

1 **WATCHTOWER BIBLE AND TRACT**
2 **SOCIETY OF NEW YORK, INC.**
3 **LEGAL DEPARTMENT**

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10 Tract Society of New York, Inc., sued as Doe 3,
11 Supervisory Organization

12 **SUPERIOR COURT OF CALIFORNIA**
13 **COUNTY OF SAN DIEGO**

14 JOHN DORMAN, INDIVIDUALLY, AND)
15 JOEL GAMBOA, INDIVIDUALLY)

16 Plaintiffs,)

17 vs.)

18 DEFENDANT DOE 1 LA JOLLA CHURCH,)
19 DEFENDANT DOE 2 LINDA VISTA)
20 CHURCH, AND DEFENDANT DOE 3)
21 SUPERVISORY ORGANIZATION,)
22 DEFENDANT DOE 4, PERPETRATOR,)
23 AND DOES 5 THROUGH 100, INCLUSIVE)

24 Defendants.)

Case No.: 37-2010-00092450-CU-PO-CTL

**DEFENDANT WATCHTOWER'S
OPPOSITION TO PLAINTIFFS'
SEPARATE STATEMENT OF
UNDISPUTED AND DISPUTED
MATERIAL FACTS**

JUDGE: STEVEN R. DENTON
DEPT.: C-73

DATE: December 16, 2011

TIME: 10:30 a.m.

TRIAL DATE: April 20, 2012

25 Defendant Watchtower Bible and Tract Society of New York, Inc., sued as
"DEFENDANT DOE 3, Supervisory Organization" (hereinafter "Watchtower"), by and
through its attorney of record, offers the following Opposition To Plaintiffs' Separate

1 Statement of Undisputed Material Facts Pursuant to Code of Civil Procedure § 437(c) and
 2 California Rules of Court, Rule 3.1350(d), with respect to all of the causes of action in the
 3 First Amended Complaint filed by Plaintiffs John Dorman and Joel Gamboa:

PLAINTIFFS' UNDISPUTED MATERIAL FACTS	OPPOSING PARTY'S RESPONSE AND SUPPORTING EVIDENCE
<p>4 1. Local congregations of Jehovah's Witnesses are directed by Elders. The Body of Elders is responsible for administering the day to day operations of the congregation. Elders coordinate the activities of the congregation, including meetings and field service. Elders also help members deal with problems that may arise in their personal lives.</p> <p>5 6 7 8 9 10 11 PE 1, Deposition of Dennis Palmer at p. 21:6-15; PE 2, Declaration of William H. Bowen at ¶ 11.</p>	<p>1. Undisputed for the purposes of this motion.</p>
<p>12 2. Elders are viewed reverently by members of the congregation, and members are required to approach one of the congregation's Elders with any accusation of wrongdoing, including childhood sexual abuse.</p> <p>13 14 15 16 17 PE 2, Declaration of William H. Bowen at ¶ 12.</p>	<p>2. Undisputed for the purposes of this motion.</p>
<p>18 3. Prospective Elders are selected from among the congregation's Ministerial Servants and thoroughly vetted by the Body of Elders.</p> <p>19 20 21 PE 1, Palmer Depo at pp. 21:17- 22:12.</p>	<p>3. Undisputed for the purposes of this motion.</p>
<p>22 4. If a Ministerial Servant meets the qualifications to become an Elder, the Body of Elders makes a recommendation to Watchtower. Watchtower approves or rejects the appointment.</p> <p>23 24 25</p>	<p>4. Undisputed for the purposes of this motion.</p>

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PE 3, Deposition of Ramon Preciado at p. 24:8-16.	
5. Elders are agents of both the Watchtower and the local congregation to which they are appointed. Stipulation re Agency and Foundation Issues.	5. Undisputed for the purposes of this motion.
6. Through a published Elder handbook called Pay Attention to Yourselves and to All the Flock, and through letters directed to the Bodies of Elders, the Watchtower provides Elders of local congregations with detailed instruction regarding an extremely broad range of topics including responding to childhood sexual abuse, maintaining congregation files, handling judicial matters, nurturing Baptized males who meet the requirements to become Ministerial servants and Elders, what to tell people who want to leave real property to the congregation upon their passing, and how to structure weekly congregation meetings and how long they should last, among myriad other major and minor instructions. PE 2, Declaration of William H. Bowen at ¶¶14-16.	6. Undisputed for the purposes of this motion.
7. A Ministerial Servant is a male Baptized Publisher who has been delegated added responsibilities within the congregation. Male Baptized Publishers are recommended to become Ministerial Servants by the Body of Elders. Watchtower then has the final say as to whether the appointment is confirmed. PE 1, Palmer Depo at pp. 18:5-20:23; PE 2, Declaration of William H. Bowen at ¶ 17; PE 3, Preciado Depo at pp. 18:23-19:13, 21:4-19.	7. Undisputed for the purposes of this motion.

PLAINTIFFS' UNDISPUTED MATERIAL FACTS	OPPOSING PARTY'S RESPONSE AND SUPPORTING EVIDENCE
<p>8. A Pioneer is a Baptized Publisher who has committed to spend a certain amount of time per month preaching. To become a Pioneer, a Publisher must be approved by a committee of Elders. In addition to maintaining the requirements of good morals to be a Baptized Publisher, the Elders must also determine that the applicant's track record shows that he will be able to meet his hourly obligations if he is approved.</p> <p>PE 1, Palmer Depo at pp. 16:4-8, 16:17-17:14; PE 3, Preciado Depo at p. 15:12-21; PE 2, Declaration of William H. Bowen at ¶¶ 20-23.</p>	<p>8. Undisputed for the purposes of this motion.</p>
<p>9. Pioneers are viewed as examples in the congregation. When Elders are considering offering privileges, such as a position as a Ministerial Servant, service as a Pioneer would make a prospective privilege holder stand out. Being a Pioneer gives a member position that stands out in the congregation, which enhances his or her status in the congregations.</p> <p>PE 2, Declaration of William H. Bowen at ¶ 24.</p>	<p>9. Regular and auxiliary pioneers are not viewed as examples or revered. They have a greater privilege and responsibility of field service than other publishers, but they are not in a position of authority within the religious organization of Jehovah's Witnesses, as in the case of an Elder or Ministerial Servant.</p> <p>Second Affidavit of Allen Shuster at ¶11 (Exhibit A).</p>
<p>10. Field Service is an important part of the Jehovah's Witness faith. Field Service involves members of the congregation going from door to door and preaching to people living in the community.</p> <p>PE 2, Declaration of William H. Bowen at ¶ 36.</p>	<p>10. Undisputed for the purposes of this motion.</p>
<p>11. Not everyone is permitted the privilege of participating in Field Service. Instead, that privilege is reserved for people who are "Publishers."</p> <p>PE 1, Deposition of Dennis Palmer at p.</p>	<p>11. All unbaptized and baptized publishers may participate in the field service.</p> <p>Second Affidavit of Allen Shuster at ¶9 (Exhibit A).</p>

