was raised
24 by Danny, whether I thought about it, the question of whether
25 we wanted to either move Danny up to Seattle or even Crystal
1 Clarity up there. There was some reason for doing that
2 because we, in fact, ended up moving the McGilloways up
3 there, and the thought of maybe the whole office could be
4 there. But no, I don't remember anything about that
5 particular session or her saying that at that session.

6 Q. When is the first time you considered the option of
7 moving her or moving Levin?

8 A. I don't remember that.

9 Q. Did you ever consider those options?

10 A. Well, I have said that I did. I think that I did.

11 I know that at that session the whole subject was her moving.

12 Q. Did she ever request you at any time to consider
13 those two options before she left the Ananda?

14 A. This I don't remember.

15 MR. PARSONS: Excuse me. "Those two options"?

16 BY MR. FLYNN: Q. Moving her or moving Levin.

17 A. Yeah, I don't remember.

18 Q. All right. Was there anything in the second
19 counseling session other than what you have testified to that
20 you have disclosed to any third person at any time?

21 A. I don't remember.

22 Q. Did you disclose her statement to you in the second
23 counseling session that Minister Levin had initiated the

24 sexual contact?

25 A. Not at all.

1 Q. Did you ever confront Minister Levin with her

2 allegation that Minister Levin, according to her, had

3 initiated the sexual contact?

4 A. Say that again.

5 Q. Did you ever confront, after the second counseling

6 session, Minister Levin with (the plaintiff)'s

7 statement that it was Minister Levin who had initiated the

8 sexual contact?

9 MR. PARSONS: Wait. I, I object there. I haven't

10 heard any testimony that she made that statement to this

11 witness.

12 THE WITNESS: You have to understand, I didn't

13 confront anybody; I was trying to help them. So there's no

14 question of who did what to whom. I was trying to help both

15 parties.

16 BY MR. FLYNN: Q. Let me ask you this. Did you

17 ever ask Minister Levin whether he initiated the sexual

18 contact with (the plaintiff)?

19 A. I didn't even know it was sexual until well into

20 this whole thing. Did I ask who initiated it? It wasn't an

21 issue. They were both involved and I wanted to get them

22 disinvolved. It's not a matter of blaming; it's a matter of

23 helping. So, no, that was not an issue in my mind.

24 Q. So the answer is you never questioned Minister

25 Levin --

1 A. Except you said confronted.

2 MR. PARSONS: Wait.

3 BY MR. FLYNN: Q. -- about who initiated the
4 sexual involvement; is that true?

5 A. No, I don't remember.

6 Q. Did Minister Levin ever tell you that it was
7 (the plaintiff) who had had initiated the sexual
8 conduct?

9 MR. PARSONS: Objection, asked and answered.

10 THE WITNESS: But I can say a little more, and that
11 is, that -- mind you, this was a small part of my life at
12 that time, but the impression that I formed was that he felt
13 she had come on to him.

14 BY MR. FLYNN: Q. How did you form that
15 impression?

16 MR. PARSONS: Now we've been into his discussions
17 with Mr. Levin concerning Mr. Levin's belief as to who
18 initiated it. We went through that already.

19 THE WITNESS: There's really nothing I can add.

20 MR. FLYNN: No, no, we haven't, Mr. Parsons.

21 Q. Mr. Walters, what I want to know is did (the plaintiff)
22 ever tell you that she was the one that came on to
23 Levin and not vice versa?

24 A. I don't think she blamed either one, and that
25 includes saying what you have said. I don't think she said

1 anything about it.

2 Q. And what about Levin, did he say to you --

3 A. I --

4 MR. PARSONS: Wait.

5 BY MR. FLYNN: Q. -- that it was her that

6 initiated the sexual contact?

7 MR. PARSONS: Objection, asked and answered.

8 THE WITNESS: Yeah, asked and answered.

9 BY MR. FLYNN: Q. I'd like an answer.

10 MR. PARSONS: Well, hold on.

11 THE WITNESS: Do I have to keep answering the same

12 questions?

13 MR. PARSONS: Why don't you answer it one more time

14 and then maybe we can move on.

15 THE WITNESS: All right. I got the impression --

16 it's nothing that I remember him saying, but I got the

17 impression that he said that she, or felt that she had come

18 on to him.

19 BY MR. FLYNN: Q. Okay. In the Cross-Complaint in

20 paragraph 6 and 7, particularly paragraph 6 where you allege

21 that is, that it was a "consensual adulterous

22 relationship --"

23 MR. PARSONS: Is that paragraph 6?

24 BY MR. FLYNN: Q. Is that something that you --

25 MR. PARSONS: Hold on, let me catch up with you

1 here. It's in paragraph 6?

2 BY MR. FLYNN: Q. Is that something you got from
3 (the plaintiff) in a counseling session or something
4 you learned on your own?

5 A. No, in a counseling --

6 MR. PARSONS: Wait, wait, wait.

7 Objection. It's a compound question as to whether
8 he got it from (the plaintiff), and then whether or not
9 he got it in a session counseling session, and then whether
10 or not he got it from someone else.

11 I'll also object, you have already asked him about
12 the source of his knowledge concerning this exact same clause
13 you are going over now again.

14 MR. FLYNN: Please, Mr. Parsons.

15 THE WITNESS: We've lots of time covered by this.

16 We're wasting time.

17 BY MR. FLYNN: Q. Did you get the information in
18 paragraph 6 from a counseling session with (the plaintiff)
19, namely, that she was involved in a consensual
20 adulterous relationship?

21 A. Absolutely.

22 Q. Thank you. Now in a counseling session with --
23 strike that. Did you have any counseling sessions with
24 Minister Levin?

25 A. Yes.

1 Q. In a counseling session with Minister Levin did you
2 get from him that it was a consensual adulterous relationship

3 between the two of them?

4 A. Let me, let me clarify. Did you use the word

5 "adulterous" before? I was not aware that it was adulterous

6 until quite long into it; in fact, just prior to that last

7 counseling session we've been talking about as number two.

8 So "adulterous" is a word to be stricken from that record.

9 Did I get the impression from Mr. Levin that there

10 was a strong attraction between them? Yes, I did.

11 Q. Did you get the impression from Minister Levin in a

12 counseling session that it was consensual?

13 A. Yes, absolutely.

14 Q. And you were acting as his counselor at the time?

15 A. Yes.

16 Q. Spiritual counselor; is that correct?

17 A. Yes.

18 Q. And before, you had been acting during these

19 counseling sessions with (the plaintiff) as her

20 spiritual counselor; is that correct?

21 A. Both.

22 Q. "Both" meaning what?

23 A. Both of them.

24 Q. Okay. Now in the talks you had with (the plaintiff)

25 at Asha and David Praver's house, did you consider

1 that to be a counseling session with Ms. (the plaintiff)?

2 A. I don't know what you mean by "counseling session."

3 I was, I had been informed that she had been talking

4 negatively to people. I asked her over to ask her what this
5 was all about. I don't know that I'd call it a counseling
6 session, but certainly it could be called that. It wasn't
7 done in a private place; it was done in the living room there
8 where anybody could walk in, so there wasn't anything
9 confidential about it. I really don't know how to say more
10 than that.

11 Q. What had you heard that (the plaintiff) was
12 saying negatively?

13 A. She was complaining at being mistreated at Ananda
14 and by the leadership at Ananda, complaining about the way
15 Padma -- I mean Alexandra McGilloway had treated her.
16 It was all, frankly, extremely paranoid in that she
17 was all right and they were all wrong. But then she recanted
18 that negativity, and I just tried to help her to feel that I
19 wasn't judging her, I was her friend, I wanted the best for
20 her. She responded in kind and seemed to appreciate that and
21 left smiling and with full assurances of good will, et
22 cetera, et cetera.

23 Then it came up again; so I called her again. I
24 happened to be down there again visiting. And each time I
25 talked to her maybe 20 minutes, and that's it.

1 Q. At any time in your counseling sessions with
2 (the plaintiff) did you tell her that you did not want
3 her to disclose to anyone in the community that she was
4 involved in a sexual relationship with one of your ministers?

5 A. It wasn't like that. No, it was for her and
6 Danny's help that I said "let's not talk about it so that you
7 can get your bearings," and I didn't want to betray what I
8 considered a confidence by talking to people. But there was
9 nothing trying to keep it secret; it wasn't for that purpose
10 at all.

11 Q. What purpose?

12 A. Of trying to keep it secret. It was to help her.

13 In other words, the more you talk about these things, the
14 more you give them energy. I was trying to withdraw energy.

15 Q. Did you tell her you wanted to keep it secret?

16 A. Why do you keep asking that question? You are
17 trying to make me say something I didn't say.

18 Q. Did you tell her you did not want her to disclose
19 to any third person --

20 A. That's not a question of not wanting her to do it,
21 if she wanted to. But I didn't, I said it would be better
22 not to talk about it because that way you can gain the
23 strength in yourself.

24 But no, there's no -- you are trying to make it
25 seem as if I wanted it to be a secret from the community.

1 No, I wanted to help her.

2 Q. When you had these conversations with her at Asha
3 and David Praver's house about the negative statements she
4 was making, did you tell her you didn't want her to disclose
5 to any members of the community her relationship with Danny

6 Levin?

7 A. I remember no such thing. I think she had been

8 talking about it with some people.

9 Q. Isn't it a fact that you went down there to see her

10 because she had been talking about it in an effort to dissuade

11 her from doing that?

12 A. No, it is not a fact.

13 Q. And is it your testimony that when you arrived at

14 Asha and David Praver's house, you did not try to dissuade her

15 from disclosing to third persons that the relationship

16 existed?

17 A. I remember no such thing.

18 MR. PARSONS: Yeah, and that's been asked and

19 answered many times now.

20 BY MR. FLYNN: Q. All right, let's go back to your

21 complaint now. Would you go to paragraph 10, page 4

22 "(the plaintiff), while in training to become a member of Ananda's

23 household monastic order, initiated a sexual relationship

24 with Levin, a married Ananda member, in the hope that Levin

25 would leave his wife and marry her." Is that anything that

1 (the plaintiff) ever told you?

2 A. No.

3 MR. PARSONS: Excuse me.

4 THE WITNESS: No, it's not.

5 BY MR. FLYNN: Q. Namely, that she initiated

6 sexual relation?

7 A. This must have come from somebody else, because I
8 didn't say that.

9 Q. Okay. What facts do you have to support that
10 allegation, Mr. Walters?

11 A. I have told you.

12 Q. When you say you have told me, are you referring to
13 the impression you got from Minister Levin?

14 A. And of course, later, the fact of her insistence
15 that she wanted to marry him.

16 Q. Okay. With regard -- let's zero in on the
17 "initiated the sexual relationship."

18 A. I know nothing.

19 Q. You have no facts?

20 A. Right.

21 Q. Except an impression you got from Minister Levin?

22 A. Correct.

23 Q. And you don't remember the words of Minister Levin
24 that gave you that impression?

25 A. No.

1 Q. Did he say anything to the effect, well, it was
2 (the plaintiff)'s fault, she started it?

3 MR. PARSONS: Objection. It's been asked and
4 answered.

5 Go ahead.

6 THE WITNESS: No, I don't remember.

7 BY MR. FLYNN: Q. Okay. Now your complaint reads,

8 "Although initially response, Levin eventually repudiated the
9 relationship, told (the plaintiff) that he had told his wife about
10 the affair and was determined to stay with his wife and
11 family. (the plaintiff) nonetheless persisted in her efforts to
12 break up Levin's marriage, including sneaking into Levin's
13 house at 4:00 AM when his wife was away."

14 Do you have any facts to support the latter
15 allegation about sneaking into the house at 4:00 a.m. when
16 the wife was away?

17 A. I have the fact that he said that's what happened.

18 Q. "He" being Levin?

19 A. Yes.

20 Q. Okay.

21 A. I have the fact that I think she indicated by her
22 words and the strength of them that something strong happened
23 then. That's all I know.

24 Q. When did she indicate in the strength of her
25 words --

1 A. At that meeting.

2 Q. -- that something like that happened?

3 A. At that meeting.

4 Q. Which meeting?

5 A. The one you are calling the second meeting.

6 Q. So in the second meeting, she told you about the
7 sneaking into the house?

8 A. No, I didn't say that. Danny had told me that.

9 Now whether Danny told me before I talked to her -- he
10 probably did, but he may have told me after also.

11 But it was the strength of the bond that I was
12 addressing.

13 Q. Then your complaint alleges, "Distraught over the
14 threat that (the plaintiff)'s uninvited sexual conduct presented
15 to his marriage, Levin later called Walters, who had
16 previously counseled both parties to terminate their
17 relationship." Now --

18 A. Yes.

19 Q. Prior to Mr. Levin calling you, as referred to in
20 this allegation, did you know that he was distraught over
21 (the plaintiff)'s uninvited sexual conduct?

22 A. Yes, I did. I don't, I don't know whether I knew
23 that he had, that she had come to him that morning, but I
24 know that he was distraught because he, he phoned me and said
25 that he just had decided and he didn't want to have anything
1 -- he sounded distraught. He had decided he wanted to stay
2 with his wife, and he was pleading with me to help make
3 something happen that, that that would die down.

4 Q. And when did that conversation take place?

5 A. Before I called her for that second meeting.

6 Q. Oh, it was you who called her?

7 A. He told me; I called her.

8 Q. What time of the day was the second meeting?

9 A. I have no idea. I think it was after noon.

10 Q. Where did you call her?

11 A. I don't know.

12 Q. And then you requested her to come to your house?

13 A. Yes.

14 Q. Now --

15 A. That's the way I remember it.

16 Q. And then you told her that she was the one that was

17 going to have to leave; is that correct?

18 MR. PARSONS: Objection. You know, how many times

19 do you need to ask and get the same answer to that question?

20 MR. FLYNN: I'll withdraw that one.

21 Q. After Levin called you -- strike that. When Levin

22 called you, did he tell you that he wanted (the plaintiff)

23 to be removed from the community?

24 A. I don't remember that he did.

25 Q. During the conversation with Levin, did you

1 formulate the opinion that you had to remove (the plaintiff)

2 from the community?

3 A. I don't remember.

4 Q. What did Minister Levin indicate to you that made

5 you believe that he was distraught?

6 A. Urgency, tone of voice, pleading for help, all of

7 those things.

8 Q. What help was he pleading for?

9 A. Just what I have told you.

10 Q. "Get me out of this relationship"?

11 A. You could put it that way. Those weren't his
12 words, but he did want help because he had made this
13 decision. I don't remember more; it's been a long time.

14 Q. What help did he want?

15 A. Just what you said.

16 MR. PARSONS: Objection. This witness doesn't know
17 what he wants; you can ask him what he said he wanted.

18 BY MR. FLYNN: Q. What help did Levin say that he
19 wanted?

20 A. I have just told you.

21 Q. What?

22 A. What?

23 MR. PARSONS: Objection. Asked and answered.

24 THE WITNESS: How many times do I have to tell you?

25 MR. PARSONS: It's been asked and answered. Why
1 don't you answer it one more time; then maybe we can move on.

2 THE WITNESS: Why should I even answer it one more
3 time? I have answered it several times.

4 MR. PARSONS: I know.

5 BY MR. FLYNN: Q. I don't believe I've got an
6 answer. What help specifically did he say he wanted?

7 A. It wasn't specific. He just said, "I don't want to
8 marry her. I've made up my mind." And he wanted me to --

9 he wasn't going to tell me what to do; he was going to
10 present me with the problem and ask me to solve it.

11 I don't know how, at what point -- I think that

12 when I came to her, when I called her and had her come to me,
13 I think I had already made up my mind that she should go to
14 another community, because I saw no other solution for it.

15 Q. You had already made up your mind that she should
16 go to another community when you called her; is that correct?

17 A. I don't say that's correct. I say that's the best
18 of my recollection.

19 Q. And did you tell her that when she came to see you
20 in the second counseling session?

21 A. I'm sorry, but I cannot reconstruct word for word a
22 conversation two and a half years ago. I'm just going to say
23 I don't know.

24 MR. PARSONS: And he's already --

25 THE WITNESS: I've given you the context, I've
1 given you the gist. I can't remember the words.

2 MR. PARSONS: And he's also testified that in this
3 second or last --

4 MR. FLYNN: Please, Mr. Parsons, please, no
5 coaching.

6 JUDGE PLISKA: Mr. Flynn, I believe they're
7 correct, you have exhausted this conversation. You repeat
8 your questions over and over again.

