

SUPERIOR COURT OF THE STATE OF CALIFORNIA FOR THE COUNTY OF SAN MATEO

CASE NO.: 403758

COMPLAINT FOR

- 1.CONVERSION;
- 2.SPECIFIC RECOVERY OF PERSONAL PROPERTY [CLAIM AND DELIVERY];
- 3.INVASION OF PRIVACY;
- 4.BREACH OF RIGHT OF PRIVACY BY INTRUSION;
- 5.MALICIOUS PROSECUTION;
- 6.CONSPIRACY TO STEAL PROPERTY, INVADE PRIVACY,AND GAIN UNFAIR ADVANTAGE IN LITIGATION;
- 7.INTERFERENCE WITH CONTRACT
- 8.ALTER EGO LIABILITY
- 9.INTENTIONAL INFLICTION OF EMOTIONAL DISTRESS

ANNE-MARIE MURPHY, an individual,

Plaintiff,

vs.

J. DONALD WALTERS a/k/a SWAMI KRIYANANDA, individually and as an employee of ANANDA CHURCH OF SELF-REALIZATION;
SHEILA RUSH, individually and as an employee of ANANDA CHURCH OF SELF-REALIZATION;
JON PARSONS, an individual; GORDON L. ROCKHILL, an individual;
ROCKHILL, SCHAIMAN & CARR, a professional corporation;
JOY HOLLOWAY, individually and as an employee of ANANDA CHURCH OF SELF-REALIZATION;
ANANDA CHURCH OF SELF-REALIZATION, a California not-for-profit corporation;
ANANDA CHURCH OF SELF REALIZATION OF PALO ALTO, a California not-for-profit corporation;
EAST WEST BOOKSTORE, a California not-for-profit corporation;
ANANDA CHURCH OF SELF REALIZATION OF SACRAMENTO, a California not-for-profit corporation;
DANIEL LEVIN, individually and as an employee of ANANDA CHURCH OF SELF-REALIZATION;
JYOTISH JOHN NOVAK, individually and as an employee of ANANDA CHURCH OF SELF-REALIZATION;
DEVI NOVAK, individually and as an employee of ANANDA CHURCH OF SELF-REALIZATION;
VIDURA JOHN SMALLEN, individually and as an employee of ANANDA CHURCH OF SELF- REALIZATION;
DURGA SALLY SMALLEN, individually and as an employee of ANANDA CHURCH OF SELF-REALIZATION;

PLAINTIFF DEMANDS A JURY TRIAL

CATHERINE PAROJINOG, individually and as an employee of ANANDA CHURCH OF SELF- REALIZATION;
ASHA PRAYER, individually and as an employee of ANANDA CHURCH OF SELF-REALIZATION and ANANDA CHURCH OF SELF-REALIZATION OF PALO ALTO;
KESHEVA MICHAEL TAYLOR, individually and *as an employee of ANANDA CHURCH OF SELF-REALIZATION* and ANANDA CHURCH OF SELF-REALIZATION OF PALO ALTO;
DAVID PRAVER, individually and as an *employee of ANANDA CHURCH OF SELF- REALIZATION* and ANANDA CHURCH OF SELF-REALIZATION OF PALO ALTO; and DOES 1 through 250, inclusive,

Defendants

INTRODUCTION

Plaintiff Anne Marie Murphy and DOES 1 through 250, inclusive. allege as follows:

1. over the course of three years between 1991 and 1994, Plaintiff Anne Marie Murphy, previously Anne Marie Bertolucci ("MS. MURPHY") was the victim of fraud, undue influence, sexual abuse and exploitation perpetrated by head ministers of a religious cult known as defendant Ananda Church of Self-Realization ("ANANDA"). These ministers or "lightbearers" as they are known inside the Cult, are defendants J. Donald Walters (alk/a "Swami Kriyananda") ("SWAMI") and Daniel Levin ("LEVIN"). MS. MURPHY entrusted her faith and religious devotion to ANANDA, reasonably believing that through ANANDA, she was on her chosen path to truth and spirituality. Defendants SWAMI and LEVIN took unfair advantage of, and breached that intimate trust by exploiting MS. MURPHY'S devotion for defendants' own perverted sexual gratification and lust. Numerous other women were also victims of SWAMI'S sexual abuse and molestation over the course of the past thirty years.

As a result of said defendants' reprehensible conduct, MS. MURPHY suffered emotional breakdowns, stomach ulcers, serious depression and suicidal ideation. In November 1993, SWAMI ordered MS. MURPHY to leave the ANANDA village even though she was physically ill and in deep emotional trauma, had no job, had no money to support herself, and had nowhere to live. On November 21, 1994, MS. MURPHY brought a lawsuit against the ANANDA defendants to vindicate her rights, hopefully end her oppression, and expose the fraud of ANANDA, SWAMI, AND LEVIN, to all members of the ANANDA community and the public at large. That action was *Bertolucci v. Ananda Church of Self-Realization, et al.* (San Mateo County, California, Superior Court Case No. 390230). On February 5, 1998, after a 3.5 month *jury trial*, the jurors found for MS. MURPHY, rendering it verdict against defendants for \$625,000 and making special findings of fraud, malice and despicable conduct.

In an attempt to further oppress and intimidate MS. MURPHY from bringing her obviously meritorious lawsuit, and without any indicia of justification or probable cause, ANANDA, SWAMI, and LEVIN and instituted a Cross-Complaint against her for defamation, falsely claiming that

virtually all of MS. MURPHY'S allegations against ANANDA, SWAMI and LEVIN were untrue.

That Cross-Complaint was solely based on intentional lies and gross distortions of the truth, and said defendants knew of its utter falsity at the time they filed the Cross-Complaint. Nevertheless said defendants relentlessly prosecuted their baseless Cross-Complaint for nearly three years.

During this time, on or about September 29, 1995, the Rancho Santa Fe law firm of Flynn, Sheridan & Tabb ("FS & T"), one of the law offices representing MS. MURPHY in that prior action, caught an individual trespassing and stealing law firm's documents (and other materials) belonging to FS & T and FS & T's clients that were contained in a receptacle inside its private fenced, secure, and gated compound. The identity of the actual person or entity behind the theft of documents was deliberately concealed for over two years because all witnesses refused to answer who paid for or authorized the September 29, 1995 theft. ANANDA'S defense counsel in the *Bertolucci v. Ananda* case falsely and knowingly denied having any knowledge of the theft. FS & T immediately commenced a thorough investigation to determine the person or entity responsible for the theft, and based on the evidence available and ample probable cause determined that the responsible entity was Gray Care Ware & Fried enrich, a well known law firm with offices in San

Diego who was representing an opponent to one of MS. MURPHY'S counsel's other clients. However, On October 17, 1997, MS. MURPHY'S counsel first obtained discovery which unequivocally showed that ANANDA and its legal team orchestrated and authorized the September 29, 1997 theft, and thus was also responsible.

Shortly before the time of this shocking discovery, SWAMI and LEVIN's frivolous and extortionate Cross-Complaint in the *Bertolucci v. Ananda* case was dismissed on October 1, 1997, with prejudice because it lacked merit, resulting in a favorable termination in MS. MURPHY'S favor.

JURISDICTION AND VENUE

2. Jurisdiction and venue are proper in this Court pursuant to Code Civ. P. §395 as the course of conduct that is the subject of this action occurred in the County of San Mateo, State of California, and the damages exceed this Court's jurisdictional minimum.

PARTIES

3. Plaintiff Anne Marie MURPHY is a citizen of the United States and is domiciled in the county of Santa Clara, State of California.

4. Defendant J. DONALD WALTERS, also known as SWAMI KRIYANANDA ("SWAMI"), is an individual domiciled in the County of Nevada, City of Nevada City, State of California and an agent and employee of ANANDA.

