

**STATE OF NEW YORK
SUPREME COURT COUNTY OF SULLIVAN**

**JANE DOE, JOAN BRIDGES, AND KATHERINE STERN,
INDIVIDUALS,**

Plaintiffs,

-vs-

**SYDA FOUNDATION, A NEW YORK NOT-FOR-PROFIT
CORPORATION,**

Defendant.

**DEFENDANT’S
ANSWER TO
PLAINTIFFS’
COMPLAINT AND
DEMAND FOR
JURY TRIAL**

Index No. E2023-1840

**Hon. Stephan G.
Schick, J.S.C.**

Defendant SYDA Foundation, Inc., a New York not-for-profit corporation (“SYDA Foundation”), states, answers, and otherwise responds as follows to the Complaint and Demand for Jury Trial (the “Complaint”) filed by Plaintiff Jane Doe, purported Plaintiff Joan Bridges, and Plaintiff Katherine Stern (collectively “Plaintiffs”).

Prefatory Statements and Headings

In response to Plaintiffs’ first statement in their Complaint, including footnote 1, SYDA Foundation answers as follows. SYDA Foundation admits that Plaintiffs Doe and Stern have made allegations through their attorneys. However, SYDA Foundation denies that Plaintiff Bridges has made allegations or commenced this action through an attorney (or otherwise) because, on information and belief, she died before this lawsuit was filed, and because any attorney-client relationship ended upon Plaintiff Bridges’s death. SYDA Foundation admits, as set forth in footnote 1 of the Complaint, that Plaintiff Doe filed a motion to proceed via pseudonym, and admits the Court granted that motion. SYDA Foundation asserts that Plaintiff Jane Doe’s motion and its supporting exhibits are not allegations set forth in the Complaint, and thus no response is required. To the extent a response is required, SYDA Foundation denies any allegations contained in those filings.

To the extent they are allegations requiring a response, SYDA Foundation denies all other allegations in Plaintiffs' prefatory statement, and also denies the headings and subheadings in the Complaint to the extent these are allegations. The headings and subheading are repeated below solely for organizational purposes so that this answer corresponds to the formatting of Plaintiffs' Complaint.

INTRODUCTION

1. Answering Paragraph 1 of the Complaint, SYDA Foundation admits that Swami Muktananda Paramahansa ("Swami Muktananda") was a meditation teacher, spiritual leader, Guru, and ecclesiastical head of the Siddha Yoga path, which is a religious and spiritual path, but denies all other allegations in Paragraph 1.

2. Answering the first sentence of Paragraph 2 of the Complaint, SYDA Foundation lacks knowledge or information sufficient to form a belief as to the truth of the allegations and therefore denies them. Answering the second sentence of Paragraph 2, SYDA Foundation admits that Plaintiffs Doe and Stern commenced this action pursuant to the Adult Survivors Act (as set forth in N.Y. § C.P.L.R. § 214-j) but denies the remaining allegations.

PARTIES, JURISDICTION, AND VENUE

3. Answering Paragraph 3 of the Complaint, SYDA Foundation lacks knowledge or information sufficient to form a belief as to the truth of the allegations and therefore denies them.

4. SYDA Foundation denies the allegations in Paragraph 4 of the Complaint.

5. Answering Paragraph 5 of the Complaint, SYDA Foundation lacks knowledge or information sufficient to form a belief as to the truth of the allegations and therefore denies them.

6. SYDA Foundation admits the allegations in Paragraph 6 of the Complaint.

7. SYDA Foundation admits the allegations in Paragraph 7 of the Complaint.

8. Answering Paragraph 8 of the Complaint, SYDA Foundation admits that it has owned, operated, maintained, controlled, funded, and staffed the Ashram in South Fallsburg, New York, but denies all other allegations.

9. Answering Paragraph 9 of the Complaint, SYDA Foundation admits that, since its founding as a not-for-profit entity, it has been managed by a board of directors (sometimes referred to as trustees). SYDA Foundation also admits that Swami Muktananda was a meditation teacher, spiritual leader, Guru, and ecclesiastical head of the Siddha Yoga path, and admits that he died in 1982. SYDA Foundation denies the remaining allegations in Paragraph 9.

10. Answering Paragraph 10 of the Complaint, SYDA Foundation admits that Gurumayi, also known as Swami Chidvilasananda (“Gurumayi”), was formerly known as Malti Shetty; admits that for a certain time Malti Shetty assisted Swami Muktananda as a translator; and admits that Gurumayi succeeded Swami Muktananda as a meditation teacher, spiritual leader, Guru, and ecclesiastical head of the Siddha Yoga path following his death in 1982. SYDA Foundation denies all other allegations in Paragraph 10.

11. Answering Paragraph 11 of the Complaint, SYDA Foundation admits that it is present and domiciled in New York, and thus subject to the general jurisdiction of New York courts for civil and secular legal matters. SYDA Foundation denies that the Court has subject matter jurisdiction over ecclesiastical matters or matters prohibited under the First Amendment to the U.S. Constitution or the applicable provisions of the New York Constitution.

12. Answering Paragraph 12 of the Complaint, SYDA Foundation admits that this Court has general subject matter jurisdiction for the civil and secular aspects of Plaintiffs’ alleged claims. SYDA Foundation denies that the Court has subject matter jurisdiction over

ecclesiastical matters or matters prohibited under the First Amendment to the U.S. Constitution or the applicable provisions of the New York Constitution.

13. Answering Paragraph 13 of the Complaint, SYDA Foundation admits that Sullivan County, New York, is an appropriate venue for the commencement of an action because SYDA Foundation is located in Sullivan County. However, SYDA Foundation lacks knowledge or information sufficient to form a belief as to the truth of the allegations that a “substantial part of the events” took place in Sullivan County, and therefore denies those allegations. SYDA Foundation reserves the right to challenge venue pursuant to N.Y. C.P.L.R. § 511.