9 MR. FLYNN: I think I have just about exhausted it,
10 Judge, but I think I have a direct contradiction on the
11 record.

12 JUDGE PLISKA: Well, I understand why they're --

13 MR. PARSONS: No.

14 JUDGE PLISKA: Well, if it's exhausted, then move
15 on.

16 MR. FLYNN: I think it is exhausted, but I believe
17 I have a direct contradiction on the record.

18 MR. PARSONS: Well, if you do --

19 JUDGE PLISKA: Well, if you have, then move on.

20 MR. PARSONS: Exactly.

21 MR. FLYNN: That's where I am going.

22 JUDGE PLISKA: Well, good.

23 MR. PARSONS: Well, please --

24 BY MR. FLYNN: Q. Now, when did you first tell
25 (the plaintiff) after the counseling session that you wanted her
1 to go to another community?

2 MR. PARSONS: Wait. Objection. The question
3 inherently contradicts what the witness has already
4 testified.

5 MR. FLYNN: He's testified to two things,

6 Mr. Parsons, believe me.

7 THE WITNESS: Oh, I don't believe you for a moment.

8 BY MR. FLYNN: Q. Well, we'll see what the record
9 indicates, sir.

10 A. Well, I'll tell you again. I told her at the
11 counseling session, not after.

12 MR. PARSONS: And the record is clear on that.

13 BY MR. FLYNN: Q. And what did you tell her,

14 Mr. Parsons?

15 A. Mr. Walters.

16 Q. Mr. Walters.

17 A. We may look like brothers but --

18 MR. PARSONS: Again, it's been asked and

19 answered --

20 JUDGE PLISKA: Yes, it has, Mr. Flynn.

21 MR. PARSONS: -- at least three times today.

22 MR. FLYNN: Okay, I'll move on. I'll move on.

23 THE WITNESS: Yeah, please do.

24 BY MR. FLYNN: Q. Now you state in your

25 allegation, sir, "Walters shortly thereafter met with

1 (the plaintiff) who defiantly refused to give up her efforts to

2 lure Levin away from his wife." Is that true, sir?

3 A. Yes.

4 MR. PARSONS: Wait. Is that true, that that's what

5 this says?

6 BY MR. FLYNN: Q. And she stated to you in the

7 second counseling session what is alleged here; is that true?

8 A. This is the second counseling session.

9 Q. "Despite Walters' attempts to persuade her to cease

10 her efforts on moral and spiritual grounds"; is that true?

11 A. Where are we?

12 Q. Paragraph 11 in the complaint, your complaint.

13 MR. PARSONS: As soon as you have finished up --

14 excuse me one second.

15 As soon as you have finished up what will hopefully
16 be a fairly brief line on this, I'd like to take a break so
17 that the doctor can just check his blood pressure, as I
18 mentioned earlier, as a routine matter.

19 THE WITNESS: Your question is just baffling to me.

20 BY MR. FLYNN: Q. Is it true that in the second
21 counseling session (the plaintiff) defiantly refused to
22 give up the relationship with Levin?

23 A. Yes.

24 Q. Is it true that in the second counseling session
25 (the plaintiff) defiantly refused to leave Levin?

1 A. Yes.

2 Q. Is it true that in the second counseling session
3 (the plaintiff) defiantly refused to leave Ananda?

4 A. That wasn't a defiant refusal, but it was certainly
5 an attempt to persuade me to let her not have to go.

6 MR. FLYNN: Okay.

7 THE WITNESS: Gosh, I can't understand all this
8 waste of time.

9 MR. FLYNN: Shall we go off the video record?

10 MR. PARSONS: Okay. It's okay with me. It's your
11 record.

12 MR. FLYNN: How long are you going to be,
13 Mr. Walters?

14 THE WITNESS: Oh, five minutes.

15 THE VIDEOGRAPHER: So what do you think, shall I

16 turn off the tape?

17 MR. FLYNN: Yeah, you can turn it off.

18 THE VIDEOGRAPHER: Okay, it's 2:13; we're going off

19 the record.

20 (Recess taken.)

21 THE VIDEOGRAPHER: We're back on the record. It's

22 2:21.

23 BY MR. FLYNN: Q. You will be happy to hear I

24 think we've got the second counseling session down.

25 A. I hope so.

1 Q. I think we've got it.

2 Now before (the plaintiff) left the

3 community, to your knowledge did she protest to anyone that

4 she was being forced to leave unfairly?

5 MR. PARSONS: Okay. Objection. Vague as to

6 "protest."

7 BY MR. FLYNN: Q. To your knowledge?

8 MR. PARSONS: You may respond.

9 And by "community" you are referring to --

10 BY MR. FLYNN: Q. Ananda, up in Nevada City.

11 A. I don't know what she's told others. She certainly

12 told that to me.

13 Q. When did she tell that to you?

14 A. At that counseling session.

15 Q. Okay. We don't want to go back into the counseling

16 session. Before she left, did she tell anyone, to your

17 knowledge, "Levin should be leaving, not me"?

18 A. I've no idea.

19 Q. Okay. And I think we've already covered your, the

20 extent of your knowledge on that issue subsequently. Let's

21 turn to page 11 of the complaint, paragraph 28:

22 "Count One - Defamation With Respect to

23 Walters.

24 "Cross-complainant Walters is informed and

25 believes and thereon alleges that beginning in

1 about October, 1994 and continuing to the

2 present, cross-defendant (the plaintiff) has

3 published oral statements to third parties

4 stating that (a), Walters sexually harassed

5 (the plaintiff)," and we'll stop there.

6 Okay, to your knowledge, sir, what oral statements

7 has (the plaintiff) made to third parties that you

8 sexually harassed her?

9 A. This was made to the two ladies who wrote

10 declarations. One was Peggy Baat and the other was Kelly

11 Coogan.

12 Q. And what statements did (the plaintiff) make

13 to these people?

14 A. I no longer remember, but they're written down as

15 declarations.

16 Q. As you sit here today under oath, you don't know?

17 A. Right.

18 Q. Okay.

19 MR. PARSONS: He doesn't remember.

20 THE WITNESS: That's right, I don't remember.

21 BY MR. FLYNN: Q. Okay. And in any way, sir, did
22 those statements to third persons harm you?

23 MR. PARSONS: Objection. Vague as to "harm."

24 BY MR. FLYNN: Q. Did they harm you?

25 MR. PARSONS: Excuse me. To the extent it calls
1 for a damages assessment, it calls for a legal conclusion.

2 You may respond.

3 THE WITNESS: I really don't know what, how to
4 answer that. I can't relate to it.

5 BY MR. FLYNN: Q. Do you know of any damages you
6 have suffered as a result of the statements that

7 Ms. (the plaintiff) made to Peggy Baat and Kelly Coogan?

8 MR. PARSONS: Same objections.

9 You may respond.

10 THE WITNESS: I really don't know how to respond to
11 that.

12 BY MR. FLYNN: Q. Why? Do you know of no damages?

13 A. I mean it's always damaging to have somebody make
14 statements against one. What the damages were, how great
15 they were, I really don't know.

16 Q. Did it damage your reputation within the Ananda
17 community?

18 A. I doubt it.

19 Q. Did it damage your reputation outside the Ananda
20 community?

21 A. Certainly.

22 Q. In what way?

23 A. Well, all the, the people in Nevada City that we've
24 been discussing at length in the morning bringing -- I think
25 that's the backbone of the whole thing, what she can get
1 against me; and so it brought you into it. You weren't into
2 it until then. How damaging? I don't think it damaged me at
3 all, but certainly the intent to damage was there.

4 Q. Has it caused you any financial damages that you
5 know of?

6 A. No. Of course, the court case.

7 Q. Other than the court case?

8 A. Not that I know of.

9 Q. Has it damaged your reputation in the Ananda
10 community, wherever Ananda communities are, not just Nevada
11 City, but Assisi and Palo Alto and Seattle and wherever these
12 other communities are?

13 A. From all I have observed, it's greatly strengthened
14 my reputation.

15 Q. Okay. What way has it strengthened it?

16 A. Because people know me and they know that this
17 isn't true, so they sort of rallied to my defense.

18 Q. Have the statements of (the plaintiff) been
19 made to any other third parties other than Baat and Coogan

20 that you know of?

21 A. Well, you know, all those declarants, she certainly

22 got in touch with them.

23 Q. Okay. What did she say?

24 A. I have no idea.

25 Q. Do you know anyone who does know what she said?

1 A. Eric Estep.

2 Q. Anyone else?

3 A. No.

4 Q. Okay. Do you have any other facts that support

5 your allegations in paragraph 28, subparagraph A, that

6 (the plaintiff) has made false oral statements to third

7 parties indicating that you sexually harassed her?

8 A. Her own statements in her, in her brief, her

9 complaint, whatever you call it.

10 Q. Okay. Anything else?

11 A. I think that's quite enough. I don't know more.

12 Q. Okay.

13 A. I mean I can't remember more, to make it more

14 specific.

15 Q. Okay. And we covered -- you don't know of any

16 statements, period, so therefore you don't know any

17 additional statements, correct?

18 A. I --

19 MR. PARSONS: Objection. That misstates his

20 testimony.

21 MR. FLYNN: I just don't want your client coming up
22 later on with new statements that I haven't heard about, so I
23 want --

24 Q. Have you exhausted your memory about any statements
25 (the plaintiff) made about you which you consider false
1 and defamatory?

2 A. Mr. Flynn, I don't know what you are getting at. I
3 have exhausted my memory today; if tomorrow I remember
4 something, I'll remember it tomorrow.

5 Q. Oh, okay. Now have you read any document other
6 than court filings in which (the plaintiff) made what
7 you considered to be a false statement about you?

8 A. I don't remember.

9 Q. Okay. Can you identify any person who has
10 contacted you and said "I believe (the plaintiff) and I
11 no longer respect you as a swami"?

12 A. I have had some anonymous letters. I have also had
13 contact with somebody who I believe has been in contact with
14 you, Pat Black and Ted Jiff, certain people who are negative
15 about Ananda anyway and therefore have leapt gleefully on
16 this possibility, this information or whatever,
17 misinformation.

18 I really I haven't given my mind to it, so I can't
19 say more.

20 Q. Where are those anonymous letters? Do you have a
21 file of them?

22 A. No.

23 Q. Did you give them to your lawyer?

24 A. No.

25 Q. Did you throw them away?

1 A. Yes.

2 Q. What did the anonymous letters say?

3 A. I don't remember.

4 Q. Okay. What did Ed Jiff say to you?

5 A. Well, it was an anonymous letter, so I just know

6 that it was he who wrote it, and his typewriter shows that he

7 wrote it. And I don't remember what he said now; it's been

8 nearly a year.

9 Q. What did Pat Black say?

10 A. Pat Black talked about -- what did she talk about?

11 We had seen her copying the Mercury News article in large

12 numbers, so somebody happened to come into a market where she

13 was copying it; she looked very guilty about having been

14 exposed. Then she came on more openly critical. And, of

15 course, she sent you things, as I know.

16 She, she wrote about how she had become disaffected

17 from Ananda; she didn't feel that Ananda was for her. It

18 was, it was -- I, I wrote her back and said that "If you were

19 living in Los Angeles, you would have the same attitude

20 towards SRF because this is your nature," but I don't

21 remember specifically, no.

22 Q. Okay. Do you know of any statements (the plaintiff)

23 made to Pat Black that defamed you?

24 A. I don't know whether -- I doubt that they had any
25 contact. They might have, but that I don't know about.

1 Q. Okay. Did the statements, did anything Pat Black
2 say or do damage you in any way?

3 A. No idea.

4 Q. Okay. The next one, subparagraph B, "Walters
5 retaliated against (the plaintiff) because of her complaint of
6 sexual harassment by Levin." Now what facts do you have to
7 support your belief that (the plaintiff) made that
8 statement to a third party, namely that you retaliated
9 against her?

10 A. I've no idea. I certainly didn't retaliate, but
11 she might have felt that it was a retaliation when I wouldn't
12 let her come to take that higher initiation.

13 Q. Do you know what third person she made this
14 statement of retaliation to?

15 A. I can only guess that it was Peggy and Kelly.

16 Q. Okay. Do you know of any other person?

17 A. I don't even know of them; I'm guessing.

18 Q. Okay. Did that statement to Peggy and Kelly damage
19 you in any way, that you retaliated against her?

20 MR. PARSONS: Again, objection. Calls for legal
21 conclusion. Vague and ambiguous.

22 You may respond.

23 THE WITNESS: No. Really, I, I don't know.

24 BY MR. FLYNN: Q. Well, has Peggy or Kelly said

25 anything to you that would indicate to you that you were

1 somehow damaged in your reputation to them by this statement

2 about retaliation?

3 MR. PARSONS: Same objection as to calls for legal

4 opinion as to damages, vague and ambiguous.

5 You may respond.

6 THE WITNESS: I didn't know those two ladies.

7 BY MR. FLYNN: Q. Well, is it also true that --

8 are they still members of the Ananda community?

9 A. I believe they are.

10 Q. Has their relationship with you been strengthened

11 since these statements of retaliation were made by, allegedly

12 by (the plaintiff)?

13 A. Well, I have to say, first of all, there was no

14 relationship. Now there's a slight relationship, but that's

15 with one of them, that's Peggy, and only just a friendly

16 offering me of some sort of aroma therapy for these

17 depositions and another one for my trip to India. And I have

18 seen her twice in my life as far as any kind of eye contact.

19 I don't know what Kelly Coogan looks like. I may

20 have met her; I'm not sure.

21 Q. So you know of no damage to your reputation that

22 comes from the two of them --

23 A. This is correct.

24 Q. -- in connection with that statement, is that

25 right?

1 How about any other third party, was this

2 retaliation statement made by Ms. (the plaintiff) allegedly made

3 to any other third party that you know of?

4 A. I don't know.

5 And speaking of damage to reputation, who's to

6 define damage? I don't know what it means.

7 Q. Well, do you know of any damage to your reputation

8 that you feel has been injurious to you?

9 MR. PARSONS: Okay. Objection, same objection,

10 legal opinion as to damage. Vague and ambiguous.

11 Go ahead.

12 THE WITNESS: Really, why -- I don't care what

13 people think about me, so I don't think in terms of damage.

14 I just don't know.

15 BY MR. FLYNN: Q. So you don't care whether

16 (the plaintiff) has made false statements about you?

17 A. It's unpleasant, but if it's a fact, I just have to

18 accept that it's a fact.

19 Q. But -- well, do you care or don't you care?

20 A. To the extent that I would rather one or the other,

21 of course I'd rather she didn't, but not more than that.

22 Q. Then why did you sue her?

23 A. Because I don't think that it's fitting that people

24 believe lies if we can say something about it. But in fact,

25 otherwise, I don't really -- it's not that I want money out

1 of her.

2 Q. So you don't want money from Ms. (the plaintiff) in this
3 lawsuit?

4 MR. PARSONS: Wait. Objection. That's asking for
5 a contention of a, of a party. We have asked for damages in
6 the cross-complaint.

7 THE WITNESS: Right, but I personally -- we are
8 talking -- you are trying to talk to me as a corporate
9 entity, and I'm understanding you on a personal level. I
10 really couldn't care less.

11 BY MR. FLYNN: Q. You don't want any damages from
12 (the plaintiff); is that your testimony?

13 A. Personally.

14 Q. Personally, okay.

15 A. No, I don't.

16 MR. PARSONS: Same objection, okay.

17 THE WITNESS: Personally, no, I don't.

18 BY MR. FLYNN: Q. And you don't feel that she's
19 damaged you reputationally; is that correct?

20 MR. PARSONS: Objection. Misstates his testimony.

21 Go ahead.

22 THE WITNESS: Honestly, I -- the way I look at
23 trials and tests in life is that they're all blessings.

24 BY MR. FLYNN: Q. Okay. So this, this case
25 against you is a blessing?

1 A. Yes.

2 Q. Have you ever considered the alleged false

3 statements of (the plaintiff) to be injurious to you?

4 MR. PARSONS: Objection. Vague as to "injurious."

5 You may respond.

6 THE WITNESS: Unpleasant. That's about all I can

7 say.