5. Defendant ANANDA CHURCH OF SELF REALIZATION ("ANANDA") is a California not-for-profit corporation located in the County of Nevada, City of Nevada City, State of California.

6. Defendant DANIEL B. LEVIN ("LEVIN") is an individual domiciled in the County of Nevada, City of Nevada City, State of California and an agent and employee of ANANDA, and an agent and employee of CRYSTAL CLARITY.

7. Plaintiffs are informed and believe and allege thereon that at all times mentioned herein there was such a unity of interest and control among ANANDA, ANANDA CHURCH OF PALO ALTO, EAST WEST BOOKSTORE, ANANDA CHURCH OF SACRAMENTO, SWAMI and DOES 1 to 15, inclusive, that said corporations functioned as the alter ego of SWAMI to the extent that their separate corporate existence should be dispensed with and that said corporations and SWAMI should be treated as one.

8. Defendant SHEILA RUSH is an individual domiciled in the County of Nevada, City of Nevada City, State of California and an agent and employee of ANANDA.

9. Defendant JON PARSONS is an individual domiciled in the County of Santa Clara, City of Palo Alto, State of California.

10. Defendant GORDON L. ROCKHILL is an individual domiciled in the City of Redwood City, County of San Mateo, State of California.

11. Defendant ROCKHILL, SCHAIMAN AND CARR is a professional corporation domiciled in the City of Redwood City, County of San Mateo, State of California.

12. Defendant JOY HOLLOWAY is a resident of the City of Helena, State of Montana and an agent and employee of ANANDA.

13. Defendant ANANDA CHURCH OF SELF REALIZATION OF PALO ALTO is a California not for profit corporation with its principal place of business in the City of Palo Alto, County of Santa Clara, State of

California.

14. Defendant EAST WEST BOOKSTORE, INC., is a California not for profit corporation with its principal place of business in the City of Mt. View, County of Santa Clara, State of California.

15. Defendant ANANDA CHURCH OF SELF REALIZATION OF SACRAMENTO is a California not for profit corporation with its principal place of business in the City of Rancho Cordova, County of Sacramento, State of California.

16. Defendant JYOTISH JOHN NOVAK is an individual domiciled in the County of Nevada, City of Nevada City, State of California and an agent and employee of ANANDA.

17. Defendant DEVI NOVAK is an individual domiciled in the County of Nevada, City of Nevada City, State of California and an agent and employee of ANANDA.

18. Defendant VIDURA JOHN SMALLEN is an individual domiciled in the County of Nevada, City of Nevada City, State of California and an agent and employee of ANANDA.

19. Defendant DURGA SALLY SMALLEN is an individual domiciled in the County of Nevada, City of Nevada City, State of California and an agent and employee of ANANDA.

20. Defendant CATHERINE PAROJINOG is an individual domiciled in the County of Nevada, City of Nevada City, State of California and an agent and employee of ANANDA.

21. Defendant ASHER PRAVER is an individual domiciled in the City of Mountain View, County of Santa Clara, State of California and an agent and employee of ANANDA, and an agent and employee of Ananda Church of Self Realization of Palo Alto.

22. Defendant KESHEVA MICHAEL TAYLOR is an individual domiciled in the County of Santa Clara, City of Mountain View, State of California and an agent and employee of ANANDA, and an agent and employee of Ananda Church of Self Realizatic' of Palo Alto.

23. Defendant David Prayer is an individual domiciled in the City of Mountain View, County of Santa Clara, State of California and an agent and employee of ANANDA, and an agent and employee of Ananda Church of Self Realization of Palo Alto.

24. Plaintiff is unaware of the true names and capacities of Defendant Does 1-250 inclusive, and therefore sues said Defendants by said fictitious names and will ask leave of Court to amend this complaint to show their true names and capacities when the same have been ascertained.

25. Plaintiff is informed and believes and therefore alleges that at all times herein mentioned, each of the Defendants was the agent, employee, partner, joint venturer, and/or conspirator with each of the remaining Defendants, and in doing the things hereinafter alleged, was acting within the course and scope of such agency, employment, partnership, and/or joint venture, and/or in furtherance of such conspiracy, and with permission of each Co-Defendant.

26. At all times relevant, most of the injuring acts complained of occurred in San Diego County, California.

FACTUAL ALLEGATIONS

27. Defendant J. DONALD WALTERS a/k/a SWAMI KRIYANANDA ("SWAMI") holds himself out to the public as a purported "guru" and "swami," who, from 1948 through 1952, was supposedly a "direct disciple" of a revered Hindu religious figure named Paramahansa Yogananda. After being

expelled from Paramahansa Yogananda's religious organization in or about 1962 for misconduct, SWAMI began to hold himself out as the "spiritual successor" to Paramahansa Yogananda. SWAMI further claimed to the public, and continues to claim to the public, including plaintiff, that he was ordained in the ancient Indian religious order known as the "Swami Order." Since 1969, SWAMI has held himself out to the public and to plaintiff as a renunciant monk who had renounced sex, material possessions and money for a purely spiritual life.

28. However, beginning as early as while SWAMI was still in Paramahansa Yogananda's organization, SWAMI used his standing as a purported religious leader and direct disciple of Paramahansa Yogananda to gain frequent access to young, impressionable females, with whom he could have sexual contact.

29. From in or about 1969, when SWAMI started defendant Ananda Church of Self Realization ("ANANDA"), through and including the present, SWAMI continued to hold himself out as a celibate monk, while using his position of trust and authority to induce people to join his cult, donate money to his organization, which he would take for himself, and have sexual contact with him.

30. At all times, SWAMI maintained absolute control over ANANDA CHURCH and the lives of his alleged "disciples."

31. Thus, from 1969 to the present, on a continuing and ongoing basis SWAMI used the absolute authority as a tool for the creation of an environment hostile to women and as a mechanism for the sexual exploitation of women whom he had defrauded into affiliating with ANANDA, CRYSTAL CLARITY and with him and whom SWAMI thereafter unduly influenced and coercively persuaded into submitting to his extortionate sexual demands.

32. As part of SWAMI's continuing efforts to maintain his cult, in ANANDA CHURCH, SWAMI holds himself out as one whom has renounced all sensual pleasures, and maintaining a direct channel to God. SWAMI importunes his followers to maintain absolute trust in him because he is, according to him and his ministers, a human being that is superior to them. Said representations were made to plaintiff herein.

33. As acknowledged by SWAMI, his established pattern of sexual harassment and exploitation is to ask for a massage and then to turn said massage into a sexual encounter. SWAMI has engaged in the sexual harassment of many members of his alleged "church," including the following: Thora McDonnell in 1967; Chandra Slavonic in 1968; Marilyn Stewart in the early 1970s; Kamala Willey in 1981-1982; Denise Peterson in 1981-1982; Kimberly Moore in 1979 - 1983; Deborah Donie-Seligson in 1980 - 1983. In addition, although in IRS filings, the defendants have represented that SWAMI only allows sex within marriage in order to qualify as a tax-exempt organization, SWAMI actually condones and encourages sexual contact between ministers and parishioners, between himself and parishioners and has established and maintained an environment that is predicated upon the sexual degradation and exploitation of women.