BACKGROUND AND SEXUAL ASSAULT OF THE PLAINTIFFS

I. SYDA’s Founding and Leadership

14. SYDA Foundation denies the allegations in Paragraph 14 of the Complaint.

15. Answering the first sentence of Paragraph 15 of the Complaint, SYDA Foundation lacks knowledge or information sufficient to form a belief as to the truth of the allegations and therefore denies them. Answering the second sentence of Paragraph 15, SYDA Foundation admits that individuals sometimes stayed overnight or lived together (or near each other) during Swami Muktananda’s world tours; SYDA Foundation also admits that the size and attendance for Siddha Yoga events generally grew after the world tours began. SYDA Foundation lacks knowledge or information sufficient to form a belief as to the truth of the remaining allegations in the second sentence of Paragraph 15, and therefore denies them. Answering the third sentence of Paragraph 15, SYDA Foundation admits that certain hotels were rented during the world tours and that property was purchased for use as ashrams but denies the remaining allegations in Paragraph 15.

16. SYDA Foundation admits the allegations in Paragraph 16 of the Complaint.

17. Answering Paragraph 17 of the Complaint, SYDA Foundation admits that the former Gilbert Hotel in South Fallsburg became SYDA Foundation's headquarters; admits that SYDA Foundation has acquired other properties and added buildings in South Fallsburg; and admits its property in South Fallsburg grew to a size as large as 550 acres. SYDA Foundation otherwise denies the allegations in Paragraph 17.

18. Answering Paragraph 18 of the Complaint, SYDA Foundation admits that, at certain times, it has been responsible for managing the temporal and secular affairs of the Foundation, including establishing a public relations department, communicating with Siddha Yoga meditation center leaders, coordinating Siddha Yoga programs, staffing residential ashrams, producing and/or selling promotional brochures, books, recordings and videos regarding the Siddha Yoga path, and in general, communicating the religious teachings, beliefs, and spiritual benefits of the Siddha Yoga path. SYDA Foundation denies that it, its trustees, or staff, controlled Swami Muktananda, or his activities, and otherwise denies the remaining allegations in Paragraph 18.

19. Answering Paragraph 19 of the Complaint, SYDA Foundation admits that it has supported the religious teachings, beliefs, and spiritual benefits of the Siddha Yoga path, including service (seva), but otherwise denies the allegations in Paragraph 19.

20. Answering Paragraph 20 of the Complaint, SYDA Foundation lacks knowledge or information sufficient to form a belief as to the truth of the allegations and therefore denies them.

21. Answering Paragraph 21 of the Complaint, SYDA Foundation admits that it provided guidelines for the use of ashram premises, including that non-married individuals should refrain from sex and that non-married individuals of a different sex should not reside in the same room, but otherwise denies the allegations in Paragraph 21.

22. SYDA Foundation denies the allegations in Paragraph 22.

23. Answering Paragraph 23 of the Complaint, SYDA Foundation admits that followers of the Siddha Yoga path refer to Swami Muktananda as “Baba,” but otherwise denies the allegations in Paragraph 23.

24. Answering Paragraph 24 of the Complaint, SYDA Foundation lacks knowledge or information sufficient to form a belief as to the truth of the allegations regarding followers challenging or disobeying Swami Muktananda or facing ostracism from the “SYDA community” and therefore denies them. SYDA Foundation denies the allegations in Paragraph 24 to the extent these allegations are directed to SYDA Foundation

II. Muktananda’s Pattern of Sexual Abuse

25. Answering Paragraph 25 of the Complaint, SYDA Foundation lacks knowledge or information sufficient to form a belief as to the truth of the allegations regarding alleged acts by Swami Muktananda and therefore denies them.

26. SYDA Foundation denies the allegations in Paragraph 26.

A. SYDA Housed Young Girls to Facilitate Abuse

27. Answering Paragraph 27 of the Complaint, SYDA Foundation lacks knowledge or information sufficient to form a belief as to the truth of the allegations and therefore denies them.

28. SYDA Foundation denies the allegations in Paragraph 28.

29. SYDA Foundation denies the allegations in Paragraph 29 of the Complaint.
denied

B. SYDA’s Construction Efforts Facilitated Abuse

30. Answering Paragraph 30 of the Complaint, SYDA Foundation admits that it renovated the Ashram in South Fallsburg; admits that there was a curtain with openings in it,

which was located near a staircase that led to living quarters used by ashram guests and residents, including male and female adults; admits that Swami Muktananda would sometimes see individuals present in the lobby of the ashram through the openings in the curtain and then sometimes greet and interact with them. SYDA Foundation lacks knowledge or information sufficient to form a belief as to the truth of the remaining allegations and therefore denies them. SYDA Foundation specifically denies that it had any information indicating that Swami Muktananda was using the curtain for improper purposes, including the misconduct alleged by Plaintiffs.

31. Answering Paragraph 31 of the Complaint, SYDA Foundation lacks knowledge or information sufficient to form a belief as to the truth of the allegations and therefore denies them.

32. Answering the first sentence of Paragraph 32 of the Complaint, SYDA Foundation denies the allegations. SYDA Foundation lacks knowledge or information sufficient to form a belief as to the truth of the allegations in the second sentence of Paragraph 32 and therefore denies them.

33. Answering the allegations in Paragraph 33 of the Complaint, SYDA Foundation admits that there were assigned rooms for ashram guests but otherwise denies the allegations in Paragraph 33.

34. Answering Paragraph 34 of the Complaint, SYDA Foundation admits that there was a curtain with openings in it, which was located near a staircase that led to living quarters used by ashram guests and residents, including female and male adults; admits that Swami Muktananda would sometimes see individuals present in the lobby of the ashram through the openings in the curtain and then sometimes greet and interact with them. SYDA Foundation lacks knowledge or information sufficient to form a belief as to the truth of the remaining

allegations and therefore denies them. SYDA Foundation specifically denies that it had any information indicating that Swami Muktananda was using the curtain for improper purposes, including the misconduct alleged by Plaintiffs.

35. SYDA Foundation lacks knowledge or information sufficient to form a belief as to the truth of the allegations in Paragraph 35 and therefore denies them.

36. SYDA Foundation lacks knowledge or information sufficient to form a belief as to the truth of the allegations in Paragraph 36 and therefore denies them.