8 I really mean it when I say that I consider it a

9 blessing. I feel whatever God gives me is what he, what I

10 deserve.

11 BY MR. FLYNN: Q. So being confronted by me as the

12 embodiment of evil is a blessing?

13 A. Yes.

14 MR. PARSONS: Wait. It's argumentative. Let's

15 move on.

16 MR. FLYNN: Your client has answered, Mr. Parsons.

17 THE WITNESS: Yeah, but you, you are not

18 understanding it. That doesn't matter to me.

19 BY MR. FLYNN: Q. Right. I'm sure I'm not --

20 A. I do understand it myself; that's what really

21 matters.

22 Q. Have you ever considered the alleged false

23 statements of Ms. (the plaintiff) to be damaging to your

24 reputation?

25 MR. PARSONS: Objection. Calls for legal

1 conclusion, vague and ambiguous.

2 You may respond.

3 THE WITNESS: Yes. I don't know.

4 BY MR. FLYNN: Q. You don't know whether you ever
5 thought about it?

6 A. I don't know whether it's really an issue.

7 Q. Well, did you ever -- the question is did you ever
8 consider it, aside from your being here today, at some point
9 in the past? For example, when you filed the complaint on or
10 about December of 1994, did you consider at that time what
11 Ms. (the plaintiff) had allegedly said falsely about you to be
12 injurious to you?

13 MR. PARSONS: Okay. Again, objection. Vague,
14 ambiguous, calls for legal conclusion.

15 You may respond.

16 THE WITNESS: Yes -- I, I, I won't comment.

17 BY MR. FLYNN: Q. Well, I want an answer.

18 JUDGE PLISKA: You need to answer, Mr. Walters.

19 THE WITNESS: An answer whether I considered it
20 injurious? I don't see, I don't see what I can say on that.

21 MR. PARSONS: No, the question is whether or not
22 you considered it one way or another.

23 THE WITNESS: Well, of course, I considered it.

24 BY MR. FLYNN: Q. Okay. At the filing of the
25 complaint you considered it. In what way did you consider it
1 as to whether it was injurious to you or not?

2 A. Well, here I'm aware that you all are trying to
3 destroy me and my reputation and Ananda by forcing my

4 resignation, and I just don't see that -- I mean, obviously,
5 I would think that. But then I say, "Well, God, whatever you
6 want, I will accept gladly, and I will consider it a blessing
7 no matter what happens."

8 So I don't know what the issue is here. If I
9 understood it, maybe I could answer more clearly.

10 BY MR. FLYNN: Q. Okay, try this. Prior to the
11 filing of the complaint, other than Peggy Baat and Kelly
12 Coogan, did anyone tell you that they believed your
13 reputation had been damaged by something (the plaintiff)
14 had said about you which was false?

15 A. Not that I remember.

16 Q. All right. Okay. Now in your capacity now as the
17 leader of the Ananda community, whatever is it, spiritual
18 director, swami, I won't characterize it; I'll leave it to
19 your mind to figure out what your position is. In connection
20 with your position in the Ananda community, whatever that is,
21 has the Ananda community, to your knowledge, been damaged by
22 any false statement of (the plaintiff) about you?

23 MR. PARSONS: Objection. Calls for a legal
24 conclusion, vague and ambiguous.

25 But you may respond.

1 THE WITNESS: You see, there are two levels here,
2 and it's sensitive for me to try to answer. There's the
3 question of right spiritual attitude, which I seek and try to
4 hold; and in that, even -- no matter what happens, there's a

5 blessing if you take it with faith and just give it to God.

6 If you look at it from a worldly point of view,

7 then obviously it's been a challenge. Now is that challenge

8 damaging or not? I think that's, that's one you have to call

9 in the future. Because I've seen again and again that things

10 that look even disastrous turn out to be good.

11 So you are trying to say, in my opinion has it been

12 damaging? I really don't know. I know it's been hard;

13 there's no doubt about that.

14 BY MR. FLYNN: Q. Let me try it this way. You are

15 suing Ms. (the plaintiff) and your church is suing Ms. (the plaintiff).

16 Do we agree on that, Mr. Parsons?

17 MR. PARSONS: Well, no, we don't agree. It's not

18 his church. The Ananda church has sued and this witness has

19 sued; yes, we agree on that.

20 BY MR. FLYNN: Q. Okay. Now what damages are you

21 claiming, if any, for the false statements made by (the plaintiff)

22 for you personally?

23 MR. PARSONS: Okay. Objection. I'm objecting on

24 the grounds it calls for a legal conclusion; it calls for,

25 probably, work product. It's vague, ambiguous.

1 You have also asked and answered that -- four times

2 has it been? -- asked and answered it four times.

3 MR. FLYNN: Well, only because of his last

4 testimony where he says that he can't separate --

5 MR. PARSONS: Well --

6 THE WITNESS: I didn't say I can't; I was trying to
7 help you to separate them.

8 BY MR. FLYNN: Q. Let's try it this way: Do we
9 agree, sir, you are not claiming any damages for you
10 personally?

11 MR. PARSONS: No, no.

12 MR. FLYNN: He just said yes.

13 THE WITNESS: No, I'm not. Right, I'm not.

14 BY MR. FLYNN: Q. You are not?

15 Now what kind of damages are you claiming for the
16 church because of false statements about you?

17 MR. PARSONS: Okay. Well, that, I've got to object
18 to that. This, he's not, as far as I know, he's not claiming
19 any damages for the third-party church.

20 MR. FLYNN: I can't think of a higher
21 representative of the church than the swami, Mr. Parsons; I'm
22 sorry.

23 THE WITNESS: A swami who has retired and is no
24 longer active in these roles.

25 BY MR. FLYNN: Q. Let me ask you this, sir: Do
1 you know of any damages the church has suffered because you
2 have been allegedly defamed by Ms. (the plaintiff)?

3 MR. PARSONS: Okay. Objection, calls for a legal
4 conclusion and ambiguous.

5 You may respond.

6 THE WITNESS: And in fact, it's something my lawyer

7 would have to discuss with me.

8 BY MR. FLYNN: Q. Do you know of any damages the
9 church has suffered?

10 MR. PARSONS: Same, same objection.

11 Go ahead.

12 THE WITNESS: Mr. Flynn, most people in our
13 position would say that damages have been colossal. People
14 talking against the church, talking against things, telling
15 lies. Yes, we would have to say so.

16 So I try to put it on another level and say that
17 many times these things are blessings; and whatever is, I
18 want, I want to face it; I don't want to hide anything.

19 And so on what level are we speaking? On a legal
20 level, then I have to talk with my lawyer.

21 BY MR. FLYNN: Q. Okay. Do you know of any
22 colossal damages the church has suffered?

23 MR. PARSONS: Same objections.

24 THE WITNESS: How can you, how can you pin a thing
25 like defamation down to a specific damage? Nothing has
1 collapsed. No business has failed. Nobody has left the
2 organization. On that level I can't, I can't speak of
3 damages.

4 BY MR. FLYNN: Q. Okay. Other than --

5 A. The "other" is vague.

6 Q. Have you lost any moneys, the church? Has the
7 church lost any moneys as a result of the defamatory contents

8 of Ms. (the plaintiff) other than paying the costs in this case?

9 A. Well, that's a big "other."

10 Q. Well, leave that one aside. You have got all your

11 costs over here. Any other money damages the church has

12 suffered that you know about?

13 A. Well, there again, I'd have to talk -- I'm not

14 aware of them personally. That doesn't mean there aren't,

15 but no, I'm not aware.

16 Q. Okay. And any damages to the reputation of the

17 church that you know about, do you know of any such damages?

18 MR. PARSONS: Okay, same objection. Calls for

19 legal conclusion, vague, ambiguous, but you may respond.

20 THE WITNESS: Well, people -- there are articles

21 that have come out in the papers against us, against me

22 quoting you.

23 BY MR. FLYNN: Q. Quoting me?

24 A. Quoting Mr. -- What's your name?

25 MR. GREENE: Greene.

1 THE WITNESS: Flynn -- I mean Greene, sorry.

2 Greene. And -- well, he's always mixing us two, so forgive

3 me.

4 From all that we've had as feedback from the people

5 who have, who live in the county, people we don't, who are

6 not members, people we do business with, people -- they all

7 say, "Oh, who reads that stuff anyway? It's a bunch of

8 nonsense."

9 So has it really hurt us? I doubt it, frankly.

10 BY MR. FLYNN: Q. Okay. Now let's go on to 3.

11 "Walters has engaged" -- well, I'll put it in

12 context.

13 "(the plaintiff) has published oral

14 statements to third parties stating that (c)

15 Walters has engaged in an ongoing systematic

16 pattern of sexual exploitation, harassment,

17 and coercion of women."

18 Now who did Ms. (the plaintiff) make those allegedly

19 false statements to?

20 A. You are talking of outside her brief, her

21 complaint?

22 Q. Yeah, that caused you to file this complaint.

23 A. That was Peggy and Kelly.

24 Q. Same two people. Anyone else?

25 A. That's all I know of.

1 Q. Okay. Have you been damaged, you personally, Swami

2 Walters, been damaged in any way as a result of those

3 allegedly false statements of Ms. (the plaintiff)?

4 MR. PARSONS: Okay. Objection. Calls for legal

5 opinion, vague and ambiguous.

6 THE WITNESS: I think all the answers I have given

7 above apply to this particular sentence.

8 BY MR. FLYNN: Q. Okay. Fine, I'll accept that

9 one.

10 Have you ever considered that the oral, the
11 allegedly defamatory statements to these third parties about
12 sexual exploitation, et cetera, has caused you damages?

13 MR. PARSONS: Excuse me one second.

14 Same objections as to the last question.

15 You may respond.

16 THE WITNESS: Yes.

17 BY MR. FLYNN: Q. You have considered it?

18 A. Yes.

19 Q. And what did you consider?

20 A. Let me read this again here.

21 Read it again to me. What were you asking?

22 Q. I just want to know whether you ever thought that
23 these fault statements about the sexual, systematic pattern
24 of sexual exploitation has caused you damages?

25 MR. PARSONS: And he answered that one in the
1 question of "what did you consider."

2 BY MR. FLYNN: Q. Right. What did you consider?

3 What way did you consider caused you or didn't cause you
4 damages?

5 A. What way? Okay. Really, in the same way as the
6 others.

7 Q. Your answers would all be the same?

8 A. I think so.

9 Q. That you really don't know if it caused you any
10 damages?

11 MR. PARSONS: Well, I am going to object. I, I
12 don't want you to try to recharacterize his testimony. If he
13 says he adopts his testimony, that's one thing, but I don't
14 want you --

15 BY MR. FLYNN: Q. Okay, belay what's on there;
16 we'll leave it that way.

17 Now I'm going to stop at this one for a moment.

18 You know that -- are you aware that truth is a defense to a
19 defamation action?

20 A. I know nothing about it.

21 Q. Okay. Have you ever engaged in an ongoing
22 systematic pattern of sexual exploitation, harassment and
23 coercion of women?

24 A. Absolutely not.

25 Q. Okay. Now we've been through some of the women's
1 declarations who have filed against you where they allege
2 that, right?

3 A. Yes.

4 MR. PARSONS: Well, objection. I don't know that
5 they alleged that, so you are misstating these exhibits.

6 We've gone through --

7 BY MR. FLYNN: Q. We've gone through --

8 MR. PARSONS: -- declarations.

9 BY MR. FLYNN: Q. -- some of them. We haven't
10 gone through all of them, and they stand the way they stand.
11 But I want to now put those declarations in some context in

12 this claim for defamation.

13 Now with regard to (woman #7), have you ever

14 sexually exploited or harassed or coerced (woman #7)?

15 A. Absolutely not.

16 Q. In her declaration which is marked here, as you

17 know, she basically says you raped her.

18 MR. PARSONS: Well, wait. No, I want him to see

19 the declaration; I don't want you characterizing it.

20 MR. FLYNN: We'll take your --

21 THE WITNESS: But I know, I know what she said

22 there.

23 MR. PARSONS: Well, you have a memory of what she

24 said, but you are being deposed. With every word taken down,

25 it's worth finding out what she actually says in addressing

1 questions based on what she actually said.

2 THE WITNESS: But I remember my outrage at reading

3 that statement.

4 BY MR. FLYNN: Q. Okay. You felt that the

5 (woman #7) declaration was false?

6 A. I knew that it was.

7 Q. Okay. Okay. Is it fair for me to characterize her

8 as basically saying that you raped her?

9 MR. PARSONS: No, I, I don't --

10 BY MR. FLYNN: Q. Or do you want to reread it? Do

11 you want to come to mutual agreement on --

12 MR. PARSONS: Wait.

13 BY MR. FLYNN: Q. -- on paragraph 26 in her
14 declaration?

15 MR. PARSONS: I don't, I don't -- I've got to
16 object to this idea of coming to some agreement about what a
17 third party says. Ask him questions based on it if you want
18 to.

19 He's here to answer questions, not to come to some
20 mutual, you know, agreement on what a third party says.

21 MR. FLYNN: Mr. Parsons, I don't want to belay it;
22 I just want to know whether he considers this statement to be
23 true or false, so I can use it in the context of the
24 cross-complaint.

25 THE WITNESS: False.

1 BY MR. FLYNN: Q. Okay. Now she says on page 7,
2 line 23 of her declaration, (woman #7), your ex-spiritual
3 wife, "Then he wanted to kiss me. I resisted and kept
4 turning my face away from him. Soon my
5 blankets were thrown aside and my undies
6 pulled off, and he's holding me down while
7 having intercourse with me. I was totally
8 disgusted and in shock. I felt totally
9 violated and sickened."

10 Now --

11 MR. PARSONS: Wait. There's no question yet.

12 BY MR. FLYNN: Q. Now I take it from your
13 testimony that you believe that her declaration is false?

14 A. I know it is.

15 Q. Okay. Now to your knowledge, did she ever make
16 this statement, the statements of the way you treated her
17 sexually as she's alleged here, to any third person outside
18 her declaration?

19 A. Never.

20 Q. So the first time that you have ever seen this
21 statement of (woman #7) is in her declaration; is that correct?

22 A. That's correct.

23 Q. And it's, that declaration was filed in this case;
24 is that correct?

25 A. Yes.

1 Q. Now (woman #7) was a disciple of Yogananda, was
2 she not?

3 A. No.

4 Q. At any point in time did (woman #7) become a
5 disciple of Yogananda?

6 A. I brought her to him.

7 Q. You brought her onto the spiritual path; is that
8 correct?

9 A. Yes. Onto this path anyway.

10 Q. And before you brought her onto that, the Ananda
11 path, was she a disciple, to your knowledge, of Yogananda?

12 A. She was not.

13 Q. And she then became a disciple of Yogananda because
14 of you; is that correct?

15 A. Yes.

16 MR. PARSONS: Well, objection. Calls for

17 speculation of this witness.

18 THE WITNESS: That's correct.

19 MR. PARSONS: Lack of foundation.

20 But you may respond to the extent you know or

21 believe.

22 BY MR. FLYNN: Q. How long after she became a

23 disciple of Yogananda did you first have sex with (woman #7)

24 ?

25 A. Before.

1 Q. Before she became a disciple?

2 A. Yes.

3 Q. When she was married?

4 A. Yes.

5 Q. And after she became a disciple, did you have sex

6 with her?

7 MR. PARSONS: Okay. Now we've also gone into just

8 excruciating detail already on this witness' entire

9 relationship with --

10 MR. FLYNN: I'm just laying the foundation for

11 defamation part. I'm not going into all the relationship

12 again, believe me.

13 MR. PARSONS: Well, we're certainly into the

14 relationship again, I believe.

15 THE WITNESS: Well, how can you believe it?

16 MR. FLYNN: Well, we have your cross-complaint,

17 Mr. Parsons.

18 MR. PARSONS: Why don't you just ask him a question

19 then, instead of going through what you have already gone
20 through?

21 JUDGE PLISKA: Confine yourself to the

22 cross-complaint, Mr. Flynn.

