

# TUCHMAN & ASSOCIATES

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November 13, 2014

Muddamallaiiah  
Rayara Doddi Circle, Magadi Road  
Via Lakshmipura  
Ramanagar Town  
Ramanagar Dist - 571511  
Karnataka, India

*Re: CR No.: 141/2010 and 142/2010*

Dear Muddamallaiiah Sir:

Please be advised that our offices represent Nithyananda Foundation and Life Bliss Foundation, Inc. Enclosed please find certified copies of documents and information relating to Vinay K. Bharadwaj and Aarthi S. Rao.

## **Vinay K. Bharadwaj**

On August 10, 2009, Vinay Bharadwaj entered into a valid, enforceable mutual release agreement (the "Release Agreement") in which Mr. Bharadwaj admitted that he had been making disparaging and false statements about Sri Nithyananda Swami and our clients and that Mr. Bharadwaj had engaged in inappropriate contact with a minor child. That Release Agreement signed by Mr. Bharadwaj was notarized by Srinivas Kondepudi.

In November 2010, criminal charges were filed in the State of Washington against Mr. Bharadwaj for three felony counts of child molestation in the second degree.

Then, on January 3, 2011, Vinay Bharadwaj filed a meritless civil action in the Superior Court of California, County of San Bernardino before the Honorable Judge Keith Davis in Department R12 of the Rancho Cucamonga Courthouse, 8303 Haven Avenue, Rancho Cucamonga, California 91730, against defendants Sri Nithyananda Swami, Gopal Reddy Sheelum, Siva Vallabhaneni, Ragini Vallabhaneni, Nithyananda Foundation, Life Bliss Foundation, Inc., and others. Mr. Bharadwaj's initial verified Complaint alleged both contract and tort claims that he had already released under the terms of the Release Agreement. The action was, in fact, a smokescreen for the pending criminal charges against him in Washington and an obvious attempt to manufacture a defense to those criminal charges. Among other things, Mr. Bharadwaj's Complaint requested that \$1,000,000 be held in trust for him, and sought "an order that all contracts entered into between Plaintiff and Defendants be rescinded."

On June 8, 2011, Mr. Bharadwaj filed his First Amended Complaint, which included for the first time unsubstantiated allegations that he had been sexually abused. These new sexual abuse and brainwashing allegations were nowhere mentioned in the original complaint. The amended complaint added a cause of action for declaratory relief that the Release Agreement was “null, void, and is of no legal force and effect.”

On September 30, 2011, Mr. Bharadwaj filed his Second Amended Complaint. With the exception of the civil conspiracy cause of action, it mirrored the allegations and causes of action of the First Amended Complaint. Not only were each of the causes of action contained within each of these complaints false and without merit, but they had already been released and disclaimed by Mr. Bharadwaj as against the defendants by way of the Release Agreement.

Thereafter, and over the course of the entire action, Mr. Bharadwaj engaged in a well-documented and continuous pattern of obstructive, dilatory tactics and misuse of discovery, for which he was sanctioned by the court. He repeatedly and deliberately failed and refused to respond to discovery and participate in his own action and violated multiple court orders, including to submit to his deposition and mental examination. This conduct evidenced to both the parties and the court that his allegations were unfounded and were brought maliciously and for an ulterior and improper purpose.

On July 31, 2012, Mr. Bharadwaj’s criminal trial commenced in Washington. Mr. Bharadwaj waived a jury trial. At the time of the trial, he faced three Felony Counts of Child Molestation in the Second Degree and one Gross Misdemeanor Count of Communication with a Minor for Immoral Purposes. His criminal defense was that the Defendants conspired with the minor and her family to make false allegations of child molestation against him to the police. During the trial, Mr. Bharadwaj took the stand to testify in his defense. Not once during his hours of testimony did he deny any of the charges or allegations against him. On August 14, 2012, he was convicted on all counts. In finding Mr. Bharadwaj guilty on all counts of molesting the minor, the trial court unequivocally concluded and opined that Mr. Bharadwaj’s conspiracy defense relating to Sri Nithyananda Swami and other defendants to be baseless, not credible, and lacking in evidence to support such a claim. Mr. Bharadwaj was immediately taken into custody. On September 21, 2012, he was sentenced to 57 months imprisonment, where he is currently serving out his sentence. He faces immediate deportation upon his release from jail.

Following his conviction and incarceration, on September 11, 2012, the defendants in the civil action filed a Motion for Terminating Sanctions following nearly a year-and-a-half of discovery abuse by Mr. Bharadwaj, including frivolous attempts to stay the action pending the outcome of his criminal case which predated the filing of this action, failing to respond to discovery or otherwise providing evasive responses, asserting frivolous objections to discovery including the Fifth and Sixth Amendment privileges, forcing defendants to file numerous motions to compel, refusing to submit to deposition, and willfully disobeying this Court’s discovery orders. On November 26, 2012, the court granted the motion and ordered the entire case to be dismissed with prejudice. This was an unequivocal victory for defendants. In its order, the court noted the extensive history of discovery abuse by Mr. Bharadwaj and explicitly found that “Plaintiff’s persistent failure and refusal to comply with discovery in this case results in the presumption, as a matter of law, that his asserted causes of action are without merit.”