C. SYDA Hall Monitors and Assistants Facilitated the Abuse

37. Answering Paragraph 37, SYDA Foundation admits that Swami Muktananda would sit on a chair (which at times was on a dais) during public programs at the Ashram in South Fallsburg but lacks knowledge or information sufficient to form a belief as to the truth of the remaining allegations in Paragraph 37 and therefore denies them.

38. Answering Paragraph 38, SYDA Foundation admits that attendees would make voluntary offerings, which could include jewelry and other gifts. SYDA Foundation lacks knowledge or information sufficient to form a belief as to the truth of the remaining allegations in Paragraph 38 and therefore denies them.

39. Answering Paragraph 39, SYDA Foundation lacks knowledge or information sufficient to form a belief as to the truth of the allegations in Paragraph 39 and therefore denies them.

40. Answering Paragraph 40, SYDA Foundation lacks knowledge or information sufficient to form a belief as to the truth of the allegations and therefore denies them.

D. SYDA Groomed the Victims for Abuse

41. SYDA Foundation denies the allegations in Paragraph 41 of the Complaint.

42. Answering Paragraph 42 of the Complaint, SYDA Foundation lacks knowledge or information sufficient to form a belief as to the truth of the allegations and therefore denies them.

43. Answering Paragraph 43 of the Complaint, SYDA Foundation lacks knowledge or information sufficient to form a belief as to the truth of the allegations and therefore denies them.

44. SYDA Foundation denies the allegations in Paragraph 44 of the Complaint.

E. SYDA Used Violence and Threats to Silence Its Critics

45. Answering Paragraph 45 of the Complaint, SYDA Foundation lacks knowledge or information sufficient to form a belief as to the truth of the allegations and therefore denies them.

46. Answering Paragraph 46 of the Complaint, SYDA Foundation lacks knowledge or information sufficient to form a belief as to the truth of the allegations and therefore denies them.

47. Answering Paragraph 47 of the Complaint, SYDA Foundation lacks knowledge or information sufficient to form a belief as to the truth of the allegations and therefore denies them.

48. Answering Paragraph 48 of the Complaint, SYDA Foundation lacks knowledge or information sufficient to form a belief as to the truth of the allegations and therefore denies them.

49. Answering Paragraph 49 of the Complaint, SYDA Foundation lacks knowledge or information sufficient to form a belief as to the truth of the allegations and therefore denies them.

F. SYDA Leadership Made Excuses for the Abuse

50. SYDA Foundation denies the allegations in Paragraph 50 of the Complaint.

51. SYDA Foundation denies the allegations in Paragraph 51 of the Complaint.

52. Answering Paragraph 52 of the Complaint, SYDA Foundation lacks knowledge or information sufficient to form a belief as to the truth of the allegations and therefore denies them.

53. Answering Paragraph 53 of the Complaint, SYDA Foundation lacks knowledge or information sufficient to form a belief as to the truth of the allegations therefore denies them.

III. Plaintiff Doe

54. Answering Paragraph 54 of the Complaint, SYDA Foundation denies the allegations to the extent they apply to SYDA Foundation. SYDA Foundation lacks knowledge or information sufficient to form a belief as to the truth of the remaining allegations in Paragraph 54 and therefore denies them.

55. Answering Paragraph 55 of the Complaint, SYDA Foundation lacks knowledge or information sufficient to form a belief as to the truth of the allegations and therefore denies them.

56. Answering Paragraph 56 of the Complaint, SYDA Foundation lacks knowledge or information sufficient to form a belief as to the truth of the allegations and therefore denies them.

57. Answering Paragraph 57 of the Complaint, SYDA Foundation lacks knowledge or information sufficient to form a belief as to the truth of the allegations and therefore denies them.

58. Answering Paragraph 58 of the Complaint, SYDA Foundation lacks knowledge or information sufficient to form a belief as to the truth of the allegations and therefore denies them.

59. Answering Paragraph 59 of the Complaint, SYDA Foundation lacks knowledge or information sufficient to form a belief as to the truth of the allegations and therefore denies them.

60. SYDA Foundation denies the allegations in Paragraph 60 of the Complaint.

61. Answering Paragraph 61 of the Complaint, SYDA Foundation lacks knowledge or information sufficient to form a belief as to the truth of the allegations and therefore denies them.

A. Muktananda Rapes 18-Years Old Doe

62. Answering Paragraph 62 of the Complaint, SYDA Foundation lacks knowledge or information sufficient to form a belief as to the truth of the allegations and therefore denies them.

63. Answering Paragraph 63 of the Complaint, SYDA Foundation lacks knowledge or information sufficient to form a belief as to the truth of the allegations and therefore denies them.

64. Answering Paragraph 64 of the Complaint, SYDA Foundation lacks knowledge or information sufficient to form a belief as to the truth of the allegations and therefore denies them.

65. Answering Paragraph 65 of the Complaint, SYDA Foundation lacks knowledge or information sufficient to form a belief as to the truth of the allegations and therefore denies them.

66. Answering Paragraph 66 of the Complaint, SYDA Foundation lacks knowledge or information sufficient to form a belief as to the truth of the allegations and therefore denies them.

67. Answering Paragraph 67 of the Complaint, SYDA Foundation lacks knowledge or information sufficient to form a belief as to the truth of the allegations and therefore denies them.

68. Answering Paragraph 68 of the Complaint, SYDA Foundation lacks knowledge or information sufficient to form a belief as to the truth of the allegations and therefore denies them.

IV. Plaintiff Bridges

69. Answering Paragraph 69 of the Complaint, SYDA Foundation lacks knowledge or information sufficient to form a belief as to the truth of the allegations and therefore denies them.

70. Answering Paragraph 70 of the Complaint, SYDA Foundation lacks knowledge or information sufficient to form a belief as to the truth of the allegations and therefore denies them.

71. Answering Paragraph 71 of the Complaint, SYDA Foundation lacks knowledge or information sufficient to form a belief as to the truth of the allegations and therefore denies them.