34. Plaintiff became affiliated with ANANDA in January 1991 in the County of Santa Clara, City of Palo Alto, at which time and repeatedly thereafter she was told, orally and in writing, that she would be studying the teachings of Paramahansa Yogananda, a spiritual teacher from India who had died in 1952. Asha Prayer, an ANANDA member who was the Spiritual Head of the Palo Alto Community encouraged plaintiff to leave her husband and move into the Ananda community, stating that her husband was holding her back from God, by not encouraging and supporting her in her involvement in ANANDA CHURCH. Anandi Cornell, an ANANDA CHURCH member who was the head of "training" at Ananda Village told plaintiff that plaintiff was safe in ANANDA CHURCH. Asha Prayer and Anandi Cornell, ANANDA CHURCH members, advised plaintiff that she would be in a safe environment guided by ministers who were sincerely interested in her mental well-being and

would protect her and who would encourage her spiritual growth. Plaintiff was told that a personal counselor would be appointed to aid plaintiff in her spiritual growth and to counsel her regarding any psychological and marital problems she was experiencing. Moreover, SWAMI held himself out as a living saint in whose guidance plaintiff could rely and trust and as a "swami" under the ancient Hindu "Swami Order" of India, an Order which upholds celibacy as one of its fundamental tenets.

35. But for the representations that SWAMI was a celibate renunciant, and the other representations by the defendants and their agents, plaintiff never would have joined the cult and thereby subjected herself to defendants' mind control and coercive persuasion.

36. Said representations were false and made in order to induce plaintiffs reliance thereon so that plaintiff would unwittingly expose herself to an atmosphere of coercive persuasion and undue influence which would result in stripping plaintiff of her free will and autonomy.

37. The true facts are that SWAMI and ANANDA CHURCH practiced coercive persuasion which included but was not limited to isolation, monopolization of time, positive and negative reinforcement, peer group pressure, hypnosis, prohibition against dissent and the induction of fear, guilt and emotional dependency for the purpose of dominating plaintiff so as to exploit her loyalty and allegiance that was obtained by the imposition of such practices without her knowledge or consent regarding such coercive persuasion. Said true facts were not known to plaintiff and had such facts been known she would not have participated in the activities As are alleged herein.

38. Plaintiff relied upon the truth of the representations set forth above, and such reliance was justified, and based upon her reliance upon the aforementioned representations, plaintiff became increasingly involved in ANANDA CHURCH which included moving to ANANDA CHURCH's village in Nevada City in June 1992 where thereafter she became increasingly "integrated" into ANANDA CHURCH, exposed to its atmosphere of coercive persuasion, and thereby induced to submit to the directives of ANANDA CHURCH senior ministers and leaders as well as performing work for its various businesses, including a retail store named "Mountain Song."

39. In late 1.992 LEVIN was Vice-President of Sales for CRYSTAL CLARITY, a senior Ananda minister, and had been a resident of the Ananda community for almost 20 years. At this time LEVIN spoke to plaintiff outside Mountain Song, and advised plaintiff that me he was getting a job for her at CRYSTAL CLARITY where he worked. At the beginning of said conversation LEVIN hugged plaintiff and offensively touched plaintiff in a sexual manner. Said conduct confused plaintiff because she knew that LEVIN was a minister and married; thus she presumed the touching to have been an "accident."

40. In January 1993, plaintiff was deployed as a data entry clerk at CRYSTAL CLARITY where she worked long hours, was never given overtime for employment six-days per week, eight to ten hours per day primarily performing work on a computer, resulting in the development of carpal-tunnel syndrome which she developed in consequence of such performance of work. When plaintiff complained to Padma McGilloway, President of CRYSTAL CLARITY, of being tired or overworked, McGilloway told plaintiff that plaintiff was not channeling God's energy correctly because God's energy is inexhaustible, which humiliated plaintiff because she did not always have a joyful, willing attitude. Plaintiff began to experience severe back and neck aches and extreme fatigue.

41. In January, February and March 1993, LEVIN became increasingly friendly with plaintiff during the course of her employment at CRYSTAL CLARITY, standing very close to her, flirting with her, and several times "accidentally" touching her breasts. During this time, LEVIN was also

acting as a minister at the workplace, conducting meditation services, and performing the "Purification Ceremony." During this "ceremony" LEVIN required plaintiff to kneel before him while he touched her chest, and at times her breast, with his finger and "transmitted spiritual energy" to her. During this time, plaintiff sought and received therapeutic and psychological counseling about her pending separation from her husband.

42. In April 1993 his wife left for Italy for three weeks to visit her family, LEVIN asked plaintiff at work if she would like to cook for him at his house while his wife was away. When plaintiff declined, LEVIN began to work late at the office where plaintiff had already for some time been working into the evenings to keep up with her workload. One night when plaintiff and LEVIN were working together late, he asked her to walk on his back as he was experiencing back pain, which she did. Over Easter weekend, LEVIN started hugging plaintiff every time he saw her around the Ananda community. After plaintiff confronted him about his advances, on the way to work LEVIN told her that he was attracted to her. LEVIN explained that this was common at ANANDA CHURCH because the members have all been together for so many lifetimes. LEVIN further stated that he had recognized plaintiff as a lover and wife from past lives. LEVIN also stated that plaintiff was "very flirtatious," had "too much sexual magnetism," and that he was like "a puppy dog being pulled into" [plaintiff's] web." Since plaintiff knew LEVIN as a minister and a long-time practitioner of yoga, she trusted in his integrity and believed everything he told her. From June to November 1993, LEVIN gave plaintiff examples of this happening before, and alluded that it was completely acceptable at the ANANDA CHURCH. LEVIN advised plaintiff that what was happening was perfectly natural, very romantic and had God's blessing.

43. A few days later when plaintiff was taking a walk at lunchtime, LEVIN drove up beside her and asked if she would take a drive with him. LEVIN told plaintiff he was having a hard time working with her, that he was "strongly attracted" to her and that plaintiff felt like a "part of him," and she "belonged" to him. At the end of the conversation LEVIN hugged plaintiff and kissed her cheek.

44. In late April, 1993, LEVIN and plaintiff took a drive in a car, stopped at a park where LEVIN kissed plaintiff on the lips. LEVIN then told plaintiff he was in love with her and asked her to be his mistress; she declined.

45. LEVIN started staring at plaintiff at work often, and coming over to her desk frequently to talk to her, causing plaintiff an enormous amount of emotional stress in her working environment. LEVIN told plaintiff that she couldn't tell any of the women ministers at ANANDA CHURCH about his attraction because they were all friends of his wife and would tell her. When LEVIN told plaintiff not to tell anybody about what was happening she believed he knew best, and thus she obeyed.

46. While his wife was away LEVIN asked plaintiff to call him a lot at home which she did. On approximately April 24, 1993, the evening before his wife was to return from Italy, LEVIN talked to plaintiff for several hours at his house about their relationship.

47. On or about April 25, 1993 after LEVIN had given the sermon at Sunday Service, he asked plaintiff to go for a drive with him. He parked by some woods, asked plaintiff to go for a walk and commenced sexual advances, partially unclothing plaintiff and feeling plaintiff's body. LEVIN's wife returned the following day, and he thereafter ignored plaintiff at work for some time, which caused plaintiff a lot of emotional anguish and confusion.

48. During one day in May 1993, at lunch-time when plaintiff was driving to the gym to exercise, LEVIN asked her for a ride to his gym, but on the way he decided to work out with plaintiff in a gym in Grass Valley

instead. At the gym LEVIN came into the dance studio where plaintiff was exercising alone and began kissing her. LEVIN pulled down plaintiffs leotard, fondled her breasts and then rubbed himself against plaintiff until he ejaculated, causing plaintiff to experience great shock. LEVIN said "I can't believe how you make me feel." On the drive back to work, plaintiff directed LEVIN to leave her alone, particularly because it was difficult for her to protect herself from his advances.

49. On or about May 16, 1993, LEVIN telephoned plaintiff while she was working at CRYSTAL CLARITY, and stated "I almost raped you [at the dance studio], anyone could have walked in." This statement caused plaintiff further and increased fear, great emotional stress, and guilt.