23 MR. FLYNN: I'll try to be a little more specific.

24 JUDGE PLISKA: Good.

25 BY MR. FLYNN: Q. Now did (woman #7), to your

1 knowledge, cause you any damage in making this statement that
2 I've read and filing it in this court --

3 MR. PARSONS: Okay, objection.

4 BY MR. FLYNN: Q. -- in this court case?

5 MR. PARSONS: Hang on a second.

6 First of all, there's no allegation of any lawsuit

7 against (woman #7), so this entire line of questions

8 about any damages caused by (woman #7) is totally

9 irrelevant to the cross-complaint.

10 Second of all, you have got a string now of

11 statements, okay. There's no foundation for this witness to
12 testify.

13 I thought you were going to be, I thought you said

14 you were going to be asking questions about the

15 cross-complaint.

16 MR. FLYNN: I am.

17 MR. PARSONS: Okay. (woman #7) is not

18 concerning the cross-complaint.

19 MR. FLYNN: It is.

20 MR. PARSONS: How?

21 BY MR. FLYNN: Q. Mr. Walters, what statement did

22 (the plaintiff) make to any third party that you know

23 of with regard to what you did to (woman #7)?

24 A. Uh-huh.

25 MR. PARSONS: Okay, that has been asked and

1 answered.

2 MR. FLYNN: It has not been asked, never been

3 asked, Mr. Parsons.

4 Q. What statement, sir, did (the plaintiff) make

5 to any third party that you know of regarding what (woman #7)

6 says you did to her?

7 MR. PARSONS: Okay. I am going to object --

8 MR. GREENE: It's time for a blood pressure break.

9 MR. PARSONS: I want to object --

10 THE WITNESS: You are having fun.

11 MR. PARSONS: No, they're obviously laughing and

12 mocking what's going on.

13 THE WITNESS: Yeah, who has mocked me? There it

14 is.

15 MR. PARSONS: I just --

16 MR. FLYNN: Please, Mr. Parsons, I just want an

17 answer.

18 Q. What statement did my client, (the plaintiff)

19, make to some third party that you know of

20 regarding this (woman #7) treatment of her by you?

21 MR. PARSONS: Okay, "this (woman #7)

22 treatment"?

23 BY MR. FLYNN: Q. That I read into the record.

24 MR. PARSONS: Okay. If, if anything -- objection,

25 it's been asked and answered.

1 You may respond to what --

2 THE WITNESS: Right.

3 MR. PARSONS: You may respond to what you

4 understand (the plaintiff) said concerning (woman #7).

5 THE WITNESS: The only recollection I have and

6 answered to was the statement that I raped her, which I did

7 not and denied it.

8 BY MR. FLYNN: Q. Okay. What third person --

9 MR. PARSONS: I'm going to take a break because --

10 BY MR. FLYNN: Q. -- did (the plaintiff) make

11 a statement to regarding (woman #7)?

12 MR. PARSONS: Excuse me. I want to take a break as

13 soon as you have -- hopefully, you can wrap up something or a

14 line in a question or two, and then I'd like to take a break.

15 MR. FLYNN: Fine.

16 MR. PARSONS: Go ahead.

17 BY MR. FLYNN: Q. Can you identify one third

18 person that (the plaintiff) made a statement to

19 regarding (woman #7) and your treatment of (woman #7)

20 ?

21 A. All of these were the same people: Peggy and

22 Kelly.

23 Q. Okay. To your knowledge, it's your testimony under

24 oath that (the plaintiff) told Peggy and Kelly that you

25 had sexually exploited or harassed or coerced (woman #7);

1 is that correct?

2 MR. PARSONS: Objection. It misstates what he has

3 said, but you may respond.

4 THE WITNESS: Does it misstate? Say it again then.

5 BY MR. FLYNN: Q. Did, to your knowledge,

6 (the plaintiff) tell Peggy or Kelly that you had

7 sexually exploited, harassed or coerced (woman #7)?

8 A. I think that's so, and that's what I was saying, I

9 did not. So I think in my, in my declaration, I addressed

10 that statement and said that that was not true.

11 Q. Okay. When did Peggy Baat and Kelly Coogan tell

12 you that (the plaintiff) had made this statement regarding

13 (woman #7)?

14 A. This I don't remember.

15 Q. Did they ever make such a statement to you?

16 A. Yes. Not to me; I didn't meet them. They

17 submitted their papers, you have them, and you know better

18 than I, because I don't have them.

19 Q. Have you been in any way damaged by any statement

20 (the plaintiff) made about your relationship with

21 (woman #7)?

22 MR. PARSONS: Okay. Object, legal conclusion,

23 vague, ambiguous, speculation.

24 You may respond.

25 THE WITNESS: I gave a long answer to this general

1 line; I can only give the same answer.

2 BY MR. FLYNN: Q. It will be the same answer? I

3 will accept that.

4 Okay, now did you want to take a break?

5 A. Take a break, yes.

6 MR. FLYNN: Okay, bathroom break.

7 THE VIDEOGRAPHER: Okay, I am also probably going

8 to have to change tapes here, so let's do that as well.

9 This is the end of videotape 18 in the deposition

10 of J. Donald Walters. It's 2:55.

11 (Recess taken.)

12 THE VIDEOGRAPHER: Time is 3:02. This is the

13 beginning of videotape 19 in the deposition of J. Donald

14 Walters. It is 3:04.

15 BY MR. FLYNN: Q. Now this statement, Mr. Walters,

16 in your complaint that, where you allege that Ms. (the plaintiff)

17 allegedly made false oral statements to third parties that

18 Mr. Walters has engaged in an ongoing systematic pattern of

19 sexual exploitation, now just focusing on "ongoing" for a

20 moment, do you have any knowledge that (the plaintiff)

21 told Peggy Baat or Kelly Coogan that you had engaged in an
22 ongoing pattern?

23 A. To the best of my knowledge, this is a direct quote
24 from what they said.

25 Q. But neither one of them told you that (the plaintiff)
1 had said "ongoing"?

2 A. I didn't meet them. I didn't know, I didn't know
3 them.

4 Q. Okay. Now your sexual involvement with (woman #7)
5 was in the 1980-81 time frame?

6 A. '81, '81.

7 Q. Okay.

8 A. Not '80.

9 Q. 1981.

10 Now let's move on to (woman #2). You know that
11 she's filed a declaration which has been marked as Exhibit 15
12 in this case, right?

13 A. Yes.

14 MR. FLYNN: And for the record, the declaration of
15 (woman #7) was --

16 MR. GREENE: 14.

17 MR. FLYNN: Was it 14?

18 Q. It was 14? Okay. Now in (woman #7)'s
19 declaration --

20 MR. PARSONS: (woman #7) or --

21 BY MR. FLYNN: Q. I mean (woman #7) -- (woman #2)

22 's declaration, I'm sorry -- (woman #2)'s

23 declaration, she says that she became a disciple of Yogananda

24 while a student at San Jose State University when she read

25 "Autobiography of a Yogi," and that then she came to Ananda.

1 Is that your memory of --

2 MR. PARSONS: Wait. Are you now asking him his

3 memory of what her declaration says?

4 BY MR. FLYNN: Q. Yeah. Well, let me ask you

5 this: Is it your memory that (woman #2) read

6 "Autobiography of a Yogi," became a disciple of Yogananda,

7 and then came to your village?

8 A. I don't know, but I have no reason to challenge

9 that.

10 Q. Okay. Then she says one day in 1981 you offered

11 her a ride in a car, and during the ride you asked her to

12 come to your house to give you a back rub. Do you recall

13 that?

14 MR. PARSONS: Okay. Objection. We've gone into

15 the (woman #2) declaration in detail.

16 BY MR. FLYNN: Q. I'll try it a different way.

17 Do you recall having sex with (woman #2) when

18 you rubbed yourself against her and ejaculated all over

19 yourself when she thought you were a father figure?

20 MR. PARSONS: Okay. Objection. We have gone into

21 that declaration before. The witness has answered in detail

22 on this. It's a compound question. It assumes those facts.

23 I'm going to request an instruction that we move on

24 to the allegations of the cross-complaint, which --

25 JUDGE PLISKA: I, I agree, Mr. Flynn. You have

1 gone through these declarations and you are asking him a

2 question --

3 MR. FLYNN: We need some foundation.

4 MR. PARSONS: Just ask him a question.

5 BY MR. FLYNN: Q. Did you sexually exploit (woman #2)?

6

7 A. Frankly, I think she exploited me.

8 Q. Did you sexually harass (woman #2)?

9 A. I did not.

10 Q. Did you sexually coerce (woman #2)?

11 A. Certainly not.

12 Q. Okay. Now what statements, to your knowledge, did

13 (the plaintiff) make to any third person that (woman #2)

14 , that you sexually exploited, harassed or coerced

15 (woman #2)?

16 A. I don't know. We'd have to look at their

17 declaration.

18 Q. Did (the plaintiff) make any statement to any

19 third party to the effect that you routinely asked (woman #2)

20 to masturbate you?

21 A. I know nothing about that.

22 Q. Did (the plaintiff), to your knowledge, make

23 any statement to any third party that (woman #2) thought

24 you were a father figure?

25 A. I don't know.

1 Q. And was sickened and dead over the fact that she

2 had to ejaculate you?

3 MR. PARSONS: Now this, this line of questioning is

4 nothing but intimidation, it's harassment, it's

5 argumentative. He's testified he knows nothing.

6 JUDGE PLISKA: I think in this case he does have a

7 right. He's dealing with, with the statements that

8 (the plaintiff), the plaintiff, may have made to other

9 parties, and getting him to, just see his knowledge.

10 THE WITNESS: All I can say is that (woman #2)

11 came on strong to me. There was no question of expressing

12 disgust, ever.

13 MR. PARSONS: No, his question goes to -- I'd ask

14 you to re-ask or read the question back.

15 BY MR. FLYNN: Q. I will ask you, do you know of

16 any third party statement, (the plaintiff) saying to

17 any person that injured you in any way, that (woman #2)

18 had been sexually exploited by you, by you as her father

19 figure, making you masturbate her?

20 A. I don't know what (the plaintiff) said.

21 Q. Making her, making her masturbate you?

22 MR. PARSONS: Okay.

23 THE WITNESS: I don't know what (the plaintiff) said.

24 MR. PARSONS: Right.

25 BY MR. FLYNN: Q. So you know of no such person

1 that (the plaintiff) made any such statement to?

2 A. No.

3 Q. Is that correct?

4 And you are aware that (woman #2) has filed a

5 declaration which is part of this case?

6 A. Yes, I am.

7 Q. Are you aware of (woman #2) making any

8 statements about you outside of this court case which defamed

9 you in any way regarding your sexual involvement with her?

10 A. I am.

11 Q. To who?

12 A. To her husband.

13 Q. What's her husband's name?

14 A. Anil, I think, but I'm not sure.

15 Q. How did you spell that?

16 A. A-N-L-A -- A-N-I-L.

17 Q. And where is he located?

18 A. Somewhere in Connecticut.

19 Q. Was he a member of the Ananda community?

20 A. No. I've never met him; he just wrote --

21 Q. To your knowledge, what did (woman #2) say to Anil?

22 A. He told, wrote to me complaining about her and her,

23 his marriage with her, saying how she lied constantly and was

24 trying her best to destroy his reputation. And he wrote that

25 she had told him things to try to destroy my reputation. He

1 I didn't say specifically, but he said that she's psychotic,
2 that she's not to be trusted.

3 And I think he was trying to get me to help him,
4 but I had no way of knowing what to do.

5 Q. When you say "help him," were they going through a
6 divorce or --

7 A. That's a part of the problem, I don't remember it
8 clearly, but I think, yes, they were going through a divorce,
9 but she wasn't signing the papers. She was going public
10 against him, hiding the children from him, making -- she's
11 like an uncontrollable force of nature, and she came on that
12 way with him, just, just extreme emotional condemnation, and
13 it was, it was driving him to the point of a breakdown.

14 That's all I remember from his letter.

15 Q. Do you have that letter?

16 A. No. Oh, I do, but I don't have it on me.

17 Q. Okay. Where is the letter?

18 A. I suppose it's at Ananda. I think that the legal
19 team here has a copy of it.

20 Q. Okay. Now have you ever spoken to this fellow Anil
21 on the telephone?

22 A. I have, twice.

23 Q. And what did he say to you?

24 A. Same things.

25 Q. Did you talk about the contents of the declaration
1 that she had filed against you?

2 A. I hadn't read that yet at that time.

3 Q. Had the (the plaintiff) lawsuit been brought?

4 A. The first one, it had not, and the second one, I

5 think, but I don't know that it had been.

6 Q. When, when to your recollection were the phone

7 calls made?

8 A. No, I can't remember.

9 Q. Was it during the pendency of the (the plaintiff)

10 lawsuit?

11 A. I don't think so, but I don't remember. I think it

12 was unrelated to anything except his own suffering he was

13 going through.

14 Q. So then the (woman #2) declaration hadn't even

15 been created yet; is that correct?

16 A. The first time. The second time, I don't know

17 because I hadn't read it and I don't remember.

18 Q. Well, what did Anil tell you that (woman #2) had

19 said falsely about you?

20 A. I don't remember.

21 Q. Did she say that she had treated you --

22 A. Now you have read all those things, so you are just

23 trying to intimidate me by reading it. And no, he didn't, he

24 didn't say any of those things.

25 Q. Was there any discussion between you and Anil about

1 (woman #2) masturbating you over a period of time?

2 A. Yes, I knew you wanted to say that.

3 No, there wasn't.

4 Q. Okay. Now was there any discussion between you and

5 Anil about (woman #2)'s conversation with (the plaintiff)

6 about that subject?

7 A. No.

8 Q. Was there any discussion of any nature between you

9 and Anil about any conversations between (the plaintiff)

10 and (woman #2)?

11 A. I'm not sure. It seems to me that when I talked

12 with him, the (the plaintiff) case -- now that I'm thinking about

13 it -- hadn't come up yet. It was more in relation to

14 (woman #7), because (woman #2) and (woman #7) were in contact and

15 sort of whipping up something. So I think it was that, but

16 no, I'm not sure.

17 Q. Well, when they were "whipping up something," what,

18 if anything, does that have to do with (the plaintiff)?

19 A. I just don't know.

20 Q. So is it your testimony that before (the plaintiff)

21 ever even left the Ananda community, that (woman #2)

22 and (woman #7) were making allegedly defamatory statements

23 about you?

24 A. No, that's not my testimony.

25 Q. Okay. Were they, to your knowledge?

1 A. I don't think so. I don't know.

2 Q. Okay. What were they whipping up?

3 A. I've no idea.

4 Q. Okay. When you used the term "whipping up," what
5 did you mean?

6 A. That's what I don't know.

7 Q. Okay, you don't know what you meant.

8 Now let's move on to (woman #1). What

9 statements did (woman #1) make to any third party that

10 you know of that were false in connection with you allegedly

11 engaged in an ongoing systematic pattern of sexual

12 exploitation, harassment and coercion of women?

13 A. Well, I know she telephoned a number of people at

14 Ananda. She also telephoned one JM, talked to her

15 for three hours. JM was trying to milk her for

16 everything she could get.

17 The truth of her statements is minimal. There was

18 no exploitation at all. There was a relationship, yes. More

19 than that, I don't know what to say.

20 Q. I'm not sure you answered the question.

21 A. Yes, I'm not sure.

22 Q. What statements did (the plaintiff) make, to

23 your knowledge, about you that indicated that you sexually

24 exploited (woman #1)?

25 MR. PARSONS: That's a, a new question.

1 THE WITNESS: That's a new question. I don't know

2 the answer.

3 BY MR. FLYNN: Q. You don't know of any statements

4 that she made?

5 A. No.

6 Q. And, of course, you deny that you sexually

7 exploited (woman #1), correct?

8 A. I do.

9 Q. All right. And you are aware of her declaration

10 which has been filed in this case?

11 A. I think we went over it.

12 Q. Which we've gone over. And you are aware that she

13 alleges that you sexually exploited her and harassed her?

14 A. I'm aware of this.

15 Q. Okay. And you deny it?

16 A. I deny it.

17 Q. Okay. And you are telling the truth and she's

18 lying; is that correct?

19 MR. PARSONS: Objection. Argumentative.

20 THE WITNESS: Nonetheless, yes.

21 BY MR. FLYNN: Q. All right. Now do you know of

22 any damages that you have suffered as a result of any

23 statements (the plaintiff) has made relative to your

24 sexual exploitation of (woman #1)?