72. Answering Paragraph 72 of the Complaint, SYDA Foundation lacks knowledge or information sufficient to form a belief as to the truth of the allegations and therefore denies them.

73. Answering Paragraph 73 of the Complaint, SYDA Foundation lacks knowledge or information sufficient to form a belief as to the truth of the allegations and therefore denies them.

74. Answering Paragraph 74 of the Complaint, SYDA Foundation lacks knowledge or information sufficient to form a belief as to the truth of the allegations and therefore denies them.

75. Answering Paragraph 75 of the Complaint, SYDA Foundation lacks knowledge or information sufficient to form a belief as to the truth of the allegations and therefore denies them.

76. Answering Paragraph 76 of the Complaint, SYDA Foundation lacks knowledge or information sufficient to form a belief as to the truth of the allegations and therefore denies them.

77. Answering Paragraph 77 of the Complaint, SYDA Foundation lacks knowledge or information sufficient to form a belief as to the truth of the allegations and therefore denies them.

78. Answering Paragraph 78 of the Complaint, SYDA Foundation lacks knowledge or information sufficient to form a belief as to the truth of the allegations and therefore denies them.

79. Answering Paragraph 79 of the Complaint, SYDA Foundation lacks knowledge or information sufficient to form a belief as to the truth of the allegations and therefore denies them.

80. SYDA Foundation denies the allegations in Paragraph 80 of the Complaint.

81. Answering Paragraph 81 of the Complaint, SYDA Foundation admits, based on information and belief, that Lester Strong, the then CEO of SYDA Foundation, at some point asked an individual to meet with Plaintiff Bridges at her home. SYDA Foundation lacks knowledge or information sufficient to form a belief as to the truth of the remaining allegations and therefore denies them.

82. Answering Paragraph 82 of the Complaint, SYDA Foundation admits that information about Plaintiff Bridges has been posted on the “Leaving Siddha Yoga” website; admits that the website contains posts concerning allegations by other individuals; admits that Lester Strong sent a letter to Plaintiff Bridges dated February 25, 2003, that, in part, thanked Plaintiff Bridges for her letter. SYDA Foundation lacks knowledge or information sufficient to form a belief as to the truth of the remaining allegations in Paragraph 82 and therefore denies them.

V. Plaintiff Stern

83. Answering Paragraph 83 of the Complaint, SYDA Foundation lacks knowledge or information sufficient to form a belief as to the truth of the allegations and therefore denies them.

84. Answering Paragraph 84 of the Complaint, SYDA Foundation lacks knowledge or information sufficient to form a belief as to the truth of the allegations and therefore denies them.

85. Answering Paragraph 85 of the Complaint, SYDA Foundation denies that there was a SYDA training course in India; SYDA Foundation lacks knowledge or information sufficient to form a belief as to the truth of the remaining allegations and therefore denies them.

86. Answering Paragraph 86 of the Complaint, SYDA Foundation lacks knowledge or information sufficient to form a belief as to the truth of the allegations and therefore denies them.

87. Answering Paragraph 87 of the Complaint, SYDA Foundation lacks knowledge or information sufficient to form a belief as to the truth of the allegations and therefore denies them.

88. Answering Paragraph 88 of the Complaint, SYDA Foundation lacks knowledge or information sufficient to form a belief as to the truth of the allegations and therefore denies them.

89. Answering Paragraph 89 of the Complaint, SYDA Foundation lacks knowledge or information sufficient to form a belief as to the truth of the allegations and therefore denies them.

90. Answering Paragraph 90 of the Complaint, SYDA Foundation lacks knowledge or information sufficient to form a belief as to the truth of the allegations and therefore denies them.

91. Answering Paragraph 91 of the Complaint, SYDA Foundation lacks knowledge or information sufficient to form a belief as to the truth of the allegations and therefore denies them.

A. Muktananda Rapes 19-Year-Old Stern

92. Answering Paragraph 92 of the Complaint, SYDA Foundation lacks knowledge or information sufficient to form a belief as to the truth of the allegations and therefore denies them.

93. Answering Paragraph 93 of the Complaint, SYDA Foundation lacks knowledge or information sufficient to form a belief as to the truth of the allegations and therefore denies them.

94. Answering Paragraph 94 of the Complaint, SYDA Foundation lacks knowledge or information sufficient to form a belief as to the truth of the allegations and therefore denies them.

95. Answering Paragraph 95 of the Complaint, SYDA Foundation lacks knowledge or information sufficient to form a belief as to the truth of the allegations and therefore denies them.

96. Answering Paragraph 96 of the Complaint, SYDA Foundation lacks knowledge or information sufficient to form a belief as to the truth of the allegations and therefore denies them.

97. Answering Paragraph 97 of the Complaint, SYDA Foundation lacks knowledge or information sufficient to form a belief as to the truth of the allegations and therefore denies them.

98. Answering Paragraph 98 of the Complaint, SYDA Foundation lacks knowledge or information sufficient to form a belief as to the truth of the allegations and therefore denies them.

NATURE OF THE ALLEGED CONDUCT

99. Answering Paragraph 99 of the Complaint, SYDA Foundation states that Plaintiffs' allegations call for a legal conclusion to which no response is required. To the extent a response is required, SYDA Foundation admits that Plaintiffs' allegations describe certain sexual offenses, but states that it lacks knowledge or information sufficient to form a belief as to the truth of the allegations and therefore denies them.

100. Answering Paragraph 100 of the Complaint, SYDA Foundation states that Plaintiffs' allegations call for a legal conclusion to which no response is required. To the extent a response is required, SYDA Foundation denies the allegations in Paragraph 100 of the Complaint, and specifically denies that it acted with reckless disregard for Plaintiffs' safety.

CAUSES OF ACTION

Count 1 – NEGLIGENCE

All Plaintiffs against Defendant

101. Answering Paragraph 101 of the Complaint, SYDA Foundation incorporates and realleges each and every response and defense to the preceding allegations in Plaintiffs' Complaint.