PLAINTIFFS' UNDISPUTED MATERIAL FACTS	OPPOSING PARTY'S RESPONSE AND SUPPORTING EVIDENCE
<p>14:3-7; PE 5, Deposition of Gonzalo Campos at p.18:1-11 ["a publisher is a person who preaches home-to-home the good news, and he is authorized to preach this good news door-to-door" by the "elders of the congregation"])(underline emphasis added.);</p> <p>PE 2, Declaration of William H. Bowen at ¶ 27.</p>	
<p>12. If someone wants to participate in Field Service, he or she must request to be approved as a Publisher.</p> <p>PE 3, Deposition of Ramon Preciado at pp. 12:16-13:3.</p>	<p>12. Undisputed for the purposes of this motion.</p>
<p>13. A committee of Elders within the congregation will consider that request.</p> <p>PE 3, Preciado Depo at p. 13:4-9; PE 2, Declaration of William H. Bowen at ¶ 26.</p>	<p>13. Undisputed for the purposes of this motion.</p>
<p>14. The committee will interview the prospective Publisher and determine whether he or she has sufficient knowledge of the bible to participate in Field Service, and will also determine whether he or she is living his or her life in accordance with Christian Bible principles.</p> <p>PE 3, Preciado Depo at p. 13:10-15; PE 1, Palmer Depo at 14:8-25; PE 2, Declaration of William H. Bowen at ¶26.</p>	<p>14. Undisputed for the purposes of this motion.</p>
<p>15. Since Publishers are given the privilege of representing the congregation in the community, they must not be engaged in immorality.</p> <p>PE 3, Preciado Depo at pp. 13:10-14:10; PE 1, Palmer Depo at p. 14:3-25.</p>	<p>15. Publishers do not engage in their field ministry activity as representatives or on behalf of Watchtower or any congregation of Jehovah's Witnesses. They engage in the field ministry in personal response to Jesus' command at Matthew 28:19-20, not a response to any command from Watchtower or any congregation of Jehovah's Witnesses.</p>

PLAINTIFFS' UNDISPUTED MATERIAL FACTS	OPPOSING PARTY'S RESPONSE AND SUPPORTING EVIDENCE
	Second Affidavit of Allen Shuster at ¶9 (Exhibit A).
<p>16. Publishers can be either Baptized or Un-Baptized, with greater rights and responsibilities being reserved for Publishers who have been Baptized.</p> <p>PE 5, Campos Depo at pp. 85:8-86:8; PE 2, Declaration of William Bowen at ¶¶25-29.</p>	<p>16. Since baptized publishers are congregation members, they have greater privileges and responsibilities than unbaptized publishers, who Jehovah's Witnesses do not yet consider as congregation members.</p> <p>Second Affidavit of Allen Shuster at ¶9 (Exhibit A).</p>
<p>17. Once a male Publisher has been Baptized, he can lead field service; give Bible Study, "participate in the school and then with time, he can receive certain privileges if he is a male, such as becoming a ministerial servant or elder."</p> <p>PE 5, Campos Depo at pp. 85:8-20, 86:7-87:13.</p>	<p>17. On those few occasions when an Elder or Ministerial Servant is unavailable, a baptized male (or a baptized female if a baptized male is unavailable), will conduct the brief meeting for field service.</p> <p>Second Affidavit of Allen Shuster at ¶10 (Exhibit A).</p>
<p>18. A Baptized Publisher can also work as a missionary or serve as a Pioneer.</p> <p>PE 5, Campos Depo at pp. 85:14-20, 86:4-8.</p>	<p>18. Undisputed for the purposes of this motion.</p>
<p>19. Baptism as one of Jehovah's Witness is an ordination as a minister of the Jehovah's Witness faith.</p> <p>PE 5, Campos Depo at p. 83:11-18; PE 2, Declaration of William H. Bowen at ¶ 28.</p>	<p>19. When one is baptized as one of Jehovah's Witnesses—whether man, woman, or even young boy or girl—he or she is considered an ordained minister of the Good News and a congregation member and publisher. Thus, the terms member, publisher and ordained minister mean the same and are interchangeable, although publisher is most often used among Witnesses. Baptism and 'ordination' are limited and denote one's role as a new Witness of Jehovah God but do not give the newly baptized and ordained person any authority to take the lead in teaching, providing pastoral care, and supervising and organizing a congregation; that can only occur when a male Witness is appointed to</p>

