

Highlights of the deposition by Suhag Shukla, May 16, 2022

Prepared by HfHR for purposes of summarizing the 45-page deposition

In case of conflicts, the [full deposition at p 268 +](#) takes precedence

Lawyer for defendants: Your testimony today is the same as if it were in court for perjury purposes. Because truthfulness is so important, please let me know if you don't understand a question...

Q. I think you mentioned grants a moment ago. HAF is taking the position in this case that its damages include a couple of grants that it didn't get; is that correct?

A. Yes.

Q. Was Allstate aware of the defendants' statements when it rejected the pre-application?

A. I do not know if Allstate was aware of the defendants' defamatory statements.

Q. Ms. Shukla, as far as you know, did anyone at Allstate communicate to HAF that Allstate was aware of defendants' statements when it rejected HAF's pre-application?

A. No.

Q. Is it your testimony that HAF's pre-application was rejected by Allstate because of defendants' statements?

A. It's possible that we were --

Q. Thank you.

A. -- rejected --

Q. But you don't know if that happened?

A. No, I do not know.

Q. Ms. Shukla, is HAF contending also that it didn't receive a grant from the Oak Foundation in the amount of \$143,000?

A. Yes

Q. Was the Oak Foundation aware of defendants' statements when it sent this email, to your knowledge?

A. I do not know.

Q. To your knowledge, did anyone at the Oak Foundation tell anyone at HAF that the Oak Foundation was aware of defendants' statements at that time?

Q. So let me ask my question again. To your knowledge, did anyone at the Oak Foundation tell anyone at HAF that the foundation was aware of defendants' statements when this email was sent?

A. No.

Q. Is it your testimony that the Oak Foundation rejected HAF's application because of defendants' statements?

A. It is possible.

Q. Is it your testimony that it happened?

A. No.

Q. Is it your understanding that HAF claims that its damages in this case include being expelled from the Alliance Against Genocide?

Q. Ms. Shukla, reading from the first paragraph of the email, do you see where it says,

“Due to your organization's lawsuit against Hindus for Human Rights, the Alliance Against Genocide is expelling the Hindu American Foundation from the Alliance Against Genocide. There is no room in the Alliance for...” and “There is no room in the Alliance for organizations that file lawsuits against other member organizations.”?

Q. Your testimony is that HAF advocated against the Citizenship Amendment Act?

A. We advocated for an improvement of the Citizen Amendment Act. There's a statement available on our website that makes very clear that we believe that if the Indian government, as well as the American government, would not make a policy of specifying specific religious groups in any sort of amnesty policy, it would be more aligned with secular governance. The American law is the Lautenberg Amendment. It's all available on the website.

Q. In the interrogatory responses we looked at, HAF complains about being referred to as "pro-Hindutva." Why does HAF object to being described as pro-Hindutva?

A. The method by which your clients, the defendants, use the term "Hindutva" is derogatorily. They use "Hindutva" in the context of Hindu supremacist or Hindu nationalist, and we are none of those.

Q. How does HAF define "Hindutva"?

A. We don't have a definition of Hindutva.

Q. Is HAF anti-Hindutva?

A. If we don't have a definition of Hindutva, that answers the question as to whether we are for or against. We are nonpartisan.

Q. Are you saying that Hindutva is a partisan organization [sic]?

A. I am saying "Hindutva" has no single definition, and without a single definition, there's no question of being for or against something.

Q. Ms. Shukla, I'm going to read from HAF's interrogatory responses, where it refers to, "false accusations reflected in the Defamatory Statements that Responding Party allegedly is a pro-Modi, pro-Hindutva organization that supports the current Indian government's erosion of certain values." Is HAF saying here that it is false to characterize HAF as supporting the current Indian government's erosion of certain values?

A. Is -- I'm sorry. It sounds like a double negative. Could you repeat your question, please.

Q. Is HAF complaining that it is false to characterize the organization as supporting the

Q. Prior to defendants' statements, did any HAF donors give different amounts year to year?

A. Yes.

Q. Was it unusual for HAF donors to give varying amounts year to year?

A. It depends.

Q. Was it unusual for HAF donors to give different amounts in different years?

A. Again, it depends.

Q. That's really not an answer to my question. My question is: Prior to defendants' statements, was it unusual for HAF donors to contribute different amounts in different years?