102. Answering Paragraph 102 of the Complaint, SYDA Foundation states that Plaintiffs' allegations call for a legal conclusion to which no response is required. To the extent a response is required, SYDA Foundation lacks knowledge or information sufficient to form a belief as to the truth of the allegations in Paragraph 102 and therefore denies them.

103. Answering Paragraph 103 of the Complaint, SYDA Foundation states that Plaintiffs' allegations call for a legal conclusion to which no response is required. To the extent a response is required, SYDA Foundation admits that it may, depending on the facts, law, and relationship with the individuals involved, owe certain legal duties, but states that it lacks knowledge or information sufficient to form a belief as to the truth of the allegations regarding any alleged duty owed to Plaintiffs, and therefore denies the allegations Paragraph 103.

104. Answering Paragraph 104 of the Complaint, SYDA Foundation states that Plaintiffs' allegations call for a legal conclusion to which no response is required. To the extent a response is required, SYDA Foundation admits that it may, depending on the facts, law, and relationship with the individuals involved, owe certain legal duties, but states that it lacks knowledge or information sufficient to form a belief as to the truth of the allegations regarding any alleged duty owed to Plaintiffs, and therefore denies the allegations Paragraph 104.

105. SYDA Foundation denies the allegations in Paragraph 105 of the Complaint.

106. Answering Paragraph 106 of the Complaint, SYDA Foundation lacks knowledge or information sufficient to form a belief as to the truth of the allegations and therefore denies them. SYDA Foundation, however, specifically denies the allegations that it bestowed power on Swami Muktananda.

107. SYDA Foundation denies the allegations in Paragraph 107 of the Complaint.

108. SYDA Foundation denies the allegations in Paragraph 108 of the Complaint.

109. SYDA Foundation denies the allegations in Paragraph 109 of the Complaint.

110. SYDA Foundation denies the allegations in Paragraph 110 of the Complaint.

111. SYDA Foundation denies the allegations in Paragraph 111 of the Complaint.

112. SYDA Foundation denies the allegations in Paragraph 112 of the Complaint.

113. SYDA Foundation denies the allegations in Paragraph 113 of the Complaint.

114. SYDA Foundation denies the allegations in Paragraph 114 of the Complaint.

SYDA Foundation further states that Paragraph 114 contains a false premise that SYDA Foundation had sufficient notice or knowledge of alleged misconduct to act, respond to, or otherwise address Plaintiffs' allegations (which is a premise or assumption that SYDA Foundation denies).

115. SYDA Foundation denies the allegations in Paragraph 115 of the Complaint.

SYDA Foundation further states that Paragraph 115 contains a false premise that SYDA Foundation had sufficient notice or knowledge of alleged misconduct to act, respond to, or otherwise address Plaintiffs' allegations (which is a premise that SYDA Foundation denies).

116. SYDA Foundation denies the allegations in Paragraph 116 of the Complaint.

117. SYDA Foundation denies the allegations in Paragraph 117 of the Complaint.

SYDA Foundation further states that Paragraph 117 contains a false premise that SYDA

Foundation had sufficient notice or knowledge of alleged misconduct to act, respond to, or otherwise address Plaintiffs' allegations (which is a premise that SYDA Foundation denies).

118. SYDA Foundation denies the allegations in Paragraph 118 of the Complaint.

119. SYDA Foundation denies the allegations in Paragraph 119 of the Complaint.

120. SYDA Foundation denies the allegations in Paragraph 120 of the Complaint.

121. SYDA Foundation denies the allegations in Paragraph 121 of the Complaint.

122. SYDA Foundation denies the allegations in Paragraph 122 of the Complaint.

123. SYDA Foundation admits that allegations in Paragraph 123 of the Complaint satisfy the jurisdictional requirements for Plaintiffs to proceed in New York Supreme Court, but otherwise deny the allegations.

Count 2 – NEGLIGENT RETENTION AND SUPERVISION

All Plaintiffs against Defendant

124. Answering Paragraph 124 of the Complaint, SYDA Foundation incorporates and realleges each and every response and defense to the preceding allegations in Plaintiffs' Complaint.

125. SYDA Foundation denies the allegations in Paragraph 125 of the Complaint.

126. Answering Paragraph 126 of the Complaint, SYDA Foundation admits that Swami Muktananda was a meditation teacher, spiritual leader, Guru, and ecclesiastical head of the Siddha Yoga path, which is a religious and spiritual path, but denies all other allegations in Paragraph 126.

127. SYDA Foundation denies the allegations in Paragraph 127 of the Complaint.

128. SYDA Foundation denies the allegations in Paragraph 128 of the Complaint.

129. SYDA Foundation denies the allegations in Paragraph 129 of the Complaint.

130. Answering Paragraph 130 of the Complaint, SYDA Foundation states that Plaintiffs' allegations call for a legal conclusion to which no response is required. To the extent a response is required, SYDA Foundation denies the allegations in Paragraph 130.

131. Answering Paragraph 131 of the Complaint, SYDA Foundation states that Plaintiffs' allegations call for a legal conclusion to which no response is required. To the extent a response is required, SYDA Foundation admits that it may, depending on the facts, law, and relationship with the individuals involved, owe certain legal duties, but states that it lacks knowledge or information sufficient to form a belief as to the truth of the allegations regarding any alleged duty owed to Plaintiffs, and therefore denies the allegations Paragraph 131.

132. Answering Paragraph 132 of the Complaint, SYDA Foundation states that Plaintiffs' allegations call for a legal conclusion to which no response is required. To the extent a response is required, SYDA Foundation admits that it may, depending on the facts, law, and relationship with the individuals involved, owe certain legal duties, but states that it lacks knowledge or information sufficient to form a belief as to the truth of the allegations regarding any alleged duty owed to Plaintiffs, and therefore denies the allegations Paragraph 132.

133. Answering Paragraph 133 of the Complaint, SYDA Foundation states that Plaintiffs' allegations call for a legal conclusion to which no response is required. To the extent a response is required, SYDA Foundation admits that it may, depending on the facts, law, and relationship with the individuals involved, owe certain legal duties, but states that it lacks knowledge or information sufficient to form a belief as to the truth of the allegations regarding any alleged duty owed to Plaintiffs, and therefore denies the allegations Paragraph 133. SYDA Foundation specifically denies that Swami Muktananda was its employee or agent.