25 MR. PARSONS: Objection. Calls for legal

1 conclusion, speculation, vague, ambiguous.

2 You may respond.

3 THE WITNESS: Well, I'm going to backtrack on this

4 word "damages" to this extent, that (woman #7) -- certainly

5 there was a deep damage to my loyalty to her, to my love for

6 her, my trust in her; certainly, I felt betrayed.

7 In the same line, whereas there was no particular

8 depth of emotion regarding (woman #1), she's a nice

9 person, but her turning JM against me -- I felt

10 JM has proved herself a traitor, and that has hurt

11 me in my affection and my effective, my sentiments, whatever

12 you want to call it, but that's not a monetary damage, it's

13 not any other kind of damage, that I feel deeply betrayed by

14 both of those two women.

15 BY MR. FLYNN: Q. All right. I am trying to make

16 this simple. What does that have to do with (the plaintiff)

17 ?

18 A. Nothing.

19 Q. Okay.

20 A. You see, you didn't phrase it with (the plaintiff).

21 Maybe I should have thought that one through, because you

22 were talking about (the plaintiff).

23 Q. I believe you volunteered this new deep damage

24 statement, and I'm just trying to explore it.

25 A. Yes, because you have been asking again and again

1 what damage was done, and then I thought on this level, then

2 I'd have to say yes, that was done.

3 Q. Okay, but that has nothing to do (the plaintiff)?

4

5 A. Quite right.

6 Q. Okay, so we can leave that one there.

7 Now let me just think for a moment. Let me ask you
8 this at this point. We've gone through (woman #7),
9 (woman #2), (woman #1). Do you know of any other
10 woman that (the plaintiff) has said you sexually
11 exploited so far other than the three that we've gone
12 through?

13 A. No.

14 Q. Okay. Now what about Petrea Van Der Voort?

15 A. Certainly not.

16 MR. PARSONS: Wait.

17 Excuse me, the question "what about" is -- I mean
18 it calls for a narrative.

19 MR. FLYNN: Yes, a little vague, a little vague.

20 Q. Did you have a sexual relationship with Petrea Van
21 Der Voort?

22 A. I did not.

23 Q. And you know of no statement made by Ms. (the plaintiff)
24 about your alleged sexual exploitation of Petrea Van Der
25 Voort; is that correct?

1 MR. PARSONS: Well, again, objection. Alleged
2 sexual exploitation, I haven't heard of that yet in this
3 lawsuit.

4 THE WITNESS: The name seems to have come up
5 somewhere. I don't remember whether it was in the papers or
6 whatever, but --

7 MR. PARSONS: Don't, don't go --

8 THE WITNESS: Okay.

9 BY MR. FLYNN: Q. Did you ever have any sex of any
10 nature or description with Petrea Van Der Voort?

11 A. I did not.

12 Q. And she was a disciple of yours and Yogananda's?

13 MR. PARSONS: Wait. Objection, disciple of this
14 witness, I think misstates the testimony so far, but you may
15 respond subject to the objection.

16 THE WITNESS: No, she certainly wasn't my disciple,
17 but I don't think she was a disciple of Yogananda either.

18 BY MR. FLYNN: Q. Did she live at Ananda Village?

19 A. Yes, but she's now doing something else.

20 Q. When she was at Ananda Village, was she a disciple,
21 to your knowledge, of Yogananda?

22 A. I wouldn't call that, call her a disciple. She
23 might have declared herself; this I don't know.

24 Q. Did she take these courses that you give up
25 there --

1 MR. PARSONS: Objection.

2 BY MR. FLYNN: Q. -- of Kriya and AUM and
3 Hong-Sau?

4 MR. PARSONS: Okay, with respect to those three
5 courses.

6 THE WITNESS: I don't know.

7 BY MR. FLYNN: Q. How long did she live there?

8 A. I don't know. Roughly, I don't know, maybe two

9 years.

10 Q. Did you have any sexual contact with her of any

11 nature or description?

12 MR. PARSONS: Objection. Asked and answered two

13 times already.

14 THE WITNESS: Right.

15 BY MR. FLYNN: Q. The answer is no?

16 A. He's answered it.

17 Q. Okay. You accept his answer?

18 A. Yes.

19 Q. All right. Now, and you know of no statements made

20 by Ms. (the plaintiff) regarding your involvement with Petrea Van

21 Der Voort; is that correct?

22 MR. PARSONS: Objection, asked and answered.

23 You can answer.

24 THE WITNESS: Yeah, I, I have some vague

25 recollection of her name coming up in some context. That's

1 the best I can do for you.

2 BY MR. FLYNN: Q. Did (the plaintiff) make

3 any statement to Peggy Baat or Kelly Coogan about your sexual

4 exploitation of Petrea Van Der Voort?

5 MR. PARSONS: Again, objection. It assumes that

6 fact.

7 THE WITNESS: I, I don't remember.

8 BY MR. FLYNN: Q. Okay, let's go to Elizabeth

9 Barrett. Have you had any sexual contact of any nature or

10 description with Elizabeth Barrett?

11 A. No.

12 Q. She was your masseuse?

13 A. Yes.

14 Q. And were you naked when she massaged you?

15 A. Sometimes.

16 Q. And did you ever get an erection when she was

17 massaging you?

18 A. No.

19 Q. And where is Ms. Barrett now?

20 A. She's in Portland.

21 Q. She moved out of the Ananda community?

22 A. No.

23 Q. Well, she moved out of the Ananda community at

24 Nevada City?

25 A. Her husband was needing, needed up there in

1 Portland.

2 Q. So you sent them up there?

3 A. I didn't send them.

4 Q. When did she go to Portland?

5 A. I don't know. It was recently.

6 Q. How long was she your masseuse?

7 A. Oh, I don't know. Off and on -- I don't remember.

8 Q. How old a woman is she?

9 A. 40- something, 40 I think.

10 Q. And was she your masseuse for less than a year or

11 more than a year?

12 A. More than a year. So let's say off and on maybe

13 five years. I don't remember for sure.

14 Q. Five years, okay.

15 And do you know of any statement (the plaintiff)

16 made to any person, including Peggy Baat or Kelly

17 Coogan, about your alleged sexual exploitation of Elizabeth

18 Barrett?

19 A. Only what I can say so far with the others, her

20 name came up, but that's all.

21 Q. Okay. Well, she's still at Ananda, so to your

22 knowledge, has any statement been made by (the plaintiff)

23 connecting you and Elizabeth Barrett in a sexual

24 way to anyone?

25 A. I think so.

1 Q. Okay. Who?

2 A. I think it was Peggy and Kelly, but I'm not sure.

3 Q. Okay. What did, to your knowledge, what did she

4 say?

5 A. I don't know.

6 Q. What did (the plaintiff) say about your relationship

7 with Elizabeth Barrett?

8 A. I don't remember.

9 Q. Were you in any way damaged by anything that

10 (the plaintiff) said to Kelly or Peggy about your

11 relationship with Elizabeth Barrett?

12 MR. PARSONS: Okay, objection, calls for a legal

13 opinion, speculation, no foundation.

14 You may respond.

15 THE WITNESS: In no way that I can think of.

16 BY MR. FLYNN: Q. Okay. Do you know someone named

17 (woman #3)?

18 A. I do.

19 Q. Okay. We've got her declaration here. Did you in

20 any way have a sexual relationship with (woman #3)?

21

22 A. I did not.

23 Q. Did you make sexual advances to her in any way at

24 any time?

25 A. Depends on what you mean by "any way." I did not

1 make sexual advances.

2 Q. What did you do?

3 A. Well, again, this was the time after (woman #7) left,

4 and I wanted comfort, so what she wrote in her testimonial

5 was correct. In her declaration, I mean.

6 Q. Is correct?

7 A. Yes. As far as I can remember, it's correct.

8 Q. Okay. We haven't gone over this; so we might as

9 well go over it. I'll put the declaration in front of you;

10 we'll have it marked.

11 (Whereupon, Exhibit 48 marked.)

12 BY MR. FLYNN: Q. Now that says, and we'll try to

13 go as quickly as possible here, it says, paragraph 4,
14 "My first encounter with Donald Walters (he
15 was then called 'Swami' or 'Swami Kriyananda'
16 by community members) was at least six months
17 after my arrival - he had been traveling
18 before that. I tearfully approached him about
19 my divorce - at first he abruptly stated,
20 'well it's too late to worry about it now,
21 isn't it?' Then as he saw my tears he
22 relented a little, but had no time to discuss
23 it as he was on his way to speak to the
24 community.

25 "I was very dedicated in my work at Ananda" --

1 Let me stop there.

2 MR. PARSONS: Do you have any question about the
3 paragraph you have just taken the time to read into the
4 record?

5 BY MR. FLYNN: Q. Okay. Well, do you disagree
6 with anything in paragraph 4?

7 A. I don't remember any of it.

8 Q. So you have no reason to disagree with it?

9 MR. PARSONS: Well, no, he says he doesn't remember
10 it.

11 THE WITNESS: I do have reason to disagree with it.

12 If she -- but it has to be supposition. Just based on the

13 way I handle people and handle things, I would not have been

14 cold to her tears or to her grief and whatever she was
15 describing as, "as he saw my tears he relented little, but
16 had no time," I wouldn't have done that. It's something that
17 I would have certainly wanted to talk to her about, but if I
18 had to go to speak to the community, then, of course, it
19 would have had to wait until another time. But I do not
20 remember the episode.

21 BY MR. FLYNN: Q. Okay. Paragraph 5, "I was
22 very dedicated in my work at Ananda and
23 regarded Swami as my spiritual Father and the
24 community members as my spiritual family."

25 Now do you know whether she regarded you as her
1 spiritual father?

2 A. It didn't look like that to me, but that may have
3 been my error.

4 Q. Well, are you regarded in the community as the
5 spiritual father of the community?

6 MR. PARSONS: Objection. Vague. It's a global
7 statement. Regarded by whom? Third party opinion,
8 speculation, no foundation.

9 But you may respond.

10 THE WITNESS: Okay, I can't respond.

11 BY MR. FLYNN: Q. You can't? Okay.

12 "When I noticed things which made me morally
13 uncomfortable - I rationalized that whatever
14 'Swami' dictated (and his inner circle carried

15 out) was the will of God because that is what
16 they inculcated me to believe. Everything
17 said by Swami Walters and his ministers led me
18 to believe it."

19 A. Well, it sounds like a lot of nonsense.

20 MR. PARSONS: But he hasn't asked you a question
21 yet.

22 BY MR. FLYNN: Q. You disagree with all that?

23 A. Yes.

24 Q. Okay. 6. "Finally I was invited to
25 a small gathering at 'Swami's done' (his home)

1 - I was happy to be amongst those who
2 designated themselves to be 'high souls.'
3 Swami held my hand and another young nun's who
4 was also new to the group. After that
5 experience, Swami invited me over more and
6 more frequently."

7 Do you disagree with anything in there?

8 MR. PARSONS: Objection, it's compound.

9 You may respond.

10 THE WITNESS: See, she's making herself look like
11 somebody who was greatly mistreated, and I don't know whether
12 I did or not. If I did, I deeply regret it. I had no wish
13 to hurt her. I thought she was expressing just the kind of
14 friendship that I was longing for because of the pain of
15 separation from (woman #7). That was my foolishness. But

16 abusing her, using her, manipulating her, none of that -- you
17 see, she's seeing it from another point of view, which she's
18 -- I'm not going to tell, say she's lying; it may be actually
19 how she saw it. It isn't the way I understood it.

20 BY MR. FLYNN: Q. Paragraph 7, "My first time
21 alone with Swami was in San Francisco at the
22 'Ananda House' there - as I was led up the
23 back stairs to his bedroom by one of the nuns,
24 (I was also a nun at the time - we nuns were
25 considered part of the inner workings of the
1 community and took vows of celibacy and
2 simplicity - as did Swami). I was given
3 knowing looks and encouraging comments by some
4 of the inner circle who were in the back
5 kitchen of this mansion. Swami said he wanted
6 a footrub and I had been chosen. As the nun
7 left me at the door, I felt excited but humble
8 about being given this great 'opportunity' to
9 serve. Swami disrobed in a large well-lit
10 walk-in closet so quickly that I was shocked
11 that I could see his disrobing from where he
12 had asked me to wait - he looked over to see
13 if I was watching and I moved out of view so I
14 could not see. He sat briefly in a chair,
15 with only a towel on for his footrub. After
16 only a few moments he said he wanted a headrub

17 instead as he stated he had a headache and
18 'would I come over to the bed while he lay
19 down to give him a head massage?' As I began
20 to do so, he pulled me down to him and began
21 kissing me - I tried to pull away several
22 times and finally succeeded. He acted hurt
23 and surprised and answered to my explications
24 of dismay that he was only feeling a little
25 blue and wasn't sure why I was uncomfortable.

1 I left soon after."

2 Is there anything you disagree with in that
3 statement?

4 MR. PARSONS: Okay. Wait. I object to this
5 approach where you read a long declaration into the record
6 consisting of dozens of sentences and then ask if there's
7 anything the witness disagrees with.

8 MR. FLYNN: It seems to be the fastest --

9 MR. PARSONS: That is simply an unfair --

10 MR. FLYNN: It seems to be the fastest way to go
11 here. Now he can say whatever he wants --

12 MR. PARSONS: Well, faster would be just ask him
13 with respect to paragraph 7, is there anything in there you
14 disagree with? That would be faster.

15 MR. FLYNN: But we need context.

16 THE WITNESS: While you gentlemen argue this point,
17 I'm going to the bathroom for a moment.

18 THE VIDEOGRAPHER: Don't forget to take your
19 microphone off, sir.

20 THE WITNESS: Okay.

21 (Witness left the deposition room.)

22 MR. PARSONS: I will continue.

23 So therefore I object to the form of the question.

24 I, having stated my objection, I will let the witness respond
25 to your question, but I would ask that, you know, you try to
1 move on without gratuitously reading these long excerpts into
2 the record.

3 MR. FLYNN: I just think it's the fastest way to
4 go, and he can just say what he disagrees to otherwise.

5 JUDGE PLISKA: It's not the fastest way. His
6 suggestion is read this, is there anything in that one you
7 disagree with? Why do you have to read it --

8 MR. FLYNN: Because then I have no context in the
9 declaration.

10 MR. PARSONS: No, it's because the videotape is
11 going. He's hoping to get some sort of response from this
12 witness or something like that, is what's going on. It is
13 purely for an improper purpose.

14 MR. FLYNN: No, no, it's not improper at all. He's
15 quite correct, the video is going; if Mr. Walters is not
16 available, I need the context of what's in this paragraph on
17 the videotape for him to disclaim. It's either that or go
18 line by line.

19 JUDGE PLISKA: No, that's true. I can see that.

20 MR. PARSONS: I'm going to, I'm going to let him

21 respond, you know. Let's try to move this forward.

22 I expect tomorrow is the last day.

23 MR. FLYNN: Mr. Parsons, believe me, I can't help

24 it that the number of woman who are involved here are the

25 number of women.

1 MR. PARSONS: Well, no, the number of women who are

2 involved is a relatively small handful of people scattered

3 over two and a half decades. You are trying to bring in

4 third parties who aren't involved.

5 MR. FLYNN: You are quite wrong about the small

6 handful, and this is discovery and we're trying to find out

7 the extent of the women. So far we're over 30.

8 MR. PARSONS: Yeah, right.

9 MR. GREENE: However, of those 30, he may be able

10 to remember only a small percentage.

11 MR. FLYNN: Besides, the jury may conclude that an

12 ongoing systematic pattern is exactly what we're proving

13 here.

14 MR. PARSONS: Something within the last 15 years

15 would, might be significant for you, but you are dealing with

16 ancient history here.

17 MR. FLYNN: Like putting (the plaintiff)'s face in his

18 lap when he has an erection in a counseling session?

19 MR. PARSONS: That's not what she testified to.

20 MR. FLYNN: That's exactly what she testified to.

21 MR. PARSONS: No, she testified he put his -- her

22 face was in his lap; she began to feel something that she

23 thought might be an erection and immediately sat up. That's

24 what she testified to under oath.

25 MR. FLYNN: And that he turned his face toward the,

1 what was beginning to be an erection.

