

1 Carlos F. Negrete, Esq. SBN # 134658
2 **LAW OFFICES OF CARLOS F. NEGRETE**
3 27422 Calle Arroyo
4 San Juan Capistrano, CA 92675-2747
5 Telephone (949) 493-8115
6 Telefax (949) 493-8170

7 Attorney for Defendants,
8 *TERRY A. RONDBERG, D.C. and*
9 *MICHELLE DEPALMA*

10 **SUPERIOR COURT OF THE STATE OF CALIFORNIA**

11 **FOR THE COUNTY OF SAN DIEGO**

12 **NORTH COUNTY DISTRICT**

13 PERI NESS, an individual, SYNERGY
14 YOGA, a California Corporation)

15 Plaintiff,)

16 vs.)

17 TERRY RONDBERG, an individual;)
18 MICHELLE DEPALMA, an individual; and)
19 DOES 1 THROUGH 10.)

20 Defendants.)

Case No: 37-2008-00052535-CU-DF-NC

Assigned
for All Purposes to: *Hon. Robert P. Dahlquist*

**DECLARATION OF TERRY A. RONDBERG
IN SUPPORT OF DEFENDANTS' MOTION
FOR SUMMARY JUDGMENT OR, IN THE
ALTERNATIVE, SUMMARY
ADJUDICATION**

21 Date: June 18, 2010

22 Time: 1:30 p.m.

23 Dept: 29

24 Trial Date: July 23, 2010

25 I, TERRY A. RONDBERG, declare as follows:

26 1. I am over the age of 18 years and if called upon to testify I could and would testify to
27 the matter set forth herein based upon my own personal knowledge.

28 2. I am a named co-defendant in the above-entitled action.

3. I am familiar with Plaintiffs Peri Ness, Charles DeFay and the Synergy Yoga Room

1 (“Yoga Room”) as I was student of the Yoga Room beginning in 2006 and was under the emotional
2 influence and dominion of its leader, Peri Ness.

3 4. Peri Ness was the founder, owner and head yoga teacher of Synergy Yoga in Encinitas,
4 California. (See, Ness’ Response to Special Interrogatory 4, 7:10 attached hereto as Exhibit 1; Ness’
5 Response to Form Interrogatory 8.2, 21:11-12, attached hereto as Exhibit 2.)

6 5. Charles DeFay is Peri Ness’ husband. He was also an employee at the Yoga Room.

7 6. Synergy Yoga was a California Corporation and was located in Encinitas, California.
8 Synergy Yoga offered yoga classes to the public; it also offered a certification course for students who
9 wish to become yoga instructors in the tradition of Synergy Yoga. (See, Ness’ Response to Form
10 Interrogatory 2.6, 5:7-8, as Exhibit 3 and Peri Ness’ Response to Special Interrogatory 4, 7:10-19
11 attached hereto as Exhibit 4.)

12 7. The Yoga Room is far from merely a “Yoga Studio,” that was just a front and charade.
13 The Yoga Room is, by all definitions, a “cult” that is controlled by Peri Ness. Its main purpose is to
14 recruit innocent victims and targets by means of purportedly spiritual teachings, philosophies and
15 exercise of the Self Realization Fellowship for personal monetary benefit.

16 8. Peri Ness has been using countless individuals and emotionally unstable people to
17 perform free work and solicit money. I was one such victim.

18 9. I consulted with Rick Ross, the founder and Executive Director of the Ross Institute.
19 Rick Ross is an expert consultant, lecturer and intervention specialist regarding destructive cults,
20 controversial groups and movements. In his report, Mr. Ross presents three principal criteria of a cult
21 developed by noted psychiatrist and author, Robert Jay Lifton. Mr. Ross is of the opinion that the
22 Yoga Room fits “well within this definition”:

- 23 1. a charismatic leader who increasingly becomes an object of worship as the
24 general principles that may have originally sustained the group lose their
power;
- 25 2. a process of coercive persuasion or thought reform;
- 26 3. economic, sexual, or other exploitation of group members by the leader
and the ruling coterie.