50. On or about May 18, 1993, she spoke to Vidura Smallen, a/k/a John Smallen, the General Manager of ANANDA CHURCH and CRYSTAL CLARITY and told him that LEVIN was making sexual advances toward her, and to tell LEVIN to leave her alone. Vidura Smallen advised plaintiff that if the situation was "too intense" for her, he would get her a job elsewhere at the ANANDA CHURCH. Plaintiff complained further that since LEVIN was the one whom was making sexual advances toward her, it was unfair that she had to get the new job. Vidura told plaintiff later that she "was a big girl, that she had 'been around' and that her behavior was inappropriate." Plaintiff experienced further and increased guilt and shame as a result of the sexual advances made toward her by LEVIN.

51. Plaintiff is informed and believes, based on what LEVIN told her, that Vidura Smallen told him "if he was going to have an affair to do it out in the world, and not on his own doorstep where his wife would find out."

52. Thereafter, in late May 1993, SWAMI directed plaintiff to visit him at his home for four consecutive evenings of "psychological counseling sessions." Plaintiff had been told by Padma McGilloway that she was very "lucky" to receive such special attention from SWAMI, and that SWAMI was taking a very "special" interest in plaintiffs spiritual growth. Padma McGilloway had explained to plaintiff that SWAMI was "helping" plaintiff with her "spiritual tests." Plaintiff was confused when Elizabeth Barrett; a married ANANDA CHURCH member, frequently gave SWAMI full-body massages, acted romantically with SWAMI and spoke to one another like lovers; advised plaintiff that SWAMI "loved" her, and plaintiff was a "part of SWAMI." Many ANANDA CHURCH members told plaintiff that she was a "great soul," and was "spiritually ready" to spend more time with SWAMI.

53. During the course of said evenings of unsupervised counseling sessions, SWAMI asked plaintiff to massage him, and had plaintiff watch several videos while alone with him alone together. One of the videos had an erotic sex scene where a woman was giving the man oral sex. SWAMI inappropriately touched and massaged plaintiffs neck, adjusted it, and then placed plaintiffs head in his lap, while he massaged it further. The course of this "counseling session," SWAMI rubbed plaintiffs cheek against his penis. In addition, SWAMI frequently hugged plaintiff, kissed her on the cheek, and looked at her lovingly.

54. Plaintiff was confused at the time as to why this "Saint" SWAMI would be watching movies with erotic scenes but believes now after hearing of his sexual harassment of other women and his pattern of seduction, that she was being prepared to be his next sexual partner.

55. Plaintiff lived at the "Seclusion Retreat" at Ananda Village. On or about the end of June 1993 SWAMI directed LEVIN to stay at the "Seclusion Retreat." At such time SWAMI asked plaintiff to leave the retreat and find another place to live indefinitely while LEVIN was in seclusion. When plaintiff returned to her home after a week of staying at other places, LEVIN was still there for

another week of seclusion and within a few days asked her to his place, where he promised that he would leave plaintiff alone at work. One day later, however, LEVIN, left a s love poem on plaintiffs door and then initiated further sexual contact. The next night he rubbed himself against plaintiff who was fully clothed until he ejaculated, and then told plaintiff to leave. The next two evenings plaintiff slept overnight with LEVIN and although plaintiff did not have sexual intercourse with him, he rubbed against her until he ejaculated.

56. Plaintiff is informed and believes that SWAMI set her up to be alone with LEVIN at the Seclusion Retreat, where she would be seduced into performing sexual acts with LEVIN.

57. Plaintiff and LEVIN continued to work together at CRYSTAL CLARITY, where LEVIN ignored plaintiff so as to maintain a facade that nothing had happened between them. Because plaintiff was afraid of repercussions from ANANDA CHURCH, she acquiesced to this facade, even though she was under an enormous amount of emotional stress and felt she could not turn to anyone for help.

58. From June until September 1993, plaintiff was kept working at CRYSTAL CLARITY under these conditions, and was not given any women counselors to talk to. Neither Vidura Smallen nor SWAMI asked her how she was dealing with the situation re^rdi^n l .EVIN, after she had complained to them. Plaintiff was treated like an object, and not as a person with feelings, and several times LEVIN told her they were considering sending her away to Seattle causing plaintiff to live in fear of being "sent away."

59. During this time, LEVIN would turn up at the dance studio where plaintiff exercised at lunch times, or drive her to a secluded place in Grass Valley. LEVIN would often strip plaintiff and rub against her until he ejaculated, felt her body, and had her perform oral sex on him. No intercourse took place and the sex was solely for the gratification of LEVIN's lust. LEVIN treated plaintiff like a whore, yet told plaintiff that he was very much in love with her, that he was not happily married and wanted to leave his wife. Plaintiff told LEVIN that she didn't want to see him at least until he was separated but he asked her to continue such lunch-time rendezvous with him until he was able to leave his wife, because "he couldn't live without [plaintiff]." LEVIN also told plaintiff that it was "God's will" that they should be together and that it had the guidance of the spiritual precursor of ANANDA CHURCH. Because plaintiff had been unduly influenced to submit to the assertion of LEVIN's authority over her, she believed everything he told her.

60. In late August 1993 plaintiff told LEVIN that she felt he was using her for sex, that she didn't want to work with him anymore, and that the conduct needed to stop. In retaliation therefor LEVIN went to SWAMI and asked that plaintiff be moved out of CRYSTAL CLARITY. During this same week, LEVIN wrote PLAINTIFF a letter saying he was sorry for the loss of her job, and asking her to go away with him for the weekend to Denver. He told plaintiff that he had booked flights for her. Plaintiff declined his offer.

61. Also in the same week LEVIN arrived at plaintiffs cabin and stayed for about an hour, where he rubbed her breasts and ejaculated against her while he was fully clothed. The following week plaintiff was moved to a new job in the computer department for ANANDA CHURCH, but it was done so abruptly that many people in the community became alerted and began to gossip about plaintiff further increasing the burden of guilt and shame and causing her to sink into a severe depression, and experience long crying bouts and chronic fatigue. This was particularly difficult because plaintiff was still expected to manifest a "joyful" façade at work, to be a good

devotee living selflessly for "God," and pretending as if nothing had happened.

62. During the month and a half while she was working at the computer department for ANANDA CHURCH, LEVIN would often contact plaintiff by asking her to meet him and leaving her notes telling how much he missed her and loved her. When his wife went away on trips he would ask plaintiff to come to his house, and when she did he would usually rub himself against her, usually fully clothed, always making her feel very degraded. Because of her weakened and diminished reasoning abilities due to the defendants' coercive persuasion, plaintiff still wanted to believe that he really loved her as he would tell her.

63. One day during late September 1993 LEVIN directed plaintiff to meet him in a secluded place, where he stripped her, felt her body, and had her perform oral sex on him. Immediately after this, LEVIN told plaintiff that he did not want to have anything further to do with her, causing plaintiff to experience yet further shame, guilt and humiliation. The following weekend plaintiff was shaken by an emotional breakdown where she could not stop crying, was depressed and felt suicidal.

64. Plaintiff then moved to the women's ashram at Ananda Village in the hope that she would feel less vulnerable to LEVIN's advances because plaintiff was completely in LEVIN's power and would do anything that he asked of her. Plaintiff continued to suffer from severe depression and chronic fatigue.

65. In November 1993, plaintiff was very sick and spent several days in bed. The first day plaintiff was well, on or about November 20, 1993, she went to the mail room to pick up her mail. LEVIN was waiting for plaintiff in the mail room, and told plaintiff that he wanted to leave his wife, that she was away that weekend and asked plaintiff to visit his home in the evening so they could talk. Plaintiff declined. He asked plaintiff to come over in the morning instead with which request plaintiff complied and went to LEVIN's house on November 21, 1993. LEVIN did not want to talk, instead rubbing himself against plaintiff until he ejaculated. LEVIN then told plaintiff to leave.