134. SYDA Foundation denies the allegations in Paragraph 134 of the Complaint.

135. Answering Paragraph 135 of the Complaint, SYDA Foundation states that Plaintiffs' allegations call for a legal conclusion to which no response is required. To the extent a response is required, SYDA Foundation admits that it may, depending on the facts, law, and relationship with the individuals involved, owe certain legal duties, but states that it lacks knowledge or information sufficient to form a belief as to the truth of the allegations regarding any alleged duty owed to Plaintiffs, and therefore denies the allegations Paragraph 135. SYDA Foundation specifically denies that it hired or retained Swami Muktananda and denies that it placed him in a position to cause the harm alleged by Plaintiffs.

136. SYDA Foundation denies the allegations in Paragraph 136 of the Complaint.

137. SYDA Foundation denies the allegations in Paragraph 137 of the Complaint.

138. SYDA Foundation denies the allegations in Paragraph 138 of the Complaint.

SYDA Foundation further states that Paragraph 138 contains a false premise that SYDA Foundation had sufficient notice or knowledge of alleged misconduct to act, respond to, or otherwise address Plaintiffs' allegations (which is a premise or assumption that SYDA Foundation denies).

139. SYDA Foundation denies the allegations in Paragraph 139 of the Complaint.

SYDA Foundation further states that Paragraph 139 contains a false premise that SYDA Foundation had sufficient notice or knowledge of alleged misconduct to act, respond to, or otherwise address Plaintiffs' allegations (which is a premise or assumption that SYDA Foundation denies).

140. SYDA Foundation denies the allegations in Paragraph 140 of the Complaint.

141. SYDA Foundation denies the allegations in Paragraph 141 of the Complaint.

142. SYDA Foundation denies the allegations in Paragraph 142 of the Complaint.

143. SYDA Foundation denies the allegations in Paragraph 143 of the Complaint.

144. SYDA Foundation denies the allegations in Paragraph 144 of the Complaint.

145. SYDA Foundation denies the allegations in Paragraph 145 of the Complaint.

146. Answering Paragraph 146 of the Complaint, SYDA Foundation lacks knowledge or information sufficient to form a belief as to the truth of the allegations regarding Plaintiffs' alleged damages, and therefore denies the allegations. SYDA Foundation, however, denies that Plaintiffs' alleged damages are a direct or proximate result of its alleged conduct.

147. Answering Paragraph 147 of the Complaint, SYDA Foundation lacks knowledge or information sufficient to form a belief as to the truth of the allegations regarding Plaintiffs' alleged damages, and therefore denies the allegations. SYDA Foundation, however, denies that SYDA Foundation was a reason for Plaintiffs' alleged damages.

148. SYDA Foundation denies the allegations in Paragraph 148 of the Complaint.

DEMAND FOR JURY TRIAL

149. Answering Paragraph 149 of the Complaint, SYDA Foundation acknowledges Plaintiffs' demand for a jury trial for all issues so triable, and notes that Plaintiffs may not withdraw their demand without the consent of SYDA Foundation.

PRAYER FOR RELIEF

SYDA Foundation denies the allegations in Plaintiffs' Prayer for Relief, including the "Wherefore" clause, and denies that Plaintiffs are entitled to any form or any amount of relief from SYDA Foundation. In addition, SYDA Foundation denies that Plaintiffs may recover attorneys' fees in this action. Having fully answered, SYDA Foundation prays that the Court enter judgment in favor of SYDA Foundation, award SYDA Foundation its costs incurred in this action, and award any other relief the Court deems just and proper.

AFFIRMATIVE AND OTHER DEFENSES

150. SYDA Foundation denies all allegations in Plaintiffs' Complaint not specifically and expressly admitted in its answer above.

151. Plaintiffs' Complaint fails to state a claim upon which relief could be granted.

152. Plaintiff Joan Bridges (who died prior to the commencement of this action) lacked standing or capacity to commence this action, lacks standing or capacity to maintain this action, and/or is not a real party in interest.

153. Plaintiff Bridges's claims are untimely, in whole or part, by operation of New York's borrowing statute (C.P.L.R. § 202). For example, she was a nonresident of New York who purports to asserts claims that arose or accrued in other states or foreign countries, and thus her claims are controlled, in whole or part, by the applicable statutes of limitations and/or repose in those jurisdictions, and not by the Adult Survivors Act (N.Y. C.P.L.R. § 214-g.)

154. Plaintiff Bridges did not properly commence this action, lacks standing, or lacks capacity to sue, in that the action was purportedly commenced by counsel, but any attorney-client relationship terminated upon Plaintiff Bridge's death, such that her counsel did not have authority to commence this action on her behalf.

155. Plaintiff Jane Doe's claims fail in whole or part because she alleges sexual misconduct prior to age 18, but the "window" for childhood sexual abuse claims is now closed. *See* N.Y. C.P.L.R. § 214-g.

156. Plaintiffs' claims fail in whole or part because N.Y. § C.P.L.R. 214-g (the Child Victims Act) and N.Y. § C.P.L.R. § 214-j (the Adult Survivors Act) are statutes of repose that create a substantive rather than procedural bar for Plaintiffs' claims, resulting in SYDA

Foundation having a substantive, vested, and/or due process right to be free from suit following the expiration of the time limits set forth in these statutes.

157. Plaintiffs' claims are untimely, in whole or part, pursuant to the laws of Massachusetts, Florida, the Republic of India, and any other applicable jurisdictions. The laws of these jurisdictions is applicable to this action pursuant to New York's choice of law and conflict of law rules.

158. Plaintiffs' claims are barred or limited, in whole or part, by the doctrine of laches.

159. Plaintiffs' Complaint is vague, ambiguous and confusing in that it refers to "SYDA" generically and contains confusing allegations that make it difficult to discern whether a particular allegation applies to SYDA Foundation (a New York not-for-profit corporation), to the Siddha Yoga path (a religion), to Swami Muktananda (an individual and ecclesiastical leader), or to third parties or non-parties.