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	<p>serve as an Elder.</p> <p>Second Affidavit of Allen Shuster at ¶¶5-7 (Exhibit A).</p>
<p>20. To be baptized as one of Jehovah's Witnesses a prospective member must study the bible. Campos for instance, studied for at least six months and maybe as many as twelve months before he was able to become baptized.</p> <p>PE 5, Campos Depo at pp. 82:14-83:6.</p>	<p>20. Undisputed for the purposes of this motion.</p>
<p>21. Campos studied with the Baptized Publisher once per week during this time prior to being baptized, and also studied on his own.</p> <p>PE 5, Campos Depo at p. 83:1-10.</p>	<p>21. Undisputed for the purposes of this motion.</p>
<p>22. Prior to becoming baptized, Campos was interviewed by one or two Elders of the congregation, and was asked a series of approximately eighty questions based on his study of the Bible that he had to answer thoughtfully prior to being ordained.</p> <p>PE 5, Campos Depo at pp. 81:17-82:14.</p>	<p>22. Undisputed for the purposes of this motion.</p>
<p>23. When a Publisher gives Bible Study, he is required to complete a form and turn that form into the Congregation Secretary. The form indicates the name and address of the person to whom the Publisher has given Bible Study as well as the dates of each session.</p> <p>PE 5, Campos Depo at p. 90:8-15; 91:17</p>	<p>23. Congregation publishers are not required to complete or turn in any forms regarding their field ministry activity to anyone.</p> <p>Second Affidavit of Allen Shuster at ¶7 (Exhibit A).</p>
<p>24. Publishers are also required to file a Service Report with the Congregation Secretary detailing the amount of time they spend in service.</p>	<p>24. Congregation publishers are not required to complete or file report regarding their field ministry activity to anyone.</p>

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<p>PE 5, Campos Depo at pp. 89:13-90:7.</p>	<p>Second Affidavit of Allen Shuster at ¶7 (Exhibit A).</p>
<p>25. Formal Field Service begins with a "meeting for Field Service." This meeting is often led by a congregation Elder, or Ministerial Servant.</p> <p>PE 2, Declaration of William H. Bowen at ¶36.</p>	<p>25. Publishers are not required to attend a meeting for field service before they begin their field service activity. But Jehovah's Witnesses generally meet for a brief a "meeting for field service", which is generally conducted by an elder or ministerial servant, before they engage in their field ministry.</p> <p>Second Affidavit of Allen Shuster at ¶¶10, 12 (Exhibit A).</p>
<p>26. The meeting for Field Service generally begins with a discussion of a daily scripture, and the accompanying Watchtower comment. Then, a demonstration is given explaining how to present the material that day, and discussing the literature that will be offered. Finally, the members are divided into car groups by the person conducting the meeting for Field Service and instructed which territory to visit.</p> <p>PE 2, Declaration of William H. Bowen at ¶ 37; PE 6, Declaration of Manuela Dorman at p. 3-4.</p>	<p>26. Congregation members are not required to engage in the field ministry in any specific territory.</p> <p>Second Affidavit of Allen Shuster at ¶8 , 12 (Exhibit A).</p>
<p>27. During field service, the congregation members call on homes in their assigned territory. They knock on the door and initiate contact with the residents. They distribute literature, attempt to engage the residents in discussion about the Jehovah's Witness faith and invite interested residents to attend meetings at the Kingdom Hall. The congregation members will endeavor to start a home Bible Study with the residents they contact. The Literature distributed by congregation members during Field Service is published by Watchtower New York.</p> <p>PE 2, Declaration of William H. Bowen at ¶</p>	<p>27. Congregation members are not required to call on homes in any particular assigned territory. The primary purpose of a congregation member's field service activity is to preach the Good News of God's Kingdom and honor Jehovah God, not to discuss their faith, invite people to meetings at the Kingdom Hall or to start a Bible study.</p> <p>Second Affidavit of Allen Shuster at ¶8, 12 (Exhibit A).</p>

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39.	
<p>28. The congregants' efforts to invite residents to attend meetings at the Kingdom Hall, or to begin Home Bible Studies are the primary means by which the Jehovah's Witnesses, including local congregations and Watchtower New York, attract new members to their faith.</p> <p>PE 2, Declaration of William H. Bowen at ¶ 40.</p>	<p>28. The primary purpose of a congregation member's field service activity is to preach the Good News of God's Kingdom and honor Jehovah God, not to invite people to meetings at the Kingdom Hall or to begin Bible studies so as to attract new members.</p> <p>Second Affidavit of Allen Shuster at ¶8 (Exhibit A).</p>
<p>29. Uniformity and consistency in the distribution of the literature is ensured by holding weekly training sessions that instruct congregants on methods of literature distribution. The Theocratic Ministry School and the Service Meeting provide weekly instruction to congregants regarding methods for approaching individuals and of literature distribution and training to improve the congregants' presentation.</p> <p>PE 2, Declaration of William H. Bowen at ¶ 40.</p>	<p>29. The purpose of the Theocratic Ministry School and Service Meeting is to help publishers to progress in their teaching and field ministry activity, not to ensure uniformity and consistency in the distribution of literature. Publishers are not required to attend meetings nor are they required to receive training with regard to their teaching and field ministry activity.</p> <p>Second Affidavit of Allen Shuster at ¶12 (Exhibit A).</p>
<p>30. Uniformity and consistency in the distribution of the literature is ensured by holding weekly training sessions that instruct congregants on methods of literature distribution. The Theocratic Ministry School and the Service Meeting provide weekly instruction to congregants regarding methods for approaching individuals and of literature distribution and training to improve the congregants' presentation.</p> <p>PE 2, Declaration of William H. Bowen at ¶ 42.</p>	<p>30. The purpose of the Theocratic Ministry School and Service Meeting is to help publishers to progress in their teaching and field ministry activity, not to ensure uniformity and consistency in the distribution of literature. Publishers are not required to attend meetings nor are they required to receive training with regard to their teaching and field ministry activity.</p> <p>Second Affidavit of Allen Shuster at ¶12 (Exhibit A).</p>
<p>31. The congregants' progress is evaluated and recorded. There is a speech counsel slip</p>	<p>31. The purpose of the Theocratic Ministry</p>