66. On November 22, 1993, SWAMI directed plaintiff to leave Ananda Village, and said that she was not welcome there. SWAMI told plaintiff to go to a different ANANDA CHURCH settlement, either in Seattle or Assisi, but plaintiff was crying and told him she wanted to go to Palo Alto. Plaintiff was given no chance to defend herself or explain anything.

67. At all times during her employment and other than any events immediately prior to her termination, plaintiff received no significant criticism of her work and performed her job in a satisfactory manner. However, on December 1, 1993, plaintiff went to work at ANANDA CHURCH and found that she had been replaced in her job and was expected to train this new person. It was made very clear to plaintiff that she was to leave as soon as possible and that she was unwelcome.

68. The following weekend plaintiff left Ananda Village. She had no job, no money to support herself, nowhere to live, was physically ill and was in deep emotional trauma over the shame, humiliation and heartbreak she was experiencing. For two weeks she had to stay with her ex-husband because she had nowhere to live, until he gave her money to move into the Ananda community in Palo Alto. Plaintiff was treated very coldly by the Palo Alto ministers David and Asha Prayer, and was told there were no jobs for her there. When plaintiff told Asha that she felt she had been sexually abused by LEVIN, Asha got very angry and told plaintiff that it was an affair that had gone sour, and that plaintiff was very immature and selfish. When she repeatedly asked for at least a letter of apology from LEVIN for the hurt he had caused her, Asha told her "that would never happen and [plaintiff] might as well forget about it." To this day, plaintiff has never received any apology from LEVIN.

69. Plaintiff suffered an emotional breakdown, stomach ulcers, which she have been in therapy ever since trying to recover from. In March of 1994 plaintiff had another emotional breakdown when she began to realize how sexually, emotionally and spiritually abused she had been. She was suffering from serious depression and felt suicidal. SWAMI and ANANDA CHURCH ministers did everything they could to protect LEVIN and placed all the shame and punishment onto plaintiff, with no concern for her emotional or spiritual welfare. Plaintiff was told not to tell anybody about what had happened to her, and was harshly punished and ostracized from the community for the sexual misconduct perpetrated against her by LEVIN, SWAMI, CRYSTAL CLARITY and ANANDA CHURCH. Plaintiff has been in therapy ever since trying to recover from this intense emotional trauma. Plaintiff has been unable to even think about the idea of having a relationship with a man again, and it may take years to heal from the lack of confidence, low self-esteem and lack of trust she now experiences, after the sexual harassment as alleged herein. Spiritually, plaintiff has a deep distrust of religious organizations and ministers because of the betrayal she experienced from defendants herein and it may take a very long time to recover from such spiritual harm.

70. On November 21, 1994, MS. MURPHY filed a lawsuit against ANANDA, CRYSTAL CLARITY PUBLISHING, LEVIN, and SWAMI for sexual harassment and retaliation, fraud and deceit, intentional infliction of emotional distress, and battery. That action was *Bertolucci v. Ananda Church of Self-Realization, et al.* (San Mateo County Case No. 390230) ("*Bertolucci v Ananda*"). The *Bertolucci v. Ananda*. Complaint was subsequently amended on December 16, 1994.

71. At all times material to the present action, MS. MURPHY was represented in the *Bertolucci v. Ananda* case by attorney Ford Greene of Hub Law Offices in San Anselmo, California and attorneys Philip H. Stillman and Michael J. Flynn of Flynn, Sheridan & Tabb (presently known as Flynn, Sheridan, Tabb & Stillman) ("FS & T") in Rancho Santa Fe, California.

72. In their December 29, 1994 answer to the *Bertolucci v. Ananda* first amended complaint ("ANANDA'S ANSWER"), defendants denied each and every allegation of that complaint, and further made averments or "new matter" that the ANANDA defendants knew were false. These false averments include, but are not limited to, the following: (a) the "complaint is a sham pleading" (ANANDA'S ANSWER, ¶2); (b) SWAMI "never ... used his spiritual position to coercively or otherwise persuade any person to submit to him for any sexual purpose" (ANANDA'S ANSWER, ¶16); (c) SWAMI "has never defined the spiritual life in terms of dry asceticism" (ANANDA'S ANSWER, ¶17); (d) SWAMI "has never harassed or exploited anyone, male or female, sexually or in any other way, by asking for a massage or by any other means" (ANANDA'S ANSWER, ¶19).

73. On December 29, 1994, ANANDA, SWAMI, AND LEVIN, through their counsel, defendants JON R. PARSONS and SHEILA RUSH instigated a proceeding by filing a frivolous Cross-Complaint against MS. MURPHY for defamation ("ANANDA CROSS-COMPLAINT"), falsely claiming that MS. MURPHY'S allegations against ANANDA, SWAMI and LEVIN in her *Bertolucci v. Ananda* Complaint was a "sham lawsuit". That Cross-Complaint was solely based on intentional lies and gross distortions of the truth, and said defendants knew of its utter falsity at the time they filed the Cross-Complaint. The false and totally unsupported allegations in the ANANDA CROSS-COMPLAINT include, but are not limited to:

(a) Walters (SWAMI) not only never sexually harassed Bertolucci, but he never acted improperly towards Bertolucci in any way, sexual or otherwise,

(b) Bertolucci never told Walters that she believed she was being sexually harassed by Levin, or by anyone, and that Walters (SWAMI) never retaliated against Bertolucci for any complaint of harassment,
(c) Walters (SWAMI) has never sexually harassed or exploited anyone, male or female, sexually or in any other way, nor has Walters used his position to coercively, or otherwise, persuade any person to submit to him for any sexual purpose ..." (ANANDA CROSSCOMPLAINT, ¶30);

Levin is informed and believes and thereon alleges that beginning in about October, 1994 and continuing to the present, ... Bertolucci has published oral statements to third parties that:

(a) Levin sexually harassed Bertolucci and

(b) Levin retaliated against Bertolucci because of her complaint of sexual harassment by Levin" . . . "These statements were completely untrue." (ANANDA CROSS-COMPLAINT, ¶¶48, 49); and Bertolucci expanded the scope of her sexual harassment complaint to include false and baseless allegations against Walters (Swami), to lay a foundation for filing the complaint with additional false, malicious, and scandalous allegations about Walters (SWAMI) and Ananda" (ANANDA CROSS-COMPLAINT, ¶7);

74. On February 22, 1995, SWAMI executed a declaration under penalty of perjury wherein he categorically denies the vast majority of allegations underlying MS. MURPHY'S *Complaint in the Bertolucci vs. Ananda et al. case*. SWAMI knew that this declaration contained numerous falsities, but nevertheless signed the declaration. In part, SWAMI declared under oath that:

"Plaintiffs statement to Kelly Coogan that I 'had sex with numerous women since the early days of Ananda' at Ananda, is untrue." (Declaration of J. Donald Walters *in Opposition to Special Motion to Strike, Bertolucci v. Ananda et al.*, ¶¶22(a))

"Plaintiffs statement to Kelly Coogan that 'all of these women had been emotionally traumatized by the experience and that some had ended up going *crazy*' is untrue. (*Id.* at ¶22(b))

"Plaintiffs statement to Kelly Coogan that I have 'sexually abused' anyone, is untrue." (*id.* at ¶22(c))

"Plaintiffs statement to Kelly Coogan that I have 'sexually abused' my housekeepers by asking them, requiring them, or forcing them to perform the *sexual act referred to in Coogan's declaration ... is untrue*" (*Id.* at ⁷⁰21A),

"Plaintiffs statement to Kelly Coogan that I have 'sexually abused' one of my housekeepers by asking, forcing, or requiring that she perform the sexual act referred to in Coogan's declaration ... is untrue." (*Id.* at ¶22(e))

"Plaintiffs statement to Kelly Coogan that I forced Kimberly Moore into marriage is untrue." (*Id.* at ¶22(g))

