

**UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLUMBIA**

HINDU AMERICAN FOUNDATION

Plaintiff,

v.

**SUNITA VISWANATH;
RAJU RAJAGOPAL;
RASHEED AHMED;
JOHN PRABHUOSS;
AUDREY TRUSCHKE; AND
DOES 1-20,**

Defendants.

**Civil Action No. 1:21-cv-01268-
APM**

Honorable Amit P. Mehta

(Oral Hearing Requested)

**DECLARATION OF SUHAG SHUKLA FILED IN SUPPORT OF SUPPLEMENTAL
MEMORANDUM RE: AMOUNT IN CONTROVERSY**

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*Counsel for Plaintiff
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I, SUHAG SHUKLA, declare:

1. I am the Executive Director of Plaintiff Hindu American Foundation (“HAF”) and have served in that capacity since 2008. I also gave deposition testimony in this case as HAF’s corporate designee. I have personal knowledge of the facts set forth herein.

2. HAF is a nonprofit charity that pursues projects of interests to Hindu Americans. HAF is nonpartisan and does not take sides in, for instance, the various disagreements and political disputes among the Hindu diaspora or Hindus in India. Rather, HAF focuses on endeavors of broad interest to Hindu Americans, including the promotion of Hindu American causes, education initiatives to promote ethnic/racial understanding, tolerance, and diversity, and opposition to any form of racial or religious discrimination. HAF has put over a decade and a half of effort into building its name and reputation as a nonprofit organization; Defendants’ campaign of defamatory statements, falsely associating HAF with “Hindutva” causes and divisive politics in India, has done great harm to HAF’s name and has caused HAF to take a significant financial hit, as detailed herein.

3. During the period in 2021 and 2022 after the Defendants’ defamatory statements, a number of donors who had donated to HAF in the past ceased their donations. A number of other donors reduced their donations. HAF prepared charts that accurately set forth these lost and reduced donations, which were produced to Defendants in discovery and which are attached to the Coangelo-Bryan declaration (Dkt. 56-1) as Exhibits D and E. Total lost donations were \$648,061 in 2021 and \$564,447 in 2022. Total reduced donations were \$84,991.98 in 2021 and \$72,632.90 in 2022

4. HAF does not, as a matter of course, ask donors who reduce or eliminate their donations why they did so. HAF always hopes that people will donate again in the future, and

my understanding based on my long experience at HAF not only as Executive Director but as its co-founder, is that the best way to achieve a resumption of donations is to continue to ask former donors for money, but not to inquire into the reasons for a reduction or termination, as those questions can be seen as intrusive and personal and may reduce the likelihood of donations being resumed.

5. However, the number of lost and reduced donations in 2021 and 2022 was dramatic, and HAF believes and has reasonably concluded that one significant cause of lost or reduced donations in those years was the Defendants' defamation campaign.

6. HAF also identified 668 potential donors who then failed to donate to HAF. HAF disclosed this information to Defendants in interrogatory responses, which were attached as Exhibit A to the Coangelo-Bryan declaration. These potential donors were people who met HAF personnel at events or over social media and were identified as people who might want to donate to HAF. Based on my past experience, at least some of them would have donated. However, HAF never received donations from these 668 individuals. Due to the timing of this, HAF believes that Defendants' defamation campaign may have been a causal factor in why they did not donate.

7. HAF believes that it lost at least two specific foundation grants due to Defendants' defamation campaign: a \$143,000 grant from the Oak Foundation and a \$45,000 grant from the Allstate Foundation. HAF submitted applications for both these grants and was denied. My understanding and experience in the nonprofit space is that such foundations never or rarely tell you the real reason or reasons why the grant was denied—they simply deny it. Nonetheless, based on HAF's extensive qualifications and impressive submissions, which I supervised, I believed HAF had an extremely good chance of obtaining both grants, and the

timing of the denials informs my conclusion that Defendants' defamation campaign may have been one cause of the loss of both grants.

8. HAF also had been told that it had an opportunity to present a cultural competency training, "Hinduism 101", for employees of a major Fortune 500 company. This would have been a major opportunity to further HAF's mission by educating these employees in a major corporation about Hinduism and the concerns of Hindu employees and Hindu Americans. These initiatives are considered valuable in the nonprofit space, as they not only further the goals of the charity but can also lead to additional leads. The Hinduism 101 opportunity occurred in or around October 2021. However, HAF never got the chance to present the seminar—we heard from an employee in the Fortune 500 company that HAF was taken out of consideration. Given the timing of this and the publicity attendant to Defendants' defamatory statements, HAF believes that the defamation may have been one of the causes of this.

9. In 2021, HAF also created a fundraising campaign targeting family foundations. Family foundations often donate to various charities and causes. HAF relied on estimates from the charitable watchdog organization *Guidestar.com* and fundraising marketing data that estimated that this sort of campaign should yield a 14.4% success rate. HAF also carefully identified family foundations that might want to donate to HAF and would tend to support HAF's work. However, HAF received no donations from any of the family foundations targeted. This was most unusual. Due to the timing of this, HAF believes that the Defendants' defamation may have been one of the causes of this. HAF disclosed this information in discovery to Defendants (in Coangelo-Bryan's Exhibit A) and I gave extensive deposition testimony (Exhibit C page 42 *et seq.*). HAF estimates that it should have received at least \$150,000 from this campaign, and believes that Defendants' defamatory statements was one of the reasons why it


did not receive any such donations.

10. HAF also spent extensive staff time and resources responding to Defendants' defamation; however, HAF has not yet quantified the amount of damage it suffered from lost staff time and resources. HAF has also had to go about its attempts to correct the record in a very cautious way—HAF does not want to amplify Defendants' already widely disseminated statements falsely linking HAF to the controversial Hindutva political faction. Accordingly, not only have Defendants' statements damaged HAF, but they have left HAF in a difficult position with respect to correcting that harm.

11. HAF has long maintained a legal fund and solicited donations for it. This fund pre-exists HAF's legal disputes with Defendants and has been used for various legal projects of interest to HAF donors and the Hindu-American community, including, for instance, a third party motion to intervene in *Cisco Systems v. Department of Fair Employment & Housing*, a California employment discrimination case involving an employer's discrimination based on the perceived caste membership of an employee. HAF has also made fundraising appeals for the legal defense fund relating to the prosecution of this litigation, and has used some of the funds in the HAF legal fund to fund this litigation.

I declare under penalty of perjury under the laws of the District of Columbia that the foregoing is true.

Executed June 24, 2022 in Philadelphia, PA.



Suhag Shukla