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<p>related to performance in the Theocratic Ministry School that is kept by the Theocratic Ministry School Overseer. Bible Study forms and Publisher cards are also maintained to track and evaluate a congregants' service activities. Congregation Elders are required to attend and / or oversee Field Service Meetings where the congregants coordinate the distribution of materials. The congregant must be trained and must work as an understudy in formal Field Service. Elders often accompany congregants in Field Service to evaluate their performance.</p> <p>PE 2, Declaration of William Bowen at ¶¶ 43-44.</p>	<p>School and Service Meeting is to help publishers to progress in their teaching and field ministry activity, not the distribution of literature. But publishers are not required to attend such meetings nor are they required to receive training with regard to their teaching and field ministry activity, and they are not graded or evaluated on their teaching or field ministry by elders or anyone else.</p> <p>Second Affidavit of Allen Shuster at ¶12 (Exhibit A).</p>
<p>32. Congregants are also required to observe Watchtower's dress code and personal grooming guidelines when engaged in formal Field Service.</p> <p>PE 2, Declaration of William Bowen at ¶¶ 45.</p>	<p>32. Congregants are not required to observe any dress code or personal grooming guidelines established by Watchtower when they engage in formal field service. However, congregation members are encouraged to follow the Bible's guidelines for well-arranged and modest dress and grooming.</p> <p>Second Affidavit of Allen Shuster at ¶18 (Exhibit A).</p>
<p>33. Campos was born on January 10, 1963 in Mexico City, Mexico. Campos attended school in Mexico and did not complete junior high school. He moved to the United States with his mother in approximately 1979 or 1980. Campos began to associate with Linda Vista in approximately 1979 or 1980, when he came to the United States. Campos studied the Bible and attended meeting at Linda Vista. He became an Un-Baptized Publisher in approximately 1980.</p> <p>PE 5, Deposition of Gonzalo Campos at pp. 12:19-16:12.</p>	<p>33. Undisputed for the purposes of this motion.</p>

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<p>34. Campos was ordained as a minister of the Jehovah's Witness Faith when he was baptized in 1980.</p> <p>PE 5; Campos Depo at pp. 15:25-16:3.</p>	<p>34. When Campos was baptized as one of Jehovah's Witnesses he became an ordained minister of the Good News, a congregation "member" and a "publisher." However, his 'ordination' was limited, and denoted his role as a Witness of his God, Jehovah. It did not, however, give him authority to take the lead in teaching, providing pastoral care, and supervising and organizing a congregation; that can only occur when a male Witness is appointed to serve as an Elder.</p> <p>Second Affidavit of Allen Shuster at ¶¶5-7 (Exhibit A).</p>
<p>35. Campos served as a Pioneer in the Playa Pacifica Congregation.</p> <p>PE 5, Campos Depo at p. 92:13-18.</p>	<p>35. Undisputed for the purposes of this motion.</p>
<p>36. After moving to Playa Pacifica, Campos was appointed as a Ministerial Servant at the Playa Pacifica Congregation on December 22, 1988.</p> <p>PE 7, March 29, 1995 letter.</p>	<p>36. Undisputed for the purposes of this motion.</p>
<p>37. Campos was appointed as an Elder of Playa Pacifica in June of 1993.</p> <p>PE 7, March 29, 1995.</p>	<p>37. Undisputed for the purposes of this motion.</p>
<p>38. Campos served as the Congregation Secretary of Playa Pacifica.</p> <p>PE 5, Campos Depo at pp. 104:18 - 105:19.</p>	<p>38. Undisputed for the purposes of this motion.</p>
<p>39. In approximately 1982, Campos molested a young member of Linda Vista.</p> <p>PE 8, Deposition of John Doe at pp. 15:10-16:18; PE 5, Campos Depo at pp. 133:5-135:2.</p>	<p>39. Undisputed for the purposes of this motion.</p>

PLAINTIFFS' UNDISPUTED MATERIAL FACTS	OPPOSING PARTY'S RESPONSE AND SUPPORTING EVIDENCE
<p>40. Immediately following the incident, John Doe, informed his mother of the abuse.</p> <p>PE 8, Doe Depo at pp. 10:10-18, 13:17-21.</p>	<p>40. Undisputed for the purposes of this motion.</p>
<p>41. Campos confessed his inappropriate sexual conduct to Doe's mother just after it happened.</p> <p>PE 5, Campos Depo at pp. 24:24-25:4; PE 9, Deposition of Marina Ayllon at pp. 12:7-13:23.</p>	<p>41. Undisputed for the purposes of this motion.</p>
<p>42. Doe's mother reported the abuse to multiple Elders associated with Linda Vista.</p> <p>PE 10, Deposition of Jesus Montijo at p. 36:2-19; PE 11, Deposition of Justino Diaz at pp. 28:16-29:10; PE 9 Deposition of Marina Ayllon at pp. 14:3-16:19.</p>	<p>42. Undisputed for the purposes of this motion.</p>
<p>43. The allegation was brought before the entire Body of Elders of Linda Vista.</p> <p>PE 10, Montijo Depo at p. 37:3-15.</p>	<p>43. Undisputed for the purposes of this motion.</p>
<p>44. Two Elders were assigned to investigate the accusation.</p> <p>PE 10, Montijo Depo at pp. 37:9-38:22.</p>	<p>44. Undisputed for the purposes of this motion.</p>
<p>45. Within one or two days of the molestation, Doe was interviewed by at least one Elder from Linda Vista and informed the Elder(s) of the abuse by Campos.</p> <p>PE 8, Doe Depo at pp. 10:24-11:2; 12:17-22.</p>	<p>45. Undisputed for the purposes of this motion.</p>
<p>46. Campos was also interviewed by multiple Elders from Linda Vista and admitted that he "had touched [John Doe] inappropriately."</p>	<p>46. Undisputed for the purposes of this motion.</p>

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PE 5, Campos Depo at pp. 24:5-25:20.	
47. The Elders did not punish Campos. PE 10, Montijo Depo at p. 42:7-42:25.	47. Undisputed for the purposes of this motion.
48. Justino Diaz, an Elder at the time of the accusation, considered it to be a minor matter since Campos' mother and the victim's mother were apparently able to work out some resolution. PE 11, Diaz Depo at pp. 34:9-21, 35:4-7.	48. Undisputed for the purposes of this motion.
49. Diaz knew that molestation was a crime and that once a person has molested a child, he may repeat that conduct. PE11, Diaz Depo at p. 35:8-25.	49. Undisputed for the purposes of this motion.
50. The police were not called, Campos' service privileges were not restricted, further victims were not sought, and the congregation was not warned about the dangers posed by Campos. PE 10, Montijo Depo at 42:2-19.	50. Undisputed for the purposes of this motion.
51. Campos continued to be allowed to preach door to door, and to give bible study sessions to minor children. PE 5, Campos Depo at pp. 137:9-138:7.	51. Undisputed for the purposes of this motion.
52. When a grave sin committed by a congregation member is brought to the attention of a local congregation's Elders, two Elders are assigned to investigate. PE 10, Montijo Depo at p. 47:6-22; PE 2, Declaration of William H. Bowen at ¶30.	52. Undisputed for the purposes of this motion.
53. Those two Elders determine if there is a	53. Undisputed for the purposes of this