2 MR. PARSONS: No, she didn't testify to that.

3 MR. FLYNN: That's precisely what she said.

4 MR. PARSONS: That he turned his face, that's

5 precisely what she said?

6 MR. FLYNN: Her face.

7 MR. PARSONS: Ah, okay.

8 MR. FLYNN: Now, and if that's not sexual

9 harassment of a person who's in an unequal position to the

10 Swami in part of a counseling session, I don't know what is.

11 MR. PARSONS: Well, I, I agree with your

12 conclusion.

13 (Short pause in proceedings.)

14 THE WITNESS: Are we on the record?

15 THE VIDEOGRAPHER: Yeah. We never went off.

16 THE WITNESS: I said that I, I felt this was

17 basically true, but I must not have read it because I don't

18 remember any of this. It doesn't seem true to me.

19 Let me go back over what you were reading there of

20 these knowing --

21 MR. PARSONS: Well, hold on. I think we have a

22 question, right, and that is --

23 BY MR. FLYNN: Q. Before you do that, while you

24 were out of the room, Mr. Walters, did anyone outside the

25 room other than your lawyer tell you that you had said the

1 declaration was true and you better go back in and say it was

2 untrue?

3 A. No, no, I got no advice at all.

4 Q. Okay. This gentleman sitting here, what is his

5 name?

6 A. Which gentleman?

7 MR. PARSONS: Jyotish.

8 BY MR. FLYNN: Q. This gentlemen right here.

9 A. No, I didn't see him.

10 Q. And the gentlemen at the end of the table?

11 A. He took my blood pressure.

12 Q. Was there any discussion between you and anybody

13 out of the room that you had already testified that the

14 declaration was true?

15 A. I, what I said to Dr. Van Houten was that I, I, I

16 haven't read that thing. I thought I had, but I -- there are

17 a lot of things here that just are not the way I remember

18 them at all. He made no comment.

19 Q. You do realize, sir, that you had testified before

20 the break that you thought that (woman #3)'s

21 declaration was true?

22 A. I'm qualifying that testimony now.

23 Q. And you thought of the fact that your previous

24 testimony was inaccurate during the break; is that correct?

25 MR. PARSONS: Oh, that is not true.

1 THE WITNESS: That's not true.

2 MR. PARSONS: Wait. That is absolutely not true.

3 Before the break he had already denied the specific

4 allegations in the declaration --

5 THE WITNESS: That's right.

6 MR. PARSONS: -- when you went over them in detail.

7 MR. FLYNN: That's not the question, please,

8 Mr. Parsons.

9 MR. PARSONS: That has all happened before the

10 break.

11 MR. FLYNN: Please, Mr. Parsons, that's not the

12 question.

13 Q. The question, sir, when did you first realize that

14 you had previously given testimony that this declaration was

15 true?

16 A. Right at the beginning here when you first read

17 something that I didn't remember as being that way, and I

18 thought, wait a minute, what have I said? Then when you got

19 into this, I realized, no, I have got to really call

20 exception to this, take exception to it. That was before the

21 break.

22 Q. And before the break did you give any testimony

23 that your prior statement was per se inaccurate and you
24 wanted to correct it?

25 MR. PARSONS: Wait. Objection. You are asking him
1 now whether he gave testimony that said his prior testimony
2 was inaccurate?

3 MR. FLYNN: I'll withdraw it. The record, I am
4 comfortable with the record.

5 MR. PARSONS: The record says what it says.

6 MR. FLYNN: We've got a video going; the jury will
7 see what happens.

8 MR. PARSONS: That's right.

9 THE WITNESS: The point that happened then was
10 Mr. Parsons was challenging you on this. I thought, well,
11 while you are talking about it, I'll leave. But I was
12 planning to say what, just what I'd like to say now.

13 BY MR. FLYNN: Q. Say whatever you please.

14 MR. PARSONS: Well, let's have a question.

15 BY MR. FLYNN: Q. Okay. Is there anything in
16 paragraph 7 that you disagree with?

17 A. Quite a lot.

18 Q. Okay. Do you disagree with the whole paragraph?

19 A. Let me take it bit by bit, shall we?

20 Q. In any way, whatever way you want.

21 A. Okay. I don't remember that it was in San
22 Francisco House, but I certainly am -- I wasn't there, but I
23 cannot believe that there were "knowing looks." I think

24 she's playing to an audience here, "knowing looks,
25 encouraging comments." That's ridiculous. No one in the
1 inner circle would be capable of encouraging such a thing.
2 I cannot remember -- let's see -- her trying to
3 pull away several times. I, I just don't remember that, but
4 I'm not going to challenge it. No, I, I think that she's,
5 she's stated it very much to make her look good and me look
6 bad.

7 Q. Did you try to kiss her?

8 A. That I don't remember. But did I ever? Yes, I
9 did.

10 Q. Did you know at the time that she was a disciple of
11 Yogananda who had taken a vow of celibacy?

12 A. There is no question yet of celibacy for her that I
13 know of, but certainly, I had.

14 Q. Do you disagree with the statement in her
15 declaration that she taken, she was a nun who had taken a vow
16 of celibacy?

17 A. I don't know enough to disagree. But if she had,
18 then I will not hide behind any excuse.

19 Q. What does that mean?

20 A. That means that I was wrong if I did that.

21 Q. If you did what?

22 A. That I encouraged her -- see, I didn't ask for her
23 to have sex with me. I never, I never wanted it, I never
24 asked for it. But that intimacy I did want, in fact. And I

25 thought that she was expressing that kind of friendship

1 toward me. I was wrong in that.

2 And if she took the vow of celibacy, which I don't

3 know, but if she did, then I was very wrong in encouraging

4 her in this, and that's what I don't want to hide behind by

5 excusing that.

6 Q. Did you know she was a nun at the time you tried to

7 kiss her?

8 A. I know she lived in that area, but I didn't know

9 anything about those things then.

10 Q. Okay. Now in your mind, sir, again in light of the

11 testimony you just gave, what is the difference between sex

12 and intimacy?

13 A. Yes, intimacy in this case meant holding each

14 other -- and kissing or not, I don't remember, but holding

15 each other is what I do remember.

16 Q. Okay. Now you mentioned the inner circle and that

17 nothing like that would have ever happened. What did you

18 mean by the "inner circle"?

19 A. She calls it the inner circle. I don't have an --

20 Q. Was there such a thing?

21 A. -- inner circle.

22 Q. You don't have one? Okay, let's move on.

23 A. But none of those who were close to me as friends

24 would, would dream of encouraging a thing like that.

25 Q. Okay. Do you, do you dispute her statement that

1 you disrobed in a large, well-lit closet so that she could
2 see you?

3 MR. PARSONS: Again, that whole thing, objection,
4 compound.

5 You may respond.

6 THE WITNESS: Well, apart from the fact that there
7 was no large, well-lit closet or large closet or even closet
8 that I can recall -- was there one? There was a closet
9 there.

10 No, I don't remember.

11 BY MR. FLYNN: Q. Okay. Now, by the way, would
12 you characterize -- I happen to have met (woman #3)
13 . Would you characterize (woman #3)
14 as one of the most sincere people you have
15 ever met?

16 MR. PARSONS: Objection. It calls for an opinion.

17 Speculation, no foundation.

18 You may respond, though.

19 THE WITNESS: Forthright.

20 MR. PARSONS: Listen to the question, though, and
21 answer.

22 THE WITNESS: I heard it.

23 BY MR. FLYNN: Q. Sincere, forthright?

24 A. I said she was forthright.

25 Sincere? This doesn't show sincerity to me, but

1 forthright, yes, and to that extent also -- I, I respect her.

2 Q. Well, okay. Aside from the declaration, when you

3 knew her, did you consider her to be sincere?

4 A. I thought she was.

5 Q. So do I.

6 Paragraph 8, "This type of scene repeated itself

7 a number of times although each time it became

8 more couched in his terms of it being

9 'completely nonsexual' (as he knew that I

10 believed in the monastic vows he had given me

11 and taken himself years before). He told me

12 how sad he was about the loss of

13 'Paremeshwari' (which was the name Swami

14 directed (woman #7) to be called at

15 Ananda) and that he just 'needed the balancing

16 energy of a woman around.' I was flattered,

17 felt like I was given this role to help him

18 through a hard time, and tried to overlook my

19 confusion about his intentions. Finally one

20 evening he asked me to disrobe and lie naked

21 on top of him - he wore only underwear.

22 Although confused, I agreed because he assured

23 me it was for healing only. He put my hand

24 next to his penis at the juncture of his

25 inside thigh and crotch and stated he needed

1 to send, needed me to send 'healing energy'

2 through my hands to his arthritic hip (on the

3 inside near his penis, he said that was where
4 the pain was.) I quickly became very
5 uncomfortable, put on my clothes and said I
6 must leave - he hugged me good-bye and smiled
7 when I said that it was 'strange to feel
8 sexual energy between two monastics.' I was
9 disoriented and confused."

10 Is there anything you disagree with in that
11 paragraph?

12 MR. PARSONS: Objection, compound.

13 You may respond.

14 THE WITNESS: I can't think that it's untrue; I
15 think it is true. And I, I felt very badly that I had
16 misunderstood our relationship. I also felt that she wasn't
17 the true friend to me, but that could have been a personal
18 bias, I don't know.

19 BY MR. FLYNN: Q. Did you give her the monastic
20 vow of celibacy?

21 A. That's what I don't remember, but she says so. I
22 don't know.

23 Q. Paragraph 9, "After that episode I began
24 avoiding private contact with him. I moved
25 from the living area where the nuns had their
1 residences, since that was very near his dome
2 and he had made at least two unexpected visits
3 to my trailer while I lived there."

4 Let me stop there. Did you do that?

5 A. Uh-huh.

6 MR. PARSONS: Wait. "That" being --

7 BY MR. FLYNN: Q. Two unexpected visits.

8 A. One at least, maybe two.

9 Q. For what purpose?

10 A. Well, I don't know. I mean no special purpose.

11 Q. "I spent several months praying and agonizing

12 over what this all meant - loyalty to Swami

13 and the community had been drilled into my

14 head. Seva, one of his closest" -- "oldest

15 and closest friends (and the head nun), had

16 come over to me expressing outrage and hurt

17 that I had not gone to visit Swami when he was

18 ill with influenza during that time. Others

19 spoke to me also, and slowly I became more and

20 more aware that the 'inner circle' were

21 shunning me (as I had seen them do to others

22 who disobeyed Swami). I felt I could speak to

23 no one in my confusion - besides I thought

24 they would only be shocked by my doubts."

25 A. I have no comments.

1 Q. Paragraph 10, "Finally I decided to go to a

2 psychologist whom I had come to know (as he

3 had initially come to visit the spiritual

4 services in the community on Sundays - He had

5 become estranged after a while when he
6 disagreed with Swami at times). I gingerly
7 revealed the episodes with Swami to him. I
8 asked if he thought I was misinterpreting
9 Swami's intentions. I thought he would say
10 yes - but he did not. In fact he said that
11 several other women clients had expressed
12 similar experiences to him. This confirmation
13 of my worst fears finally convinced me that I
14 must move away from the community."
15 Now did you ever talk to (woman #3)
16 about the fact that she had to go to a psychologist over her
17 involvement with you?

18 MR. PARSONS: Objection. Assuming that to be the
19 case.

20 You may respond.

21 THE WITNESS: No, it's the first time hearing of
22 it.

23 BY MR. FLYNN: Q. Well, you had read this
24 declaration before, correct?

25 A. I obviously didn't. I thought I had.

1 Q. Paragraph 11, "It took me almost another year
2 of working a side job to earn the money to
3 leave (I had given all of my money to Ananda
4 when I had become a member and earned no or
5 very little salary for the work I did there)."

6 Is that true?

7 A. Frankly --

8 MR. PARSONS: Wait.

9 BY MR. FLYNN: Q. That she had earned very little
10 money?

11 MR. PARSONS: Okay. Objection, compound. There's
12 no way this witness has a foundation to opine on the
13 statements she's made, which are subjective.

14 THE WITNESS: But the more I read, the more
15 self-serving it all sounds.

16 MR. PARSONS: But you may respond.

17 BY MR. FLYNN: Q. Okay. To your knowledge, did
18 she make little or no money?

19 MR. PARSONS: Okay. Objection, foundation.

20 You may respond.

21 THE WITNESS: Well, none of us make much money, so
22 that's not a big deal.

23 BY MR. FLYNN: Q. Did she work in the same Crystal
24 Clarity publishing your books?

25 A. I don't know where she worked.

1 Q. And we've also established that the copyrights to
2 your books are owned by you, not the community; is that
3 right?

4 A. That's right.

5 MR. PARSONS: Objection. We have indeed already
6 established that, Mr. Flynn, and you know it.

7 BY MR. FLYNN: Q. Okay. And did she work for
8 little or no salary, if you know, to publish your books?

9 A. I've no idea, but I've also testified that I don't
10 take royalties from my books; so owning the copyright or not
11 is just not a big issue.

12 Q. And we're going to find out about that.

13 MR. PARSONS: And we've gone into that already.

14 THE WITNESS: Yeah.

15 BY MR. FLYNN: Q. No, we're going to find out
16 about that.

17 A. Well, I have told you already.

18 Q. Yeah. Have you ever opened a foreign bank account
19 in which you have placed your royalties?

20 A. I talked to Mr. Greene on this.

21 MR. PARSONS: Okay. Again, this has been asked and
22 answered in detail, all about the foreign accounts,
23 supposedly.

24 BY MR. FLYNN: Q. Okay, I'll move on.

25 "I moved" -- this is paragraph 12, "I moved
1 to Southern California and was able to live
2 with a friend as I began to re-establish a
3 life on the 'outside'. I had been very
4 depressed in my last year at Ananda due to the
5 stress of my relationship with Swami and my
6 confusion about what it meant morally and
7 spiritually."

8 Now did you observe depression in (woman #3)

9 during her last year at Ananda?

10 MR. PARSONS: Okay, objection, opinion,

11 speculation, lack of foundation.

12 Go ahead.

13 THE WITNESS: I never saw her.

14 BY MR. FLYNN: Q. And she goes on to say that it

15 would be two years before she would date men. You know

16 nothing about that?

17 A. What's that again?

18 Q. You know nothing about how long it took her before

19 she would resume dating men?

20 MR. PARSONS: If at all. Objection, foundation.

21 THE WITNESS: I don't know.

22 MR. PARSONS: And that question is obviously

23 argumentative.

24 BY MR. FLYNN: Q. Okay. Now do you know of any

25 statement made by (the plaintiff) about your sexual

1 involvement with (woman #3) that she passed on to

2 a third party?

3 A. I don't know.

4 Q. And have you been damaged in any way that you know

5 of by any statement made by (the plaintiff) about your

6 involvement with (woman #3)?

7 MR. PARSONS: Okay, same objection as to legal

8 opinion.

9 THE WITNESS: And the same answers.

10 BY MR. FLYNN: Q. Okay. Now Thora McDonnell --

11 A. I don't know her.

12 Q. Well, I'm going to ask you a question. Did you

13 have a sexual relationship in any way with Thora McDonnell?

14 A. I don't know her.

15 Q. Did you ever make any sexual advances to Thora

16 McDonnell?

17 A. We've been through this one. No, I don't know her.

18 I don't know who she is. I don't know what the situation is.

19 As far as I know, it's, it's fabricated, but I don't know.

20 Q. Well, does "I don't know" mean you don't recall?

21 A. I don't know her, I don't recall her, I don't

22 recall any episode that she describes. I think that it's

23 fabricated, but I don't know even that because I just don't

24 remember anything.

25 Q. Okay. So you don't know whether or not you ever

1 grabbed her head and thrust it against your crotch?

2 MR. PARSONS: We have, we have gone through that

3 one, and I think the witness' testimony is clear on that.

4 BY MR. FLYNN: Q. Okay. Do you know whether she

5 was a student of yours at Ananda?

6 JUDGE PLISKA: He just said he didn't know her.

7 THE WITNESS: I don't know her. I don't know who

8 she is.

9 BY MR. FLYNN: Q. Okay. So therefore, do you know

10 of any statement (the plaintiff) made to any third

11 person about any sexual advances you made to Thora McDonnell?