27 In my opinion Peri Ness DeFay’s Yoga Room file well within this definition as
28 described through the three criteria outlined by Lifton.

1 (See, Mr. Ross' report and his Curriculum Vitae attached hereto as Exhibit 5 and Exhibit 6.)

2 10. I have had absolutely no contact with Peri Ness in almost 2 years.

3 11. I publish various books, newsletters, internet sites and commentary blogs. I also
4 provide commentary, opinion and investigational reporting in my publications.

5 12. As part of my newsletters and publications, I perform investigations and research, the
6 Yoga Room being one of the subjects of investigative reporting.

7 13. I do go to the my place of worship, the Self Realization Temple several times a week. I
8 have gone there for years. It is **next door** to the Yoga Room, where it has been for years.

9 14. **I do not own, control, operate or maintain any website, including**
10 **truth about synergy yoga dot com.** I have not made the statements, either by writing or verbally, as
11 attributed to me in the First Amended Complaint.

12 15. Michelle DePalma's sister, Melinda DePalma and Ben Mendelsohn created and
13 operated truth about synergy yoga dot com to serve as a source of healing and support for the
14 numerous victims who were abused and victimized by Peri Ness.

15 16. Hundreds of former staff members and students of the Yoga Room wrote about their
16 experiences of being victimized and abused by Peri Ness on truth about synergy yoga dot com.

17 17. I, and several other victims of this cult are committed to making the public aware of the
18 dangers of Peri Ness and her "disciples" and the harm they can cause.

19 18. I have not removed any documents from the Yoga Room that contained any trade
20 secrets or confidential information. I had no access to any such things. There is no logical benefit to
21 any "trade secrets" and she has none that I am aware of.

22 19. It is my understanding that the Yoga Room is now closed and has been for over two
23 years.

24 20. I have not intimidated, harassed or threatened any employee of the Yoga Room.

25 21. I never drove my car close to Charles DeFay in an attempt to threaten him.

26 22. I have not injured or harmed Peri Ness or the Yoga Room in any manner.

27 23. Quite the contrary, Peri Ness, along with her husband, Charles DeFay, have caused me a
28

1 great deal of emotional injury and harm. Peri Ness used me for her own selfish gains and
2 advancement.

3 24. Peri Ness operates a website - synergy.yoga.com. (See, Ness' Response to
4 Defendants' Request for Admission No. 18 at 8:10, attached hereto as Exhibit 7.) The website
5 operated by Peri Ness is used in part to defame me and attack my character with false statements. She
6 has also teamed up with, and in conspiracy with, another website - stop.rondberg.org that is
7 operated by J.C. Smith to further seek out to maliciously destroy me and my companies.

8 25. There has been no harassment of Peri Ness and former members have passed out
9 information about the truth of the Yoga Room cult to raise awareness and prevent further abuse and
10 victimization as we believe that it is our right of free speech.

11 26. At no time have I, or anyone else I know, trespassed on the property of either Peri Ness
12 or the Yoga Room.

13 27. To suggest that I have caused any harm or injury or harm to the Plaintiffs is completely
14 without merit and untrue. It is, in fact, the opposite. I, like countless others, have been defrauded and
15 injured by Peri Ness and her various machinations.

16 28. Peri Ness evoked shame and threatened alienation from her to control students and staff
17 members. For example, she wrote long letters to people at the Yoga Room, simultaneously declaring
18 her love for them while berating them in the same letter. One such written example of this ambivalent
19 "push-pull" behavior is contained in letters to Melinda DePalma terminating her and then wishing
20 Melinda would stay in her position at the Yoga room within two days. In a termination letter to
21 Melinda DePalma dated August 26, 2007, Peri Ness listed fifteen reasons for terminating Melinda
22 DePalma. One of Peri Ness' reasons is as follows: "You are very defiant and do not carry out
23 instructions." On August 28, 2007, Peri Ness wrote Melinda DePalma stating in part as follows: "you
24 have been a wonderful help to me" and "I appreciate your willingness and enthusiasm for helping the
25 business on the whole." (See, memo from Melinda DePalma to Peri Ness and letters from Peri Ness to
26 Melinda DePalma attached hereto as Group Exhibit 8.)