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<p>1 sufficient justification for the creation of a</p> <p>2 Judicial Committee.</p> <p>3</p> <p>4 PE 10, Montijo Depo at p. 28:12-21; PE 2,</p> <p>5 Declaration of William H. Bowen at ¶31.</p>	<p>motion.</p>
<p>6 54. If there are either multiple witnesses to</p> <p>7 the sin, or if the accused confesses his sin, a</p> <p>8 Judicial Committee will be formed.</p> <p>9 PE 10, Montijo Depo at p. 29:7-21; PE 2,</p> <p>10 Declaration of William H. Bowen at ¶31.</p>	<p>54.</p>
<p>11 55. The Judicial Committee will be</p> <p>12 comprised of the original two Elders</p> <p>13 assigned to investigate, and usually at least</p> <p>14 one more Elder.</p> <p>15 PE 3, Preciado Depo at p. 32:8-15</p>	<p>55. Undisputed for the purposes of this</p> <p>motion.</p>
<p>16 56. The Judicial Committee will then</p> <p>17 determine what punishment is appropriate.</p> <p>18 PE 3, Preciado Depo at pp. 37:3-42:19; PE 2,</p> <p>19 Declaration of William H. Bowen at ¶33.</p>	<p>56. Undisputed for the purposes of this</p> <p>motion.</p>
<p>20 57. During 1986 or 1987, Linda Vista had</p> <p>21 grown large enough that it could divide into</p> <p>22 two distinct congregations. At that time, La</p> <p>23 Jolla Spanish Congregation, which went on</p> <p>24 to become Playa Pacifica came into</p> <p>25 existence.</p> <p>PE 12, Letter Date Stamped November 20,</p> <p>1986; PE 13, Deposition of Luis Rivera at p.</p> <p>39:17-24.</p>	<p>57. Undisputed for the purposes of this</p> <p>motion.</p>
<p>58. Linda Vista was the “parent</p> <p>congregation” of La Jolla. This means that</p> <p>the complete membership originally</p> <p>comprising La Jolla were former members of</p> <p>Linda Vista.</p> <p>PE 1, Palmer Depo at pp. 44:20-45:16; PE</p>	<p>58. Undisputed for the purposes of this</p> <p>motion.</p>

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12, Letter Date Stamped November 20, 1986.	
59. The inaugural Elders of La Jolla, Luis Rivera and Ramon Preciado, had previously been members or Elders from Linda Vista. PE 12, Letter Date Stamped November 20, 1986.	59. Undisputed for the purposes of this motion.
60. In April of 1994, John and Manuela Dorman learned that their son John had been sexually molested by Campos. PE 14, April 11, 1994 letter; PE 6, Declaration of Manuela Dorman at p. 5.	60. Undisputed for the purposes of this motion.
61. Upon learning that her son had been molested, Mrs. Dorman called Campos and confronted him. Campos admitted to sexually abusing John Dorman, and informed Manuela Dorman that the Elders were already aware of the issue and he had been found repentant. PE 14, April 11, 1994 letter; PE 6, Declaration of Manuela Dorman at pp. 5-6.	61. Undisputed for the purposes of this motion.
62. Manuela Dorman also called Roberto Rivera, who was the father of another boy that John Dorman believed had been molested by Campos. Roberto Rivera informed Manuela that he had already been warned of the danger posed by Campos, and that he would have to speak with his son and with the Elders at Playa Pacifica and call her back. PE 6, Declaration of Manuela Dorman at p. 6; PE 14, April 11, 1994 letter	62. Undisputed for the purposes of this motion.
63. When Roberto Rivera returned Manuela Dorman's call, he informed her that the	63. Undisputed for the purposes of this

PLAINTIFFS' UNDISPUTED MATERIAL FACTS	OPPOSING PARTY'S RESPONSE AND SUPPORTING EVIDENCE
<p>1 Elders wanted her to know that if she</p> <p>2 continued to pursue the matter, an affair she</p> <p>3 had engaged in years ago would be disclosed</p> <p>4 within the congregation. Roberto Rivera</p> <p>5 also conveyed the message that too many</p> <p>6 years had passed and there was nothing that</p> <p>7 Manuela Dorman could do.</p> <p>8 PE 6, Declaration of Manuela Dorman at p.</p> <p>9 6.</p>	<p>motion.</p>
<p>10 64. At that time, the Dormans sent a letter to</p> <p>11 Mrs. Dorman's local congregation, accusing</p> <p>12 Campos of sexually abusing their son. The</p> <p>13 letter of complaint was forwarded to</p> <p>14 Watchtower.</p> <p>15 PE 15, April 13, 1994 letter; PE 14, April 11,</p> <p>16 1994 letter; PE 6, Declaration of Manuela</p> <p>17 Dorman at p. 7.</p>	<p>64. Undisputed for the purposes of this</p> <p>motion.</p>
<p>18 65. Watchtower held onto the letter for</p> <p>19 almost two months, then forwarded it to La</p> <p>20 Jolla.</p> <p>21 PE 16, June 9, 1994 letter.</p>	<p>65. Undisputed for the purposes of this</p> <p>motion.</p>
<p>22 66. The forwarding instructions from</p> <p>23 Watchtower to La Jolla asked for an</p> <p>24 investigation into the allegations to be</p> <p>25 conducted, and for a prompt reply to be sent</p> <p>back to Watchtower regarding the matter.</p> <p>PE 16, June 9, 1994 Letter.</p>	<p>66. Undisputed for the purposes of this</p> <p>motion.</p>
<p>67. Upon receiving the letter, Campos was</p> <p>asked by an Elder of La Jolla whether the</p> <p>accusations were true, and Campos</p> <p>confirmed the allegations.</p> <p>PE 5, Campos Depo at pp. 51:21-52:11.</p>	<p>67. Undisputed for the purposes of this</p> <p>motion.</p>
<p>68. Even after receiving a written complaint</p>	<p>68. Undisputed for the purposes of this</p>