12 A. All I know is what I've read in the papers.

13 Q. Did (the plaintiff) say anything to Peggy

14 Baat or Kelly Coogan about Thora McDonnell?

15 MR. PARSONS: That you are aware of.

16 THE WITNESS: I'm not aware.

17 BY MR. FLYNN: Q. Okay.

18 A. Unless -- I may have been aware of if I wrote

19 answers. I simply don't know, and I don't remember anything.

20 Q. Okay. (woman #6), did you ever make sexual

21 advances to (woman #6)?

22 A. I don't -- she's another one I don't remember. I

23 don't know who she is. I don't know her. I know nothing

24 about what she says.

25 Q. Okay. Do you know of any statements (the plaintiff)

1 made to any third party about your advances you

2 made to (woman #6)?

3 MR. PARSONS: Again, assuming there were any.

4 THE WITNESS: Same answers.

5 BY MR. FLYNN: Q. Okay. (woman #5), we went

6 through that in your prior declaration. Do you want to see

7 the declaration where she says you had sex with her in the

8 early '70s?

9 MR. PARSONS: Do you want to see it?

10 I'm sure he doesn't.

11 BY MR. FLYNN: Q. Do you want to see it?

12 A. I don't.

13 MR. PARSONS: You've mischaracterized what that

14 declaration says as well.

15 MR. FLYNN: Okay, let's get the declaration out.

16 Q. Let me just ask you this to set the context: Did

17 you have sex with (woman #5)?

18 A. Not in the early '70s; it was in 1969.

19 Q. Okay. And this is when she was a student of yours

20 at Ananda?

21 A. No. There were a bunch of hippies; there were no

22 students then.

23 Q. Was the Ananda Village a spiritual community then?

24 A. I was trying to make it that.

25 MR. PARSONS: Let me state the objection. We have

1 also fully explored (woman #5), going through her

2 declaration in detail, and I think you have exhausted this

3 witness' knowledge of it.

4 BY MR. FLYNN: Q. Do you have any knowledge of any

5 statement (the plaintiff) made to any third person

6 about your relationship with (woman #5)?

7 A. Same answer.

8 Q. None? You have none?

9 A. No, I didn't say that.

10 Q. What information do you have?

11 A. I say I don't remember. It might be in the

12 statements of Peggy Baat and Kelly Coogan, but I don't
13 remember.

14 Q. Okay. What damages, if any, did you suffer as the
15 result of any statements (the plaintiff) made about
16 your relationship with (woman #5)?

17 MR. PARSONS: Objection. Calls for a legal
18 opinion, speculation. No foundation.
19 You may respond.

20 THE WITNESS: Also, it assumes something I have
21 said I don't know.

22 MR. PARSONS: That's correct. Good point, thank
23 you.

24 BY MR. FLYNN: Q. Okay. So you don't know of any
25 damages? I'll accept that, fine.

1 DK's wife, did you have adultery, engage
2 in adultery with DK's wife?

3 MR. PARSONS: Object as to the characterization;
4 it's argumentative as phrased.
5 You may respond.

6 THE WITNESS: I did not have an adulterous
7 relationship with her.

8 BY MR. FLYNN: Q. Did you have any kind of sexual
9 relationship with her?

10 A. That I don't remember. I know she was in love with
11 me, and I know she was very jealous when I became involved
12 with (woman #7). That's all I know. But did I have a

13 relationship with her that way? I don't, I don't remember.

14 Q. Did you ever make any sexual advances toward her?

15 A. No.

16 Q. Did she ever make any sexual advances toward you?

17 A. No, no, but she often told me that she loved me. I

18 said, "Are you trying to say, are you saying that you are in

19 love with me?" And she said, "It's very hard to

20 distinguish." So she didn't make a clear answer there, but I

21 didn't want to get into it more deeply because I didn't want

22 a romantic relationship with her. But we were good friends,

23 no doubt about that.

24 Q. Did DK leave the community with his wife

25 because you had an adulterous, he claimed you had an

1 adulterous relationship with her?

2 MR. PARSONS: Okay. Objection. Calls for

3 third-party motivation; therefore, speculation on this

4 witness' part. No foundation.

5 You may respond.

6 THE WITNESS: Yes, I have no idea.

7 BY MR. FLYNN: Q. Did he ever say that to you?

8 A. Not to me.

9 Q. Okay. Do you know of any statement (the plaintiff)

10 ever made about your relationship with DK

11 's wife to any third party?

12 A. Again, this is all in the things that -- I don't

13 know whether she said these things to Peggy and Kelly. If

14 she did, I don't remember, but she may have.

15 Q. Okay. To your knowledge did it cause you any

16 injury if she did?

17 MR. PARSONS: Okay, same objection, legal

18 conclusion, foundation, speculation.

19 Go ahead.

20 THE WITNESS: Well, no injury that I can think of.

21 It's a very personal thing.

22 But when I heard about DK's statement, I

23 had a very clear impression of her -- see, she's dead, but I

24 have a very clear impression that she was giving me love at

25 that time and that her presence was extremely strong. So it

1 was a deep experience, but nothing you could talk about

2 openly. Nonetheless, it was, I think, real.

3 BY MR. FLYNN: Q. What was real? What was real,

4 Mr. Walters?

5 A. The experience of her presence and the love she was

6 expressing, I think probably as a regret because of what

7 DK was saying.

8 Q. What was DK saying?

9 A. What you have been telling me.

10 Q. What have I been telling you?

11 A. You have been telling me that I had a sexual

12 relationship with her.

13 He also said that she confessed to having that with

14 me.

15 Q. Where did you read that?

16 A. Huh?

17 Q. Where did you read that?

18 A. I don't know where I read it. I must have read it

19 in something of these papers, but I don't know where.

20 Q. Did DK ever confront you with her confession?

21 A. No, he never did. I wish he had.

22 Q. Me too.

23 A. I would be glad if he did.

24 Q. Okay. So, as I understand your testimony, you're

25 damaged because you had a deep relationship with DK

1 's wife?

2 A. No.

3 MR. PARSONS: Wait, wait now.

4 BY MR. FLYNN: Q. I am confused.

5 A. I didn't speak of damage.

6 Q. Oh, okay. There is no damage?

7 MR. PARSONS: No, objection.

8 BY MR. FLYNN: Q. Okay, that's fine.

9 MR. PARSONS: Objection. I had objected as to --

10 again, you are trying to sneak in a response.

11 MR. FLYNN: I won't --

12 Q. Is there any damage, Mr. Walters? I just need to

13 know if you have been damaged by anything my client said --

14 MR. PARSONS: Objection.

15 BY MR. FLYNN: Q. -- about you and DK's

16 wife?

17 MR. PARSONS: Okay, okay, objection, legal opinion,

18 foundation, speculation.

19 You may respond.

20 THE WITNESS: Yes, same answer as I have given to

21 all the other damage questions.

22 BY MR. FLYNN: Q. Okay. Well, now I'm a little

23 confused in light of what your client said.

24 MR. GREENE: Your mean what your lawyer said.

25 BY MR. FLYNN: Q. Can you identify one element of

1 damage you have suffered as a result of anything my client

2 said, (the plaintiff), about you and DK's

3 wife?

4 MR. PARSONS: Same objection.

5 THE WITNESS: No. Same answer.

6 Excuse me a moment.

7 THE VIDEOGRAPHER: Don't forget your mike, sir.

8 THE WITNESS: Thank you.

9 (Recess taken from 4:00 to 4:03 p.m.)

10 BY MR. FLYNN: Q. Okay. Seva Weiberg, did you

11 have any type of sexual involvement with her?

12 A. No.

13 Q. Did you ever make sexual advances to her?

14 A. No.

15 Q. Do you know of any statement made by (the plaintiff)

16 about your alleged relationship with Seva Weiberg?

17 A. No.

18 Q. Is Seva Weiberg --

19 A. Weiberg.

20 Q. -- Weiberg in your will?

21 A. I don't think so. In other words, in my will, I am

22 trying to remember what my will is. I think I have said all,

23 everything I own belongs to Ananda; and certain people in the

24 community, I would like to have certain things.

25 MR. PARSONS: Rather than disclose the content of

1 your will --

2 THE WITNESS: Oh, okay.

3 MR. PARSONS: Why don't you just answer his

4 particular question so we can move on.

5 THE WITNESS: I'd have to look at the will to be

6 sure now.

7 MR. PARSONS: There you go.

8 BY MR. FLYNN: Q. Do you know of any damage caused

9 by any statement allegedly made by (the plaintiff)

10 about your relationship with Seva Weiberg?

11 A. No.

12 MR. PARSONS: Objection. Speculation, legal

13 opinion.

14 Go ahead.

15 BY MR. FLYNN: Q. Kalyani, did you ever make

16 sexual advances or have any type of sexual contact with

17 Kalyani?

18 A. No.

19 Q. Is Kalyani in your will?

20 A. I doubt it.

21 Q. Did you ever, do you have any knowledge of any
22 statements made by (the plaintiff) about your alleged
23 sexual involvement with Kalyani?

24 A. I don't know.

25 Q. Have you been damaged --

1 A. When we speak of will, I'd like to add, it would
2 just mean only little objects that I have in my apartment,
3 just as a friendly thing, not money. That's the case for all
4 of these people, if --

5 Q. Ellen Mahoney --

6 A. If they're in there.

7 Q. Did you ever make sexual advances to Ellen Mahoney?

8 A. Ellen Mahoney? She's the one who is at East-West?

9 No.

10 Q. And to your knowledge, has (the plaintiff)
11 ever made any statements about your sexual advances to Ellen
12 Mahoney?

13 A. I don't know of any.

14 Q. Have you ever had any kind of a relationship with
15 Ellen Mahoney?

16 MR. PARSONS: Objection as to "any kind of
17 relationship."

18 THE WITNESS: These are third-party people, and I

19 wouldn't want to open the door to this kind of questioning
20 because it would -- she's not mentioned, she's not said
21 anything, made no declaration. I'm not going to answer
22 questions that affect the privacy of third parties.

23 BY MR. FLYNN: Q. How do you know that she hasn't
24 said anything?

25 A. I've not read anything. You would have to show me.

1 Q. How do you know that she hasn't said anything to
2 any third party about her sexual involvement with you?

3 A. Until I know that she has, I'll have to assume that
4 she hasn't.

5 Q. When did you last contact her?

6 A. Oh, it's been many years.

7 Q. Did you talk to Asha Praver about statements she
8 made to JM about her sexual involvement with you?

9 MR. PARSONS: Okay. Objection as to "she".

10 THE WITNESS: Mmm?

11 BY MR. FLYNN: Q. Ellen Mahoney.

12 A. Nothing that I know of.

13 Q. Okay. Are you refusing to testify about your
14 relationship with Ellen Mahoney?

15 MR. PARSONS: No, he's already testified he had no
16 sexual relationship with her.

17 THE WITNESS: Yes.

18 MR. FLYNN: But then I said any kind of
19 relationship and he refused to testify.

20 THE WITNESS: I had no relationship. She couldn't
21 have talked to JM.

22 MR. PARSONS: And just so the record is clear, I
23 objected to the term "any relationship" as being vague and
24 ambiguous but --

25 THE WITNESS: Well, yes, of course, that -- I mean
1 she was one of our members; I had relationship and friendship
2 with a lot of people, but it was nothing else than that.

3 BY MR. FLYNN: Q. Why couldn't she have talked to
4 JM?

5 A. I can't imagine.

6 Q. Could she have talked to Peggy or Kelly?

7 A. I can't imagine that either.

8 Q. (woman #6), did you have any kind of sexual
9 contact with (woman #6)?

10 A. I don't know (woman #6).

11 Q. You have no idea who (woman #6) is?

12 A. No idea.

13 Q. So you don't know whether you did or didn't?

14 MR. PARSONS: Well, if he doesn't know who she is,
15 how can he possibly know what he did or didn't do? I mean --

16 MR. FLYNN: Well, that's kind of the point.

17 MR. PARSONS: Right.

18 JUDGE PLISKA: No, that seems like an improper
19 question, Mr. Flynn. He says he doesn't know her.

20 BY MR. FLYNN: Q. Asha Praver, have you ever had

21 sexual contact with Asha Prayer of any nature or description?

22 A. No. You are looking at me as if I were betraying

23 myself. No, and absolutely no, and the idea is ridiculous.

24 Q. Devi Novak --

25 MR. PARSONS: Excuse me just one second.

1 (Attorney-client conference.)

2 MR. PARSONS: Okay, thank you.

3 BY MR. FLYNN: Q. You do understand you are under

4 oath, Mr. Walters?

5 A. I do.

6 Q. Devi Novak, have you ever had sexual contact with

7 Devi Novak?

8 A. No.

9 Q. Nirmala Schuppe, have you ever had sexual contact

10 with Nirmala Schuppe?

11 A. No.

12 Q. VK?

13 A. Look, all these people, not unless we know that

14 those people have objected, I don't see how I could -- why

15 should I expose them? They're third parties who are not a

16 part of any motion here. Why should I answer such a

17 question?

18 Q. Because there's a court order.

19 MR. GREENE: There's a court order.

20 THE WITNESS: But third party privacy is an

21 important thing.

22 JUDGE PLISKA: You have to answer the question,

23 Mr. Walters.

24 BY MR. FLYNN: Q. VK.

25 A. No.

1 Q. Did you ever make sexual advances to VK?

2

3 A. Never.

4 Q. Did, to your knowledge, (the plaintiff) ever

5 make any statements that falsely stated that you had a sexual

6 relationship with VK?

7 A. I've not any awareness of it.

8 Q. Shirley Ward, did you make sexual advances to

9 Shirley Ward?

10 A. You are going through the whole community.

11 The answer is no.

12 Q. Did (the plaintiff) ever make --

13 A. I don't know.

14 MR. PARSONS: Wait, wait.

15 THE WITNESS: Well, he's already said it. I know

16 what he's saying.

17 MR. PARSONS: I know, but nonetheless, for purposes

18 of the record --

19 THE WITNESS: All right.

20 MR. PARSONS: -- you should wait until the question

21 is done.

22 THE WITNESS: Okay.

23 BY MR. FLYNN: Q. Karen Isaacson, did you ever

24 have any sexual contact with Karen Isaacson?

25 Q. Judy Fox, did you ever have any sexual contact with

1 Judy Fox?

2 A. No.

3 Q. Nickie Starkey, did you ever have any sexual

4 contact with Nickie Starkey?

5 A. She sure wanted it, but no.

6 Q. In what way did she want it?

7 A. Oh, you know, people come on. But I didn't want

8 it.

9 Q. In what way did she come on to you?

10 A. I am not going to go into that.

11 Q. Did she massage you?

12 A. No, I don't think so.

13 Q. You don't think so?

14 A. I don't think so.

15 Q. Were you ever in her presence naked during a

16 massage?

17 A. Never.

18 Q. When you say that she wanted it, did she ever try

19 to embrace you?

20 A. Do you want gory details? I think you do.

21 Q. Yes.

22 A. You seem to be the sort of person who does.

23 Q. Yeah, I'm the sort of person who does, in this

24 case.

25 A. Yes.

1 MR. GREENE: Vicious conduct and low character.

2 BY MR. FLYNN: Q. I'm a person of vicious conduct

3 and low character and I'd like the gory details.

4 A. Yes, yes. Put that on the record.

5 Q. It is. It's on videotape for the jury to see.

6 A. Yeah. The answer is she tried to place herself in

7 compromising positions, like leaning against me and sitting

8 there with her legs spread out, hoping I would go for her. I

9 simply didn't, so she left.

10 Q. Was this when she was a student of Ananda's?

11 A. I suppose you could call anybody there a student.

12 She was living there.

13 Q. And --

14 A. But I did not encourage her.

15 Q. How long was she there?

16 A. That I don't know.

17 Q. Did you ever touch her body in any way?

18 A. Never.

19 Q. And to your knowledge, did (the plaintiff)

20 ever make any statements about your involvement with Nickie

21 Starkey?

22 A. Never heard it.

23 Q. Have you ever discussed Nickie Starkey with JM?

24

25 A. Never.

1 Q. Have you ever --

2 A. JM, by the way, is a very unbalanced

3 woman, but go ahead.

4 Q. Have you ever discussed Nickie Starkey with

5 VK?

6 A. No.

7 Q. Did you have a discussion with Nickie Starkey after

8 she went to a psychotherapist to discuss your sexual

9 involvement with her?