160. Plaintiffs' claims fail in whole or in part because Swami Muktananda was not an agent or employee of SYDA Foundation. Instead, he was a meditation teacher, spiritual leader, Guru, and ecclesiastical head of the Siddha Yoga path, which is a religious and spiritual path.

161. Plaintiffs' claims fail in whole or in part because Plaintiffs have alleged superseding or intervening causes for their injuries.

162. Plaintiffs' claims fail in whole or in part because Plaintiffs have alleged third-party criminal acts which were not foreseeable or for which SYDA Foundation had no duty to warn others, to protect others, or to otherwise respond to or prevent such acts.

163. Pleading in the alternative, to the extent Swami Muktananda was an agent or employee of SYDA Foundation, Swami Muktananda was not acting within the course and scope

of any employment or agency relationship, and thus SYDA Foundation is not vicariously liable for such acts.

164. Plaintiffs' claims concern separate and distinct facts and involve allegations of different and highly personal and subjective claims of damages. Accordingly, Plaintiffs' claims are improperly joined and should be severed or separated pursuant to N.Y. C.P.L.R. § 603.

165. Plaintiffs' claims fail in whole or part because SYDA Foundation had insufficient notice or knowledge of a risk of harm, including an alleged propensity or proclivity for alleged sexual misconduct by Swami Muktananda.

166. Plaintiffs' claims fail in whole or part because the alleged misconduct occurred in situations, or on premises, for which SYDA Foundation had no duty, no right, or no opportunity to control Swami Muktananda, the premises, or to otherwise prevent the alleged harm.

167. Plaintiffs' claims and allegations concerns matters of faith and/or religious doctrine for which judicial inquiry is improper.

168. Plaintiffs' claims and allegations are also so entangled with religious issues, including the teachings, ministries, practices, and roles of leaders and followers of the Siddha Yoga path that they violate the free exercise, anti-entanglement, and church autonomy doctrines found in the First Amendment.

169. Plaintiffs' claims and allegations would result in a violation of the First Amendment religious questions doctrine, including the principle forbidding government from discriminating between various religious beliefs.

170. More generally, Plaintiffs' claims are improper, barred or limited by the First Amendment of the U.S. Constitution and Article 1, Section 3 of the New York Constitution, as more fully set forth below.

171. Plaintiffs seek judicial involvement in matters that are based on the spiritual, ecclesiastical, or religious relationship between a church and its participants, or a church and its spiritual leader.

172. Plaintiffs' claims would result in asking the Court to decide, establish, or entangle itself with issues relating to the relationship and duties existing among a church, its spiritual leader, and participants, or would otherwise require the Court to impermissibly interfere with the free exercise of religion.

173. The Court's evaluation or enforcement of SYDA Foundation's responses to inquires or allegations relating to religious or spiritual matters would interfere, limit, or otherwise result in entanglement with SYDA Foundation's religious organization, including the internal discipline and government of officers and members.

174. Plaintiffs' claims invite the Court to interpret religious matters, including matters involving discipline and faith, internal organization of a religious entity, polity, or ecclesiastical rules or customs, all of which is improper.

175. In addition to the above, Article 1, Section 3 of the New York Constitution may provide greater rights to SYDA Foundation than those provided by the U.S. Constitution, and thus SYDA Foundation asserts and reserves all such rights.

176. SYDA Foundation states as a defense that the Court lacks subject matter jurisdiction over the religious and ecclesiastical matters raised by Plaintiffs' claims and allegations. For example, the ecclesiastical abstention doctrine prohibits the Court from reviewing or considering the religious or ecclesiastical matters that are put at issue by the allegations in Plaintiffs' Complaint.

177. Plaintiffs' damages, if any, were caused or contributed to be caused by the comparative negligence, contributory negligence, or fault of the Plaintiffs, and Plaintiffs' recovery of damages should be barred or limited in proportion to such fault. *See* N.Y. C.P.L.R. Article 14-a.

178. SYDA Foundation denies the alleged damages of Plaintiffs, but to the extent SYDA Foundation is found to be at fault and liable for any such damages, any recovery against SYDA Foundation should be reduced due to the fault of other individuals or entities, including non-parties over whom SYDA Foundation had no control, with the apportionment of such fault allocated by percentage, or otherwise reduced or limited pursuant to N.Y. C.P.L.R. Article 16.

179. Plaintiffs' claims are barred in whole or part by documentary evidence.

180. Plaintiffs' claims are barred in whole or part because they violate SYDA Foundation's due process rights under the constitutions of New York and United States. SYDA Foundation also asserts that the Adult Survivors Act (as set forth in N.Y. § C.P.L.R. § 214-j) is unconstitutional and/or an improper deprivation of vested, substantive, or due process rights, including for the reasons set forth above. SYDA Foundation acknowledges that certain New York decisions have denied constitutional challenges to the Adult Survivors Act and Child Victims Act, but notes that neither the New York Court of Appeals nor the United State Supreme Court has decided this issue.

181. Pursuant to New York General Obligations Law § 15-108, if and to the extent that any other party (or third party) enter into (or have entered into) a release agreement, covenant not to sue or not to enforce a judgment, or any other type of settlement agreement with Plaintiffs (or any one of them), SYDA Foundation is entitled to have any judgments that may be rendered

against it reduced by the amount of the agreement or the amount of the consideration paid, whichever is greater.

182. Plaintiffs' Complaint is barred, in whole or in part, because SYDA Foundation has not breached any legal duty or obligation owed to Plaintiffs.

183. Plaintiffs' Complaint is barred, in whole or in part, under the doctrines of waiver, estoppel, or unclean hands.

184. Plaintiffs' claims are barred, in whole or in part, because any alleged damages were not caused by SYDA Foundation, but by circumstances for which SYDA Foundation is not legally responsible, or which SYDA Foundation had no duty, no control, or no opportunity to exercise control.

185. Plaintiffs' claims fail in whole or in part because Plaintiffs' damages, if any, were not the legal result of any alleged wrongful conduct on the part of SYDA Foundation.