"Plaintiffs statement to Kelly Coogan that I raped Kimberly Moore is untrue." (*Id.* at ¶22(h))

"Plaintiffs statement to Kelly Coogan that I have been sexually involved with Elizabeth Barrett is untrue." (*Id.* at ¶22(i))

"Plaintiffs statement to Kelly Coogan that I have sexually victimized women and then handed them down to male members of Ananda Village to marry, is untrue." (*Id.* at ¶22(j))

"Plaintiffs statement to Kelly Coogan that I engaged in improper sexual conduct in the Crystal Hermitage guest room is untrue." (*id.* at ¶22(k))

"Plaintiffs statement to Kelly Coogan that I intended plaintiff to be 'one of [my] sexual partners' is untrue." (*Id.* at ¶22(1))

"Plaintiffs statement to Peg Baat that the Ananda Church, as plaintiffs employer, sexually harassed plaintiff is untrue. (*Id.* at ¶23(b))

"Plaintiffs statement to Peg Baat that the Ananda Church practiced coercive persuasion is untrue." (*Id.* at ¶23(c))

"Plaintiffs statement to Peg Baat that I have used the Ananda Church as a mechanism for the sexual exploitation of women' is untrue." (*Id.* at ¶23(e))

"Plaintiffs statement to Peg Baat that eight women have been victims of sexual harassment by me is untrue. I have never sexually harassed anyone." (*Id.* at 23(h))

75. SWAMI's February 22, 1995 Declaration in Opposition to Special Motion to Strike, like the ANANDA CROSS-COMPLAINT was filled with lies and distortions of the truth. SWAMI maliciously used both the ANANDA CROSS-COMPLAINT and his February 22, 1995 Declaration for the purpose of countering Bertolucci's truthful allegations. Kriyananda continued to use defendants' Cross-Complaint in this manner as is illustrated by his April 18, 1995 and April 25, 1995 letters.

76. SWAMI'S deposition in *Bertolucci v. Ananda et al* was held in September, 1995. At his deposition, SWAMI contradicted his prior representations and admitted that he in fact did have sexual contact with many women as was alleged by MS. MURPHY in *Bertolucci v. Ananda et al*. It is clear from SWAMI'S own testimony that defendants knew that the allegations in their Cross-Complaint were false when it was filed. Defendants instead intentionally disregarded the truth and chose to further spread lies using the sealing order to further deceive defendants' followers. Ms. Bertolucci tried to expose the truth by seeking the reversal of the sealing order in this case, but was unsuccessful. Meanwhile, Defendants continued to prosecute their CrossComplaint from September, 1995 through September, 1997.

77. On or about September 29, 1995, the law firm of F S & T caught an individual named Peter Barranco stealing the law firm's paper trash from inside its fenced, secure, gated compound in Rancho Santa Fe, California. FS & T later learned that Barranco was employed by Jona Bolling, who at the time was employed by Dennis Schoville and Cindy Cipriani of the Law Firm Gray Cary Ware & Freidenrich.

78. On or about the spring of 1996, attorneys for Ms. MURPHY learned that Jona Bolling was working for Defendant Weaver at the time of the theft of the documents. On or about June 14, 1996, FS & T brought a complaint against Barranco and Bolling for the theft of privileged law firm

documents.

10. In FS & Ts lawsuit against Barranco and Bolling, both Barranco and Bolling have asserted the Fifth Amendment privilege against self-incrimination and they have to date refused to reveal who hired and paid them to steal FS & Ts privileged attorney/client documents. They have also refused to reveal who is paying their attorneys who have worked substantial hours in their defense of that case.

79. Defendants ANANDA, SWAMI, LEVIN, PARSONS, and SHEILA RUSH acted without probable cause in filing the ANANDA CROSS-COMPLAINT, and all of said defendants well knew that the allegations in the complaint were false. Nevertheless, said defendants continued to assert their defamation-related claims against Plaintiff falsely and maliciously, and notwithstanding notice by Plaintiffs attorneys that the ANANDA CROSS-COMPLAINT was frivolous and lacked any indicia of probable cause, said defendants persisted in their relentless prosecution of their frivolous Cross-Complaint. Moreover, even despite SWAMI's deposition held in September, 1995, wherein SWAMI admits that many of MS. MURPHY'S allegations are true, defendants maliciously continued to prosecute their cross-complaint against Ms. Bertolucci for defamation for nearly three years.

80. On October 1, 1997, the ANANDA DEFENDANTS dismissed the ANANDA CROSS-COMPLAINT against MS. MURPHY with prejudice because it lacked merit. A true and correct copy of the Ananda Defendants' Request for Voluntary Dismissal of the ANANDA CROSS-COMPLAINT is attached to the Complaint as Exhibit A. Subsequent to that date, the ANANDA defendants sought leave to amend that dismissal to a dismissal without prejudice. The Court granted the request, and amended the prior dismissal with prejudice to a dismissal without prejudice provided that defendants execute a covenant not to sue which they did.

FIRST CAUSE OF ACTION

(CONVERSION AGAINST ALL DEFENDANTS)

81. Plaintiff re-alleges and incorporates by reference each allegation contained in paragraphs 1 through 80 as though restated herein in full.

82. Defendants wrongfully converted to their own use for illegal purposes the private, confidential, attorney-client communications of FS & T with Plaintiff. Defendants, acting through their agents, William DiVita, Jona Boiling and Peter Barranco, wrongfully trespassed onto the private property of FS & T in order to steal and convert FS & T documents relating to Anne Marie MURPHY-documents they did in fact steal and convert for their own illegal use.

83. As a direct and proximate result of the conversion by the Defendants, Plaintiff has suffered and continues to suffer general and special damages in an amount to be determined at trial but not less than the jurisdictional limitation of this Court. The full nature, extent, and amount of these damages is currently unknown, but the Plaintiff expects that said damages will exceed \$25,000.

84. The conversion was executed by the Defendants with specific, malicious, and willful intention to injure the Plaintiff and to benefit the Defendants. Accordingly, the Defendants, individually and/or collectively should pay Plaintiff punitive damages in an amount not less than \$5,000,000.

SECOND CAUSE OF ACTION

(SPECIFIC RECOVERY OF PERSONAL PROPERTY [CLAIM AND DELIVERY] AGAINST ALL DEFENDANTS)

85. Plaintiff re-alleges and incorporates by reference the allegations contained in paragraphs 1 through 84 as though restated herein in full.

86. MS. MURPHY is the owner and is entitled to immediate possession of all copies of law firm documents, audio tapes, video tapes, and any other tangible items relating to her *attorney-client relationship between she and her counsel at FS & T in the Bertolucci v. Ananda et al.* case which were maintained on FS & T's private property between 1994 and the present.

87. On or about September 29, 1995, and potentially other dates, defendants ANANDA, SWAMI, WALTERS, JON PARSONS, and SHEILA RUSH, individually and/or acting through their agent(s), employee(s), servants, partner(s), joint venturer(s), and/or conspirator(s) took wrongful possession of MS. MURPHY'S property by trespassing and stealing confidential and attorney-client privileged and attorney work product documents, and other tangible property from the secured premises of MS. MURPHY'S counsel's law firm.

88. Based on information and belief, defendants are still in possession of the property. Defendants continue to refuse to deliver the property to MS. MURPHY and still unlawfully withhold the property from MS. MURPHY.

89. Based on information and belief, the property MS. MURPHY seeks the return of consists of all property defendants, or anyone acting on defendants' behalf, obtained from the law firm of FS & T on or about September 29, 1995 that relate to MS. MURPHY (a/k/a Anne Marie Bertolucci) or the *Bertolucci v. Ananda et al.* case, which, on information and belief, consisted of 5-10 trash bags of documents obtained from FS & T's law firm located at 6125 El Tordo, Rancho Santa Fe, California, and contains, in part, attorney-client communications, notes, documents, telephone calls and notes, bills, correspondence, memoranda and drafts of similar documents.