MR. ESPER: Object as to form. I'll say it's ambiguous as to "unusual." Go ahead, though, if you understand it.

A. Yes. Yes.

Q. It was unusual? For people to give --

A. Right. It is not unusual. It is not unusual.

Q. To make sure we have a clean record, let me ask one more time. Prior to defendants' statements, was it unusual for HAF donors to contribute different amounts in different years?

A. No.

Q. I'm going to ask again the question I posed a moment ago to try and get a direct answer. How is it possible for HAF to take the position, in May 2022, that it has definitely lost 2022 contributions from any donor?

A. We know what losses we have to date. Whether those donors that cease to give in 2021 will remain at a zero level, we will know by the end of this year.

Q. Do you know now?

A. No. I do not know now.

Q. Ms. Shukla, do you see in Paragraph (b), starting with the second sentence, where it says "Responding Party claims that, as a result of the Defamatory Statements, it lost potential donations and/or financial contributions from 668 prospective new donors obtained by Responding Party during the time period from January 1st, 2021 to April 2nd, 2021"?

A. Yes.

Q. Could you explain what HAF means by the word "obtained" in this passage?

Q. How does HAF know that it lost exactly 668 of these new donors?

A. We know there are 668...

Q. What is your understanding as to why HAF did not receive contributions from these 668 prospective donors but gained \$370,000 in contributions from new donors all after defendants' statements were made?

A. Some of that, if I recall, did come in response to appeals that we made after your clients, the defendants, made their defamatory statements, that we were going to fight against these untruths. So some did donate in response to e-appeals that were sent out. We also had a very active year in terms of other activities that advanced our mission. So they may have donated for those other reasons.

Q. So there were donors who contributed because of defendants' statements and HAF's reaction to those statements?

A. They donated to support us to fight against defendants' defamatory statements.

Q. Those donors were well aware of defendants' statements, I take it?

Q. When you say the basis of the lawsuit, do you mean the alleged defamatory statements?

A. Both the alleged defamatory statements, as well as the interrelations and longstanding relationships of your clients, the defendants, and the coordinated manner in which they published and amplified defamatory statements about HAF.

A. He -- I don't recall.

Q. Does HAF know whether Allstate was aware of the defendants' statements?

A. No.

Q. Did anyone at HAF speak to anyone at Allstate about the statements?

A. No.

Q. So, again, we looked at this earlier today as well, Ms. Shukla, but just confirming

this is an email that was sent out to HAF's database of approximately 20,000 individuals; correct?

A. Correct.

Q. Did HAF do anything to prevent a recipient of this email from forwarding it to somebody else?

A. I don't believe so.

Q. Is there anyone at HAF that would know more specifically about whether HAF did anything to prohibit the forwarding of this email?

A. Yes. Our director of development.

Q. So what is this document?

A. This is the expert opinion from Eric Rose on what would be required for us to repair the reputational damage inflicted upon us by the coordinated efforts of your clients, the defendants, in defaming HAF and amplifying those defamatory lies.

Q. Eric estimates that it will cost HAF \$485,000 to mitigate the reputational harm; is that correct?

A. Yes. That's correct.

Q. How does he reach that figure?

A. From what I have read in this declaration, he estimated the cost, based on Google Searches, as to what articles or how frequently the defamatory lies and information were published, republished and amplified through various channels. And based on that, estimated the amount of services that we would be required to retain, including a PR reputation -- reputation management PR firm, an online reputation management specialist, as well as Google advertising in order to push down the false and defamatory lies published about us, because those will remain online in perpetuity.

Q. And HAF did not provide him, Eric Rose, any materials for him to rely on to reach this number; is that correct?

A. That is correct.

Q. So according to this document, the total donations for 2019 were \$1,638,040.50. Does that number sound correct to you?

A. What was that number?

Q. \$1,638,040.50.

A. That sounds about right.

Q. How much did HAF receive in total in donations for 2020?

A. In 2020, I believe --

Q. Based on this document, that number is \$1,577,784.73, as total donations for the year 2020. Does that sound correct?

A. Yes, it does.

A. In 2021, we received 2-point -- 2.4, approximately. 2.4 million. That includes one