27 29. Peri Ness' anger, hatred and violent temper are apparent in her letters and emails. In a
28

1 letter to the Yoga Room assistant manager, Derek McCartney, Peri Ness wrote, in part, “the ounce of
2 compassion I have for you is that you have learned this behavior [from] (sic) Roxanne and I realize
3 how she has been lying to me and been taking cocaine for much longer than this past year. I suspect
4 that you probably did it to . . . The ounce of compassion is she trained you and it is such a pity that you
5 let her take over your integrity.”

6 (See, letters to Derek McCartney from Peri Ness, attached hereto as Group Exhibit 9.)

7 28. Peri Ness wrote Matt Caron, a Yoga Room employee a letter stating in part,

8 What a strange letter. Nothing about your employment as The Yoga Room was illegal.
9 We were trying to help you out. We have settled the entire issue about your overtime
10 and you have gotten paid for it and we have records of everything you got paid.
11 However, that was completely wrong and out of integrity of you to accept payment from
12 us because you had not even paid a quarter of what you owe. The judge is going to find
13 that very interesting, Matt. You are not being harassed, you are being reminded that you
14 basically stole from The Yoga Room.

15 . . .
16 Also as a reminder, I have kept all your “loving letters” about how much you love
17 Synergy, how much you appreciate everything, how much I’ve changed your life and
18 how much you have received and I am sure the judge will be very interested in reading
19 them, too, Matt. It is a great pity, there was a lot of love here for you.

20 (See, email from Peri Ness to Matt Caron dated December 17, 2007, attached hereto as Group Exhibit
21 10.)

22 29. Peri Ness wrote hateful and threatening emails to Jeff Calcara, father of former
23 employee, Charmaine Calcara, disparaging his daughter and repeatedly referring to Michelle DePalma
24 as a “crack addict.” Below are excerpts from these emails:

25 We have employed over 200 people and yes there are some of those who are
26 discontent. Mainly because of their deceit, dishonesty, and their ego and their
27 ignorance. You have never employed the amount of people that we have
28 employed and you have never represented the amount of people that we represent
or have been involved in the healing of many people including your wife and your
daughter.

29 . . .
30 [Charmaine Calcara] is a completely gullible and immature girl who goes with
31 whatever is happening that is exciting to her.

32 . . .
33 Anyone with a brain can see that Roxanne, Terry, Melinda and your daughter’s
34 sleazy boyfriend are responsible for [thetruthaboutsynergyyoga.com].

35 . . .

1 If you continue to discuss this Jeff, I will have to discuss with everyone at SRF
2 your sexual harassment with me for the last 20 years.

3 . . .

4 We have so much support from SRF and from so many people in SRF that at this
5 time it does not reflect well on you that you are supporting your daughter.

6 . . .

7 It is obvious Jeff there is only one reason and that is because you have jealousy
8 and hatred towards us and you have hatred towards me because I never
9 succumbed to your desires and harassment. Let me remind you that in order to
10 stay in the Kirtan, I was forced to call and tell Virginia [Jeff Calcara's wife] about
11 your obsession towards me and assured her that I had absolutely no interest in you,
12 except as a dear friend as I regarded her and Charmaine and Chris.

13 In another email to Jeff Calcara, Peri Ness wrote, in part, as follows:

14 Jeff, I cannot believe the level of hatred you have gone to...no wonder you are so
15 sick. You may remove my name from the entire kirtan list. This is such deep thing,
16 it is your karma now Jeff. Charles just informed me that Charmaine has purjured
17 herself and signed a statement that we forced Matt to do the 10 day. Your lying
18 daughter now will face cross examination at the labor board and later when we go
19 through hours and months of grueling depositions..(hope you can pay for her legal
20 bills) I don't know if its just because shes 19, or perhaps shes a crackhead, would
21 certainly explain her behavior, or if her parents don't guide her correctly, and are not
22 good examples . . .