THIRD CAUSE OF ACTION

(INVASION OF PRIVACY AGAINST ALL DEFENDANTS)

90. Plaintiff re-alleges and incorporates by reference the allegations contained in paragraphs 1 through 89 as though restated herein in full.

91. Plaintiff had a reasonable expectation of privacy in her private, confidential, attorney-client privileged communications and documents between herself and her attorneys, FS & T.

92. On or about September 29, 1995, and prior to that date, communications, notes, documents, telephone calls and notes, bills, correspondence, memoranda and drafts of similar documents ("the documents") between FS & T and MS. MURPHY did in fact exist inside the fenced, gated, secured area for the deposit of paper trash. On or about September 29, 1995, and for approximately 4 months preceding that date, at least as of May 31, 1995, FS & T was actively engaged in the preparation, preservation, and disposal of hundreds of different types and forms of private, confidential documents relating to MS. MURPHY and her claims against

the ANANDA defendants in the *Bertolucci v. Ananda et al* case. Between May 31, 1995, and September 29, 1995, Defendants knew that FS & T was in possession of said "documents", and specifically and maliciously intended to and did in fact steal said "documents" for the purpose of invading ANNE MARIE MURPHY'S privacy.

93. As a direct and proximate result of the invasion of privacy by the Defendants, Plaintiff has suffered and continues to suffer general and special damages in an amount to be determined at trial but not less than the jurisdictional limitation of this Court. The full nature, extent, and amount of these damages is currently unknown, but the Plaintiff expects that said damages will exceed \$1,000,000.

94. The invasion of privacy was executed by the Defendants with specific, malicious, and willful intention to injure the Plaintiff and to benefit the Defendants. Accordingly, the Defendants, individually and/or collectively should pay Plaintiff punitive damages in an amount not less than \$5,000,000.

FOURTH CAUSE OF ACTION

(BREACH OF RIGHT OF PRIVACY BY INTRUSION AGAINST ALL DEFENDANTS)

95. Plaintiff re-alleges and incorporates by reference each allegation contained in paragraphs 1 through 94 as though restated herein in full.

96. Defendants intentionally intruded into the private affairs of Plaintiff by trespassing into a private, secured, fenced area at FS & T and by stealing the "documents" in the possession of FS & T relating to Anne Marie MURPHY. Defendants have also breached Plaintiffs right to privacy by conducting an "unreasonably intrusive investigation" of Anne Marie MURPHY not only related to the foregoing theft of documents, but also related, upon information and belief, to ongoing illegal physical and electronic surveillance of Anne Marie MURPHY and FS & T.

97. As a direct and proximate result of the breach of rights of privacy by intrusion by the Defendants, Plaintiff has suffered and continues to suffer general and special damages in an amount to be determined at trial but not less than the jurisdictional limitation of this Court. The full nature, extent, and amount of these damages is currently unknown, but the Plaintiff expects that said damages will exceed \$10,000,000.

98. The breach of right of privacy by intrusion was executed by the Defendants with specific, malicious, and willful intention to injure the Plaintiff and to benefit the Defendants. Accordingly, the Defendants, individually and/or collectively should pay Plaintiff punitive damages in an amount not less than \$5,000,000.

FIFTH CAUSE OF ACTION

(MALICIOUS PROSECUTION AGAINST DEFENDANTS SWAMI, ANANDA, JON PARSONS, SHEILA RUSH, GORDON ROCKHILL, ROCKHILL, SCHAIMAN & CARR, AND DANIEL LEVIN)

99. Plaintiff re-alleges and incorporates by reference each allegation contained in paragraphs 1 through 98 as though restated herein in full.

100. On or about December 28, 1994, Defendants ANANDA, SWAMI and LEVIN maliciously, and without probable cause, instigated a civil cross-complaint against Plaintiff ("ANANDA CROSS-COMPLAINT")

for defamation in the San Mateo Superior Court case of *Anne Marie Bertolucci v. Ananda Church of Self-Realization* (San Mateo County Case No. 390230) ("*Bertolucci v Ananda*").

101. At all times herein mentioned, the defendants herein we: ;,;at they had absolutely no basis for bringing the ANANDA CROSS-COMPLAINT. Defendants and their counsel filed the ANANDA CROSS-COMPLAINT with malice, ill will and improper motive.

102. On October 1, 1997, and after Defendants had prosecuted the ANANDA CROSSCOMPLAINT against Ms. MURPHY for nearly three years, the Defendants dismissed the ANANDA CROSS-COMPLAINT against MS. MURPHY with prejudice because it lacked merit. A true and correct copy of, the Ananda Defendants' Request for Voluntary Dismissal with Prejudice of the ANANDA CROSS-COMPLAINT is attached to the Complaint as Exhibit A. Subsequent to that date, the Court granted ANANDA defendants' request relief from the dismissal with prejudice by setting it aside and entering a dismissal without prejudice. sought leave to amend that dismissal to a dismissal without prejudice. A true and correct copy of the Court's Order setting aside the dismissal with prejudice and entering a dismissal without prejudice is attached to the Complaint as Exhibit . Defendants likewise sought the Voluntary Dismissal without Prejudice of the ANANDA CROSS-COMPLAINT because it lacked merit.

103. As a direct and proximate result of the Defendants' malicious prosecution of the ANANDA CROSS-COMPLAINT, Plaintiff has suffered and continues to suffer general and special damages in an amount to be determined at trial but not less than the jurisdictional limitation of this Court. The full nature, extent and amount of these damages is currently unknown, but the Plaintiff expects that said damages will exceed \$1,500,000.

SIXTH CAUSE OF ACTION

(CONSPIRACY TO STEAL PROPERTY, INVADE PRIVACY, AND GAIN UNFAIR ADVANTAGE IN LITIGATION AGAINST ALL DEFENDANTS)

104. Defendants, acting in concert, filed the ANANDA CROSS-COMPLAINT without probable cause and wrongfully trespassed and stole plaintiffs personal property for the purpose of gaining an unfair advantage in the Bertolucci v. Ananda action. Defendants, acting in concert, specifically intended to use its unfair advantage in order to mislead ANANDA members, the public at large, and to further oppress MS. MURPHY.

105. Defendants have further engaged in a pattern of illegal conduct in order to conceal their extortionate plan and in furtherance of said plan, including the illegal theft of F S & T documents and the threatened use of the judicial process to make frivolous legal claims, while at the same time acting in concert to extort money based on the threat of public exposure of their false stories.

106. Acting in concert, Defendants agreed to hire agents Barranco and Boiling to steal, and did steal private, confidential attorney-client privileged communications between MS. MURPHY and FS & T from a fenced, secured, gated area at the offices of FS & T. Defendants stole said communication for the express purpose of using confidential, privileged information in their plan to invade MS. MURPHY'S right of privacy and to gain an unfair advantage in the *Bertolucci v. Ananda et al.* action. Defendants, acting in concert, agreed to invade the privacy of MS. MURPHY by stealing her private, confidential communications with her attorneys. Defendants knew or reasonably should have known that MS. MURPHY and her attorneys had a reasonable expectation of privacy in their communications placed in a secured, fenced, gated, law office compound.

Defendants, acting in concert, agreed to hire Barranco and Boiling to trespass onto the private property of the law offices of FS & T for the purpose of extorting money, stealing private, confidential, attorney-client communications, and invading the privacy of MS. MURPHY.

107. When FS & T discovered that Boiling was employed by Gray Cary Ware & Freidenrich on behalf of Weaver, they instituted a law suit against her and her agent, Peter Barranco, on June 14, 1996 in San Diego Superior Court, entitled *Flynn et al. v. Bolling et al.* - (North County Branch, Case No. N71723).