PLAINTIFFS' UNDISPUTED MATERIAL FACTS	OPPOSING PARTY'S RESPONSE AND SUPPORTING EVIDENCE
<p>about the molestation of John Dorman, Campos continued to function in a leadership capacity in Playa Pacifica as an Elder, Secretary of the Congregation and as a Pioneer.</p> <p>PE 17, April 4, 1995 letter; PE 7, March 29, 1995 letter; PE 5, Campos Depo at pp. 104:18-110:19.</p>	<p>motion.</p>
<p>69. When La Jolla responded to Watchtower with a letter regarding the Dorman allegation, the responsive letter indicated that Campos had been reprovved years ago, and his restrictions had been lifted several months before he was appointed as a ministerial servant. La Jolla believed that the amount of time that had passed between the censure and Campos' elevation to Ministerial Servant (about 15 months) was sufficient, and closed the matter.</p> <p>PE 7, March 29, 1995 letter.</p>	<p>69. Undisputed for the purposes of this motion.</p>
<p>70. Manuela Dorman would not let the issue go. She continued to call Jehovah's Witnesses who she knew from Linda Vista and tell them about what Gonzalo Campos had done. She learned that Joel Gamboa may have been a victim of abuse and informed the Elders of Playa Pacifica.</p> <p>PE 6, Declaration of Manuela Dorman at p. 7.</p>	<p>70. Undisputed for the purposes of this motion.</p>
<p>71. Ultimately, Campos was disfellowshipped in June of 1995 for sexually abusing Joel Gamboa; not for sexually abusing John Dorman.</p> <p>PE 18, June 9, 1995 letter; PE 5, Campos Depo at p. 124:3-13; PE 19, Declaration of Kevin Phillips at pp. 40:14-41:15.</p>	<p>71. Undisputed for the purposes of this motion.</p>

PLAINTIFFS' UNDISPUTED MATERIAL FACTS	OPPOSING PARTY'S RESPONSE AND SUPPORTING EVIDENCE
<p>72. This subsequent abuse was discovered when Gamboa's mother spoke to Elders of the congregation in May of 1995.</p> <p>PE 18, June 9, 1995 letter.</p>	<p>72. Undisputed for the purposes of this motion.</p>
<p>73. After he was disfellowshipped in 1995, Campos repeatedly sought reinstatement as one of Jehovah's Witnesses.</p> <p>PE 20, July 4, 1999 Letter.</p>	<p>73. Undisputed for the purposes of this motion.</p>
<p>74. In 1996, he confessed to the Elders that he had molested three additional children while serving as a Ministerial Servant at La Jolla.</p> <p>PE 21, November 13, 1996 letter.</p>	<p>74. Undisputed for the purposes of this motion.</p>
<p>75. The Elders discussed the nature of the sexual acts committed by Campos in the correspondence with Watchtower, including acts of mutual masturbation, oral copulation and sodomy.</p> <p>PE 18, June 9, 1995 letter.</p>	<p>75. Undisputed for the purposes of this motion.</p>
<p>76. Notwithstanding the horrible acts known to have been committed by Campos, Defendants quibbled about whether Campos' acts constituted abuse, or whether he could be considered "a person who is known as someone who has sexually abused a child."</p> <p>PE 22, July 24, 1999 letter ["Did we understand correctly the explanation in The Watchtower? Is touching of the genitals considered sexual abuse?"]; PE 23, June 5, 2000 letter ["After having carefully analyzed and with prayer all factors of the case of Brother Campos, our opinion is that" he should not be given a responsible position in</p>	<p>76. Undisputed for the purposes of this motion.</p>

PLAINTIFFS' UNDISPUTED MATERIAL FACTS	OPPOSING PARTY'S RESPONSE AND SUPPORTING EVIDENCE
the congregation].)	
77. Campos was reinstated as one of Jehovah's Witnesses on April 21, 2000. PE 24, June 9, 1995 letter (WT 000006.)	77. Undisputed for the purposes of this motion.
78. From his birth until approximately January of 1995, Joel Gamboa was associated with Linda Vista. Joel Gamboa met Gonzalo Campos at Linda Vista. PE 25, Declaration of Joel Gamboa at ¶ 1. PE 26, Deposition of Joel Gamboa at pp.25:12-26:6.	78. Undisputed for the purposes of this motion.
79. Although Campos attended the La Jolla Congregation after it was formed, Campos continued to Linda Vista and attend occasional meetings there. PE 27, Declaration of Bertha Gomez Sandoval at ¶6.	79. Undisputed for the purposes of this motion.
80. Campos gave Bible Study sessions to Joel Gamboa. PE 5, Campos Depo at p. 48:6-8.; PE 27, Declaration of Bertha Gomez Salvador ¶6; PE 26, Depo of Joel Gamboa at pp. 26:7-27:1.	80. Undisputed for the purposes of this motion.
81. The sexual abuse of Joel began during a Bible Study session and continued to occur during Bible Study session. PE 26, Deposition of Joel Gamboa at pp. 27:4-28:6.	81. Undisputed for the purposes of this motion.
82. La Jolla was aware, or should have been aware, that Campos taught Bible Study to Joel Gamboa.	82. Undisputed for the purposes of this motion.