10 MR. PARSONS: Objection. Assumes fact not in

11 evidence.

12 THE WITNESS: I don't believe she ever went to a

13 psychiatrist to discuss her involvement with me, because

14 there was no involvement. But I know nothing about these

15 things, so I can't answer.

16 BY MR. FLYNN: Q. Emily Rosen, did you ever have

17 any sex --

18 A. Who?

19 Q. Emily Rosen, did you ever have any sexual contact

20 of any nature or description with Emily Rosen?

21 A. I don't know her.

22 Huh? Patty Rosen? Patty Rosen.

23 Q. Yes, Patty Rosen.

24 A. Oh. No.

25 Q. No?

1 A. No.

2 Q. Elizabeth Ferraro, did you ever have any sexual

3 involvement with Elizabeth Ferraro?

4 A. None.

5 Q. Yolinda Barrius, did you have any sexual

6 involvement with Yolinda Barrius?

7 A. No.

8 Q. Did she ever make sexual advances to you?

9 A. Once.

10 Q. What did she do?

11 A. She made an advance; I said no.

12 Q. What do you mean? What kind of a way did she make

13 an advance?

14 A. Go on, Mr. Flynn.

15 Q. Was it during a massage, Mr. Walters?

16 A. She wanted to massage me. She wanted to get

17 intimate. I said, no, I don't want it.

18 Q. She massage you, Mr. Walters?

19 A. I don't think so.

20 Q. You don't think so?

21 A. No, but I don't remember.

22 Q. She may have?

23 A. Yeah.

24 Q. And during the massage, did you have her masturbate

25 you?

1 A. No.

2 Q. Did Elizabeth Ferraro ever come on to you?

3 A. No.

4 Q. Did you ever have her massage you?

5 A. I did have; she massaged my back once, but that's
6 what I know.

7 Q. Did you ever have Nickie Starkey massage you?

8 A. I don't remember doing so.

9 Q. She may have?

10 MR. PARSONS: Objection.

11 THE WITNESS: I think she may have rubbed my feet,
12 but that's all I remember.

13 BY MR. FLYNN: Q. Did you have any clothes on?

14 A. Yes.

15 Q. Did Patti, or Emily Rosen ever massage you?

16 A. No.

17 Q. How many times did Yolinda Barrius massage you?

18 A. That one time. Because she expressed interest, I
19 never let her do it again.

20 Q. Nancy Supios, did she massage you?

21 A. No.

22 Q. Did you ever any sexual contact with her?

23 A. What a joke. No.

24 Q. What's a joke, Mr. Walters?

25 A. The joke is you are trying to go through all the
1 women of the community to make something of it.

2 No, the answer is no.

3 Q. Debra Golub, did you ever have any sexual contact

4 with Deba Golub?

5 A. No.

6 Q. Did she ever massage you?

7 A. Yes.

8 Q. On how many occasions?

9 A. Twice.

10 Q. Were you naked?

11 A. I don't remember.

12 Q. Did she masturbate you?

13 A. No.

14 Q. Now are there between 1979 -- strike that.

15 Between 1969 and your marriage to (woman #7),

16 are there any women that you had a sexual relationship with

17 at Ananda?

18 A. You want me to say who?

19 Q. Yes.

20 A. I'm not going to say who. That's involving third

21 person privacy; I'm not going to say who.

22 Q. Well, you have to.

23 A. I won't.

24 JUDGE PLISKA: Mr. Walters, consider what you are

25 saying here. You are under court order to answer these

1 questions because this is an issue in this case, your sexual

2 conduct, and you need to answer them.

3 MR. PARSONS: The concern I have with that is when

4 Veal made his ruling, he left open the issue of third parties
5 who have not made any complaint or declaration.
6 Well, yeah, I mean that would be, a declaration
7 would be part of the complaint. I mean they would complain
8 in a declaration or otherwise; so there's no --
9 Here's the issue: It's a third-party privacy issue
10 for those women who have made a declaration, come forward
11 with a complaint, something like that, you could, you could
12 argue or conclude that they have waived a right of privacy
13 because they have said something admitting or denying. The
14 problem is --
15 MR. FLYNN: This is just a rehash of what we've
16 argued before Veal.
17 MR. PARSONS: But my point is Veal did not reach
18 this particular issue. That's just it; he called it
19 theoretical at the time.
20 MR. GREENE: His order is pretty clear.
21 MR. PARSONS: Well, but the problem is here we're
22 dealing with third parties where there's no indication that
23 they have waived their right of privacy.
24 Now I haven't objected to any statements concerning
25 any woman who has made any complaint, even apparently -- I'm
1 even taking this broadly, that these women have made some
2 sort of statement of some kind or other. But then to ask
3 that a third party who's otherwise totally uninvolved be
4 involved in the litigation, strips them of their right of

5 privacy to just stay uninvolved.

6 JUDGE PLISKA: No, I'm sorry, I don't see it that
7 way.

8 THE WITNESS: I think we should talk to Veal.

9 Did you want to go outside and discuss it?

10 MR. PARSONS: Yeah. When we were last in front
11 of --

12 MR. FLYNN: I want an answer.

13 MR. PARSONS: Hold on.

14 JUDGE PLISKA: Wait, let him argue it, Mr. Flynn.

15 MR. PARSONS: The last time we were in front of
16 Veal -- again maybe we can have a transcript of that
17 available?

18 MS. RUSH: In four weeks we haven't gotten it.

19 There was a computer breakdown.

20 MR. PARSONS: Okay. This, this is an issue.

21 Again, I've let the witness testify --

22 JUDGE PLISKA: You have argued it before, but it
23 seems to me, you know, the allegations in this case involve
24 the sexual conduct of Mr. Walters, and in the process of
25 discovery they're entitled to get names of other people who
1 may have had sexual contact with him because they may be
2 highly material witnesses in this case. And so he's got to
3 come forward with the names of those people, third-party
4 privacy or not. That's now an open book.

5 MR. PARSONS: Okay. Let me step outside and talk

6 with my client for a moment.

7 JUDGE PLISKA: Sure.

8 THE VIDEOGRAPHER: Don't forget to unhook those

9 mikes now.

10 Do you want to keep the tape rolling or not?

11 MR. FLYNN: Yeah, leave it going.

12 (Attorney-client conference outside room from 4:17

13 to 4:27 p.m.)

14 MR. PARSONS: I'd ask the last question be read

15 back.

16 MR. FLYNN: Do you want me to reask it?

17 THE REPORTER: I'm doing colloquy here.

18 MR. FLYNN: Right. A lot of that. I'll ask it,

19 reask it.

20 Q. Between 1969 and 1980 what women did you become

21 sexually involved with at Ananda?

22 MR. PARSONS: Okay, I'm going to state an

23 objection, and that I believe that this intrudes unreasonably

24 into the right of privacy. I want to reserve the right to go

25 in and get a ruling from Judge Veal, which might include

1 striking the testimony that the witness is about ready to

2 give, and I want to state that we're preserving this issue,

3 but given the lateness of the day, given what we've discussed

4 about before, I'm going to permit the witness to respond.

5 THE WITNESS: None then, but I had some in the

6 '60s.

7 BY MR. FLYNN: Q. Now during the break, you had
8 your opportunity to discuss this question with counsel?

9 A. Yes.

10 Q. And it's your testimony under oath that between
11 1969 and 1980 you had no sexual contact with any woman at
12 Ananda; is that correct?

13 A. I can't remember that I did, but I do remember the
14 '60s.

15 Q. All right. You may have, but you don't recall any;
16 is that your testimony?

17 MR. PARSONS: Well, that hasn't been his testimony,
18 so it misstates it.

19 But you may respond.

20 THE WITNESS: No, no, I don't -- no, I didn't.

21 MR. PARSONS: Excuse me one second. I'm not wired.

22 THE VIDEOGRAPHER: I heard everything you said.

23 MR. PARSONS: You did? Okay, thank you.

24 BY MR. FLYNN: Q. The answer was no to my last
25 question, you didn't?

1 A. Uh-huh.

2 Q. Now between 1980 and 1990 would you identify the
3 women at Ananda that you had sexual contact with?

4 MR. PARSONS: Okay, I want to state again my same
5 objection to preserve the right and the ability to go in
6 later, and subject to that objection, I'll let the witness
7 testify.

8 THE WITNESS: There was (woman #7), there was (woman #2)
9 , there was (woman #1), there was Rosanna. That's
10 it.

11 BY MR. FLYNN: Q. No one else?

12 A. Right, except to the extent we've discussed here.

13 Q. Well, I'm not sure what you mean by that. You have
14 left some names out that we've discussed here.

15 A. Well, I was talking about (woman #3) -- what's her
16 name, (woman #3) . That was an involvement, but except to
17 that extent, I can't think of anyone else.

18 Q. Okay. Now I guess we're going to have to define
19 our terms. Sexual contact, when I say sexual contact I mean
20 a female member of Ananda being naked with you.

21 A. (woman #3) would be that. That's all I can remember.

22 Q. What about kissing or touching any --

23 A. Same.

24 Q. -- female member at Ananda between '69 and '80?

25 MR. PARSONS: And is "touching" any place, on the
1 hand, on the shoulder?

2 BY MR. FLYNN: Q. Touching in an intimate way.

3 MR. PARSONS: Okay, objection. Vague.

4 BY MR. FLYNN: Q. You know what it means,

5 Mr. Walters.

6 MR. PARSONS: Well, he may have an understanding of
7 what it means to him and you may have your own understanding.

8 BY MR. FLYNN: Q. Well, touching some part of the

9 female body, including shoulders, breasts, abdomen, hips,
10 pubic area, and thighs.

11 A. No, that isn't what you mean. You mean sexual
12 touching.

13 Q. No, I mean --

14 A. Because I can embrace a woman and I am touching her
15 shoulders and that's just an embrace.

16 Q. At any time between '69 and '80 did you touch any
17 woman's thighs?

18 A. Sexually?

19 Q. In any way.

20 A. I don't remember doing so.

21 Q. Did you touch any woman's pubic area?

22 A. No.

23 Q. Did you touch any woman's breasts?

24 A. No.

25 Q. Now -- and you recognize you are under oath?

1 A. Uh-huh.

2 Q. Between 1980 and 1990 is there any person that you
3 have not enumerated who you touched in the thighs, the pubic
4 area or the breasts?

5 A. No.

6 Q. Between 1990 and 19 -- and the present have you
7 touched any women's breasts or pubic area?

8 A. No.

9 Q. Now between 1969 and 1980 did any woman touch your

10 penis?

11 A. I don't remember.

12 Q. They may have?

13 A. I don't think so.

14 Q. You don't think so?

15 A. Uh-uh.

16 MR. PARSONS: That's what he said.

17 BY MR. FLYNN: Q. Does "I don't think so" mean

18 that you can't recall?

19 A. Yes.

20 Q. Between 1980 and 1990 did any woman touch your

21 penis other than those you have enumerated?

22 A. No.

23 Q. Between 1990 and the present did any woman touch

24 your penis?

25 A. No.

1 Q. Now let me show you a document --

2 MR. FLYNN: Will you mark this?

3 (Whereupon, Exhibit 49 marked.)

4 BY MR. FLYNN: Q. The part that I'm interested

5 in --

6 MR. PARSONS: Hold on, wait. Let's have the marked

7 one in front of him.

8 BY MR. FLYNN: Q. "News of Swami. (From

9 Jyotish and Devi) We spoke with Swami

10 yesterday from New Delhi. He sounds

11 wonderful. He wasn't really able to have a
12 true seclusion in Rishikesh, because the
13 servants kept coming in the house, but he said
14 he was able to have long, deep meditations.

15 He said that he felt inwardly that he will
16 begin using the title 'Swami' again."

17 Is that true? Did you say that to Jyotish and
18 Devi?

19 A. I did.

20 Q. And do you, have you ever stopped using the title
21 Swami?

22 A. Yes, I did after my -- well, we've gone into all of
23 that. Until just now I didn't use it.

24 MR. PARSONS: We've gone into it.

25 JUDGE PLISKA: That seems to have been covered
1 extensively.

2 MR. FLYNN: Yes, it has been.

3 Q. Now when you say you are going to use the title
4 Swami again, in what way are you going to use it again other
5 than the way it's been used for the last 15 years?

6 MR. PARSONS: Wait. Well, objection. "Other than
7 the way it's been used for the last 15 years" implies
8 necessarily it's been used one way during the past 15 years,
9 which contradicts the extensive testimony which has already
10 been given, so I object to the form of the question.

11 I have no objection to the witness testifying how

12 he intends to use the term, though.

13 BY MR. FLYNN: Q. Fine. How do you intend to use

14 the term?

15 A. I renewed my vows as a swami, so -- but I, I go by

16 the name of Walters because it's more acceptable in this

17 country; nevertheless, I am a swami.

18 Q. When did you renew your vows?

19 A. During this trip.

20 Q. Where did you renew your vows?

21 A. In the room of Yogananda.

22 Q. What vows did you renew?

23 A. The vows of renunciation of a Swami of Sannyas.

24 Q. And what vows are those?

25 A. Vows of chastity, vows of in fact, not talking

1 about the past, past exposure to delusion. I already, I have

2 never had any difficulty with money and other attachments,

3 but giving everything that I am and have, burning my body

4 symbolically in the fire of God.

5 Q. How many times have you renewed your vows?

6 A. That once.

7 Q. Isn't it a fact that in 1984 you renewed your vows

8 after you had renounced them in 1981?

9 A. It is not.

10 Q. Okay. Did you inform anyone in 1984 that you had

11 renewed your vows as a Swami?

12 A. Not to my recollection.

13 Q. You may have, but you don't recall?

14 A. I couldn't have.

15 Q. Why couldn't you have?

16 A. Because I didn't.

17 Q. Okay. Now the vows that you renewed recently in

18 India, are those the same vows you took in 19 --

19 A. '55.

20 Q. -- '55?

21 A. Yes. No, they're more.

22 Q. In what way are they more?

23 A. They're more an actual statement of fact rather

24 than an affirmation.

25 Q. Now other than this publication, have you informed

1 all of the females at Ananda that you are now a celibate

2 Swami again?

3 MR. PARSONS: Objection. "Other than this," this

4 isn't sent to females exclusively, so it misstates it. Also,

5 it calls for speculation on the part of this witness as to

6 who has seen any publication. Given those --

7 THE WITNESS: And I think it's 4:30 and it's time

8 to go.

9 MR. PARSONS: It's past 4:30, actually.

10 THE WITNESS: Yes.

11 BY MR. FLYNN: Q. Let me just ask, have you

12 notified the Ananda community that you are now a celibate

13 swami again?

14 A. I am notifying them as I go around. I notified
15 them last night in Palo Alto; I notified them in Assisi.
16 I'll be notifying them at Ananda and later on at Portland and
17 Seattle.

18 MR. FLYNN: Okay. Want to break for the day?

19 MR. PARSONS: Okay.

20 THE VIDEOGRAPHER: This is the end of videotape 19
21 in the deposition of J. Donald Walters. It's 4:38.

22 (Whereupon, deposition adjourned at 4:38 p.m.)

23

24 _____

25 (Signature of Witness)

1 CERTIFICATE OF DEPOSITION OFFICER;

2 I, PATRICIA STEELE, duly authorized to administer

3 oaths pursuant to Section 2093(b) of the California Code of

4 Civil Procedure, hereby certify that the witness in the

5 foregoing deposition was by me duly sworn to testify the

6 truth, the whole truth and nothing but the truth in the

7 within-entitled cause; that said deposition was taken at the

8 time and place therein stated; that the testimony of the said

9 witness was reported by me and thereafter transcribed by me

10 or under my direction into typewriting; that the foregoing is

11 a full, complete and true record of said testimony; and that

12 the witness was given an opportunity to read and correct said

13 deposition and to subscribe the same.

14 I further certify that I am not of counsel nor
15 attorney for either or any of the parties in the foregoing
16 deposition and caption named, or in any way interested in the
17 outcome of the cause named in said caption.

18

19 _____

DEPOSITION OFFICER

20

21 DATE OF CERTIFICATION

22 I hereby certify this copy is a
true and exact copy of the original.

23

24

25 DEPOSITION OFFICER