108. As a direct and proximate result of the conspiracy of the Defendants, Plaintiff has suffered and continues to suffer general and special damages in an amount to be determined at trial but not less than the jurisdictional limitation of this Court. The full nature, extent and amount of these damages is currently unknown, but the Plaintiff expects that said damages will exceed \$150,000.

109. The conspiracy was executed by the Defendants with specific, malicious, and willful intention to injure the Plaintiff and to benefit the Defendants. Accordingly, the Defendants, individually and/or collectively should pay Plaintiff punitive damages in an amount not less than \$250,000.

SEVENTH CAUSE OF ACTION

(INTERFERENCE WITH CONTRACT AGAINST ALL DEFENDANTS)

110. Plaintiff re-alleges and incorporates by reference the allegations contained in paragraphs 1 through 109 as though restated herein in full.

111. The trespass, theft, and conversion of Plaintiffs private, confidential communications and documents relating to many aspects of her attorney-client relationship with her counsel in the *Bertolucci v. Ananda et al.* case, and the malicious prosecution of the ANANDA CROSS-COMPLAINT were intended by the Defendants to interfere with the business relations and prospective economic relations of the Plaintiff and her counsel. Such conduct was intended to disrupt the Plaintiffs business relations and or prospective economic relations with her attorneys.

112. The Defendants' conduct was not justified, and was wrongful and illegal.

113. As a direct and proximate result of the interference with business relations of the Defendants, Plaintiff has suffered and continues to suffer general and special damages in an amount to be determined at trial but not less than the jurisdictional limitation of this Court. The full nature, extent and amount of these damages is currently unknown, but the Plaintiff expects that said damages will exceed \$100,000.

114. The interference with business relations was executed by the Defendants with specific, malicious, and willful intention to injure the Plaintiff and to benefit the Defendants. Accordingly, the Defendants, individually and/or collectively should pay Plaintiff punitive damages in an amount not less than \$5,000,000.

EIGHTH CAUSE OF ACTION

(ALTER EGO LIABILITY)

115. Plaintiff hereby incorporates by reference Paragraphs 1 through 108, inclusive, as though set forth herein in full.

116. ANANDA CHURCH, ANANDA CHURCH OF SELF REALIZATION OF PALO ALTO, EAST WEST BOOKSTORE, ANANDA CHURCH OF SELF REALIZATION OF SACRAMENTO are, among other corporations, dominated and controlled by SWAMI. SWAMI treats the corporations without regard for any independent existence, and regularly commingles personal and corporate assets. Moreover, none of the corporations maintain corporate records or any independent control over the assets of the corporations.

117. For example, SWAMI personally owns the copyrights to his numerous books and tapes. However, SWAMI uses ANANDA CHURCH to print, publish, market and distribute his books and tapes. SWAMI then helps himself to church funds as he pleases as "royalties." There is no corporate protocol for taking funds out of ANANDA CHURCH, according to the other two members of the ANANDA CHURCH board of directors, Jyotish Novak and Vidura Smallen.

118. In fact, Novak and Smallen have stated that there are no corporate minutes, no knowledge of the character of any of the payments, leading to the conclusion that SWAMI just gets paid what he wants, because SWAMI controls everything.

119. Moreover, SWAMI's improper use of the corporation is not limited to looting it of money. Despite an IRS filing for tax-exempt status which states that a tenet of ANANDA CHURCH is "only sex within marriage," and celibacy otherwise, SWAMI uses ANANDA CHURCH to obtain sex from parishioners, and SWAMI causes the members to be paid by ANANDA CHURCH for their sexual services.

120. Thus, there is such unity of interest and ownership that the separate personalities of ANANDA CHURCH, CRYSTAL CLARITY PUBLISHING and SWAMI no longer exist, and if the acts are treated as those of the corporation alone, an inequitable result will follow.

NINTH CAUSE OF ACTION

(INTENTIONAL INFLICTION OF EMOTIONAL DISTRESS AGAINST ALL DEFENDANTS)

121. Plaintiff re-alleges and incorporates by reference each allegation contained in paragraphs 1 through 120 as though restated herein in full.

122. The conduct of Defendants, including but not limited to (a) the trespass, theft, and invasion of privacy relating to the unlawful intrusion and conversion of the Plaintiffs private, confidential attorney-client privileged documents and other private materials; (b) the abuse of the judicial process by lying in court and failing to disclose their involvement with the September 29, 1995 theft of Plaintiffs personal property; (c) the continuous refusal to turn over the stolen property to MS. MURPHY; (d) intentionally invading MS. MURPHY'S right of privacy by stealing her confidential, attorney-client privileged and attorney work product protected documents; (e) intentionally intruding into the private affairs of Plaintiff by trespassing into a private, secured, fenced area at FS & T, stealing the "documents" and conducting an "unreasonably intrusive investigation" of Anne Marie MURPHY, not only related to the foregoing theft of documents, but also related, upon information and belief, to ongoing illegal physical and electronic surveillance of Anne Marie MURPHY and FS & T. All of such acts individually and collectively constitute extreme and outrageous conduct beyond all possible bounds of decency, and utterly intolerable in a civilized community.

123. Defendants intended to inflict emotional distress by said conduct and they knew that the extreme emotional distress suffered by the Plaintiff was the likely result of their conduct. Defendants conduct was the proximate cause of emotional distress suffered by the Plaintiff, which emotional distress was severe and of a nature that no reasonable person could be expected to endure.

124. As a direct and proximate result of the intentional infliction of emotional distress by the Defendants, Plaintiff has suffered and continues to suffer general and special damages in an amount to be determined at trial but not less than the jurisdictional limitation of this Court. The full nature, extent and amount of these damages is currently unknown, but the Plaintiff expects that said damages will exceed \$100,000.

125. The intentional infliction of emotional distress was executed by the Defendants with specific, malicious, and willful intention to injure the Plaintiff and to benefit the Defendants. Accordingly, the Defendants, individually and/or collectively should pay Plaintiff punitive damages in an amount not less than \$5,000,000.

PRAYER FOR RELIEF

WHEREFORE, Plaintiff prays for judgment as follows:

1. The Defendants, and each of them, pay general and special damages to Plaintiff in accordance with proof at trial;

2. That Defendants, and each of them, pay punitive and/or treble damages to Plaintiff in accordance with proof at trial;

3. That Defendants, and each of them, pay Plaintiff the costs of this action and reasonable attorneys' fees to be allowed Plaintiff by the Court;

4. For specific recovery of all property that defendants, or anyone acting on defendants' behalf, wrongfully obtained from the law firm of Flynn, Sheridan & Tabb located at 6125 El Tordo, Rancho Santa Fe, California on or about September 29, 1995 that relate to MS. MURPHY (a/k/a Anne Marie Bertolucci) or the *Bertolucci v. Ananda et al.* case, which, on information and belief, consisted of 5-10 trash bags of documents obtained from FS & T's law firm located at 6125 El Tordo, Rancho Santa Fe, California, and contains, in part, attorney-client communications, notes, documents, telephone calls and notes, bills, correspondence, memoranda and drafts of similar documents.

5. For specific recovery of all property that defendants, or anyone acting on defendants' behalf, wrongfully obtained from the law firm of Flynn, Sheridan & Tabb located at 6125 El Tordo, Rancho Santa Fe, California on any date between October, 1994 and the present other than September 29, 1995, that relate to MS. MURPHY (a/k/a Anne Marie Bertolucci) or the *Bertolucci v. Ananda et al.* case.

6. For such other and further relief as the Court deems just and proper. DEMAND FOR JURY TRIAL

Plaintiff demands a jury trial of all issues in this action.