23 (See, emails from Peri Ness to Jeff Calcara attached hereto as Group Exhibit 11.)

24 30. Peri Ness encouraged students and staff to spend an inordinate amount of time and
25 money at the Yoga Room. She recommended that students attend 9 to 17 hours a week at the Yoga
26 Room.

27 31. While a student at the Yoga Room, I went out to lunch with Peri Ness and her husband,
28 Charles DeFay. Charles suggested I take back my power and stand up to my wife, claiming she was a
negative drain on my energy and I should not let her come between me and the Yoga Room.

32. Students and staff were expected to attend and pay for frequent classes and "intensive"
programs and if anybody resisted she would alienate and/or insult them. These "intensive" 10-day
yoga programs cost \$2,600.00. Staff members were required to perform free services for the Yoga
Room. Peri Ness would deem staff members and students who decided to leave the Yoga Room "evil"
or "out of integrity." The Yoga Room was always marketing for new students. (See, Apprenticeship
Program Agreement and Requirements from the Yoga Room attached hereto as Exhibit 12.)

1 33. Peri. Ness' motive for monetary gain was evident in the costs of the programs and
2 training that Ms. Ness deemed mandatory. Single classes cost between \$12 to \$25 dollars, a variety of
3 yoga products were sold at the Yoga Room and it even "rented" necessary floor mats and towels for \$2
4 each.

5 34. Literature from the Yoga Room recommended the following: "For maximum health
6 benefits, we recommend 3 times a week for minimum maintenance, 5-6-7 times a week for optimum
7 benefits." Classes at the Yoga Room ranged 75 minutes to 2-2 ½ hours long, meaning that students
8 were "recommended" to attend from 9 to 17 hours at the Yoga Room. Ms. Ness made it seem as
9 though no one could live without her and the Yoga Room.

10 35. Peri Ness encouraged students and staff at the Yoga Room to share personal experiences
11 with her. This was done to gain an advantage over them and to be used as leverage to induce people to
12 do as she wished. The "intensive" 10-day program was physically and mentally exhausting. The
13 students in the "intensive" 10-day program were particularly vulnerable to sharing their personal
14 experiences.

15 36. Peri Ness required her staff members to carry out "Seva duties." These duties are
16 performed without pay. Peri Ness required that staff members donate five hours per month to help at
17 the front desk and an additional hour to help the Yoga Room with cleaning and maintenance. (See,
18 Apprenticeship Program Agreement and Requirements from the Yoga Room attached hereto as Exhibit
19 13.)

20 37. The Yoga Room is not part of the legitimate Self Realization Fellowship Temple, which
21 has disassociated itself from the Yoga Room. The Self Realization Fellowship required the Yoga
22 Room to post a sign stating that the Yoga Room was not affiliated with the Self Realization
23 Fellowship.

24 38. Peri Ness and the Yoga Room were the subject of several investigations, including the
25 California State Labor Board, for labor code violations. They are also the subjects of investigation for
26 extortion, racketeering, zoning violations, health, unlawful practice of medicine and therapies without
27 licenses.

28

1 39. Peri Ness, Charles DeFay and the Yoga Room started a well orchestrated campaign to
2 attack me personally after an ill fated attempt to extort \$150,000 from me.

3 40. I have not provided Peri Ness with chiropractic treatment. Her accusations against me
4 concerning her back injury are mere ploys and inventions by which Peri Ness attempted to extort
5 \$150,000 from me by threatening to bring this type of lawsuit. It is completely unsupported and I
6 refused to surrender to her demands. I am aware that Peri Ness had an automobile accident several
7 years ago and her back injuries, if any, were the result of this accident, not any treatment by me.