186. SYDA Foundation denies that it engaged in the conduct attributed to it in the Complaint and denies that it has any liability to Plaintiffs for damages. However, if it is determined that SYDA Foundation is liable to Plaintiffs for damages, such damages are barred, in whole or in part, by Plaintiffs' failure to mitigate their damages.

187. Pursuant to N.Y. C.P.L.R. § 4545, Plaintiffs' claims are barred, limited, or shall be reduced as a result of payments that were or will be made by a collateral source.

188. Pursuant to N.Y. C.P.L.R. § 3013, Plaintiffs' allegations are not sufficiently particular to give the Court and SYDA Foundation notice of the transactions, occurrences, or series of transactions or occurrences, intended to be proved, nor do Plaintiffs' allegations sufficient plead the material elements of each cause of action of Plaintiffs' alleged claims against SYDA Foundation.

189. Plaintiffs have failed to name or join parties who may be liable, in whole or in part, for Plaintiffs' alleged damages.

190. SYDA Foundation denies that Plaintiffs have properly pleaded a claim for punitive damages, but to the extent such a claim has been pleaded and is proven at trial, SYDA Foundation asserts the defenses below.

191. The imposition of punitive damages in this case would violate the Due Process Clauses of the Fifth and Fourteenth Amendments to the United States Constitution because the New York standards for determining the amount of the award are unduly vague and subjective, and permit arbitrary, capricious, excessive, and disproportionate punishment that serves no legitimate governmental interest.

192. The imposition of punitive damages in this case would violate the Due Process Clauses of the Fifth and Fourteenth Amendments to the United States Constitution because New York's post-verdict review procedures for scrutinizing punitive damage verdicts do not provide a meaningful constraint on the discretion of juries to impose punishment.

193. The imposition of punitive damages in this case in the absence of the procedural safeguards provided to defendants subject to punishment in criminal proceedings, including a reasonable-doubt standard of proof, would violate the Fourth, Fifth, and Sixth Amendments and the Due Process Clauses of the Fifth and Fourteenth Amendments to the United States Constitution.

194. The imposition of punitive damages in this case in the absence of a showing of SYDA Foundation's malicious intent to cause harm to the Plaintiffs would violate the Due Process Clauses of the Fifth and Fourteenth Amendments to the United States Constitution.

195. The imposition of punitive damages in this case based on conduct that did not harm Plaintiffs would violate the Due Process Clauses of the Fifth and Fourteenth Amendments to the United States Constitution as well as the Commerce Clause of the Constitution.

196. The imposition of punitive damages in this case based on conduct different from the conduct that allegedly harmed Plaintiffs would violate the Due Process Clauses of the Fifth and Fourteenth Amendments to the United States Constitution as well as the Commerce Clause of the Constitution.

197. The Due Process and Equal Protection Clauses of the Fifth and Fourteenth Amendments, the Sixth Amendment and the Eighth Amendment of the United States Constitution and the applicable provisions of the New York law are violated because punitive damages constitute penal damages and amount to an unconstitutional criminal and excessive fine or punishment in a civil proceeding.

198. The Fifth and Sixth Amendments of the United States Constitution and the applicable provisions of the New York Constitution are violated because SYDA Foundation cannot exercise all of the constitutional and statutory rights which must be accorded to a party who is subject to the imposition of a criminal penalty in the form of punitive damages.

199. New York's procedural and substantive law on punitive damages conflicts with the procedural and substantive standards set forth in *Pacific Life Insurance Co. v. Haslip*, 499 U.S. 1306, 111 S.Ct. 1032 (1991), *BMW of North America, Inc. v. Gore*, 116 S.Ct. 1589 (1996) and *State Farm Mutual Automobile Insurance Company v. Campbell*, 123 S.Ct. 1513 (2003).

200. The procedural and substantive standards set forth in *Pacific Life Insurance Co. v. Haslip*, 499 U.S. 1306, 111 S.Ct. 1032 (1991), *BMW of North America, Inc. v. Gore*, 116 S.Ct. 1589 (1996) and *State Farm Mutual Automobile Insurance Company v. Campbell*, 123 S.Ct.

1513 (2003) and the applicable provisions of the New York Constitution are violated because punitive damages can be awarded against SYDA Foundation that are disproportionate and have no reasonable relationship to the actual or compensatory damages award, the injury and expenses in connection with which they are awarded, SYDA Foundation's conduct, mental state or the degree of reprehensibility of SYDA Foundation's conduct, and also permits an award of punitive damages that are disproportionate to the civil penalties, if any, authorized or imposed in similar cases.

201. The procedural and substantive standards set forth in *Pacific Life Insurance Co. v. Haslip*, 499 U.S. 1306, 111 S.Ct. 1032 (1991), *BMW of North America, Inc. v. Gore*, 116 S.Ct. 1589 (1996) and *State Farm Mutual Automobile Insurance Company v. Campbell*, 123 S.Ct. 1513 (2003), and the applicable provisions of the New York Constitution, are violated because there are no adequate and objective procedures and standards or instructions that guide juries, or trial and appellate courts, concerning the purposes of punitive damages and the reasons for awarding such damages, and no adequate standards and procedures exist to guide the trial and appellate courts in reviewing an excessive award of punitive damages.

202. Plaintiffs have pleaded facts and conclusions about "Defendant," "SYDA," or the "SYDA community" generally but have failed to plead facts about SYDA Foundation that are sufficient to put it on notice of the alleged acts that support Plaintiffs' purported punitive damages claim. Accordingly, Plaintiffs' Complaint is vague or otherwise fails to give SYDA Foundation sufficient notice of the quasi-criminal claims asserted against it, which violates its due process and other rights.


203. If punitive damages are awarded, SYDA Foundation should only be liable for such damages for acts that are directly attributable to it, and not for the acts that are attributable

to or caused by others, including any alleged employees or agents acting outside the course and scope of their alleged employment or agency relationship with SYDA Foundation.

204. SYDA Foundation reserves the right to amend its answer and to assert additional affirmative defenses at such time and to such extent as warranted by the discovery and developments in this case.

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