PLAINTIFFS' UNDISPUTED MATERIAL FACTS	OPPOSING PARTY'S RESPONSE AND SUPPORTING EVIDENCE
PE 5, Campos Depo at pp. 49:22-50:15, 90:8-25.	
83. Joel Gamboa was sexually abused by Gonzalo Campos between 1988 or 1989 and December of 1994. PE 5, Campos Depo at p. 78:8-15; PE 26, Deposition of Joel Gamboa at pp. 27:4-32:2.	83. Undisputed for the purposes of this motion.
84. The abuse occurred as often as two or three times per week. PE 5, Deposition of Campos at p. 78:8-78:18.	84. Undisputed for the purposes of this motion.
85. The abuse included oral copulation, attempted sodomy, digital anal penetration of Joel, and mutual masturbation. PE 26, Deposition of Joel Gamboa at pp.27:4-32:2.	85. Undisputed for the purposes of this motion.
86. The abuse ended when Joel Gamboa moved to Phoenix, Arizona. PE 18, June 9, 1995 letter; PE 25, Declaration of Joel Gamboa at ¶2.	86. Undisputed for the purposes of this motion.
87. Campos has admitted to the abuse. PE 5, Campos Depo at p. 78:8-15.	87. Undisputed for the purposes of this motion.
88. Joel's son was born on July 9, 2007. As his son began to grow, in approximately 2008 or 2009, Joel began becoming overly protective of his son. PE 25, Declaration of Joel Gamboa at ¶4.	88. Undisputed for the purposes of this motion.
89. In September of 2009, Joel learned that Campos was a member of the Playa Pacifica Spanish Congregation. In light of the abuse	89. Undisputed for the purposes of this motion.

<p style="text-align: center;">PLAINTIFFS' UNDISPUTED MATERIAL FACTS</p>	<p style="text-align: center;">OPPOSING PARTY'S RESPONSE AND SUPPORTING EVIDENCE</p>
<p>1 that he had experienced at Campos' hands'</p> <p>2 Joel was upset and disturbed by this</p> <p>3 revelation.</p> <p>4 PE 25, Declaration of Joel Gamboa at ¶3.</p>	
<p>5 90. Joel has used drugs in the past, though he</p> <p>6 does not believe his usage amount to drug</p> <p>7 abuse, he experiences sexual performance</p> <p>8 issues with women, he is overly protective of</p> <p>9 his children and hyper vigilant, that he feels</p> <p>depressed, insecure, mistrustful and has low</p> <p>self-esteem.</p> <p>10 PE 26, Deposition of Joel Gamboa at pp.</p> <p>11 39:5-40:10, 43:5-15, 44:21-45:15.</p>	<p>90. Undisputed for the purposes of this</p> <p>motion.</p>
<p>12 91. "The nature of the abuse, and</p> <p>13 surrounding circumstances appear to have</p> <p>14 caused Joel to block out and dissociate most</p> <p>15 of the details of the abuse, and the feelings</p> <p>16 he experienced at the time. As a result, Joel</p> <p>17 did not understand at the time of the</p> <p>18 childhood sexual abuse that he had been</p> <p>19 victimized, nor was he capable of</p> <p>20 understanding that he had suffered</p> <p>21 psychological injury as result of the sexual</p> <p>22 abuse by Campos until recently. . . [¶] . . . It</p> <p>23 is my opinion that Joel is still struggling to</p> <p>24 understand that the sexual abuse by Campos</p> <p>25 has affected his life. He does not presently</p> <p>understand the entire scope of the damage</p> <p>that he has experienced as a result of the</p> <p>abuse, particularly relating to his substance</p> <p>use, sexual difficulties, anger and depression</p> <p>that have been present for quite some time,</p> <p>tracing back to adolescence. . . [¶] . . . Joel is</p> <p>now beginning to realize the connection</p> <p>between the sexual abuse he experienced as a</p> <p>child, and the psychological injury and</p> <p>consequences he has experienced as an adult,</p> <p>but he did not begin to make such a</p> <p>connection until after two events took place:</p>	<p>91. Undisputed for the purposes of this</p> <p>motion.</p>

PLAINTIFFS' UNDISPUTED MATERIAL FACTS	OPPOSING PARTY'S RESPONSE AND SUPPORTING EVIDENCE
<p>the revelation to Joel that Campos was still practicing as a Jehovah's Witness in San Diego, and his realization that his own children could experience similar abuse."</p> <p>PE 28, Declaration of Robert Geffner, Ph.D., ABN, ABPP at pp. 4-5.</p>	
<p>92. John Dorman was born on September 7, 1977.</p> <p>PE 29, Deposition to John Dorman at p. 8:2-3.</p>	<p>92. Undisputed for the purposes of this motion.</p>
<p>93. Plaintiff Dorman attended Linda Vista from when he was very young, until his family moved to Illinois in 1987.</p> <p>PE 6, Declaration of Manuela Dorman at pp. 2-5.</p>	<p>93. Undisputed for the purposes of this motion.</p>
<p>94. While attending Linda Vista, John and his mother met Campos through their mutual attendance at Linda Vista.</p> <p>PE 6, Declaration of Manuela Dorman at p. 2.</p>	<p>94. Undisputed for the purposes of this motion.</p>
<p>95. John Dorman, his sister Adeleida, and his mother Manuela sometimes received rides to meetings from Campos.</p> <p>PE 6, Declaration of Manuela Dorman at p. 2.</p>	<p>95. Undisputed for the purposes of this motion.</p>
<p>96. John Dorman, his sister Adeleida, and Manuela Dorman sometimes engaged in Field Service with Campos.</p> <p>PE 6, Declaration of Manuela Dorman at p. 3.</p>	<p>96. Undisputed for the purposes of this motion.</p>
<p>97. On many occasions, the Dormans were</p>	<p>97. Undisputed for the purposes of this</p>

PLAINTIFFS' UNDISPUTED MATERIAL FACTS	OPPOSING PARTY'S RESPONSE AND SUPPORTING EVIDENCE
<p>assigned by the person leading the meeting for Field Service to ride in Campos' car to the location where they would be preaching.</p> <p>PE 6, Declaration of Manuela Dorman at p. 3.</p>	<p>motion.</p>
<p>98. Campos often took charge when the group reached the location for Field Service. Sometimes John and Campos would approach doors together.</p> <p>PE 6, Declaration of Manuela Dorman at p. 4.</p>	<p>98. Undisputed for the purposes of this motion.</p>
<p>99. After these Bible Study lessons had begun, Campos asked Manuela Dorman if he could take John to work with him. Manuela Dorman thought this would be a good opportunity for John and that Campos would be a good example for the boy, so she allowed Campos to take John to work with him on a more than one occasion.</p> <p>PE 6, Declaration of Manuela Dorman at p. 4.</p>	<p>99. Undisputed for the purposes of this motion.</p>
<p>100. On multiple occasions while accompanying Campos to work between 1983 and 1985, John Dorman was sexually molested by Campos.</p> <p>PE 6, Deposition of John Dorman at pp. 35:10-42:15.</p>	<p>100. Undisputed for the purposes of this motion. Undisputed for the purposes of this motion.</p>
<p>101. The abuse included fondling, oral copulation and sodomy.</p> <p>PE 6, Deposition of John Dorman at pp. 39:3-42:15.</p>	<p>101. Undisputed for the purposes of this motion.</p>
<p>102. Campos has admitted to the abuse.</p>	<p>102. Undisputed for the purposes of this</p>