The court then awarded defendants their reasonable attorney's fees for having to defend against Mr. Bharadwaj's meritless claims in the amounts of \$390,491.50 and \$32,500.00. In support of defendants' motion for attorney's fees, Srinivas Kondepudi, who notarized the Release Agreement, submitted a declaration verifying that he witnessed Mr. Bharadwaj read, understand, and voluntarily sign and initial each page of the Release Agreement. Based thereon, the court held that, as a matter of law, the Release Agreement was signed and initialed by Mr. Bharadwaj, voluntarily and without coercion or duress, and was valid and enforceable against him. The two judgments are outstanding and to date remain unpaid by Mr. Bharadwaj.

Exhibit 1: Conformed Copy of Declaration of Srinivas Kondepudi in Support of Motion for Attorney's Fees with attached Release Agreement filed on February 7, 2013 in the civil action entitled *Vinay Bharadwaj v. Sri Swami Nithyananda et al.*, Case No. CIVRS1013793.

Following his criminal conviction and dismissal of his civil action, Mr. Bharadwaj made several unsuccessful appeals. Each time, however, his appeals were denied and the court's rulings against him were upheld.

Exhibit 2: Certified copy of the opinion by the Court of Appeal of the State of Washington filed October 27, 2014 denying Mr. Bharadwaj's criminal appeal and upholding his criminal conviction and sentence for three Felony Counts of Child Molestation in the Second Degree and one Gross Misdemeanor Count of Communication with a Minor for Immoral Purposes.

### **Aarthi S. Rao**

On March 22, 2011, Life Bliss Foundation, Inc. filed a civil complaint against Aarthi S. Rao and others in the Superior Court of California, County of Riverside, with Case No. RIC1105004, alleging claims for misappropriation of trade secrets, theft and conversion of trade secrets, breach of fiduciary duty, accounting, fraud and misrepresentation, negligent misrepresentation, intentional interference with contractual relationship, and tortious interference with prospective economic relationship.

The underlying facts are as follows: Ms. Rao was a teacher at Life Bliss Foundation beginning soon after it was incorporated in early 2006. She taught programs in the State of Michigan and in the State of Ohio. As part of those programs and her duties as an instructor, Ms. Rao was obligated to maintain strict confidentiality of all membership information and report on a weekly basis to her supervisor or other designated person from Life Bliss Foundation. As it turns out, however, Ms. Rao's representations were false when made and were made with the intention that Life Bliss Foundation would rely on them, give Ms. Rao access to and disclose to her its confidential information, and provide her with free training and programs. In 2009, Ms. Rao joined and began teaching at Sun Moon Yoga, a for-profit yoga company. To the detriment of Life Bliss Foundation, Ms. Rao used the donor lists and yoga and meditation techniques disclosed to her to divert members, donors, and participants to Sun Moon Yoga. In addition, around that same time or soon thereafter, Ms. Rao entered into a conspiracy with others to damage Life Bliss Foundation

and usurp its clients by secretly planting a video camera in the private quarters of Sri Nithyananda Swami and recording him. Ms. Rao and her co-conspirators then retrieved and “morphed” the videotape footage to falsely portray his image in certain positions, which suggested he was engaging in sexual acts. After extortion attempts, she and her co-conspirators ultimately released the doctored videotape to news media, publications and Internet, which made it public in March 2010. The release of the doctored videotape footage caused substantial damages to Life Bliss Foundation, Inc.

Over the course of the civil action, Ms. Rao persistently failed and refused to participate in discovery, including in violation of court orders compelling her to do so. After the court ordered her to appear for deposition, Ms. Rao then filed a frivolous bankruptcy petition on November 1, 2011 in Michigan in order to stay the California civil action against her. That bankruptcy was dismissed on February 7, 2012 for her failure to appear for mandatory proceedings in her own bankruptcy and the civil action resumed. However, Ms. Rao again refused to appear for deposition in the civil action, despite the court’s order. Following a motion, the court then struck Ms. Rao’s answer to the complaint, entered her default, and sanctioned her \$4,300. On June 25, 2013, the court then issued a court judgment against her in the amount of \$25,610. To date, Ms. Rao has not paid the judgment.

Exhibit 3: Certified Copy of Amended order Granting Motion for Terminating sanctions and Monetary Sanctions Against Defendant Aarthi Rao filed April 18, 2012 in the action entitled *Life Bliss Foundation v. Aarthi Rao et al.*, Case No. RIC1105004.

Exhibit 4: Certified Copy of Judgment against Aarthi Rao dated June 25, 2013 in the amount of \$25,610 from the action entitled *Life Bliss Foundation v. Aarthi Rao et al.*, Case No. RIC1105004.

### **Additional Documents**

Exhibit 5: Forensic Report dated February 6, 2012 by Bryan Neumeister, from USA Forensic, LLC.

Exhibit 6: Forensic Report dated January 10, 2012 by Edward J. Primeau, from Primeau Productions.

Exhibit 7: Forensic Report dated January 28, 2012 by Herbert Joe, from Yonovitz & Joe, LLP.

Exhibit 8: Forensic Report dated January 29, 2012 by David Notowitz, from National Center for Audio and Video Forensics.

Exhibit 9: Certified Copy of Declaration of Dharmaraja Hansraj Saxena dated November 3, 2014 and filed on November 3, 2014 in an action entitled *Life Bliss Foundation et al. v. Sun TV Network Ltd., et al.*, Case No. 5:13-cv-00393-VAP (SPx) pending in the United States District Court, Central District of California.

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Exhibit 10: Affidavit of Chitra Hariharan dated November 8, 2014, enclosing email correspondence from Aarthi S. Rao.

If you have any questions or wish to discuss the matter further, please do not hesitate to contact our offices.

Very truly yours,  
**TUCHMAN & ASSOCIATES**

AVIV L. TUCHMAN