8 41. Peri Ness coerced Michelle DePalma to have a relationship with me. Initially, she did
9 not want to have a relationship but Peri Ness insisted stating that I was to be the Yoga Room's new
10 "money guy."

11 42. While coming to the realization that the Yoga Room was a cult, I endeavored to liberate
12 Michelle DePalma from the Yoga Room as well.

13 43. Peri Ness used Michelle DePalma to extract the written "confession" from me. Peri
14 Ness instructed Michelle DePalma to tell me that she could not be with me anymore and I could not
15 attend the Yoga Room unless I wrote the letter. Michelle DePalma was crying, shaking and extremely
16 upset. Michelle DePalma explained the purpose to the letter as simply a "spiritual exercise."

17 44. I could not afford to lose contact with Michelle DePalma, as that would ensure that she
18 remained a victim of Ness and the Yoga Room. In order to appease Michelle DePalma, calm her down
19 and keep in contact with her, I hurriedly wrote the so-called "confession." It was Ness, using Michelle
20 DePalma, who dictated to DePalma what the letter to Ness should contain. (See, a true and correct copy
21 of the hand-written letter to Peri Ness dated January 12, 2008 and attached hereto as Exhibit 14.)

22 45. Michelle DePalma and I placed the letter and \$1000.00 in cash under Ness' door mat.
23 Ness was insulted by the amount of cash left and said "What am I suppose to do with \$1,000? Wipe my
24 dog's ass?" Thereafter, Ness and Charles DeFay issued a "karmic retribution" notice to me demanding
25 \$150,000.00 and to set up two companies for them in order for him to clean up his karma and enable
26 him to return to the Yoga Room. (See, Peri Ness' "karmic retribution" demand attached hereto as
27 Exhibit 15.)

28

1 46. A Synergy Yoga newsletter states that Peri Ness' "back is almost 100% healed through
2 2-1/2 years of slow rehabilitation through Synergy Yoga." (See, a true and correct copy of the Synergy
3 Yoga newsletter attached hereto as Exhibit 16.)

4 47. In or about January, 2008, Peri Ness was debunked a fraud and cult leader by several of
5 her main disciples, including her main protégée, Michelle DePalma. Six to seven of Peri Ness' staff
6 members voluntarily ended their employment at the Yoga Room. This infuriated Peri Ness and
7 Charles DeFay and they thereafter threatened destroying me by apparently any means necessary,
8 including the filing of this lawsuit.

9 48. The truth is that the conduct that is alleged is the exact opposite of what is alleged. It is
10 Peri Ness, not I, that has engaged in a smear campaign. As stated above, She operates a website
11 devoted to this purpose.

12 49. I have not threatened harm on anyone or to slit anyone's throat. Peri Ness convinced
13 Michelle DePalma to obtain a restraining order against me. This was something that was concocted by
14 Peri Ness while Michelle DePalma was part of her scheme and plan. Michelle DePalma has now come
15 forward and told the truth as set forth in her declaration.

16 50. I am a well known head of a chiropractic organization with international recognition.

17 51. I have made no false or libelous statements regarding Peri Ness. My statements
18 concerning Peri Ness and the Yoga Room are true.

19 52. Since the defection of the Yoga Room by her key disciples, almost a hundred victims
20 have come forward with similar stories of abuse and mind control coupled with financial wrongdoing.

21 53. At no time have I trespassed any private property. My actions have all been legal and
22 within my constitutional rights. I have exercised my right of free speech.

23 54. To date, the Yoga Room has defrauded me of over \$25,000 by Peri Ness' schemes.

24 55. I am informed and believe that the Yoga Room has been failing financially for some
25 time before it shut its doors and that Peri Ness' true intentions have been to prey upon victims and
26 persons such as myself to subsidize her machinations.

27 ///

28

1 56. I never contacted Peri Ness' landlord for any reason.

2

3 I declare under penalty of perjury under the laws of the State of California that the foregoing is
4 true and correct and that this declaration was executed on this 7th day of April, 2010 in San Diego,
5 California.

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Terry A. Rondberg

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