PLAINTIFFS' UNDISPUTED MATERIAL FACTS	OPPOSING PARTY'S RESPONSE AND SUPPORTING EVIDENCE
PE 5, Campos Depo at pp. 139:22-141:24.	motion.
<p>103. Sometime after the abuse had concluded and the Dorman's had moved from the city of La Jolla to Linda Vista, Gonzalo Campos came to visit John and take him to lunch. Campos asked John if he had told anyone about what they did together, and instructed John to keep the sexual episodes a secret.</p> <p>PE 29, Deposition of John Dorman at p. 43:10-19.</p>	103. Undisputed for the purposes of this motion.
<p>104. The sinner can be disfellowshipped, which is a period of expulsion from the local congregation, or if the Judicial Committee determines the sinner is truly repentant, he or she can be reproved, which entails some public or private censorship but no expulsion from the congregation.</p> <p>PE 10, Montijo Depo at pp. 30:22-31:18; PE 2, Declaration of William H. Bowen at ¶33.</p>	104. Undisputed for the purposes of this motion.

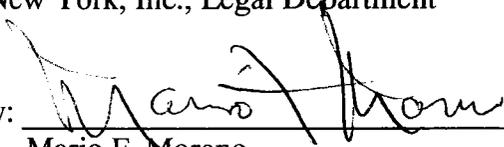
PLAINTIFFS' DISPUTED MATERIAL FACTS	OPPOSING PARTY'S RESPONSE AND SUPPORTING EVIDENCE
<p>1. When Campos was nineteen years of age, which would have been 1982, an announcement was made to the Linda Vista Spanish Congregation that Campos would be serving as a Pioneer. Campos continued to serve as a Pioneer in Linda Vista.</p> <p>PE 27, Declaration of Bertha Gomez Sandoval ¶2-3; PE 6, Declaration of Manuela Dorman at pp. 2-3.</p>	<p>1. Campos never served as a regular or auxiliary pioneer while he was associated with the Linda Vista Spanish Congregation.</p> <p>Deposition of Gonzalo Campos, p. 16, ln. 23 to p. 17, ln. 10; p. 17, lns. 19-23, p. 20, lns. 16-22 (Exhibit B); Affidavit of Ralph Schaefer, ¶ 4 (Exhibit C); Affidavit of Ramon Preciado, ¶ 8 (Exhibit D).</p> <p>Watchtower also objects to the specific statements in the declarations of Bertha Gomez Sandoval and Manuela Dorman upon which Dorman relies herein on the grounds that they are inadmissible hearsay, lack</p>

PLAINTIFFS' DISPUTED MATERIAL FACTS	OPPOSING PARTY'S RESPONSE AND SUPPORTING EVIDENCE
	personal knowledge, and lack foundation.
<p>2. In 1986, Campos' sexual abuse of children was again brought to the attention of the Elders of Linda Vista. A Judicial Committee was formed at that time to investigate, determine Campos' guilt and level of repentance, and to impose punishment.</p> <p>PE 7, March 29, 1995 letter; PE 18, June 9, 1995 letter; PE 21, November 13, 1996 letter; PE 22, July 24, 1999 letter; PE 6, Declaration of Manuela Dorman at pp. 5-6; PE 14, April 11, 1994 letter.</p>	2. Undisputed for the purposes of this motion.
<p>3. The Judicial Committee formed in 1986 to look into the Campos' alleged sexual misconduct determined that Campos was repentant for his sins and therefore chose to reprove him, rather than expel him from the congregation.</p> <p>PE 7, March 29, 1995 letter; PE 18, June 9, 1995; PE 6, Declaration of Manuela Dorman, at pp. 5-6; PE 14, April 11, 1994 letter.</p>	3. Undisputed for the purposes of this motion.
<p>4. Specifically, the Judicial Committee imposed a nine month period of private censorship on Campos, during which time his service privileges were somewhat restricted.</p> <p>PE 7, March 29, 1995 letter.</p>	4. Undisputed for the purposes of this motion.
<p>5. Luis Rivera had served on the 1986 Judicial Committee that investigated Campos' sexual abuse of children.</p> <p>PE 7, March 29, 1995 Letter.</p>	5. Undisputed for the purposes of this motion.
<p>6. Ultimately, Gonzalo Campos began to give John Bible Study lessons. It is common for Jehovah's Witness fathers to provide Bible Study lessons to their children.</p>	6. Undisputed for the purposes of this motion.

PLAINTIFFS' DISPUTED MATERIAL FACTS	OPPOSING PARTY'S RESPONSE AND SUPPORTING EVIDENCE
<p>1</p> <p>2 However, John Dorman's father was not</p> <p>3 Jehovah's Witness and could not fulfill this</p> <p>4 role. Because Gonzalo Campos was a</p> <p>5 Baptized member and a Pioneer, Manuela</p> <p>6 Dorman allowed Campos to provide John</p> <p>7 with these lessons instead.</p> <p>8 PE 6, Declaration of Manuela Dorman at p.</p> <p>9 4.</p>	

10 DATED: December 8, 2011

11 Watchtower Bible and Tract Society of
12 New York, Inc., Legal Department

13 By: 

14 Mario F. Moreno
15 Attorney for Defendant Watchtower
16 Bible and Tract Society of New York,
17 Inc., sued as Doe 3, Supervisory
18 Organization